

Live from Workplace Horizons 2025: PAGA Amendments — Have Recent Changes Improved the Plight of Employers?

By Andrea F. Oxman & Eric J. Gitig

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Meet the Authors



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Welcome to a special edition of We get work®, recorded live from Workplace Horizons 2025 in New York City, Jackson Lewis' annual Labor and Employment Law Conference. Over 500 representatives from 260 companies gathered together to share valuable insights and best practices on workplace law issues impacting their business today. Here's your personal invitation to get the insights from the conference, delivered directly to you.



Transcript

INTRO

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CONTENT

Alitia Faccione

Senior Director, Business Development

Thank you, Eric Gitig and Andy Oxman, for joining me in the podcast studio this afternoon. Principals from the Los Angeles office of Jackson Lewis. Welcome.

I'm going to ask an easy question first. I know it's the end of a long day of programming here at the conference, but just introduce yourself and tell our listeners a little bit about your practice, and really what questions you're getting from employers right now.

Andrea Oxman

Principal, Los Angeles

I do a little bit of everything sitting in our Los Angeles office. That means I'm advising and providing counsel to our clients. I also litigate, in connection with single-plaintiff or claimant matters. Then, also, class action, wage and hour matters,

along with PAGA, which we're going to talk a little bit more about.

Faccone

Perfect. Eric?

Eric Gitig

Principal, Los Angeles

I'd say I do a little bit of everything also, but mostly I do class and PAGA actions. That's where I'm handling most cases.

Faccone

The session was about PAGA amendments and how recent changes have changed the plight of employers. So, tell us what that's all about and what you discussed during your session today.

Oxman

The California Private Attorneys General Act (PAGA) was significantly amended in June 2024. We discussed what those amendments mean for employers and our clients, and how they can use the amendments and the new provisions that have gone into effect to their advantage to leverage a defense. Also, to be knowledgeable going forward about how they should structure their business and train and work with their employees.

Faccone

Some big changes, Eric, since 2024. How did that shape the scope of your presentation? Then, what really resonated with the attendees?

Gitig

In terms of how it shaped the presentation, we discussed what those amendments mean for employers now in terms of fighting PAGA cases and limiting the potential exposure in PAGA cases. We talked a lot about the penalty caps in place, options for curing under the new amendments and holding early conferences under the new amendments, standing requirements and manageability requirements under the new amendments.

However, the general focus was on what the options are in the new amendments to help me in my cases. When I get a PAGA case, how can the new amendments help me where the old PAGA law was not so helpful? That's really what we focused on a lot. That and the constant battle of PAGA versus arbitration and how those two intertwine.

Faccone

I'm sure the attendees had a lot of questions and concerns. Would you share some of those and what your insights were for them?

Oxman

We spent a good amount of time talking about arbitration agreements and how that

interplays with PAGA, which Eric mentioned. It's always a big decision for employers to decide whether they want to have an arbitration agreement that employees are required to sign. We talked about the advantages of having such an agreement. There are disadvantages, so certainly, employers really need to weigh those. However, the advantage of using the standing requirement that the PAGA amendments expressly codified using that requirement in connection with arbitration to really put pressure on an employee who's bringing a PAGA claim and to use that to potentially even shut down a PAGA claim, which previously has been really, really difficult to do.

Faccone

That's great. Eric, what would you add? What were some of the key takeaways you think people, not only in your presentation today, but also listening to this podcast, should know?

Gitig

Most importantly, for the first time perhaps ever since PAGA became law in 2004, employers actually have tools in their belt to try to fight PAGA cases. They don't have to just sit back and say, I'm going to settle right away because it's too expensive to litigate a PAGA claim. There are actually ways now to fight these claims that did not exist beforehand, and not just to fight them, but to really limit your potential exposure in a case that may be based on largely frivolous claims. That was the big takeaway.

Aside from that, the other big one is that in terms of fighting these PAGA claims, the best way to fight a PAGA claim is to be in compliance before you get a PAGA claim. We talked a lot today about options for doing that where you can, again, take advantage of new penalty caps by showing that you've taken reasonable steps to be in compliance with the law.

Faccone

That's great. So, Andrea, good news for employers to a certain extent. How is Jackson Lewis helping employers not only take advantage of the potential opportunity of these changes, but making sure they continue to mitigate risk?

Oxman

Jackson Lewis, specifically in California, we have a Class Action and PAGA Group. There are a number of attorneys, in addition to Eric and me, who are handling these cases. We work and meet together regularly to collaborate and compare our experiences, because we don't have any guidance from the court yet on these amendments. We expect it in the next couple of years, but it's going to take some time.

We are always working together and thinking strategically about what is going to best serve our clients in different situations. No client is the same. We always take into consideration risk tolerance, business considerations and have a number of strategic options for our clients to choose from.

Faccione

Andrea and Eric, thank you for coming all the way from California to sit behind the podcast mic with us today and truly to be thought leaders here at our Workplace Horizons 2025 conference. Thank you very much.

OUTRO

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