



LABOR AND EMPLOYMENT

AB 1825: New Mandatory Sexual Harassment Training for Supervisors

BY ROY A. CLARKE WITH SASKIA T. ASAMURA

On September 30, 2004, Governor Schwarzenegger signed into law AB 1825, adding new Government Code § 12950.1 to the Fair Employment and Housing Act (FEHA). This bill imposes new minimum training and education requirements for supervisory employees, mandatory deadlines, and continuing compliance requirements thereafter.

WHO IS SUBJECT TO AB 1825?

The new requirement applies to employers with 50 or more employees. It also applies to the “state or any political or civil subdivision of the state and cities,” but without the small employer limit. Thus, as drafted, AB 1825 applies to all public sector employers, even those with less than 50 employees.

AB 1825 requires training for all “supervisors” but does not define who is a supervisor. FEHA defines “supervisor” broadly as any individual with authority or responsibility, on behalf of the employer, to:

- Hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline or direct other employees;
- Adjust employees’ grievances;
- Effectively recommend the above if exercise of that authority requires use of independent judgment, and is not of a merely routine or clerical nature. [Gov. Code § 12926(r)]

NEW MANDATORY MINIMUM REQUIREMENTS

- Two hours of “classroom or other effective interactive training and education” on sexual harassment.
- Videotapes, CDs, cassette tapes, and other non-interactive training do not, alone, qualify.
- “Practical guidance” on state and federal sexual harassment laws including remedies.
- “Practical examples” to demonstrate how to prevent harassment, discrimination and retaliation.
- Instructors with knowledge and expertise in the prevention and correction of sexual harassment.

Mandatory Compliance Deadline: 1/1/2006

The new 2-hour training and education requirement must be provided by all employers subject to AB 1825, and completed by all supervisory employees, by **January 1, 2006**, as follows:

- If a supervisory employee already received the required new training after **January 1, 2003**, he or she need not repeat it before the compliance deadline;
- Otherwise, all supervisory employees employed as of **July 1, 2005** must complete the training at any time before or by the compliance deadline;
- All supervisory employees who are hired or promoted to a supervisory position after **July 1, 2005** must complete the training within 6-months of assuming the supervisory position.





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CONTINUING TRAINING AND EDUCATION

- After January 1, 2006, all employers subject to AB 1825 must provide the minimum required training and education to all supervisory employees once every **two years**.

Roy Clarke is a Shareholder with Richards, Watson & Gershon and currently serves as the Assistant Chair of the firm's Labor and Employment Department. Mr. Clarke specializes in providing labor and employment advice to public sector employers, and represents management in labor arbitrations and personnel hearings. **Saskia Asamura** is a shareholder of Richards, Watson & Gershon. Ms. Asamura is a litigator and currently serves as the Chair of the Labor and Employment Department.

FOR ADDITIONAL INFORMATION REGARDING RW&G'S LABOR AND EMPLOYMENT DEPARTMENT, PLEASE CONTACT ROY CLARKE AT RCLARKE@RWGLAW.COM OR SASKIA ASAMURA AT SASAMURA@RWGLAW.COM

LOS ANGELES

355 South Grand Avenue, 40th Floor
Los Angeles, California 90071-3101
Telephone: 213.626.8484
E-mail: la@rwglaw.com

ORANGE COUNTY

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
Telephone: 714.990.0901
E-mail: oc@rwglaw.com

SAN FRANCISCO

44 Montgomery Street, Suite 3800
San Francisco, California 94104-4811
Telephone: 415.421.8484
E-mail: sf@rwglaw.com

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