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NEW SEXUAL HARASSMENT PREVENTION TRAINING LAW

As of January 1, 2019, employers with at least five employees will be required to provide training and education to all employees, both supervisory and nonsupervisory, for prevention of sexual harassment, abusive conduct, and harassment based upon gender identity, gender expression, and sexual orientation. Under the prior law, employers with 50 or more employees were required to provide supervisors with two hours of prevention training and education, within six months of hire and every two years thereafter. The new law (SB 1343) expands this training and education requirement by lowering the threshold number of employees to five. Non-supervisory employees are included in the training requirement.

In order to comply with the new law:

- Employers with at least five employees must provide: (a) two hours of training and education for prevention of sexual harassment, abusive conduct, and harassment based upon gender identity, gender expression, and sexual orientation to all supervisory employees; and (b) one hour of prevention training and education to all non-supervisory employees;
- Part-time and temporary employees, plus independent contractors will be counted towards the minimum employee count of five employees;
- Training must occur within six months of the employee starting the position (and every two years thereafter);
- Training may be conducted individually or as a group;

- Training may be done in conjunction with other training provided to employees and may be given in shorter time segments, as long as the two-hour requirement for supervisory employees and the one-hour requirement for non-supervisory employees is met;
- Training must be completed by January 1, 2020;
- Beginning January 1, 2020, for seasonal and temporary employees, or any employee that is hired to work for less than six months, an employer shall provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first. In the case of a temporary employee employed by a temporary services employer (as defined by the Labor Code), to perform services for clients, the training must be provided by the temporary services employer, not the client;
- The Department of Fair Employment and Housing (DFEH) is required to develop or obtain online training courses and to post the courses on the DFEH's website; and
- Employers may develop their own training courses or use those of experienced training providers.

Leonidou & Rosin offers training for supervisors and non-supervisory employees that meets California's content requirements. For more information, contact Bob Rosin, Patricia Walsh or Michael Lum at (650) 691-2888.