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California Private Attorneys General Act of 2004

Outcomes and Recommendations

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The authors retained sole control over the report writeup and conclusions.

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Principal Findings

- Available data indicate that the current average payment a worker receives from a PAGA case decided by the Labor and Workforce Development Agency (LWDA) 4.5 times greater than for a PAGA case filed with a court: \$5,700 from an LWDA-decided case, versus \$1,300 from a court case.
- Even though workers are receiving higher awards from LWDA-decided cases, employers are paying out 29% less per award. On average employers pay \$790,000 per LWDA-decided case and \$1.1 million per PAGA court case.
- LWDA-decided cases do not award attorneys' fees, which likely contributes significantly to the huge difference in award amounts between LWDA-decided cases and PAGA court cases. Attorneys who file PAGA cases with a court are compensated with fees that represent 33% or more of the workers' total recovery, coming to more than \$372,000 per case on average.
- Delays in obtaining recoveries are substantial. Indications are that workers wait on average for 12-months for their awards from LWDA-decided PAGA cases, and 23-months for their awards from PAGA court cases.
- Letters of intent to file a lawsuit can be used to frighten employers into settling before a PAGA lawsuit is filed. These settlements are not reviewed by or reported to either LWDA or the courts. For this reason, we have no information on what workers receive, what the workers' lawyers receive, or what employers pay in connection with these settlements. Most importantly, there is nothing to assure that workers have received what they are entitled to from these settlements.
- Funding reserves accessible by LWDA and the agencies under its authority exist in the amount of \$152.5 million. This total does not include a loan of \$107 million from the PAGA Fund to the General Fund, which presumably will be repaid, which would result in accessible funds of over \$200 million. These funds could serve to fund the creation of an alternative administrative framework.
- The recent signing into law of AB 5 will likely dramatically expand actions threatened or filed pursuant to PAGA.
- A PAGA exemption was legislated in 2019 for one sector of the economy— unionized construction. In 2021, SB 646, a bill sponsored by the Service Employees International Union (SEIU), also exempted the janitorial industry from PAGA. This is tantamount to union recognition that the PAGA process does not produce desirable outcomes, and employee redress of wage and hour violations can be improved with an alternative structure.

Introduction

PURPOSE

The purpose of this report is to shine a light on PAGA, contrast this law's outcomes with those that may be anticipated from an alternative process and make recommendations accordingly.

SUMMARY

How we got PAGA.

PAGA took effect in 2005 in California. One of its primary purposes was to provide employees a means of directly suing their employers when alleging wage and hour violations short-changing them of remuneration to which they are lawfully entitled. Up to this time, the only means of enforcing most wage and hour violations had been for the California Division of Labor Standards Enforcement (DLSE) to initiate action against employers on behalf of the aggrieved employees.

Responding to long-standing dissatisfaction with DLSE's administrative process, which was slow and ineffective due to chronic and worsening shortages of funding and staff, the Legislature created the PAGA statutory scheme allowing employees to go directly to court and sue their employer without having to depend on agency action to satisfy their claims.

While employees still retained the option of seeking redress through agency action, PAGA created a new set of penalties, providing for employees to collect 25% of them and the state to collect the remaining 75%. Added revenue to the state may well have been a critical inducement to acceptance of PAGA by the legislature and the governor, and the potential for increased recovery created an incentive for employees and their lawyers to choose the court option.

While LWDA/DLSE can and does decide PAGA claims, the number of them it can take on is small.

While LWDA/DLSE can and does decide PAGA claims, the number of them it can take on is small. PAGA leaves only one hurdle to filing these claims in court, which is for claimants first to give notice to LWDA and await that agency's decision as to whether it will process the claim instead of allowing it to be decided by filing a lawsuit. An agency decision to process the claim must be rendered within a short period of time, and in the vast majority of cases the agency does not accept the claim for processing.



California State Capitol in Sacramento, California

Employees who go to court appear to recover substantially less than those whose cases are decided by LWDA/DLSE.

Data regarding employee recoveries pursuant to PAGA actions during the period FY 13/14 through the first six months of FY 20/21 indicate that PAGA has not achieved the objective of providing more timely and equitable recoveries to aggrieved employees. Available data indicate that employees are not receiving better recoveries in the courts under PAGA than they would if wage claims were administered under a well-conceived and well-resourced administrative process, and it is likely that such a process would bring them significantly better and faster results.

Information on PAGA outcomes is lacking.

Currently, employers are vulnerable to being pressured into settling in response to demand letters threatening legal action under PAGA. Out-of-court settlements like these are not in the public domain, as there is no documentation of the amounts or timeliness of payments to the employees and their lawyers, and therefore there is no means of assuring that employees are receiving what they should when their attorneys receive these settlement proceeds.

These considerations suggest that the California Legislature should review PAGA and consider replacing it with a well-conceived and adequately funded administrative process.



Downtown skyline in Los Angeles, California

What we need.

An effective administrative process that will:

- Be streamlined.
- Ensure swift and fair recovery for workers,
- Not depend on the involvement of attorneys, and
- Not be vulnerable to abuses against either workers or employers.

Scope and Methodology

This analysis is based on the response received via a Public Request Act (PRA) for all data on PAGA cases in possession of LWDA, the sole government source of PAGA data.

The data received consisted of the contents of LWDA files containing details on:

- PAGA cases administered and decided by LWDA’s “PAGA Unit”—31 cases dating from FY 16/17 to FY 20/21, as of July 2021.
- PAGA cases and settlements filed with the courts.
- Budget Change Proposals (BCPS) to augment LWDA’s oversight of PAGA cases through FY 19/20.

Both the LWDA-administered case files and the court case files contained a variety of details, including zip code of the workplace, length of time from filing of the action to issuance of an award, and award or settlement amounts.

Note: Information on court case outcomes was not available for cases filed before 1 July 2016. Information on post July 1, 2016 cases is available because of an amendment to PAGA signed into law the year before. The information we received indicates that 27,100 PAGA court cases were filed from FY 13/14 through the first 3 months of FY 20/21. Analyses are primarily based on settlement information for 3,720 cases.

Using this information, an evaluation was performed to understand the differences between resolutions of PAGA actions filed with and processed by LWDA and those filed with the courts. This analysis focused primarily on the following three issues:

- Is PAGA producing the benefit that was intended by providing the alternative of lawsuits and new penalty awards to DLSE administrative action?
- Does administration of PAGA claims by LWDA as an alternative to court litigation of PAGA claims produce better outcomes than court litigation?
- Can administrative case-resolution outcomes be improved by changing the procedures and personnel employed to process the claims?

Legislative Background

A note on agency hierarchy

DLSE is ultimately under the authority of LWDA. LWDA is administered by the Labor Secretary, who is a member of the Governor's Cabinet.

The two largest agencies under LWDA's authority are the Employment Development Department (EDD) and the Department of Industrial Relations (DIR). DLSE is one of several divisions under the authority of DIR. While LWDA is statutorily charged with the authority to process PAGA cases, it relies on DLSE staff to process them, as DLSE is the only agency with the expertise necessary to perform this function.

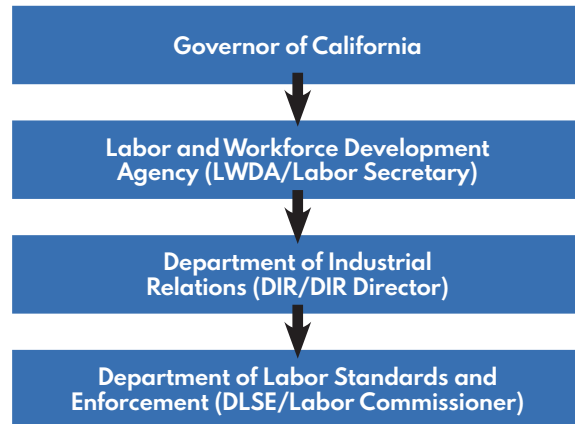


Fig 1. California Government Hierarchy

RECENT STATUTORY DEVELOPMENTS

SB 836: Revisions to LWDA Notice and Response Provisions

In 2016, SB 836 made several revisions to PAGA in an attempt to enable LWDA to better monitor the process, collect data on case outcomes, and improve the agency's ability to resolve more cases as an alternative to court litigation.

The revisions required online notice to LWDA of claims and other online notice requirements, including filing of proposed PAGA settlements at the same time they are submitted to the courts, as well as similarly prompt submission of copies of court awards.

The bill also extended various timelines, including:

- Increasing from 30 to 60 the number of days LWDA can take to review cases, and
- Increasing from 33 to 65 days the time LWDA can take to notify parties of its intent to investigate violations.

The bill also had a temporary provision, which expired on July 1, 2021, allowing LWDA to extend the 120-day time limit for investigating and citing the employer by an additional 60 days.

AB 281: Right to cure

In 2017, an attempt was made via AB 281 (Salas) to amend PAGA so that potential plaintiffs would be required to allow employers to “cure” an alleged violation before being able to bring a PAGA action. That bill died in committee in early 2018.

AB 1654: PAGA carve-out for the Construction Industry

In 2018, Governor Brown signed AB 1654 into law, which exempts employers and employees in the construction industry from PAGA if they are subject to a collective bargaining agreement (CBA) that:

1. Applies to working conditions, wages, and hours of work of employees in the construction industry,
2. Ensures employees receive a regular hourly wage not less than 30% more than the minimum wage,
3. Prohibits Labor Code violations redressable by PAGA,
4. Contains a grievance and binding arbitration procedure to redress Labor Code violations remedied by PAGA,
5. Expressly waives the requirements of PAGA in clear and unambiguous terms, and
6. Authorizes an arbitrator to award all remedies available under PAGA, except for penalties payable to the LWDA.

The inspiration for this bill reportedly arose from the complaints of construction industry employers who had been recently targeted by frivolous PAGA lawsuits. A collective bargaining agreement (CBA) with these provisions listed above is presumed to guarantee employees the ability to challenge unlawful compensation in a forum that will provide a fair determination.

However, the construction industry is only one of many industries targeted by PAGA lawsuits, and a well-conceived administrative process could provide a forum to accomplish the same fair determinations, perhaps more consistently and effectively than those established pursuant to CBAs.



Golden Gate Bridge in San Francisco, California

AB 5: Substantial tightening of criteria allowing workers to be deemed independent contractors as opposed to employees.

In 2019, Governor Newsom signed AB 5, which has dramatically expanded the circumstances under which workers are legally considered employees as opposed to independent contractors. Except as specified in a small list of occupations exempted from its provisions, this bill created a presumption that a worker is always to be considered an employee *unless the presumptive employer can prove* that all three of the criteria specified by the “ABC” test apply to the worker in question.

These criteria are the following (See Labor Code section 2750.3):

- A) The worker is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
- (B) The worker performs work that is outside the usual course of the hiring entity’s business.
- (C) The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

Because this bill has so greatly expanded the number of situations under which workers must be considered employees, *the likelihood of PAGA lawsuits being filed as a result of the bill has also been greatly expanded.*

AB 2257: App-based driver exemption added to AB 5.

Proposition 22:

Passed by 59% of California voters, this initiative exempts app-based drivers from AB 5 and assures their continuing status as independent contractors. Among other impacts is removal of the threat of PAGA lawsuits from these drivers, since they cannot claim to be employees.

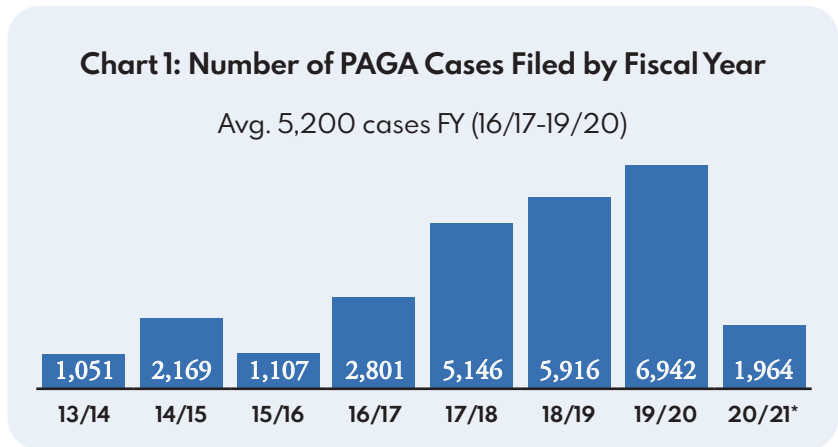
Discussion

LWDA-decided Cases v PAGA Court Case Comparison

According to LWDA’s records, since FY 13/14, the number of cases resolved or settled has varied considerably over the most recent 5 years for which records were available (Chart 1).

As noted above, the number of cases pursued may be expected to grow in the coming years due to AB 5.

Analysis was carried out of the case outcomes in terms of dollar amounts and durations for both cases decided by the LWDA (i.e. PAGA unit) and PAGA court cases (Table 1).



*FY 20/21 data is complete through September 2020.
Source: External PAGA Case Data File

Table 1: Measured Settlement Data for LWDA Decided Cases and PAGA Court Cases

	LWDA-decided Cases	PAGA Court Cases
Average Total Case Amount	\$789,936	\$1,118,777
Average Award Amount to Employees	\$650,591	\$621,165
Average Total Penalties	\$158,509	\$100,934
Average Number of Employees	225	2,192
Average Award per Employee	\$5,673	\$1,264
Average Attorneys’ Fee*	-	\$372,222
Average Litigation Costs*	-	\$27,119
Average Original Plaintiff Awards (Incentives and Enhancements)	-	\$14,051
Average Settlement Amount Paid to Settlement Administrator	-	\$17,818

*Does not Include Attorneys’ Fees or Litigation Costs paid by the employer/defendant.
Sources: LWDA-decided Case Data and PAGA Court Case Documents.

- Employers pay on average 29% less per settlement of an LWDA-decided case and a PAGA court case.
- The employee outcome per employee is better for LWDA-decided cases.¹ The average PAGA court case award received by an employee is approximately \$1,300, while the average employee award from the LWDA-decided case is \$5,700, representing a 4.5-fold increase in the employee’s recovery when LWDA decides a case.^{2,3}
- On average, the LWDA-decided case has fewer employees per case.
- On average Attorney’s Fees account for 33% of the payment made by employers.
- The state receives \$58,000 less in penalties when cases are settled by PAGA court case.
- For employers, an average of \$27,000 per case is paid by employers for litigation fees, and \$18,000 per case is paid to third-party settlement administrators. Neither of these payments is made under the LWDA-decided case. In addition, employers bear the substantial cost of legal representation, which has not been quantified here.

Durations of LWDA administrative resolution and PAGA court cases

Long delays in processing cases due to the Labor Commissioner’s understaffed administrative process was one of the original justifications for PAGA.

DLSE provided data on case start dates and settlement dates for LWDA-decided cases and PAGA court cases. On average, it takes LWDA retained case 310 fewer days to reach a settlement (Table 2).

Table 2: Average Number of Days between Case Start Date and Case Settlement Date

	Average Number of Days	Average Number of Months	Average Number of Years
LWDA-decided Cases	368	12.0	1.0
PAGA Court Cases	678	22.6	1.9

Sources: LWDA-decided Case Data and PAGA Court Case Documents

- 1 Because the number of cases decided by LWDA (31) is low, the possibility cannot be excluded that the outcome numbers could be significantly different if LWDA decided a larger portion of cases.
- 2 Another way to compare the outcomes would be to divide total dollars awarded by total number of employees filing claims, in which case, the outcomes would be \$267 per employee from court cases versus \$3,235 per employee from LWDA-decided cases, representing an almost 11-fold increase in the employee recovery from LWDA-decided cases. Settlement amounts were not reported to LWDA before an amendment to PAGA required this reporting for all cases filed from 2016.
- 3 Settlement amounts were not reported to LWDA before an amendment to PAGA required this reporting for all cases filed from 2016 on.

Location of PAGA court cases

Los Angeles County accounted for 37% PAGA court case settlements. The remainder of the LA Basin and the Bay Area each accounted for 17% of PAGA court case settlements. While a limited number of out of state cases had the highest average total settlement amount, the Bay Area had the highest average total settlement amount in the state at \$1.8 million per PAGA court case. *(See per county financial breakdown Appendix I: Location of Cases Reviewed).*

Table 3: PAGA Court Case Settlement Counts and Amounts by Location of Court

Region of Court	Percentage of PAGA Case Settlements	Average Total Case Amount
State of California	100%	\$1,118,777
Los Angeles County	37.0%	\$1,043,563
Rest of Los Angeles Basin	9.4%	\$988,089
Bay Area	15.9%	\$1,762,596
Inland Empire	11.6%	\$954,901
San Diego County	8.1%	\$1,009,451
Central Valley	7.8%	\$879,616
Sacramento Region	5.9%	\$1,047,321
Central Coast	2.5%	\$772,943
Rest of Northern California	1.3%	\$867,825
Outside of California	0.2%	\$2,327,701
Unknown Jurisdiction	0.4%	\$440,429

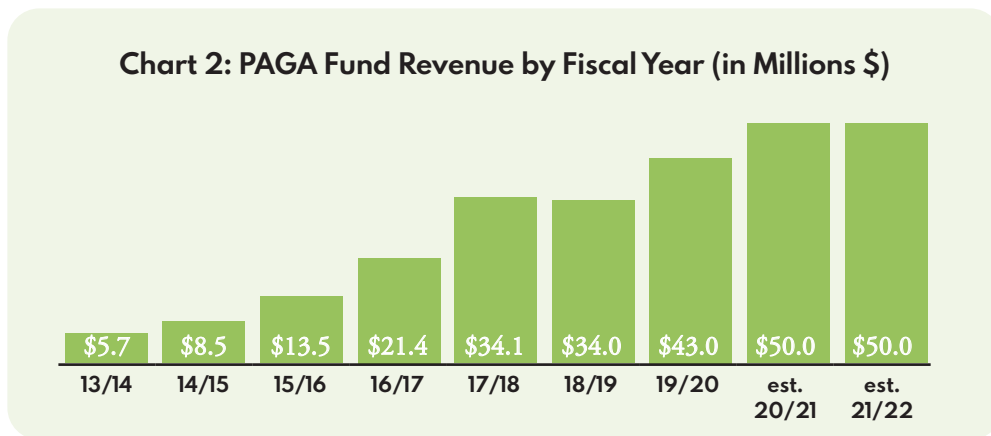
Sources: PAGA Court Case Documents

Outlook for a public option

As discussed above, a prime justification for PAGA was the lack of resources for DLSE to process wage and hour claims and resulting long delays for employees entitled to recovery. The lack of resources was due to DLSE's dependence on the General Fund, which itself was significantly stressed. However, funding for most of DIR, including DLSE, no longer depends on the General Fund, as several legislative changes over time have resulted in an entirely new source of funding: assessments on workers' compensation premium or self-insurer premium equivalent.

These assessments are flexible, they are routinely adjusted to meet the needs of the agency function they support, and they can similarly be adjusted to meet the needs of DLSE. According to the Staffing Alignment Budget Titled "PAGA Unit Staffing Alignment" Budget Change Proposal (BCP) uploaded by DIR to the Department of Finance website in May 2019, the LWDA has accumulated a large funding reserve from PAGA recoveries

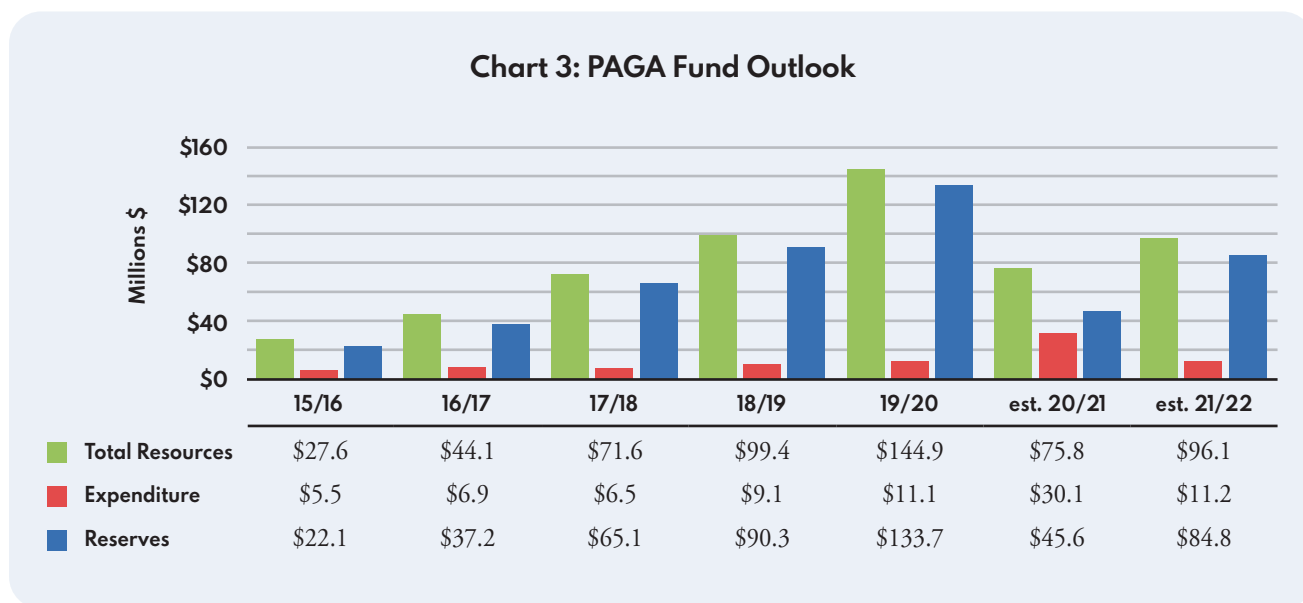
(Chart 2), and it would be entirely consistent with the purpose of PAGA to use that money to reboot DLSE in a form that would properly serve workers and compliant employers.



Sources: PAGA Budget Change Proposal (BCP) and DOF Fund Condition Statements

According to the BCP, the available fund balance was \$133.7 in

FY 19/20 (Chart 3). Estimated reserves shrunk in FY 21/22 to \$84.8 million due to a \$107 million loan from the PAGA fund to the General Fund. Assuming the loan will be repaid, that would put reserves at 188.8 million, although information for FY 21/22 is not complete and information for FY 20/21 may also be incomplete.



*Fiscal Year 20/21 \$108 million in loans to General Fund
Source: PAGA Budget Change Proposal (BCP) and DOF Fund Condition Statements

Workload and Staffing Issues

The PAGA Unit workload encompasses diverse activities, among them attending to violations that are curable. In FY 16/17 and 17/18, the PAGA unit retained 31 cases out of the 9,000 PAGA notices filed, most of which are unresolved as of the time of this writing.

Table 4: Workload Measures for the LWDA PAGA Unit

	13/14	14/15	15/16	16/17	17/18
PAGA Notices Filed	7,626	6,307	5,510	3,707	5,383
Notices Reviewed	N/A	N/A	N/A	1,694	1,339
Pre-Investigations	N/A	N/A	N/A	23	26
Case Investigations (cases retained)	N/A	N/A	N/A	14	16
Number of PAGA Notices in which one or more violations is curable	N/A	N/A	N/A	1,629	2,195
Number of Employer Responses/Cures filed	N/A	N/A	N/A	121	261
Number of Cure Disputes	N/A	N/A	N/A	24	53
Cure Decisions Issued	N/A	N/A	N/A	1	27
Settlements Reviewed	N/A	N/A	N/A	476	1,070

Source: FY 19/20 Budget Change Proposal (BCP)

While the data received from LWDA showed only 31 cases resolved by LWDA from FY 16/17 through FY 20/21.

Conclusions

- While the system that was replaced by PAGA was clearly failing employees and compliant employers at the time PAGA was enacted, PAGA has not significantly improved the process, and in critical ways it has made things worse.
- Perhaps the most significant failure of the process, long delays in resolving the allegations of Labor Code violations, continues to exist.
- Although the number of cases decided by LWDA is very small compared to the number of cases resolved by lawsuits, available data appear to indicate that employees' outcomes are much worse when the cases are filed with the courts rather than decided by LWDA.
- There has been a six-fold increase in yearly PAGA Fund revenue from FY 13/14 through FY 17/18. If the loan from the PAGA Fund is repaid, this steep upward trend will likely continue.
- Compliant employers, who should be supported, are susceptible to being victimized by unscrupulous plaintiffs' attorneys.
- Large portions of PAGA recoveries consist of plaintiffs' attorneys' fees, with no apparent benefit to workers, employers, or the state.
- AB 1654 has set a precedent that points the way to alternative approaches to achieving swift and fair employee recoveries. The core administrative concepts that underlie the alternative AB 1654 offers to PAGA can be applied to an administrative system managed by DLSE under the Labor Commissioner's direction.
- There is good reason to believe that a well-conceived, and efficient administrative system within DLSE can succeed where PAGA has failed, and do the following:
 - Produce fair, significantly faster, and potentially more robust recoveries for workers.
 - Maintain fully adequate funding being like other functions of DIR via the existing method of assessments on workers' compensation premium or premium equivalent.
- Such an administrative system can be robustly funded at start up by the existing PAGA fund balance.

Recommendation

To improve the claims resolution of labor and workforce issues and to determine just compensation for employees pursuant to wage disputes more equitably and quickly, the state should fund an administrative process that ensures swift and fair recovery for workers, streamlines the process, removes or minimizes the need for attorneys to be involved, and is not vulnerable to abuses against either workers or employers.

The resources and experience needed for such a structure did not exist at the time PAGA was signed into law, but they do exist now. The current procedure by which LWDA resolves PAGA claims, while apparently substantially more successful for employees than claim resolution by court litigation, can likely be significantly improved by reducing unnecessary bureaucracy and reducing the time taken to process claims.

The objective should be an expedited administrative process that delivers a fair result in a short period of time to the workers and employers involved and provides sufficient transparency to track outcomes. This in turn will ensure the system is working properly to serve employees and compliant employers while providing the remedies needed against noncompliant employers.

RESOLUTION OF THE CLAIMS CURRENTLY RESOLVED VIA PAGA SHOULD BE RETURNED TO DLSE.

We believe current DLSE case resolution procedures could be made timelier and more efficient, reducing the budgetary cost, and improving case resolution times, but for the purposes of pricing this estimate we assume no changes in DLSE procedures.

The number of notices of potential PAGA cases received has ranged between 7,626 and 3,707 per year from FY 13/14 through 17/18, the most recent data we have on notices received. (Table 4). These numbers are obviously greater than the number of cases actually resolved, and the difference is due to the number of notices received that are not pursued to resolution.

Accordingly, we have assumed that there may be some staff time consumed by processing those notices received that do not become actual cases resolved/settled.

This is most likely a very small number if significant at all, since the notices that do not result in resolved cases are never followed up on by LWDA and this is likely due to the claim being abandoned.

Bottom line: The languishing PAGA Fund, now containing well over \$150 million, is more than sufficient to support the startup of DLSE's resolution of all claims currently being pursued through the PAGA process. DLSE can be supported from that point on through assessment funding, which can easily handle the ongoing cost.

Appendix

Measured Settlement Data for LWDA Retained Cases and PAGA Court Cases by County

County	% of PAGA Case Settlements	Avg Total Case Amount	Avg Award Amount	Avg Total Penalties	Avg # of Employees	Avg Award per Employee	Avg Attorneys' Fees	Avg Litigation Cost	Avg Original Plaintiff Award or Incentive	Avg Settlement Amount Paid to Settlement Admin
TOTAL	100.0%	\$1,118,777	\$621,165	\$100,934	2,192	\$1,264	\$372,222	\$27,119	\$14,051	\$17,818
LOS ANGELES	37.0%	\$1,043,563	\$591,051	\$78,092	2,274	\$1,267	\$345,697	\$25,529	\$13,063	\$18,071
ORANGE	8.3%	\$1,039,998	\$570,896	\$88,334	2,103	\$889	\$353,090	\$26,353	\$12,106	\$15,339
SAN BERNARDINO	8.1%	\$1,029,656	\$557,008	\$108,748	2,252	\$1,299	\$351,754	\$18,121	\$12,614	\$15,425
SAN DIEGO	8.1%	\$1,009,451	\$572,930	\$81,946	1,417	\$1,781	\$334,134	\$18,848	\$16,270	\$18,701
ALAMEDA	6.9%	\$2,256,017	\$1,349,523	\$185,556	2,916	\$1,365	\$704,525	\$34,277	\$15,430	\$25,120
SACRAMENTO	5.6%	\$1,057,731	\$613,492	\$65,874	2,931	\$1,364	\$348,606	\$20,001	\$15,747	\$17,289
SANTA CLARA	3.1%	\$1,375,099	\$720,441	\$196,318	2,583	\$1,401	\$464,381	\$19,282	\$14,492	\$16,731
RIVERSIDE	2.9%	\$821,085	\$430,322	\$68,079	1,253	\$1,207	\$292,502	\$27,695	\$15,888	\$15,108
SAN FRANCISCO	2.4%	\$2,154,661	\$954,151	\$343,812	3,220	\$716	\$748,340	\$184,053	\$18,149	\$36,596
KERN	2.3%	\$1,271,162	\$739,336	\$58,534	2,472	\$1,602	\$438,044	\$19,141	\$14,391	\$17,472
SAN JOAQUIN	2.0%	\$633,709	\$335,076	\$56,232	1,279	\$1,147	\$217,147	\$16,488	\$14,565	\$12,855
CONTRA COSTA	1.3%	\$866,135	\$427,942	\$202,897	1,784	\$1,275	\$284,250	\$19,802	\$14,575	\$15,064
VENTURA	1.1%	\$608,657	\$267,571	\$126,455	859	\$799	\$209,122	\$17,467	\$10,575	\$10,782
MONTEREY	1.0%	\$986,433	\$529,849	\$123,884	4,029	\$710	\$316,400	\$20,290	\$13,840	\$20,667
STANISLAUS	1.0%	\$993,644	\$520,238	\$118,595	2,784	\$1,585	\$352,866	\$15,485	\$12,457	\$18,635
FRESNO	0.8%	\$673,425	\$337,997	\$85,864	463	\$803	\$237,176	\$20,054	\$22,454	\$13,387

County	% of PAGA Case Settlements	Avg Total Case Amount	Avg Award Amount	Avg Total Penalties	Avg # of Employees	Avg Award per Employee	Avg Attorneys' Fees	Avg Litigation Cost	Avg Original Plaintiff Award or Incentive	Avg Settlement Amount Paid to Settlement Admin
SAN MATEO	0.8%	\$1,231,037	\$600,887	\$184,203	4,393	\$973	\$427,465	\$35,629	\$12,690	\$17,146
TULARE	0.8%	\$579,135	\$297,014	\$70,066	692	\$873	\$195,540	\$14,766	\$10,929	\$11,355
MERCED	0.5%	\$853,224	\$396,325	\$175,086	1,969	\$1,220	\$285,971	\$15,940	\$10,667	\$16,099
SOLANO	0.5%	\$673,219	\$395,447	\$34,995	402	\$1,225	\$210,765	\$19,507	\$10,915	\$12,490
IMPERIAL	0.5%	\$527,118	\$297,931	\$16,264	651	\$1,296	\$177,558	\$15,497	\$17,767	\$9,719
SONOMA	0.5%	\$838,316	\$482,815	\$42,368	473	\$2,235	\$286,107	\$18,309	\$11,938	\$9,151
SANTA BARBARA	0.4%	\$342,353	\$149,751	\$50,890	860	\$325	\$122,339	\$12,565	\$14,000	\$9,442
SANTA CRUZ	0.4%	\$331,003	\$186,376	\$20,864	239	\$1,384	\$106,164	\$11,297	\$9,409	\$8,372
SAN BENITO	0.4%	\$920,294	\$545,630	\$19,950	548	\$445	\$309,570	\$14,407	\$13,115	\$23,546
PLACER	0.3%	\$1,737,367	\$624,865	\$554,381	4,078	\$480	\$594,268	\$24,821	\$66,792	\$19,374
YOLO	0.3%	\$849,545	\$516,128	\$23,492	1,111	\$783	\$284,053	\$12,041	\$11,000	\$12,875
MARIN	0.3%	\$817,315	\$480,550	\$27,754	1,008	\$951	\$275,527	\$19,573	\$9,802	\$20,722
SAN LUIS OBISPO	0.2%	\$1,120,667	\$682,912	\$36,889	344	\$2,022	\$369,770	\$14,100	\$11,563	\$15,939
MADERA	0.2%	\$223,313	\$92,713	\$37,565	838	\$145	\$77,475	\$10,545	\$6,786	\$9,500
NAPA	0.2%	\$396,868	\$189,787	\$47,658	342	\$942	\$137,992	\$19,826	\$13,929	\$6,971
BUTTE	0.1%	\$815,000	\$490,526	\$22,100	2,558	\$284	\$264,000	\$15,741	\$10,600	\$17,559
SUTTER	0.1%	\$382,500	\$214,788	\$23,476	339	\$379	\$154,583	\$10,800	\$8,750	\$8,638
KINGS	0.1%	\$828,750	\$489,313	\$13,750	624	\$662	\$281,250	\$24,250	\$10,125	\$13,500
NEVADA	0.1%	\$547,500	\$311,197	\$22,653	65	\$493	\$187,063	\$10,126	\$11,500	\$13,500
EL DORADO	0.1%	\$206,667	\$60,226	\$70,233	905	\$355	\$71,500	\$6,433	\$6,167	\$9,500
MENDOCINO	0.1%	\$625,833	\$344,596	\$27,333	368	\$1,040	\$206,458	\$20,900	\$22,167	\$11,212
SHASTA	0.1%	\$1,243,334	\$767,217	\$15,000	1,730	\$42	\$414,444	\$17,623	\$11,667	\$21,132
COLUSA	0.1%	\$150,000	\$67,239	\$16,250	529	\$1,804	\$51,667	\$3,406	\$4,500	\$11,000
JAMS	0.1%	\$506,250	\$300,863	\$4,000			\$170,388	\$12,000	\$9,000	\$10,000
LASSEN	0.1%	\$609,750	\$377,505	\$10,750			\$202,500	\$8,332	\$5,000	\$8,976
TUOLUMNE	0.1%	\$1,113,750	\$594,272	\$80,419	2,654	\$437	\$371,166	\$29,498	\$36,000	\$22,500
YUBA	0.1%	\$143,750	\$66,950	\$17,500	43	\$169	\$47,125	\$4,800	\$7,000	\$4,750

County	% of PAGA Case Settlements	Avg Total Case Amount	Avg Award Amount	Avg Total Penalties	Avg # of Employees	Avg Award per Employee	Avg Attorneys' Fees	Avg Litigation Cost	Avg Original Plaintiff Award or Incentive	Avg Settlement Amount Paid to Settlement Admin
AMADOR	0.0%	\$225,000	\$96,250	\$4,000			\$78,750	\$35,000	\$7,500	\$4,500
DEL NORTE	0.0%	\$200,000	\$102,500	\$2,000			\$70,000	\$6,000	\$12,000	\$8,000
GLENN	0.0%	\$1,100,000	\$676,833	\$20,000	499	\$1,356	\$366,667	\$25,000	\$5,000	\$11,500
HUMBOLDT	0.0%	\$240,000	\$25,875	\$103,500	250	\$104	\$95,890	\$29,110	\$6,500	\$5,000
INYO	0.0%	\$225,000	\$124,375	\$2,500			\$78,750	\$10,000	\$2,500	\$7,500
PLUMAS	0.2%	\$2,327,701	\$1,393,146	\$39,987	6,180	\$339	\$800,846	\$65,596	\$26,063	\$29,235
OUT OF CALIFORNIA	0.3%	\$429,458	\$158,465	\$65,461	289	\$5,311	\$191,308	\$21,865	\$27,544	\$7,938
UNKNOWN	0.0%	\$225,000	\$124,375	\$2,500			\$78,750	\$10,000	\$2,500	\$7,500

*Attorneys' Fees and Litigation Costs do not include the amounts paid by defendant/employer.

Note: PAGA Court Case Documents where the jurisdiction of the court could not be determined are classified as unknown.

Sources: PAGA Court Case Documents

About the Authors

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About the CABIA Foundation

The CABIA Foundation seeks to guarantee that no small businesses are in the dark on their legal obligations simply because they can't afford the cost of compliance. The Foundation also seeks to educate legislators on commonsense alternatives to protect workers without creating unreasonable requirements for employers.



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