

July 10, 2009

California Supreme Court Ruling May Ease the Way for More "Bounty Hunter" Actions

In a new decision, [Arias v. Superior Court \(Angelo Dairy\)](#) No. S155965 (June 29, 2009), the California Supreme Court held that employees who file representative actions on behalf of other employees under the state's Private Attorneys General Act (PAGA) do not have to comply with strict procedures for bringing class actions. PAGA, also known as the "Bounty Hunter" or "Sue Your Boss" law, authorizes employees to sue for civil penalties for a wide range of Labor Code violations, including violations of laws pertaining to meal and rest periods, pay stubs, vacation pay, overtime, and more. The court also ruled, as most had expected, that class action rules do apply to representative actions alleging violations of California's Unfair Competition Law (UCL).

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As a result of the high court's decision, it may now be easier for employees to bring PAGA representative actions -- which could trigger a new wave of wage and hour "class" litigation. To avoid violations that could lead to large PAGA suits, employers should take the time now to audit their wage and hour policies and practices for compliance with California law and provide training to managers and supervisors to ensure they understand their wage and hour obligations.

In our upcoming webinar on July 16, 2009 -- The Workplace of the Future Part 1: Changing Demographics in the Workforce and New Challenges for Employers -- we will discuss the impact of the Supreme Court's Arias decision on California employers.

Miller Law Group is the leading women-owned employment law firm in California, specializing in representing management in all facets of employment litigation and counseling. If you have questions or would like further information about the new law, please contact Michele Ballard Miller (mbm@millerlawgroup.com) or Carolyn Rashby (cr@millerlawgroup.com), or call 415-464-4300.

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