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August 18, 2026

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Re: Employer Comments on Modified Proposed Regulations Implementing the Private Attorneys General Act (Labor Code § 2698 et seq.) — Comment Period Closing August 18, 2026

Dear Ms. West:

We respectfully submit these comments on behalf of Alsco-Geyer Irrigation, Inc. ("AGI") as a California employer directly subject to PAGA liability, notice, and settlement obligations. AGI's comments are joined by similar employers represented by Holden Law Group, in the greater Sacramento region, the greater San Francisco bay area, and the Los Angeles area, across several different industries and areas of employment. AGI writes to urge the Labor and Workforce Development Agency ("LWDA" or "Agency") to ensure that its modified proposed regulations, released August 3, 2026, deliver on the compliance predictability, cost containment, and protection against abusive or duplicative filings that the 2024 PAGA reforms (AB 2288 and SB 92) were intended to provide. Employers bear the direct cost of PAGA compliance and litigation — in staff time, legal fees, settlement exposure, and operational disruption — regardless of whether an individual notice or claim ultimately has merit. The comments below identify specific respects in which the modified regulations should be revised to reduce unnecessary burden on employers without weakening the Agency's legitimate oversight role.

1. The Non-Compliant Filer Certification Requirement Should Include a Safe Harbor and Clearer Standards, So Employers Are Not Left Facing Notices From Filers the LWDA Has Already Flagged as Non-Compliant

The modified regulations replace the firm-wide prefiling screening approach with a cover-letter certification requirement, under which attorneys at a firm with a designated non-compliant filer must certify that the designated attorney was not involved in preparing, filing, or handling the matter. AGI supports a mechanism that keeps non-compliant filers out of the process, but the certification requirement as drafted does not specify (a) what constitutes sufficient "involvement" to disqualify an attorney from certifying, (b) what documentation, if any, must support the certification, or (c) the consequences for a good-faith but incorrect certification. Ambiguity here works against employers: if the certification requirement is under-enforced, employers continue to receive notices tainted by the same non-compliant filers the LWDA has already identified as a problem. AGI recommends the LWDA adopt clear, objective standards for what disqualifies an attorney from certifying, paired with a good-faith safe harbor for the certifying attorney — so the requirement functions as a real check rather than a paperwork formality that leaves employers facing the same low-quality notices the regulations are meant to curb.

2. The Deficiency Notice Process Should Not Be Allowed to Extend Employers' Exposure or Excuse Non-Compliant Notices

The modified regulations authorize the LWDA to issue written notice to claimants of deficiencies in their PAGA notices, with up to 30 days to amend. From an employer's perspective, this provision is only a net benefit if it is paired with safeguards that prevent it from being used to rehabilitate notices that should have been rejected outright, or from extending employers' uncertainty and cure timelines indefinitely. AGI urges the LWDA to make clear that (a) the deficiency notice process is discretionary and does not obligate the Agency to salvage every deficient notice on a claimant's behalf, (b) any amended notice restarts the applicable statutory clock for employer response and cure rights in full, so employers are not forced to respond to a moving target, and (c) the LWDA's silence — as the modified text already provides — does not endorse a notice's sufficiency, and correspondingly, employers should not be deemed to have waived any defense, cure right, or objection based on the LWDA's non-response or delay in acting on a notice.

3. The Proposed Settlement Notification Requirements in Section 17461 Would Impose Substantial, Unwarranted Cost and Delay on Employers Seeking to Resolve PAGA Claims and Should Be Deleted or Narrowed

Employers have a strong interest in the ability to resolve PAGA claims efficiently once a fair settlement has been reached. AGI respectfully requests that the LWDA reconsider the settlement-notification requirements proposed in section 17461, which would materially undermine that interest.

A. The Proposed Notification Process Adds Cost and Delay Without Statutory Basis and Should Be Removed

Proposed section 17461 would require a settling plaintiff to identify and notify persons with other "pending" PAGA matters against the same employer, require the employer to verify that list, and establish a process through which those claimants may submit comments on the proposed settlement. PAGA already provides for submission of proposed settlements to the LWDA and for court review; the statute does not require settling parties to notify unrelated PAGA claimants or to create a separate claimant-comment process. For employers, this proposal means every settlement — even a modest, good-faith resolution of a single claim — would carry the added cost, delay, and risk of a multi-party notice-and-comment process, discouraging exactly the kind of early, cooperative resolution the 2024 reforms were meant to encourage.

It also risks transforming the Agency's settlement review into a vehicle through which nonparties can effectively hold a settlement hostage, giving plaintiffs' counsel in unrelated matters new leverage to delay or extract additional value from an employer's settlement. AGI therefore respectfully requests that the Agency delete the mandatory notification and claimant-comment requirements.

B. The Proposed Process Is in Tension with Turrieta v. Lyft, Inc. and Would Undo a Key Protection Employers Rely On

The California Supreme Court's decision in *Turrieta v. Lyft, Inc.*, (2024) 16 Cal.5th 664, is directly relevant and was a significant, hard-won protection for settling employers. The Court held that a PAGA plaintiff in one action has no right to intervene in, move to vacate a judgment in, or have a court receive and consider objections to a settlement of, another plaintiff's overlapping PAGA action, reasoning that the Legislature crafted a settlement-approval process — vesting oversight in the LWDA and the courts — that omits any role for competing PAGA plaintiffs to object. That decision gave employers meaningful certainty that a properly approved settlement would not be reopened or delayed by unrelated plaintiffs' counsel. Proposed section 17461 would erode that certainty by administrative rule: although it does not expressly create intervention rights, permitting overlapping claimants to submit comments on another plaintiff's settlement creates a functionally similar mechanism for nonparties to challenge or complicate settlements — the very outcome *Turrieta* forecloses in court. Employers who negotiate and fund PAGA settlements in good faith should not lose, through rulemaking, the finality the Supreme Court has already confirmed the statute provides.

C. Employers Should Not Bear the Burden or Risk of Certifying the Completeness of Matters They Cannot Verify

The proposed employer-verification requirement is particularly burdensome and exposes employers to risk through no fault of their own. An employer may not know whether an administrative PAGA notice remains active, whether litigation has been commenced, whether a matter has since been resolved, or whether a notice concerns an affiliated entity. Requiring an employer to certify the completeness or accuracy of a list of other PAGA matters effectively asks the employer to guarantee information it has no reliable way to obtain — creating a new, unnecessary point of exposure in every settlement. By contrast, PAGA notices are submitted to the LWDA, and the Agency maintains records of those matters; the Supreme Court in *Turrieta* likewise recognized that the State is well positioned to identify overlapping PAGA claims. If the Agency concludes that notice to overlapping claimants is necessary, the Agency — not the settling employer — should use its own records to identify potentially affected matters. At minimum, any employer obligation should be limited to a reasonable, good-faith identification of matters actually known to it after inquiry, with no certification of completeness or accuracy.

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D. The Definition of "Pending" Should Be Narrowed to Avoid Sweeping in Matters That Impose No Real Notification Need

The proposed regulations appear to treat an unresolved PAGA notice as a "pending" matter even where no civil action has been filed, substantially expanding the notification requirement — and the corresponding burden on employers — well beyond actual litigation. Many administrative notices never proceed to a filed action at all. If any notification requirement is retained, it should be limited to actual pending civil PAGA actions involving materially overlapping claims and periods, rather than every unresolved administrative notice, so that employers are not required to track and notify against a universe of matters that may never mature into a claim.

4. Lowering the High-Frequency Filer Threshold Directly Benefits Employers and Should Be Paired With Greater Transparency

AGI supports the modified regulations' lowering of the individual attorney high-frequency filer threshold from 200 to 100 notices in a 12-month period. Employers bear the brunt of high-volume, template-driven filings, and a lower threshold means more of the filers responsible for boilerplate, low-quality notices come under LWDA oversight sooner. Given that the LWDA's own data shows a small group of firms and attorneys account for a disproportionate share of filings, AGI encourages the LWDA to consider whether the firm-level threshold of 200 notices remains appropriately calibrated, and to publish aggregate filing statistics periodically so that employers and other stakeholders can evaluate whether these thresholds are actually reducing the volume of abusive filings employers must respond to.

Requested Revisions

For the reasons above, and to reduce unnecessary compliance burden and litigation exposure for California employers, AGI respectfully requests that the Agency:

- Adopt clear, objective standards and a good-faith safe harbor for the non-compliant filer certification requirement, so it functions as a real screen against low-quality filers rather than a formality;
- Confirm that the deficiency notice process is discretionary, that any amended notice restarts employer response and cure timelines in full, and that LWDA non-response or delay does not prejudice or waive any employer defense;
- Delete the mandatory settlement notification and claimant-comment requirements in proposed section 17461, which would add cost, delay, and settlement risk with no statutory basis;
- Delete the requirement that settling employers verify the completeness or accuracy of lists of other PAGA matters, or, at minimum, limit any employer obligation to reasonable, good-faith identification of matters actually known to it;
- If any notification requirement is retained, limit it to actual pending civil PAGA actions involving materially overlapping claims and periods, and confirm that notice to another claimant does not confer a right to intervene, object, obtain discovery, or delay settlement approval; and,
- Commit to a defined outer limit on the LWDA's settlement review period and provide for expedited review of settlements resolving a limited number of claims or a limited penalty amount, so employers who reach good-faith settlements are not penalized with open-ended delay.

These revisions would preserve meaningful LWDA and judicial oversight of PAGA settlements and notices while eliminating unnecessary cost, delay, and litigation risk for the employers who bear the direct burden of PAGA compliance — consistent with both the statutory scheme and the California Supreme Court's guidance in *Turrieta*.

Thank you for considering these comments. AGI would welcome the opportunity to discuss them further and is available at the contact information above.

Respectfully submitted,

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