



News & Types: Employment, Labor & Benefits Update

California Extends Deadline to Comply with Anti-Harassment Training Requirements

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Practices: Employment, Labor & Benefits

Executive Summary

In California, covered employers are required to provide anti-harassment training to all of its employees. A new law took effect on August 30, 2019. It extended the deadline for an employer to comply with the new law. The deadline is now extended to January 1, 2021 from the original deadline of January 1, 2020. Also, the new law specifies that an employer must train nonsupervisory employees within six months of hire, which is the same time period for the training of new, supervisory employees.

On August 30, 2019, the Governor of California signed SB 778 into law to extend the compliance deadline for anti-harassment training from January 1, 2020 to January 1, 2021. On January 1, 2019, a California law, SB 1343, went into effect that made changes to mandatory anti-harassment training. Specifically, SB 1343 required all employers with five or more employees to provide two hours of classroom or other effective interactive anti-harassment training to all supervisory employees and at least one hour of anti-harassment training to all nonsupervisory employees by January 1, 2020. SB 1343 stated that training must take place within six months of hire as a supervisor or of an employee's promotion to a supervisor and every two years thereafter.

After the passage of SB 1343, concerns were raised by some in the employer community. For example, it was not clear whether supervisors trained in 2018 would need to be trained in 2019. Did employers need to train supervisors in 2019 if they were already trained within one year? Second, the law was not clear whether employers needed to train nonsupervisory employees within six months of hire. This is because SB 1343 did not specify when an employer must train nonsupervisory employees.

SB 778 clarifies these ambiguities. It extended the deadline from January 1, 2020 to January 1, 2021. SB 778 provides that employers who conducted the requisite training in 2019 will not be required to provide refresher training and education again until two years after the training in 2019. SB 778 also specifies that nonsupervisory employees must be trained within six months of hire.

Please also note that this extension did not affect the training requirements applicable to seasonal, temporary or other employees hired to work for less than six months, or to migrant and seasonal agricultural workers.

Those industry-specific workers must receive training within 30 calendar days after their hire date or within 100 hours worked, whichever occurs first.

Take Away: The current laws on anti-harassment training, in relevant part, are as follows:

Employers with five or more employees must:

1. Provide anti-harassment training to all employees (two hours for supervisors and one hour for nonsupervisory employees) by January 1, 2021;
2. If an employer has provided this training in 2019, then it is not required to provide it again until 2 years after the training in 2019;
3. Provide two hours of training to all supervisory employees within six months of hire or assumption of a supervisory position and thereafter once every two years; and
4. Provide one hour of training to all nonsupervisory employees within six months of hire and thereafter once every two years.

To comply with items (3) and (4) above, we recommend that employers check every six months to see if newly hired employees or newly assumed supervisors have taken the relevant training before their six months deadline. At Masuda Funai, we provide anti-harassment training in both English and Japanese. Please contact us if you have any questions.