



Half an Hour for Health Care

Wage & Hour Audits for California Health Care Employers: Where Risk Lives – and How to Address It

A practical playbook for HR and legal leaders managing PAGA, staffing complexity, and operational scale

June 25, 2026

Seyfarth Shaw LLP

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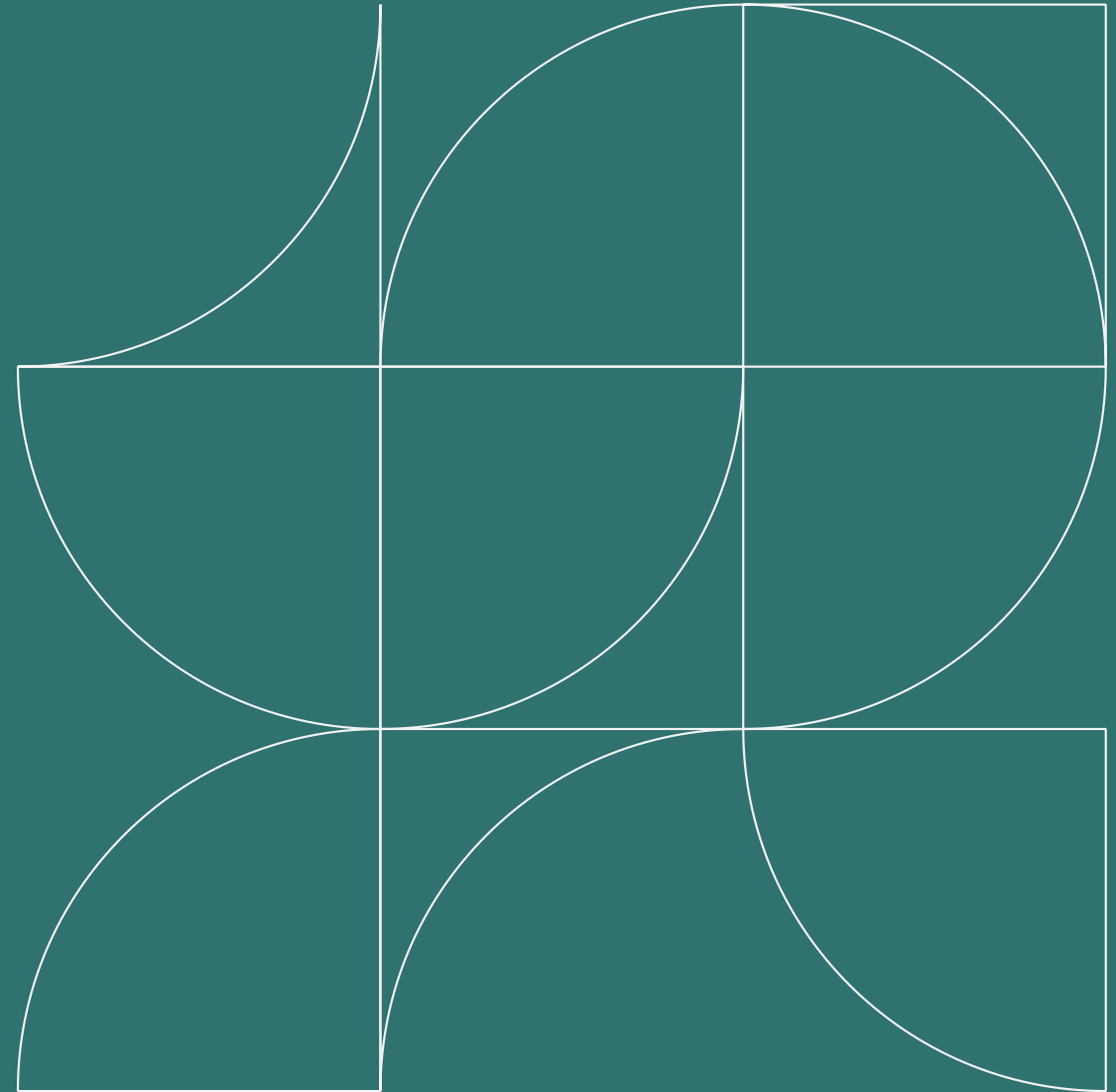
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Agenda

- 1 | Where Health Care Employers Face Exposure
- 2 | How to Conduct a Defensible, Privileged Audit
- 3 | What High-Performing Organizations Do Differently

Where Wage & Hour Risk Actually Lives





Why This Matters Now

- PAGA continues to drive representative actions despite reform
- Plaintiffs are targeting systemic pay practices across facilities
- Increased scrutiny of:
 - Timekeeping systems
 - Staffing models (registry/per diem)
 - Premium pay compliance



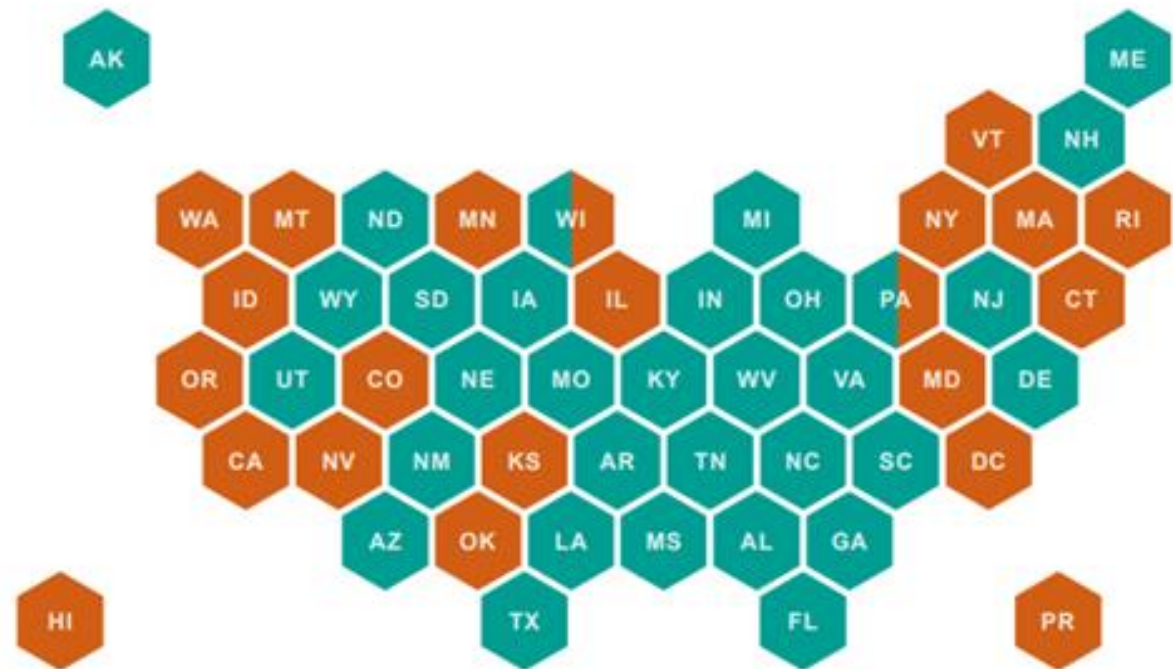
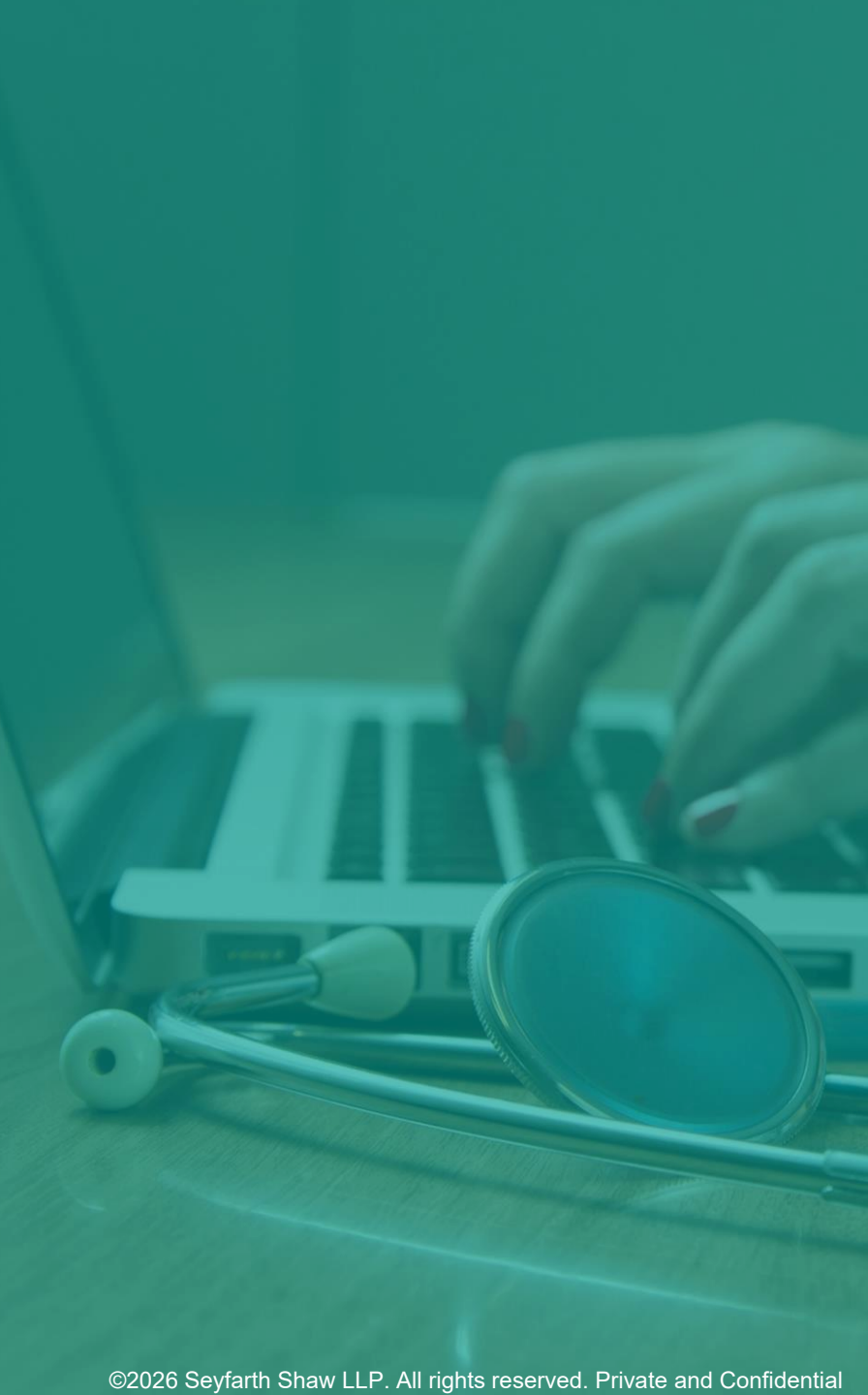
Key Drivers of Exposure in California Health Care

- Meal and rest break noncompliance (including health care waivers)
 - Systemic premium violations → derivative penalties
- Regular rate errors (bonuses, differentials)
 - Underpayment claims across multiple facilities
- Off-the-clock work
- Agency and registry staffing

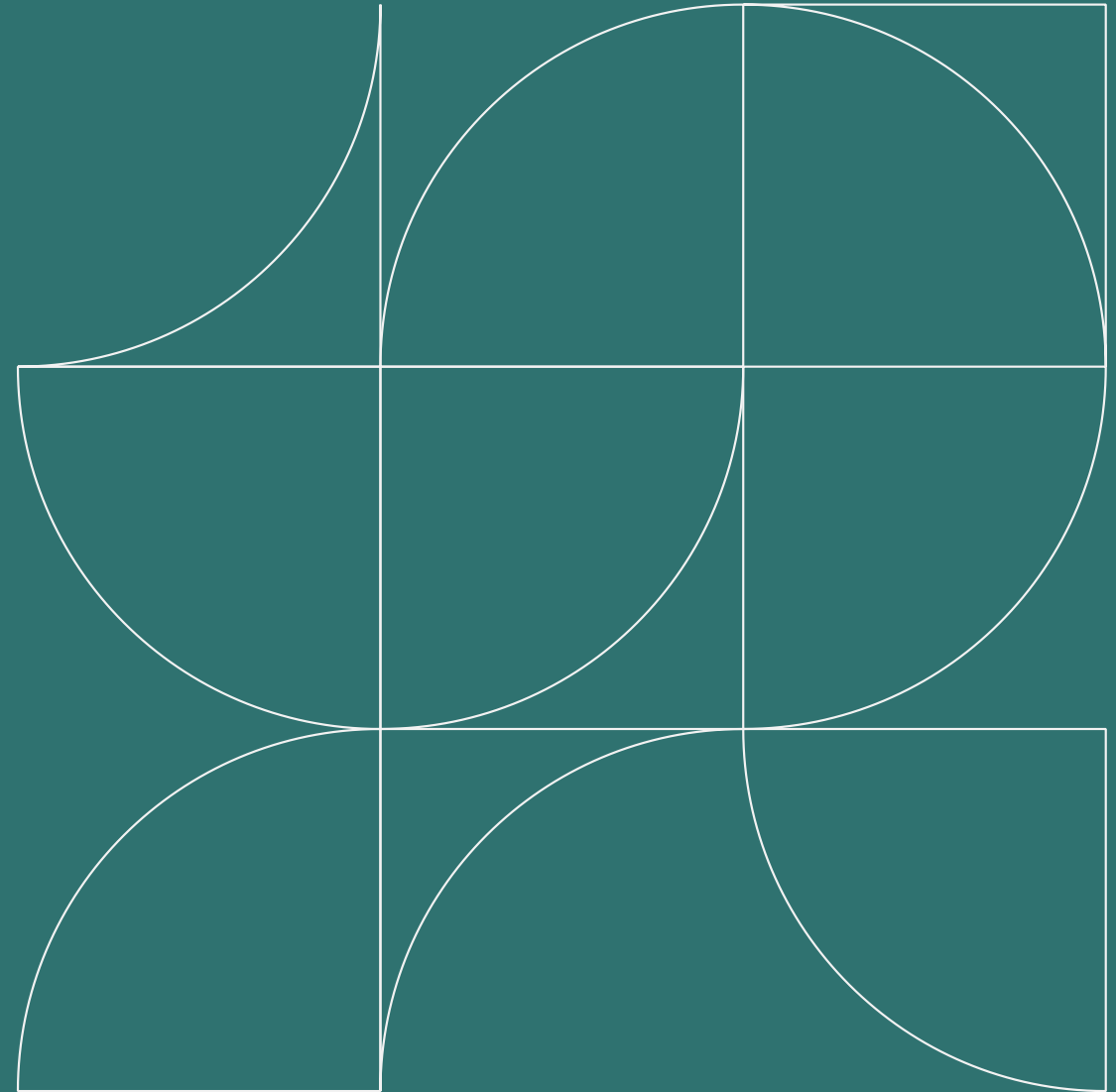


What an Effective Audit Actually Delivers

- Quantified exposure ranges (not just theoretical risk)
- Identification of systemic vs. site-specific issues (e.g., heatmaps)
- Privileged roadmap for remediation
- Ability to control narrative if litigation arises



A Defensible Audit Framework





A Defensible Audit Framework

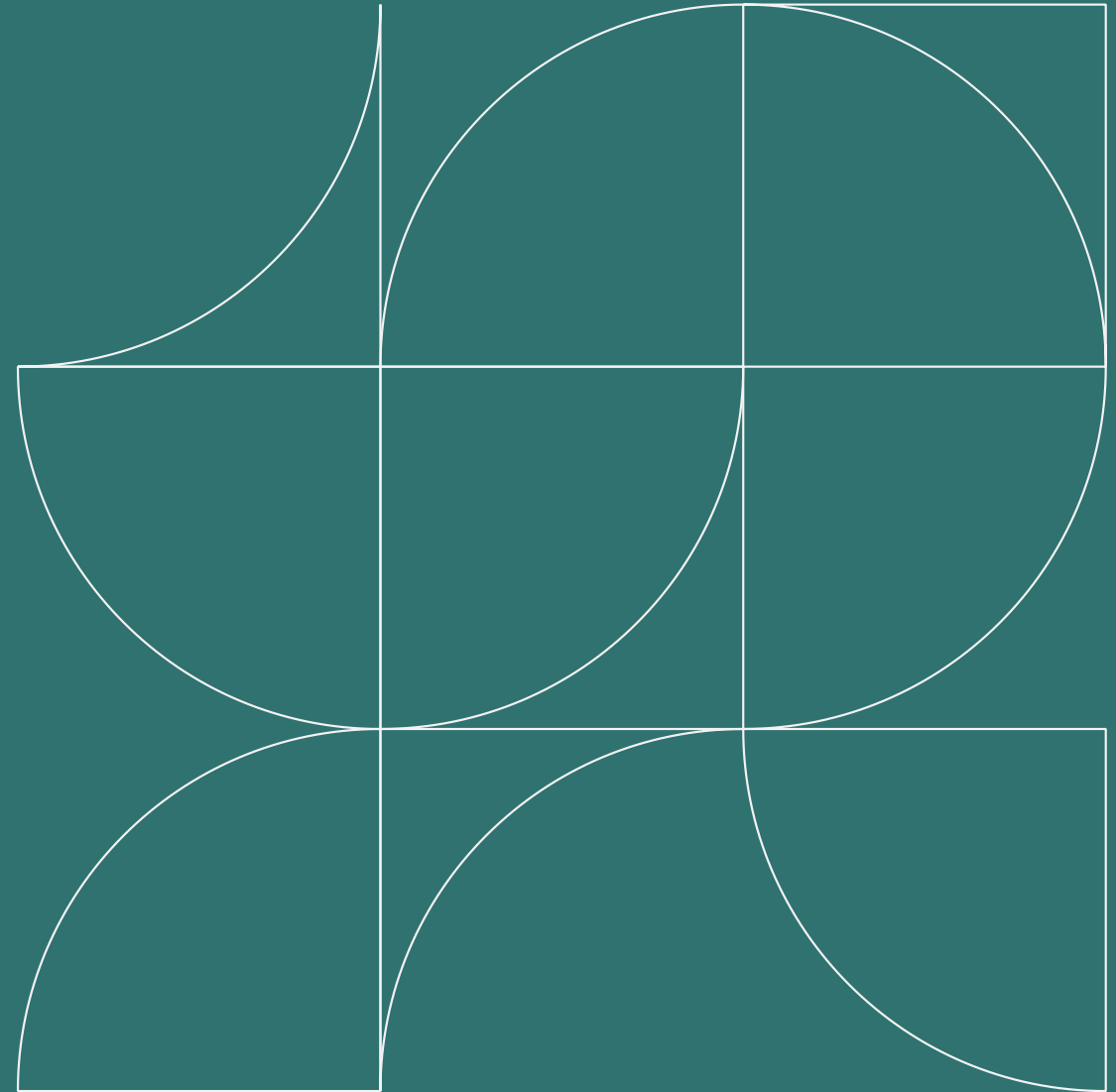
- Phase 1: Scoping
- Phase 2: Data and Document Review
- Phase 3: Targeted Interviews
- Phase 4: Risk Quantification
- Phase 5: Remediation Strategy



Top 5 Health Care Risk Areas

- Meal and rest breaks
- Regular rate calculations
- AWS compliance failures
- Expense reimbursement
- Agency staffing models

What High-Performing Health Care Employers Do Differently





What High-Performing Health Care Employers Do Differently

- Audit one high-risk population deeply rather than everything superficially
- Align payroll, HR, and operations data
- Use data analytics to detect systemic issues
- Address gaps between policy and practice (a key litigation driver)



When to Involve Counsel

- When issues may create class or PAGA exposure
- When privilege is needed for sensitive findings
- When quantifying liability or designing remediation

A teal-tinted background image showing a close-up of a person's hands, likely a healthcare professional, using a stethoscope to listen to a patient's chest. The stethoscope is silver and black, and the hands are positioned over a patient's chest. The overall tone is professional and medical.

Maintain Privilege

- Audits led solely by HR are likely discoverable
- Draft findings and internal emails can become plaintiffs' roadmaps
- Structure matters as much as substance



What to Do Next (Practical Playbook)

- Identify 2-3 highest-risk employee groups
- Conduct targeted payroll/timekeeping analysis
- Evaluate meal/rest compliance in practice (not just policy)
- Engage counsel to structure privileged review if needed



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