



March 23, 2026

Danielle West, PAGA Rulemaking and Policy Analyst
California Labor and Workforce Development Agency
1416 Ninth Street (MIC-55)
Sacramento, CA 95814
Submitted via email to Danielle.west@labor.ca.gov

RE: Notice of Proposed Rulemaking: Labor Code Private Attorneys General Act of 2004 – OAL Notice File Number Z2026-0121-03

Dear Ms. West,

On behalf of the undersigned nonprofit organizations, which represent thousands of members providing critical services across the state, we write to express our support for several key components of the Agency’s proposed regulations implementing the Private Attorneys General Act (PAGA).

Nonprofits are committed to providing safe, fair, and compliant workplaces. At the same time, we have experienced firsthand the challenges that unclear processes, overly burdensome and complex requirements, inconsistent notice standards, and abusive filing practices can pose—particularly for organizations operating on thin margins to deliver essential services such as child care, afterschool programs, and youth development.

We strongly support the proposed regulations that aim to bring greater clarity, transparency, and accountability to the PAGA process. In particular, we support enhancements to the notice process, including the requirement that plaintiffs provide detailed information to the Labor and Workforce Development Agency (LWDA) prior to filing suit. The move toward a standardized submission form, including identification of job duties, specific Labor Code sections, and a clear statement of facts and legal theories, is an important step forward. These improvements will help employers better understand and respond to claims, resolve disputes more efficiently, and ensure that enforcement efforts are focused on legitimate workplace concerns.

At the same time, we note that many of these requirements build upon existing statutory changes enacted in 2024 and may not, on their own, fully address the persistent issue of vague or boilerplate

filings. The effectiveness of these reforms will depend heavily on robust implementation, clear guidance, including the development of a detailed sample form, and consistent enforcement.

We also support the enhanced prelitigation cure procedures, especially for small employers and nonprofits. Providing clear guidance on cure proposals, timelines, and documentation requirements creates meaningful opportunities to resolve issues quickly, ideally avoiding costly and protracted litigation. For nonprofit employers, these early resolution pathways are critical to preserving resources for community services while maintaining compliance with labor laws.

For example, in the child care and expanded learning workforce, unclear or boilerplate PAGA notices can create significant disruption and financial risk. Programs serving young children often rely on part-time and hourly staff across multiple sites, making them particularly vulnerable to technical wage-and-hour claims that, if not clearly articulated, are difficult to assess and resolve. The proposed requirements for more detailed notice and the availability of structured cure processes will allow child care providers to quickly identify and correct issues and maintain consistent services for families who depend on their care.

Additionally, we appreciate the Agency's efforts to address high-volume and abusive filing practices through the designation of "high-frequency" and "vexatious" filers, along with appropriate safeguards and public transparency. The proposal to identify high-frequency filers as those submitting more than 200 PAGA notices within a 12-month period, and require self-identification and employee certification is a step toward accountability.

However, we are concerned that the proposed threshold for high-frequency filers may be set too high to meaningfully deter abusive practices. Filing 200 notices in a single year represents a substantial volume, and it is likely that firms may adjust their practices to avoid designation without changing underlying behavior. We encourage the Agency to consider whether a lower threshold, or additional qualitative criteria, would more effectively identify problematic filing patterns.

We also note that certain safeguards, such as requiring a signed certification from the employee that claims are supported by evidence and not submitted for an improper purpose, are currently limited to high-frequency filers. We strongly encourage the Agency to apply these requirements more broadly to all PAGA notices. Requiring consistent, baseline attestations across all filings would help improve the quality of claims and reduce the prevalence of unsupported allegations.

Further, the regulations do not appear to require attorneys themselves to certify that they have reviewed relevant records and have a good-faith basis for the claims asserted. Incorporating such a requirement would align PAGA filings with standard litigation practices and provide an additional layer of accountability that is currently missing.

Finally, while we appreciate the inclusion of a designation for "vexatious filers" and the intent to publish lists of both high-frequency and vexatious filers on the LWDA website, we recommend that the Agency provide clearer guidelines and criteria for these designations. Greater transparency in how these determinations are made will help ensure consistency, fairness, and credibility in their application.

We also support the strengthened reporting and oversight requirements for litigation and settlements. Improved transparency and Agency review will help promote outcomes that are fair, reasonable, and aligned with the interests of workers and the state.

As a coalition of nonprofits concerned about PAGA issues, we appreciate the Agency's thoughtful approach to improving the administration of PAGA. These employer-focused provisions represent meaningful progress toward a more fair, efficient, and accountable system.

While we appreciate the intent of the proposed regulations, we also must convey that additional statutory changes are needed to provide sensible flexibility for employers—particularly in areas such as split shifts, meal break waivers, and other complexities associated with managing a large part-time workforce that does not operate within a traditional eight-hour workday.

Please contact us if you have any questions about our position:
Christina Marcellus, Director of Public Policy / christina@capitoladvisors.org

Sincerely,

Kris Lev-Twombly

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