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March 31, 2018

Hon. Maxine Grad, Chair  
Committee on Judiciary  
Vermont House of Representatives  
Montpelier, VT 05633

**Re: S. 105 — SUPPORT**

Dear Madam Chair:

We write as a sponsor of the 2004 California Labor Code Private Attorneys General Act (PAGA) in strong support of S. 105 and urge you to vote “YES” on the bill when it is before the Committee.

Although it reflects the unique labor law enforcement conditions in Vermont, S. 105 still mirrors the fundamental purpose of PAGA, which is to allow workers to stand in the shoes of the state and effectively pursue all serious labor law violations committed against any employee by their employer.

We helped write PAGA to ensure that —notwithstanding the well-documented reluctance of vulnerable immigrant workers to participate in litigation to protect themselves from even the most egregious violations of their rights—a PAGA action brought by some of the workers could address all labor law violations committed against any of an employer’s workers.

Since 2004, when PAGA took effect, rural legal services programs (including CRLAF) are estimated to have filed more than 100 lawsuits with PAGA causes of action on behalf of our farm worker (and other low-wage) clients. (These suits may only be brought if the state first has an opportunity to address the alleged labor law violations, and fails to pursue them.)

The overwhelming number of these cases have involved egregious instances of wage theft; the majority also include labor law violations like failure to provide meal or rest breaks. We have recovered and distributed literally millions of dollars to farm workers in wages and penalties arising from these violations, and have recovered hundreds of thousands of dollars in penalties for state enforcement agencies.

From our perspective, PAGA has had a major role, at least in agriculture, in building the capacity to attack widespread wage theft. Given the limited state resources to investigate and prosecute labor law violations in this very large industry, it is clearly still needed more than a decade after it was enacted.

If you or your staff have any questions about California’s PAGA, please feel free to contact me at [email@markschacht.com](mailto:email@markschacht.com) or at 510-812-5399.

Sincerely,

Mark Schacht  
Deputy Director