



2024 Cal-Peculiarities: How California Employment Law is Different

PAGA Peculiarities

Seyfarth Shaw LLP

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AGENDA

- New PAGA – Major PAGA Reform and Changes to PAGA You Need to Know
- Employer Action – What Employers Should Be Doing to Proactively Reduce Exposure Under “New PAGA”
- “Old PAGA” – Major Developments in Existing Case Law for Cases Being Litigated Under “Old PAGA”
- Q&A

Speakers

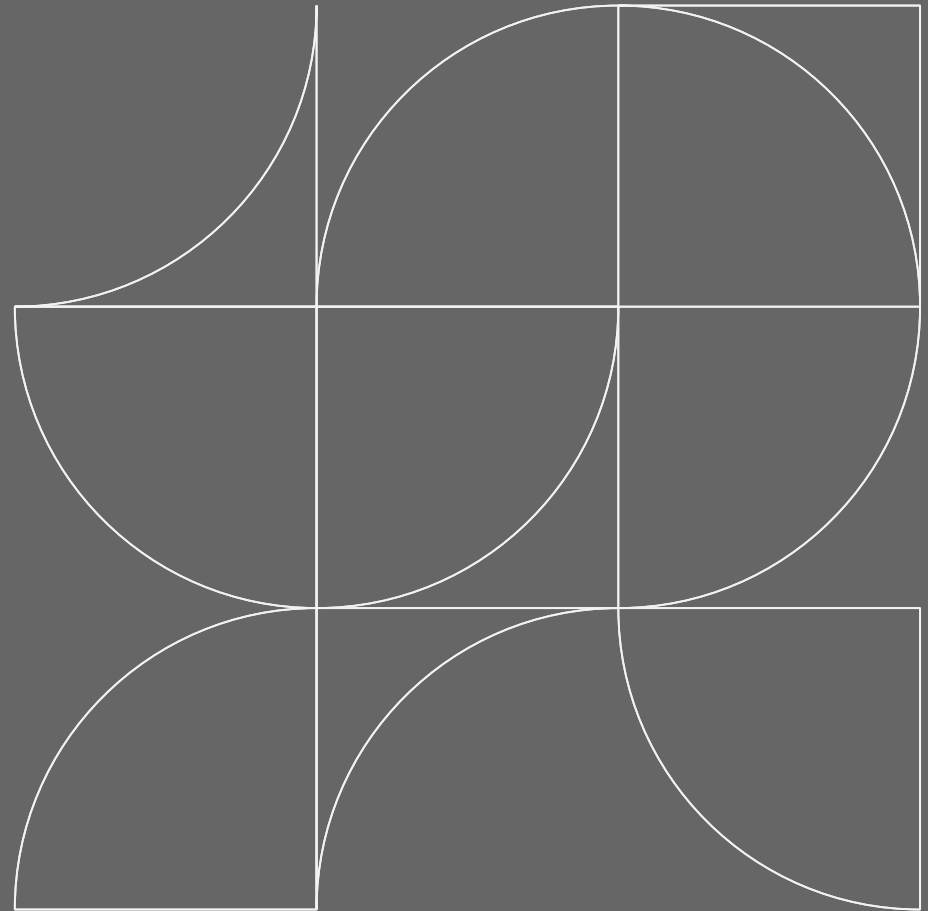


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**New PAGA – Major PAGA
Reform and Changes to
PAGA You Need to Know**



PAGA Amendment Background

- On June 21, 2024, Assembly Bill 2288 and Senate Bill 92 were introduced proposing significant reform to the Labor Code Private Attorneys General Act of 2004.
- Approved by Governor on July 1, 2024.
- The new provisions will apply to PAGA claims where the PAGA authorization letter was submitted to the LWDA on or after June 19, 2024.

Major Changes

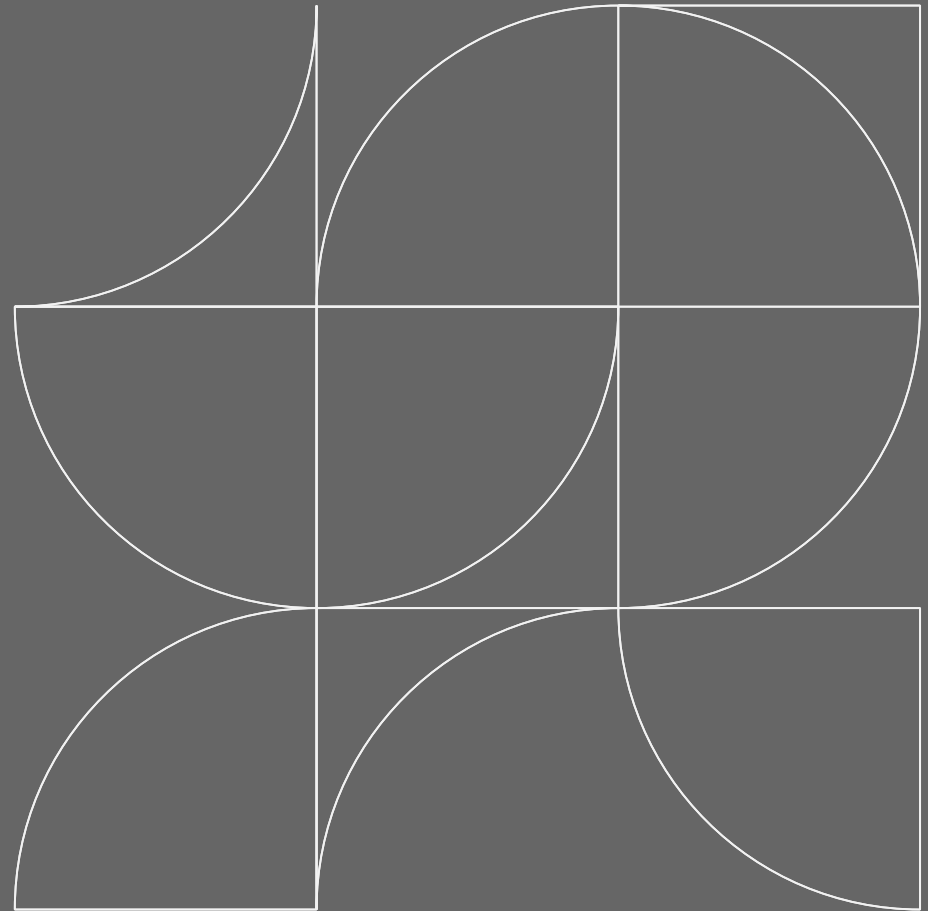
- Plaintiff Must Experience The Labor Code Violations They Are Seeking To Pursue On A Representative Basis.
- Plaintiff Must Experience Their Labor Code Violation Within The One-Year Statute of Limitations.
- Requirement for PAGA Claims to be Manageable.

Major Changes

Changes To Structure Of Civil Penalties.

1. 15% Cap on Penalties For Employers Who Take Reasonable Steps For Compliance.
2. 30% Cap on Penalties For Employers Who Take Steps For Compliance After Receipt Of PAGA Notice.
3. Cap On Penalties For Wage Statement Violations That Do Not Cause Injury.
4. Limitations On When “Subsequent” \$200 Penalty Available.
5. No Derivative Penalties.
6. Cap On Penalties For Isolated Errors.
7. Court’s Discretion To Assess Penalties Is Codified.
8. Employers With Weekly Pay Periods Get Relief.
9. Employees Receive Greater Portion of Penalties Awarded.

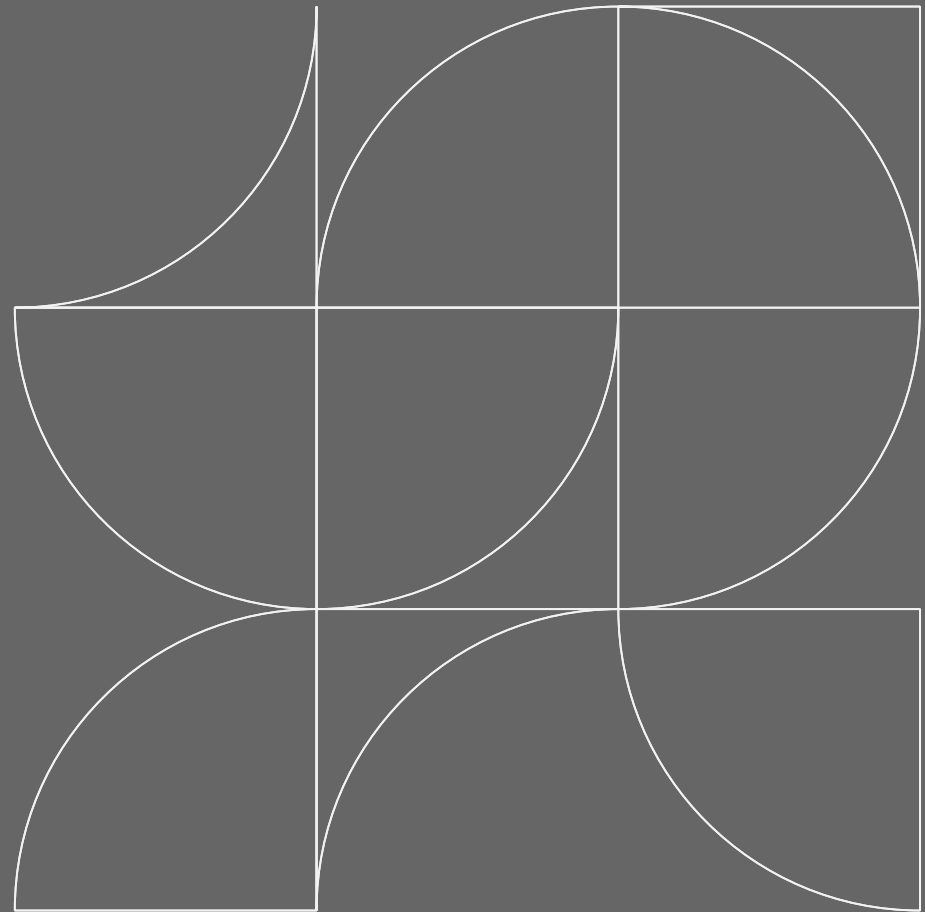
**Employer Action – What
Employers Should Be
Doing to Proactively
Reduce Exposure Under
“New PAGA”**



What Employers Should Be Doing to Proactively Reduce Exposure Under “New PAGA”

- New Cure Provisions allow more violations to be remedied
 - Wage statement, overtime, meal period, rest period, and expense reimbursement
 - Proactive employers can reduce potential PAGA penalties
 - Employers with less than 100 employees can request a settlement conference with the Labor Commissioner

**“Old PAGA” – Major
Developments in Existing
Case Law for Cases Being
Litigated Under “Old PAGA”**



Existing PAGA Developments

- Arbitration of PAGA claims after *Viking River* and *Adolph*
 - Challenges to arbitration agreements
 - Arguments by employees that no individual PAGA claim required
- *LaCour v. Marshalls of California, LLC*
 - Plaintiffs' claims limited to those contained in the PAGA Notice with factual allegations supporting those claims
- *Turrieta v. Lyft, Inc.*
 - Non-parties do not have standing to intervene, object, or otherwise challenge PAGA settlements



CLE: NEW PROCESS

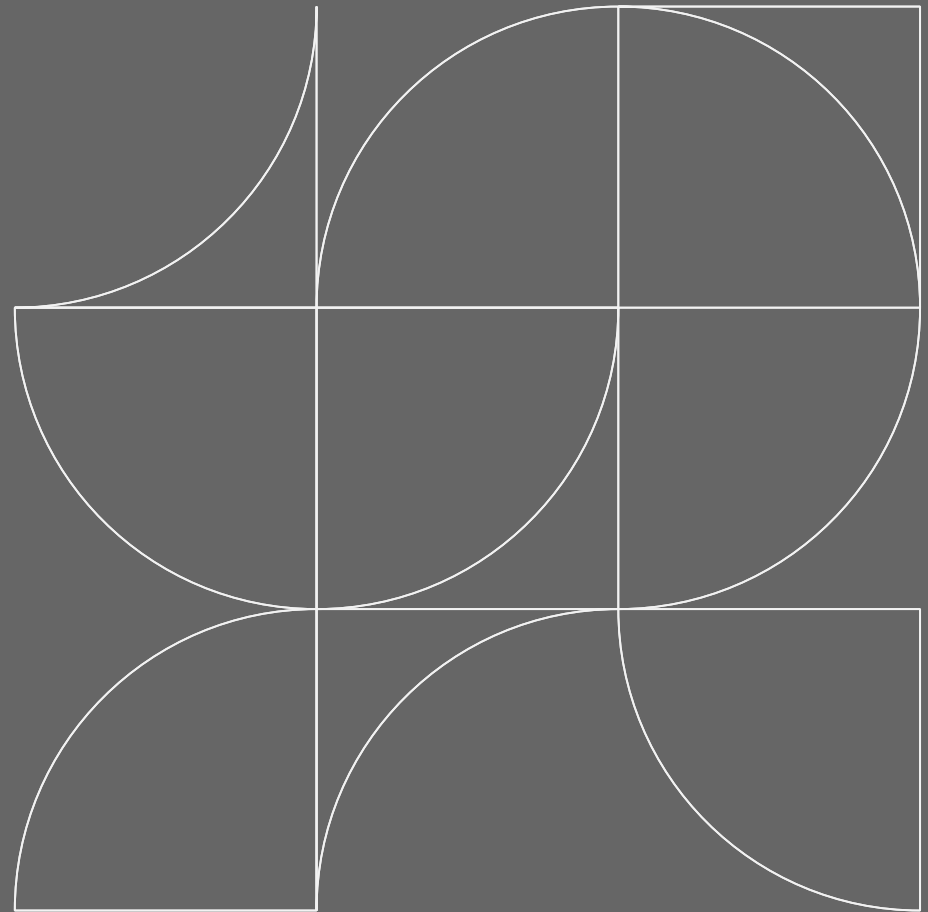
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Questions?



**thank
you**

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