

October 2016



## WORKPLACE HARASSMENT PREVENTION TRAINING IS NOW MANDATORY FOR ELECTED OFFICIALS

The number of high-profile harassment cases against elected local government officials has been on the uptick in California over the past few years. As a result, the California Fair Employment and Housing Commission took the position that elected officials ought to be provided with workplace harassment training required for all supervisors throughout the State by AB 1825. Despite the FEHC's position and although it has long been recommended as a best practice by employment law practitioners, existing law did not specify that harassment training was required for elected officials or members of local legislative bodies, and some public entities took the position that the mandatory supervisor training requirement did not apply to its elected officials.



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including discrimination, harassment, retaliation, wrongful termination, disability, labor negotiations, wage and hour, freedom of speech and association, and privacy. Ms. Trainer is also an experienced workplace investigator and trainer, who conducts numerous seminars and employee trainings on employment matters.  
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California Assembly Bill 1661 was designed to eliminate this confusion, in part due to the costs of litigating and settling harassment claims, which according to the Bill's sponsors, "results in a significant loss of revenue and diverts funds from essential constituent services." In passing AB 1661, the Legislature declared that harassment training for local elected officials is "a matter of statewide concern, not merely a municipal affair." Governor Brown signed AB 1661 into law on September 29, 2016. A link to the new law is provided here: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1661](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1661)

AB 1661 applies to any city, county, city and county, charter city, charter county, charter city and county, or special district, and it mandates harassment prevention training for any member of a local agency legislative body and any elected local agency official who earns any type of compensation, salary, or stipend. The two-hour training must be completed within six months of taking office, and every two years thereafter. A local agency official who serves more than one local agency may satisfy the training requirements once every two years, without regard to the number of local agencies he or she serves.



**Traci I. Park** is a partner in Burke's Los Angeles office. She exclusively represents employers in employment litigation matters including wrongful termination,

FEHA, Title VII, ADA, due process and civil rights cases. Ms. Park also has a large counseling practice, which includes drafting employment policies, conducting employment law compliance audits, conducting personnel investigations, and advising on employee discipline and terminations. Ms. Park is an experienced trainer who regularly conducts seminars covering all aspects of employment law.

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The Bill also requires that if an entity intends to develop its own training curriculum, it must consult with the city attorney or county counsel regarding the sufficiency and accuracy of the proposed content. The training must include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing the local agency official in the prevention of sexual harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of sexual harassment, discrimination, and retaliation. The training may be done at home, in person, or online.

Local agencies providing the training must provide all participants with proof of participation, and must maintain records of attendance for at least five years.

It is anticipated that the Department of Fair Employment and Housing will likely issue regulations clarifying these training obligations.

If your agency is expecting newly-elected officials following the November election, if your agency has not previously conducted harassment training for its elected officials, or if your agency's elected officials are in need of a refresher course, please contact Kelly Trainer or Traci Park for assistance.