Cooley

California Harassment Training Deadline Extended

September 10, 2019

Last year, California significantly expanded its requirements for employers to train employees on preventing sexual harassment in the workplace. As explained in a previous Cooley alert, SB 1343 required employers with five or more employees to provide supervisory employees with at least two hours of interactive sexual harassment training and nonsupervisory employees at least one hour of interactive sexual harassment training by January 1, 2020. That bill required that the training take place within six months of hire or promotion and every two years after that. SB 1343 also required that the California Department of Fair Employment and Housing (DFEH) develop one- and two-hour online training courses, informational posters and fact sheets and make them available online and in multiple languages.

After the bill passed, employers had several questions about how to comply. Most importantly, it appeared that employers that had trained supervisors in 2018 would need to train them again in 2019 to meet the January 1, 2020, deadline. The DFEH subsequently published FAQs, which suggested that employers would need to train *all* employees in 2019 – even those who had been trained in 2018 – to comply with SB 1343's deadline.

In response, a committee of the California Legislature drafted emergency legislation, known as SB 778, to clarify this issue. SB 778 passed unanimously in the legislature, and Gov. Gavin Newsom signed the bill into law earlier this week, effective immediately.

First, SB 778 gives employers an extra year to comply with the new training requirements by extending the deadline from January 1, 2020, to January 1, 2021. This extended deadline also gives employers a chance to decide whether they would like to use the DFEH's training materials, which are due to be published in late 2019, or create their own.

Furthermore, SB 778 explains that employers that trained their employees in 2018 are not required to provide additional training in 2019. Rather, they can wait until two years from the time the employee was trained. All employees will receive training every two years from now on.

Please feel free to contact us with any questions about the new law or how to comply.

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