

Law Offices of
California
Rural Legal
Assistance
Foundation
(CRLAF)

2210 "K" Street, Suite 201
Sacramento, California 95816
www.crlaf.org

Amagda Pérez
Executive Director

Mark Schacht
Deputy Director
Cell/Text: 510-812-5399
email@markschacht.com

BOARD OF DIRECTORS

Silvia Garcia † (1968-2012)

Rosa Armendariz

Christine Brigagliano

Joseph Jaramillo

Manuel Magaña

Richard Pearl

Peder J. V. Thoreen

Rosario Vasquez

Virginia Villegas

**REGIONAL
PROJECT OFFICES**

Fresno
--Sustainable Rural Communities
Project

Oakland
--California Advocacy for Farm
Workers
--Temporary Foreign Worker
Project

Oceanside
--Border & Human Rights Project

Sacramento
--Education Equity & Youth Justice
Project
--California Rural Citizenship
Campaign
--Immigration & Immigrant Integra-
tion Project
--Labor and Employment Law
Project
--Pesticides & Worker Safety
Project
--Rural Housing Project
--Sustainable Rural Communities
Project
--Labor & Civil Rights Litigation
Project

By Email

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 or at 510-812-5399.

Sincerely,

Mark Schacht
Deputy Director