August 18, 2026

VIA ONLINE SUBMISSION

Danielle West
Rulemaking and Program Analyst
Labor and Workforce Development Agency
1416 Ninth Street (MIC-55)
Sacramento, California 95814

Re: Comments on Modified Proposed Regulations Implementing the Private Attorneys General Act; OAL Notice File No. Z2026-0121-03

Dear Ms. West:

I am writing on behalf of Cogir Management USA, Inc., which operates as Cogir Senior Living. We are a residential care company, operating approximately 25 senior living communities in California and employing roughly 1,500 people whom work directly with our residents in California communities. I am submitting these comments from the perspective of an employer who manages PAGA claims and their day-to-day operational impact.

We support the Agency's goal of stopping collusive or lowball settlements that shortchange workers. That is a goal we share. But several of the proposed changes, as currently written, will make it harder to close out PAGA matters fairly and efficiently, which hurts the very employees the law is meant to protect and adds unnecessary cost and uncertainty for employers trying to do the right thing. We ask that the Agency consider the practical effects described below before finalizing these regulations.

1. Employers need a clear, workable start date for the new rules

The proposed regulations do not clearly say which PAGA matters they apply to. Some language suggests the rules apply only to administrative filings made after the effective date. Other language in the accompanying materials suggests the rules apply to any case that is still open, even if the underlying notice, amendment, or settlement work was completed years earlier.

This distinction matters a great deal in practice. Our HR and legal teams manage PAGA notices and settlements on rolling timelines, often over a year or more, and we rely on the rules that were in effect when a step was taken to know whether we complied. If the Agency intends to apply new requirements retroactively to work that was already finished under the old rules, that creates real compliance risk for employers who did everything right at the time, and it will be difficult to explain to our operators and community leaders why a completed matter is suddenly out of compliance under a rule that did not exist when the work was done.

We ask the Agency to state plainly that the new requirements apply only to notices, amendments, and settlement steps taken on or after the effective date, and that matters completed before then are not reopened.

2. Resolve overlapping claims

It is common for more than one PAGA notice to be filed over the same or similar conduct at the same employer, sometimes by different law firms representing different employees. When that happens, the fastest and fairest path for everyone, including the employees waiting on payment, is a comprehensive settlement that resolves all of the overlapping claims at once.

The proposed regulations treat settlement-related amendments as automatically suspect simply because of their timing, meaning they occurred at or after a settlement was reached. In our experience, timing alone is not a sign of a bad settlement. A comprehensive settlement that folds in overlapping claims is often the better outcome for workers because it gets money into their hands faster and avoids paying the same attorneys' fees multiple times out of the same limited settlement pool. If these amendments become harder to make, employers will lose the ability to fully resolve related claims in one settlement, which means more litigation, more delay, and less money that actually reaches employees.

From an HR standpoint, drawn-out or duplicative PAGA litigation is not just a legal cost. It pulls our community leaders, HR staff, and caregivers away from resident care and into depositions, document production, and repeated settlement negotiations over claims that are largely the same. That is a real operational burden on a workforce that is already stretched thin, and it does not make anyone's job safer or their pay more accurate.

We ask the Agency to remove the presumption against settlement-related amendments, or at minimum apply it only to amendments filed after the effective date, so employers and employees are not penalized for using the most efficient path to resolution.

3. No side process for competing plaintiffs' firms to object to settlements

The proposed rules would require notice to other plaintiffs' counsel who have filed similar or overlapping PAGA notices, and would let them formally object to a settlement they are not a party to. The California Supreme Court has already made clear that competing PAGA plaintiffs do not have a right to intervene in or object to another plaintiff's settlement.

From a practical standpoint, this creates an opening for one plaintiffs' firm to use the objection process to pressure a better outcome in its own competing case, not necessarily because the settlement under review is unfair to workers or the State. That kind of leverage does not protect employees. It slows down settlements that have already been reviewed by the Agency and approved by a court, and it adds a new, unpredictable step that makes it harder for employers to reach final closure on a matter, even after doing everything the law and the Agency already require.

The Agency already has the tools it needs to catch a bad settlement: it can review the required settlement documentation directly, ask questions, and withhold approval. We ask that this collateral objection process be removed.

Additional Considerations

A few additional points from an employer perspective that we believe are missing from the current proposal:

Overlapping notices should be flagged earlier, not addressed only at settlement. Because every PAGA notice is filed with the Agency, the Agency is uniquely positioned to spot duplicate or overlapping filings against the same employer at intake, before separate law firms spend months investigating and litigating the same claims in parallel. Coordinating or consolidating those notices early would reduce duplicate legal costs on both sides, get money to employees faster, and avoid the very reverse-auction concern the Agency is trying to prevent, without needing to restrict settlements after the fact.

Consider the compliance burden on multi-site, multi-state employers. Operators like Cogir manage PAGA and wage-and-order compliance across dozens of communities and several states at once. New procedural requirements that shift mid-case, or that are unclear as to timing, create real risk of inadvertent noncompliance even when a company is investing in training, HR support, and legal review to do things correctly. Clear, prospective, plain-language rules help responsible employers comply.

Keep the process focused on getting money to employees quickly. Every added procedural step, whether it is a collateral objection right or a tighter restriction on amendments, adds time and legal cost on both sides. In our experience, that delay is paid for out of the same settlement pool that would otherwise go to our employees. We would encourage the Agency to weigh every new requirement against a simple question: does this get fair compensation to workers faster, or does it just add process?

Conclusion

We support strong oversight of PAGA settlements and share the Agency's interest in stopping abusive practices. But the current proposal, as written, will slow down legitimate settlements, add cost and uncertainty for employers who are trying to comply, and ultimately delay payments to the employees these rules are meant to protect. We would welcome the opportunity to discuss these concerns further and appreciate the Agency's consideration of these comments.

Thank you for the opportunity to comment.

Respectfully submitted,

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