ALTSHULER BERZON LLP
ATTORNEYS AT LAW

177 POST ST. SUITE 300
SAN FRANCISCO, CA 94108
(415) 421-7151

350 W. COLORADO BLVD. SUITE 420
PASADENA, CA 91105
(323) 963-6693

FAX (415) 362-8064

WWW.ALTSHULERBERZON.COM

ANITA T. ALEM
JAMES BALTZER
KATHERINE G. BASS
JACQLYN BLATTER
HAMILTON CANDEE
MAX CARTER-OBERSTONE
EVE H. CERVANTEZ
CONNIE K. CHAN
BARBARA J. CHISHOLM
LISA DEMIDOVICH
ELIZABETH EISHLEMAN
JAMES M. FINBERG
EILEEN B. GOLDSMITH
CORINNE JOHNSON
SCOTT A. KRONLAND
JONAH J. LALAS
JUHYUNG HAROLD LEE
DANIELLE E. LEONARD
STACEY M. LEYTON
MARISA C. LOWE
AMANDA C. LYNCH
DERIN MCLEOD
MATTHEW J. MURRAY
BRONWEN S. O'HERIN
ZOE PALITZ
JONATHAN ROSENTHAL
MICHAEL RUBIN
TALIA STEINER
ROBIN S. THOLIN
EMANUEL A. WADDELL
ALICE X. WANG

FRED H. ALTSHULER (1943-2024)
FOUNDING PARTNER

STEPHEN P. BERZON
FOUNDING PARTNER
PARTNER EMERITUS
SPECIAL COUNSEL

PETER D. NUSSBAUM
JEFFREY B. DEMAIN
DANIEL T. PURTELL
PARTNERS EMERITUS

ALEXANDER PECHT
FELLOW

March 22, 2026

Via E-Mail & U.S. Mail

Ms. Danielle West
PAGA Rulemaking and Policy Analyst
California Labor and Workforce Development Agency
1416 Ninth Street (MIC-59)
Sacramento, CA 95814

Sent by email to Danielle.West@labor.ca.gov

Re: Comments on Proposed PAGA Regulations on Behalf of Service Employees International Union California State Council

Dear Ms. West:

We submit these comments on the Agency's proposed PAGA regulations on behalf of the **Service Employees International Union California State Council,** comprising SEIU local unions that represent over 700,000 California workers.

The SEIU California State Council was actively involved in the initial enactment of PAGA and in the negotiations that resulted in the enactment of SB 92 and AB 2288, the 2024 PAGA amendments. Preserving PAGA as a robust statutory mechanism for preserving the rights of workers throughout the State, union and non-union alike, is of paramount importance to us and to our members, and we appreciate the opportunity to comment on the proposed regulations. *See* Labor Code §2699(u), as amended

(authorizing Agency to "promulgate regulations to implement the provisions of [the Act]").

We support most of the proposed regulations and direct our comments only to those sections that appear inconsistent with PAGA's statutory language and purposes and thereby fail to provide the critical workplace protections the Act was designed to achieve. As you know, the 2024 amendments were the product of a carefully negotiated compromise. For example, the potential breadth of PAGA actions was significantly narrowed by the statutory overruling of *Johnson v. Maxim Healthcare Services* (2021) 66 Cal.App.5th 924 and *Huff v. Securitas Security Services* (2018) 23 Cal.App.5th 745. A new series of "cure" and "early evaluation" procedures were added to the statute. The entire civil penalty structure was revamped and fine-tuned. Injunctive relief was made available under PAGA for the first time. And, the aggrieved employees' share of the PAGA penalty was increased from 25% to 35%. These carefully negotiated provisions, supported by representatives of labor and management, enacted by the Legislature, and signed into law by the Governor, were calibrated to more effectively accomplish the Act's principal goal of encouraging increased Labor Code enforcement throughout the State, including by creating statutory incentives for workers to pursue vindication of their rights and for employers to promptly cure their Labor Code violations in order to make the aggrieved employees completely whole for violations of their workplace rights.

Although the 2024 amendments made significant modifications to PAGA, they did not change the core statutory provisions. For example, the PAGA notice provision, §2699.3(a)(1) remained intact, notwithstanding efforts by representatives of California employers to require additional specificity in PAGA notices, in particular by requiring each notice to set forth the "*specific* facts and theories to support the alleged violation" and to identify the number, positions, and locations of employees alleged to be impacted by each violation and other information. We are wary of regulatory changes that add any requirement to PAGA that the drafters deliberately excluded from the 2024 amendments, especially where the consequence would be create new opportunities for employers to challenge the sufficiency of a claimant's PAGA notice or her compliance with other new regulatory requirements, thereby encouraging the types of delays and expenses that the 2024 amendments were designed to eliminate.

We understand that one of the Agency's goals in proposing these regulations is to discourage what it perceives as meritless PAGA filings by the small number of California attorneys whom the Agency suspects have been pursuing PAGA claims for reasons of economic self-interest rather than improved Labor Code enforcement. While we will comment below only briefly on the proposed provisions regulating so-called High-

Frequency and Vexatious Filers, we wish to emphasize the importance of continuing to strike an even-handed balance between the goal of discouraging PAGA abuses and *the statutory imperative of protecting the rights of California workers*. In particular, in formulating our comments we began with the presumption—borne out by more than two decades of experience with PAGA litigation and its benefits—that the overwhelming majority of PAGA claims are filed in good faith by legitimate claimants and their representatives after having identified significant workplace violations. Experience demonstrates that PAGA has been effective in deterring employer wrongdoing, and that the threat of PAGA litigation brought by aggrieved employees on behalf of the Agency continues to serve as a powerful disincentive for employers that might otherwise have considered non-compliance. Enhancing that deterrent effect was a crucial goal of the 2024 amendments, and in particular, the provisions that fine-tuned the prior civil penalty and other remedial provisions.

To ensure that PAGA continues to be a robust and effective workplace enforcement mechanism, our comments below principally focus on the likely consequences of the new regulations on *legitimate* claimants and their representatives, who comprise the overwhelming majority of PAGA litigants. In particular, we address several proposed regulations that seem to have been designed to discourage abusive filings, but do so by imposing unnecessarily rigid, technical requirements that will inevitably impose unnecessary and undue burdens on good faith claimants pursuing valid PAGA claims—the very workers whom PAGA was designed to protect.

We begin with one general comment that is not tied to a specific section of the proposed regulations. We then offer specific comments to each section, in numerical order, to the extent we have suggestions for improvement.

1. **Effective Date and Retroactivity**. Obviously, until the regulations are final, there is no way to predict what their effective date will be. Presumably, the final version of the regulations will identify that date, in accordance with the requirements of California administrative law. An important issue about retroactivity will still remain, though, because it is not clear whether the regulations will only govern new notices submitted after the effective date (prospective application) or existing notices that may be in various procedural postures before the Agency or a court (retroactive application). To the extent the proposed regulations impose new obligations on claimants that are not clearly mandated by the statutory language as amended, we urge the Agency to clarify that there should be no retroactive consequences to claimants based on their failure to comply with regulatory provisions that did not previously exist.

2. **§17415: High-Frequency and Vexatious Filers; Additional Notice Requirements and Prefiling Screening Orders**: The new "high-frequency filer" and "vexatious filer" provisions will undoubtedly be the most controversial of the proposed regulations. We agree with the Agency that to the extent it identifies abusive filers who have made a practice of filing huge numbers of boilerplate notices without good faith investigation into the underlying facts and alleged Labor Code violations for the principal purpose of obtaining substantial fees through quick settlements, the Agency should address the issue—as it has in the past by informing those filers that their notices are inadequate and need to be refiled, or by objecting to any settlement that does not further the purposes of the Act.

We leave it to others to comment on the specifics of this proposed regulation, except in two respects. First, we question the proposed definition of "high-frequency filer," which applies to those attorneys or law firms that have "filed 200 or more PAGA notices in the 12-month period preceding the filing of the current PAGA notice." We agree with others that this definition may have the unintended effect of penalizing law firms with a large number of attorneys, none of whom personally filed large numbers of PAGA claims. To mitigate this impact, it may be preferable to add a second element to the definition, to encompass those law firms that filed 200 or more PAGA notices in the prescribed period *and* that either had more than X attorneys who filed more than Y notices during the covered period or perhaps whose average number of filings per attorney exceeded Z notices (all values to be specified).

Second, we suggest that the Agency use a different term than "vexatious filer" for the second designated category. Applied to state and federal court litigants, the term "vexatious" has a specific statutory meaning, *see, e.g.,* Cal. Code Civ. Proc. §391 and well-established, highly negative connotations. A claimant or attorney could be designated as vexatious under the proposed regulations not only for repeatedly filing notices that are "frivolous or appear intended to harass"—conduct that we agree is vexatious—but also for repeated filings that the Agency concludes "do not comply with legal requirements," including because the notices "fail to allege adequately the facts and theories supporting the violations alleged." (This is one of the regulations for which clarification of the prospective/retroactive issue would be particularly important). While our comments should not be construed as encouraging *any* abuses of the statute, we suggest that if the Agency decides to keep the substance of this provision without modification, it should at a minimum change the term "vexatious filer" to a more accurate term, such as "Flagged Filer" or "Previously Non-Compliant Filer" or some similar term that accurately reflects what it takes to trigger the designation and that is not a statutory term of art with an established meaning and connotations.

3. **§17420/§17450(d): Written Notice by Aggrieved Employee or Representative (PAGA Notices)**: We understand the benefits of the Agency's proposal to establish a new standardized form for PAGA notices and, with one exception, we are in agreement with the information that needs to be provided in the first part of the form (which would generally be provided in the body of any notice anyway). That one exception is the requirement to designate the claimant's "employer" under proposed §17420(d)(1)(A). As the Agency is aware, many workers do not know the formal, legal name of the company (or in the case of joint employment, companies) that employ them, and over the years there has been considerable litigation, including under Labor Code §226, concerning whether a claimant sued the correct entity or whether the actual employer or employers were correctly identified. While this may seem like an unduly technical concern, we are wary of any new requirement that could give employers the opportunity to impose additional delay and expense on PAGA claimants. For example, because there is no requirement that the employer respond to a PAGA notice, a mis-named employer could stay silent until the demurrer stage, or even later, before contending that the notice was deficient because the employer was improperly named. *See, e.g., Russo v. Federal Medical Servs., Inc.* (N.D. Cal. 2025) 793 F.Supp.3d 1121, 1144-46.

Remedying this problem would be fairly simple. Either the instructions could make clear that the identifying information at the beginning need only be provided to the best of the claimant's knowledge, or the reference to "Employer: ___" could be changed to "Employer(s) (as reasonably known to claimant): ____" or "Name or Description of Employer(s)," or something along those lines.

Somewhat more complicated are the new provisions referring to the level of detail that must be included in a PAGA notice. This is an issue that has received considerable attention from the courts, including the appellate courts, based on the statutory language (which the 2024 amendments did not change) requiring a PAGA notice to state "the specific provisions of this code alleged to have been violated, including the facts and theories to support the alleged violation." Labor Code §2699.3(1)(a).

It is not clear to us from the language of the proposed regulation or the Initial Statement of Reasons in Support of Proposed Regulatory Act ("Initial Statement") whether the Agency is proposing to modify the existing statutory standard as it has been construed by the various appellate courts. The Agency cites one of those appellate cases, *Ibarra v. Chuy & Sons Labor, Inc.* (2024) 102 Cal.App.5th 874, 881, in its Initial Standard. Other cases are equally relevant and we suggest citing several of those as well

to provide further guidance, such as *Williams v. Superior Court* (2017) 3 Cal.5th 531; *Gunther v. Alaska Airlines, Inc.* (2021) 72 Cal.App.5th 334; *Santos v. El Guapos Tacos, LLC* (2021) 72 Cal.App.5th 363; and/or *Rojas-Cifuentes v. Superior Court* (2020) 58 Cal.App.5th 1051.

To the extent the Agency is suggesting through its proposed language that PAGA notices should include *greater* detail than the appellate courts have previously required, we urge the Agency to reconsider. The proposed regulation states that "conclusory statements, generalized or vague allegations of violations without supporting facts particular to the claimant's circumstances or working conditions, or statements summarizing or restating the law or legal requirements are not sufficient." §17420(1)(B). To the extent this language is intended to incorporate the "specific facts and theories" language that the 2024 amendments compromise rejected, we do not agree with it. If a PAGA notice contains enough detail to satisfy the requirements of the current appellate case law and if a complaint setting forth that information would satisfy the notice pleading requirements of the Code of Civil Procedure, that should be sufficient—although in any particular case, if the Agency is truly unable to evaluate how to proceed without further information, it can exercise its authority (as it has done in the past) to request that information as a condition of allowing the potential claim to proceed.

We have no quarrel with the Agency's recent practice of returning inadequate notices to claimants with an explanation of why the notice is deficient and how to remedy the deficiency—although those letters should make clear that if the claimant remedies the deficiency to the Agency's satisfaction within a stated period of time, the new notice will relate back to the original notice for statute of limitations purposes. We also believe that the regulations should specifically refer to this practice, e.g., by stating that the Agency may inform the filer and employer that the notice is facially inadequate and that the filer has a reasonable period of time, perhaps 30 days, to resubmit the notice with additional detail, and that if the filer complies that the statute of limitations will relate back to the initial filing. What the Agency should not do, however, is to create uncertainty about whether the notice standard has changed, and if so to what extent. That would have the unfortunate consequence of giving employers an unintended incentive to challenge PAGA complaints in court on the ground that the PAGA notice, while sufficient under existing case law, nonetheless fails to conform to the Agency's new, more demanding standard. Clarification by the Agency that it does not intend any such new requirement would eliminate this risk and thereby promote resolution of PAGA disputes on their merits, without unnecessary and counterproductive litigation about the Agency's regulatory intent.

We have separate, but related concerns about proposed §17420(f), which is also included in the section governing PAGA notice. That section would prohibit PAGA claimants from litigating or settling any "violation or theory of violation . . . as supporting a cause of action or claim under PAGA" unless that violation, including the supporting facts and theories, has been alleged in a PAGA notice or amended PAGA notice. We understand that this provision was included to address legitimate concerns about "reverse auctions," i.e., where one claimant files a PAGA notice alleging a violation that overlaps in whole or part with another claimant's PAGA case (perhaps with a shorter limitations period or fewer alleged violations) and then enters into a low-ball settlement with the employer in exchange for a broad claims release that encompasses the more expanded allegations and longer limitations period in the other case.

We fully support efforts to limit reverse auctions, which deprive workers and the State of meaningful protections by undercutting the litigation efforts of legitimate PAGA claimants. However, the proposed regulation is not limited to the reverse auction context, e.g., where two or more pending PAGA actions overlap factually and legally. Instead, the proposed regulation by its terms would apply even where there is no risk of a reverse auction, including in the common circumstance in which a single claimant, acting diligently and in good faith, develops new facts and legal theories over the course of litigation that are closely related to the claims alleged in her PAGA notice, but vary enough from the language of the notice that the employer might have an incentive to defend against the modified claim by asserting that the initial notice was inadequate.

An outright regulatory prohibition against any litigation or settlement of any PAGA claim or portion of a PAGA claim that extends beyond the specific allegations of the notice (absent amendment of the notice, which can be a cumbersome process, as explained below) seems unduly harsh. Experience shows that in PAGA litigation, like almost all types of workplace rights (and other) litigation, plaintiffs routinely learn new facts through the discovery process and develop new theories as a result of pre-trial motions practice that were not known at the initial filing or pre-filing stage (which is why it is a time-honored principle in state and federal courts to deem variances between pleading and proof to be immaterial unless they have misled the opposing party to its prejudice, *see, e.g.,* Cal. Code Civ. Proc. §469). Because previously unknown facts and theories frequently evolve as litigation proceeds, an outright prohibition against litigating or settling a case based on such facts or theories seems unduly technical and rigid—and susceptible to abuse by employers that will have an incentive to challenge even minor variances if the consequence could be to eliminate a core element of a claimed violation or to require an unnecessary delay-causing amendment.

We support the Agency's efforts to require amendment of a notice when a claimant seeks to litigate or settle what is in effect a new claim (*i.e.*, based on a different Labor Code violation). Our concern is with the proposed regulation's broad reference to "[n]o violation or theory of violation, … including the facts and theories supporting the violation." That formulation—particularly the second clause—is too much of a trap for the unwary rather than an effective mechanism for ensuring that an employer has fair notice of the claims against it and the Agency has an opportunity to determine whether to investigate and pursue its own enforcement action.

4. **§17420.5: Amendments to PAGA Notices**: We support the general principle that PAGA claimants should be permitted to amend their PAGA notices, although for the reasons stated in the preceding comment, we believe that amendment should only be required when the claimant develops new facts or theories that give rise to a new and different claim for relief based on separate Labor Code violations, applying the same standard that courts traditionally apply in determining when complaint amendment is required. As a practical matter, this would help to ensure that the courts and the agency are applying the same legal standard when an issue arises as to potential variance between notice, complaint, and potential amendment. It will also minimize the uncertainty, and potential for litigation abuse, that would arise if employers could challenge the sufficiency of a notice at a late stage of litigation on the ground that the plaintiff had developed new "facts and theories supporting the violation" that were not clearly enough articulated in the initial notice. While we recognize the potential risks of reverse-auction settlements that purport to release claims being litigated in *other* PAGA actions but that were not included in the settling claimant's notice, we believe that applying the traditional amendment principles, coupled with the other provisions to ensure notice of prospective settlements and a reasonable opportunity for the Agency to intervene or object will be sufficient to respond to that risk.

One more comment about amendment. Regardless of what the Agency concludes is sufficient to trigger the obligation to amend, we believe the regulations should confirm two common principles concerning amendment. The first is that whether amendment of a PAGA notice should be deemed to relate back to the initial filing (for statute of limitations purposes) should be governed by the usual principles concerning relation back. While that determination will likely be made by courts presiding over PAGA litigation rather than the Agency itself, clarifying the Agency's intent to preserve traditional relation-back principles will prevent wasteful litigation over whether those principles are intended to apply and will also discourage defendants from asserting the need for amendment in order to set up a later statute of limitations defense (in whole or in part) for the "new" claims. The second principle concerns expedited consideration. We

believe the Agency should consider allowing expedited consideration of notice amendments in limited circumstances where, based on an affirmative showing of compelling need, the claimant can demonstrate that the proposed amendment must be accomplished quickly, for example, if required to comply with a court order or to avoid causing undue delay in a matter that is in, or rapidly approaching, trial. While the Agency would retain the right to insist on the full 65-day notice period, allowing for the possibility of expedited consideration under special circumstances that serve the interests of justice will further the statutory goals of more effective and robust Labor Code enforcement.

We have a different set of concerns with regard to proposed §17420.5(d), another part of the "amendment" regulation. That provision, which we believe is unnecessarily and unduly restrictive, imposes an absolute prohibition against amendment after a proposed settlement has been reached. Specifically, it states that a claimant "may not amend" a prior notice "as part of, or at any time after," that claimant has reached a proposed settlement with an employer in a PAGA civil action.

Again, we understand why this provision has been proposed. We agree that a regulation along these lines might be appropriate if limited to the circumstance of a claimant and employer that reach a collusive settlement for the purpose of obtaining a release of claims, perhaps for inadequate consideration, that another claimant was litigating or that were unknown to the Agency. But the language in the proposed regulation is not limited to that scenario and, as a practical matter, it seems likely that this prohibition would only be applied to *non*-collusive settlements, i.e., just the opposite of what the Agency intends. That is because there's an easy work-around. Any parties that are truly acting in bad faith to obtain a broad release of unnoticed claims would certainly be clever enough not to "reach" a proposed settlement until after going through the amendment process, i.e., to pretend there was no settlement when in fact there was. By contrast, this proposed litigation would preclude *good faith* claimants, who legitimately identified new facts and theories during their litigation that should be included in a potential settlement, from even trying to file an amended notice encompassing those additional claims.

Because no PAGA settlement can take effect until a court has approved it under Labor Code §2699(s) (and other proposed regulations, which clarify the Agency's authority to review prospective settlements and object or intervene where appropriate), we believe this subsection should be deleted in its entirety and that settling claimants should have the same right to seek amendment of their initial PAGA notice as any other claimant, whether they have tentatively "reached" a settlement with the defendant

employer or not (especially because "reached" could mean different things to different people). While we do not object to requiring amendment under the principles identified in the comments above (limited to material changes, coupled with the possibility of relation back and expedited consideration), we believe the statutory goals would be sufficiently protected throughout the settlement notice and objection process already included in the proposed regulations.

5. **§17437/§17441: Employee Cure Dispute; Request for Hearing; Claimant Notice of Dispute Regarding Employer Cure Notice**: We appreciate the new detail regarding the cure provisions added in the 2024 amendments. Only one aspect of those sections of the proposed regulations gives us pause. Under §17437(b), a claimant who disputes the Agency's determination that a violation has been cured by a small employer has only 10 days to request a cure hearing. Ten days does not seem to be long enough to review an Agency's determination that a cure has been completed, to confirm with the affected workers that the violation has indeed been cured, and to draft and file a notice that "specifically identifies" the basis for the Agency's cure determination. (*See* §17439, limiting the scope of the hearing "to those issues specifically identified in a claimant's cure hearing request.") Similarly, under §174441(a), a claimant who contends an employer's actions are insufficient to cure alleged wage statement violations has only 14 days to file a notice disputing the cure, which notice must "describe with specificity the factual and legal basis for disputing the sufficiency of the cure actions." §17441(c). We suggest that 20 days would be a more appropriate time period in both instances.

6. **§17460/§17461: Submitting Proposed Settlements of Civil Actions to the Agency; Notice to Other Persons with Pending Actions**: We assume that the reason the Agency has proposed these additional procedural requirements is because it intends to devote additional resources to monitoring PAGA settlements and objecting to (or supporting) such settlements as appropriate. We completely support that effort. Our only suggestion in this regard is that the proposed regulation should clarify the Agency's authority by adding to the proposed disclosure requirements in §17460(a)(3) language stating that the disclosures are intended "to enable the Agency to determine whether to object to or support a proposed settlement, to intervene, or to exercise any other powers committed to it by law."

We also agree that the requirement in §17461(e) that the settling parties must attest to their compliance with the regulations (and to provide a copy of the regulations to the court) is a very helpful mechanism for ensuring compliance.

We do have one point of disagreement, however, regarding §17461(b)(1), which requires "[*t*]*he settling plaintiff*" to give notice by email "to all other persons who have actions pending against the same employer at the time the proposed settlement is filed in court" and to file proof that it has done so, also at that same time. We fully agree that any claimant pursuing the same or related claims against a settling employer should be entitled to timely and complete notice of a potential upcoming settlement (because of the potential "reverse auction" problems described above). However, for practical, logical, and resource reasons, we believe that notice should sent by the employer, not the claimant. Although the proposed regulation also states that after the claimant has sent the emailed notice to others "[t]he settling defendant shall verify the list of other persons who have pending against the employer under PAGA is accurate and complete," the problem with placing the initial burden on the claimant is that often, claimants will lack firsthand information about other claims or lawsuits, including threatened lawsuits that have not yet been formally filed. In many cases, the defendant employer will be in a far better position to know about all other pending PAGA actions against it (including where another claimant may have used an incorrect or misspelled employer name when filing their original PAGA notice, which could prevent a settling claimant from learning from an online search about that other claimant's PAGA case against the same, but mis-named, employer).

Separately, we suggest that the language requiring notices of settlement to be sent by "email to all other persons *who have actions pending* against the same employer" should be modify to clarify that the Agency only intends to require communications to the actual claimants and named plaintiffs, not all aggrieved employees who might be affected by a proposed settlement—because, of course, the due process requirement of notice to affected individuals in class actions does not apply to PAGA representative actions.

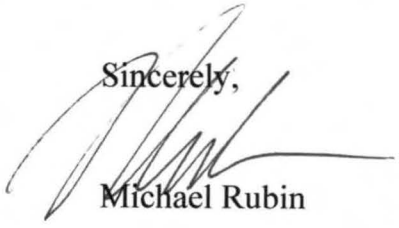
7. **§17462: Proposed Settlements Before Commencement of a Civil Action; Release of Claims Against the Employer**: The Initial Statement explains that §17462 is designed to ensure that no settlement that has not been through the judicial review and approval process set forth in Labor Code §2699(s) will be binding on the State or other aggrieved employees. We agree that a PAGA settlement that has not been judicially approved as the Act requires should not have binding legal effect. However, the actual language of proposed regulation §17462 seems to reach more broadly than the Initial Statement suggests is intended, and unnecessarily so.

Proposed §17462 flatly prohibits any settlement of PAGA claims "reached" before a complaint is filed in court regarding those claims. Read literally, this seems to mean

that even if a fair and reasonable PAGA claim is reached before claimant files her PAGA complaint in court, she will be precluded from filing a complaint and promptly submitting the settlement for judicial approval (after due notice to the Agency and other affected parties, as the proposed regulations would require) pursuant to Labor Code §2699(s). Presumably, that was not the Agency's intent. It is not uncommon for experienced counsel to address issues raised in a demand letter (or PAGA notice) to share informal discovery, toll the statute of limitations, engage in arms-length, good faith settlement negotiations, and agree to a proposed resolution before any complaint is filed, and only then to file a complaint and submit their agreed-upon settlement for judicial consideration. To enable this beneficial practice to continue and to avoid the unintended consequence of penalizing potentially settling parties that have every intention of seeking judicial approval of any settlement under Labor Code §2699(s), we suggest that this section be modified to provide no settlement of a PAGA claim is binding on the Agency or others unless it has been approved by a court in accordance with these regulations and Labor Code §2699 subdivision(s)—which should be a non-controversial modification.

Thank you for the opportunity to comment on the proposed regulations. If there is any other information we can provide to be helpful in this process, please do not hesitate to contact us.

Sincerely,



Michael Rubin

ALTSHULER BERZON, LLP
Counsel for Service Employees International Union
California State Council