

insights

TYPES NOT MAPPED YET August 12, 2024 | TTR not mapped yet | Keith J. Rasher

Keith Rasher Shares Insights on PAGA Overhaul

Thompson Coburn partner [Keith Rasher](#) wrote a new article in *Bloomberg Law* on how the recent changes to California's Private Attorneys General Act (PAGA) could produce more litigation and challenge employers while also bringing positive changes.

"The amendments to PAGA are, on paper, intended to reduce and streamline litigation by allowing employers greater rights to cure or potentially eliminate penalties and prevent employers from being assessed significant penalties associated with technical violations," Keith wrote of the law, which allows private litigants to sue employers for alleged Labor Code violations.

Keith shared positive changes for employers. "With respect to standing, the representative plaintiff now must have personally suffered each of the violations alleged, and those violations must have occurred in the past year." But he noted that "PAGA actions won't go away anytime soon. The plaintiffs' bar will need several months at minimum to react to the changes."

Eventually, he wrote, the updates may unintentionally result in more litigation on specific nuances of the PAGA compromise. "The increased \$200 penalty for employers allegedly acting 'maliciously,' combined with a court having discretion to award more than the maximum penalty caps, are significant incentives for PAGA cases to continue."

[Click here](#) to read the full article.

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Keith J. Rasher