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Danielle West
Rulemaking and Program Analyst
Labor and Workforce Development Agency
1416 Ninth Street (MIC-55)
Sacramento, CA 95814
Via email: Danielle.West@labor.ca.gov

Re: Written comment on the August 3, 2026 modifications to the proposed PAGA regulations (OAL Notice File No. Z2026-0121-03)

Dear Ms. West:

Thank you for the opportunity to comment on the modified regulatory text noticed August 3, 2026. I write as a private citizen, not on behalf of any organization.

Some background on why I am writing. I am a Los Angeles resident and an Army veteran. Since the beginning of 2026 I have been working to acquire small businesses in California, starting with a forty-year-old Southern California manufacturing company. During diligence, its file surfaced a prior PAGA action that had cost the owners roughly $1 million, and I watched lenders and investors price that history, and this state's employment-litigation environment generally, into the transaction until the deal ultimately fell through. I am now in diligence on another California small business, so I expect to live under these regulations, and I want them to work. I support the purpose of PAGA — workers should be able to enforce the Labor Code where the state cannot. That is exactly why the modified text matters: enforcement should reach workers, not underwrite a volume-filing business model.

I support the modifications, in particular:

- **Section 17415(b)(1)** — the bifurcated high-frequency filer thresholds (100 or more notices in 12 months for an individual attorney; 200 or more for a firm). The rulemaking record documents individual attorneys filing several hundred notices in a single year. A firm-only threshold would have invited rotating filings among attorneys; this closes much of that gap.
- **Section 17415(b)(2) and (d)** — the "non-compliant filer" definition and prefiling screening. Three or more non-compliant filings after an Agency warning is an objective, fair standard that no diligent practitioner will ever meet.
- **Sections 17415(c)(1)(B) and 17420(f)** — the certifications. An attorney who certifies that alleged violations were personally suffered by the claimant and are not presented for an improper purpose is promising nothing an honest filer does not already do.
- **Section 17420(d)(2)(B)** — the requirement of a short and plain statement of facts and theories for each violation, with conclusory and generalized allegations expressly insufficient. This answers the Agency's own finding that high-volume filers rely on template notices.
- **Section 17461** — the settlement submission requirements, especially the penalty-valuation memorandum in subdivision (a)(2) and the 45-day review window in (c)(1). Neither the Agency nor the courts can police worker outcomes they cannot see.

I ask the Agency to consider three changes before the text is finalized:

1. **Do not let silence operate as approval.** Under modified Section 17415(d), a notice submitted by a designated non-compliant filer is deemed accepted if the Agency makes no determination within 30 days. Filers who have already earned heightened scrutiny should not benefit from the Agency's workload. Toll the determination window, or require an affirmative extension notice, rather than defaulting to acceptance.
2. **Preserve firm-level review where the problem is the firm.** The modified text replaces firm-wide prefiling screening with individual certifications of non-involvement. Where multiple attorneys at a single firm have been designated non-compliant, the firm's filings should be screened as such; certification alone invites reassigning the same practice to new signatures.
3. **Make the settlement contents unambiguous, and make the data public.** Section 17461(a) should state plainly that the enumerated contents are required in every proposed settlement, and the Agency should publish, at least annually, aggregate figures from those submissions: settlements reviewed, gross amounts, dollars distributed to aggrieved employees, and attorney's fees. The workers this statute exists for deserve to see the split.

Two years after the 2024 reform, notice volume remains near record levels and the underlying settlement economics have barely moved. These regulations are the state's best remaining tool to deliver what every signer of that reform promised: fewer boilerplate actions and more of every penalty dollar reaching an actual worker. Thank you for the Agency's work on this file and for considering these comments. I am available at jamesacorrea@gmail.com.

Respectfully,

James Correa
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