



September 2019

UPDATE ON SEXUAL HARASSMENT PREVENTION TRAINING TIMELINE APPLICABLE TO SCHOOL DISTRICTS (THE FINAL WORD)

Schools Legal Service's (SLS) May 2019 update discussed changes in California law related to sexual harassment training and the new requirements for school employees. For a review of seasonal and temporary employees, as well as volunteer training obligations and timelines, please refer back to that update.

As you recall, Senate Bill (SB) 1343 mandated employers with five or more employees to provide one hour of harassment training to supervisory and nonsupervisory employees by January 1, 2020. As previously noted, there was some confusion in the language of SB 1343 regarding the timelines for when employees would need to be trained. As written, SB 1343 stated that an employer who had provided training and education to an employee after January 1, 2019 was not required to provide training and education by the January 1, 2020 deadline. This awkward statutory language, and the interpretation given to it by the Department of Fair Employment and Housing (DFEH), suggested that an employer who already provided otherwise compliant harassment prevention training in 2018 would be obligated to re-train the same employees again in 2019.

On August 30, 2019, and effective immediately by way of an urgency clause, Governor Newsom signed a “clean-up” bill that had been in legislative review since the beginning of the year. SB 778 extends the deadline for employers to provide training for non-supervisory employees from January 1, 2020 to January 1, 2021. Additionally, SB 778 clarifies that employers do not need to provide training again in 2019 when they already provided supervisory training in 2018, which allows employees who were trained in 2018 and 2019 to remain on their standard two-year track before requiring refresher training.

For clarification, the following three paragraphs summarize the requirements in order for districts to become and remain compliant with the current law:

1. By January 1, 2021, an employer having five or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California;

2. Thereafter, each employer covered by this section shall provide sexual harassment training and education to each employee in California once every two years. New nonsupervisory employees shall be provided training within six months of hire. New supervisory employees shall be provided training within six months of the assumption of a supervisory position; and

3. An employer who has provided training and education to an employee after January 1, 2018 is not required to provide refresher training and education until after December 31, 2020. An employer who has provided this training and education to an employee in 2019 is not required to provide refresher training and education again until two years thereafter.

Attached to SLS's May 2019 update was a simple template for districts to use in order to keep track of the employees who have had and who need training. We have again attached that template to this update for your convenience.

DFEH previously indicated that it would have an on-line training course available by late 2019. That course is not yet available. However, SLS has developed a one-hour nonsupervisory program in DVD format that is currently available for districts to order. SLS will also continue its in-person and on-site trainings for non-supervisors and supervisors upon request.

Please contact our office for any further clarification.

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