August 17, 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 concerns about several key components of the Agency's proposed regulations implementing the Private Attorneys General Act (PAGA). Our goal is to ensure any regulations are designed to enhance clarity, transparency, and accountability.

We commend the Agency's deliberate efforts to modernize PAGA's administration through targeted, employer-focused provisions that foster a more equitable, streamlined, and reliable enforcement system. Nonprofits are deeply committed to maintaining safe, fair, and fully compliant work environments. However, our organizations frequently face severe operational strains caused by vague procedural requirements, inconsistent notice standards, and abusive, predatory litigation tactics. Operating on extremely thin margins, community-focused nonprofits cannot afford to divert vital resources away from delivering essential public services. Proposed reforms must protect both mission-driven organizations and the workforce they serve.

Our comments are focused on the following primary issue areas:

1. **High-Frequency Filer Thresholds - Individual Attorneys**
   We are concerned about the modification of the high-frequency filer definition. While the law firm threshold remains at 200 notices per 12-month period, the threshold for individual attorneys was lowered to 100 notices per 12-month

period. The lowered individual threshold (100 notices) is concerning because **100 notices per year (approx. 2 per week) is still far too high** to prevent abusive mass filings against community nonprofits operating on slim budgets. Furthermore, law firms can easily reallocate filings among individual associates to avoid hitting the cap. It is our position that a lower individual cap (e.g., 25–50 filings) is necessary to deter abuse that harms nonprofits.

2. **Change from "Vexatious Filer" to "Non-Compliant Filer"**
   Now a filer is designated non-compliant - rather than vexatious filer - if they submit three or more deficient, frivolous, or harassing PAGA notices within a 12-month period after receiving an official warning from the LWDA. We support the clearer numeric definition (3+ deficient/frivolous/harassing filings), but express concern regarding the prerequisite warning step. If the LWDA fails to issue timely warnings, serial filers will continue targeting vulnerable community organizations without consequence.

   LWDA must adhere to strict enforcement timelines for its warnings so non-compliant attorneys are flagged before nonprofits incur costly defense counsel fees to review boiler-plate notices.

3. **Allowance of Notice Amendments / Added Violations During Settlement**
   The revised rules reverse course on barring parties from amending PAGA notices to add new Labor Code violations at the settlement stage. Allowing plaintiffs to amend PAGA notices during settlement negotiations to add new Labor Code claims – provided they include supporting facts and explain the discovery that uncovered them – is highly concerning. Allowing plaintiff attorneys to add new claims late in the process during settlement opens the door to coercive, "kitchen-sink" settlement demands and broad liability expansion.

   For nonprofits already forced to settle due to the crippling cost of litigation, this creates immense pressure to accept expanded release terms and higher civil penalty counts to achieve a global release.

   Allowing last-minute amended notices undermines the core legislative intent of the 2024 PAGA reforms—which was to give employers clear, early, and static notice of alleged violations so they could utilize early cure procedures.

4. **Prioritize the "Cure-First" Pathway**
   As our coalition has maintained throughout this rulemaking, the central purpose of PAGA reform must be ensuring fair treatment for both workers and employers without forcing organizations into protracted, fee-driven litigation. When an employer is notified that rules were not followed perfectly, providing a clear 33-day window to make immediate corrections and full restitution to affected workers—with a lawsuit proceeding only if the employer fails to cure—represents the fairest and most efficient pathway for all parties. This "cure-first" approach ensures employees receive direct, rapid recovery while allowing charitable nonprofits to preserve limited community funding.

Thank you for your consideration and attention to these matters.

Please contact us if you have any questions about our positions:

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Sincerely,

The undersigned nonprofit organizations:

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