

AB 2288 Reasonable Steps Documentation Checklist

A practical proof kit for California employers assembling the policies, training, audits, and records that support “all reasonable steps” under Labor Code §2699 as amended by AB 2288.

Operational aid only — not legal advice. Completing this checklist does not guarantee a penalty limitation or any legal outcome. Involve employment counsel for strategy and filings.

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1. Core policy & acknowledgment file

Capture version-dated policies and proof employees received them.

- & Current handbook with meal/rest, overtime, wage statement, and final-pay policies (version-dated)
- & Prior handbook versions covering the PAGA lookback period
- & Signed or electronic acknowledgments for handbook and key policies
- & Meal/rest policy aligned to Labor Code §§226.7 and 512 (and waivers where used)
- & Overtime / regular-rate calculation SOP used by payroll
- & Wage statement template reviewed against §226(a) item requirements
- & Final pay / waiting-time procedure for terminations and resignations
- & Timekeeping system description (punches, edits, meal clocks)
- & Manager guide for break scheduling and escalation
- & Complaint channel for wage-and-hour concerns with named owner

2. Training, monitoring & corrective action

- & Date-stamped manager training on meal/rest, edits, and off-the-clock work
- & Attendance / completion records (who, when, materials)
- & Recurring payroll or compliance review cadence with named owner
- & Exception reports reviewed (missed meals, short breaks, excessive edits)
- & Written corrective actions when gaps are found
- & Evidence fixes were implemented (SOP update, system change, re-training)
- & Retention covering time/payroll/wage statements for the lookback window
- & Litigation-hold procedure ready if a notice or records request arrives

3. Timing framework (reference)

AB 2288 updated how recoverable civil penalties may be limited when an employer took all reasonable steps—before a notice (or certain records requests), or within defined windows after. Exact outcomes depend on facts, employer size, resources, and whether practice matched policy. See Labor Code §2699(g)–(h) and related LWDA / SB 92 procedures with counsel.

Before notice: focus on documented, ongoing compliance. Within 60 days after notice: focus on prospective compliance steps. Cure/LWDA paths are separate procedural options with their own deadlines.

4. What this checklist is not

- & Not a guarantee of a 15% or 30% limitation
- & Not a substitute for employment defense counsel
- & Not legal advice from Easeworks
- & Not complete if policies exist on paper but practice diverges in the field

Next steps with Easeworks

Request a forensic PAGA audit at easeworks.com/paga-audit, use the interactive checklist at easeworks.com/paga-checklist, or call (888) 843-0880. For attorneys needing analysis software, see easeworks.com/paga-iq.

