

CALIFORNIA EMPLOYER RESPONSE

PAGA emergency response sheet.

A short crisis file for the first 72 hours after a PAGA notice. Do these moves first. Hand deeper strategy to counsel.



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THIS FILE IS FOR

- 01 What to do the day the notice arrives
- 02 Standing and records checks in 24-48 hours
- 03 One clean exposure sketch, not a demand rewrite
- 04 When to call counsel and request an audit

4 PAGES / ACTION FIRST

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Do this today.

Calendar the cure deadline the same day the notice arrives. Missing it can permanently close discounted-penalty paths under AB 2288 / SB 92.

Do not negotiate from the demand letter. Do not wipe systems. Do not wait for a perfect model. Secure the record, then model the claim.

Hours 0-24

- ☐ Issue a litigation hold to IT and HR
- ☐ Suspend routine document destruction
- ☐ Back up timekeeping, payroll, and HR systems
- ☐ Secure physical personnel files for named plaintiffs
- ☐ Obtain the LWDA notice and write the cure deadline on a calendar
- ☐ Send the notice to employment counsel the same day

What to pull first

- Time and attendance records for the noticed period
- Meal and rest policies, all versions in force during the lookback
- Wage statements for affected employees
- Final pay records for terminated employees
- Employment agreements and handbook acknowledgments

Check standing. Sketch exposure.

Before you argue theories, check whether the named plaintiff can carry the claim, then build one honest exposure sketch using the right rates and lookbacks.

Hours 24-48: standing check

- ☐ Were they a W-2 employee during the noticed period?
- ☐ Did they personally experience at least one alleged violation?
- ☐ Does the LWDA notice match the later complaint theories?
- ☐ Are independent contractors or temps being treated as employees?

Hours 48-72: one exposure sketch

Use the AB 2288 default of \$100 per employee per pay period for PAGA civil penalties, not \$200, unless a statutory trigger for the elevated rate applies. Civil penalties look back one year. Premiums and waiting-time claims look back three years.

LINE	USE THIS	COMMON MISTAKE
PAGA civil penalty	\$100 / employee / period (1 year)	Using \$200 as the default
Reasonable steps before notice	15% cap ≈ \$15 on a \$100 base	Treating 85% as total-case savings
Reasonable steps within 60 days	30% cap ≈ \$30 on a \$100 base	Ignoring the 60-day clock
Waiting time (§ 203)	Separated employees only	Applying it to the whole workforce
Attorney fees	30-33% of settlement fund	Taking 33% of the asserted maximum

KEEP THE MATH HONEST

The 15% and 30% caps cut PAGA civil penalties only. They do not erase meal/rest premiums, wage-statement damages, or waiting-time penalties. Fees come out of the negotiated settlement fund, not the demand letter total.

Hand it to counsel. Or request an audit.

If a notice is live, this sheet is the first 72 hours, not the whole defense. Counsel owns pleadings, cure notices, and settlement. Easeworks owns the forensic payroll and HR file that makes those moves possible.

Bring counsel this packet

- The LWDA notice and your calendar of the cure deadline
- Named-plaintiff personnel files and time records
- Your Day 0 litigation hold confirmation
- A dated list of corrective actions already started
- Your one-page exposure sketch with assumptions labeled

When to request a forensic audit

- You do not trust the payroll export or the period counts
- Multiple locations, PEOs, or time systems are in the mix
- You need a defensible reasonable-steps file before or after notice
- You want a cure path modeled before settlement talks begin

NEXT FILE ACTION

Request a forensic PAGA audit

easeworks.com/paga-audit / (888) 843-0880

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DISCLAIMER

This sheet is informational only and is not legal advice. Easeworks is not a law firm. Confirm current statutes with counsel before you act. Penalty figures are planning estimates, not guaranteed outcomes.