

# New Sexual Harassment Prevention Training Requirement For Local Agency Officials: FAQ & Compliance Tips

On January 1, 2017, AB 1661 went into effect, requiring local agency officials, including board members, to receive sexual harassment prevention training and education. This training requirement is similar to the sexual harassment and prevention training already required for supervisory employees every two (2) years under AB 1825. Local agencies should expand their sexual harassment prevention training programs to include agency officials who are covered under the new law.

## ***Which local agencies are covered by AB 1661?***

The new law broadly applies to nearly all local agencies in California. The law defines "local agency" as "a city, county, city and county, charter city, charter county, charter city and county, or special district."

Technically, the law does not apply to Joint Powers Authorities ("JPA"). However, JPAs may want to consider providing this training to local officials as a practical matter.

## ***Which agency officials are covered by AB 1661?***

The law applies to "any member of a local agency legislative body and any elected local agency official." This definition includes, without limitation, any elected officials as well as individuals serving on the agency's board or its committees.

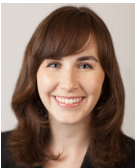
The law includes a requirement to provide training to all officials who receive "any type of compensation, salary, or stipend." The law does not expressly apply to volunteer officials, such as volunteer board members, and it is unclear whether the law applies to officials who only receive reimbursement for their expenses but no separate income. However, as a best practice, an agency should consider providing this training to all officials, including those who serve the agency on a volunteer basis.

## ***Can agency officials satisfy the training requirement by receiving training through another local agency?***

Yes. The law only requires a local agency official to satisfy the training requirement once every two years without regard to the number of local agencies he or she serves.



by Gilbert J. Tsai & Catherine J. Groves



### ***What is the required training content?***

AB 1661 requires local agency officials to take the same training that is required for supervisory employees under AB 1825. There are numerous criteria. The law requires two (2) hours of training and education that includes 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. The training should also include practical examples aimed at instructing the local agency official in the prevention of sexual harassment, discrimination, and retaliation. The training must be presented by trainers with knowledge and expertise in the prevention of sexual harassment, discrimination, and retaliation. Agency policies may also be included in the curricula, if applicable.

A local agency may offer self-study materials with tests to meet the requirements. These courses may be taken at home, in person or online.

We recommend that local agencies consult their legal counsel and Human Resources staff to develop appropriate curricula to satisfy the training requirement.

### ***When is the deadline to comply?***

Each local agency official must receive the training within the first six (6) months of taking office or commencing employment, and every two (2) years thereafter. The local agency must provide a recommendation on training available to meet the requirements of this law to its local agency officials at least once in written form before assuming a new position and every two (2) years thereafter.

The law does not specify when incumbent officials must complete the training, but we recommend that all officials receive their first training by June 30, 2017 – six (6) months from the law's effective date.

### ***What are the record-keeping requirements?***

All local agencies covered under the statute must maintain records for five (5) years indicating the dates that local agency officials completed training and the entity that provided the training. This requirement applies even if the training was provided by another local agency. We recommend that local agency officials who receive training from another agency be required to submit a certificate of completion to all agencies they serve.

The law explicitly provides that these training records are public records subjected to disclosure under the California Public Records Act.

Hanson Bridgett's Labor & Employment attorneys have extensive experience providing sexual harassment prevention training and education for public agency clients. Please contact us should you wish to arrange for a training at your agency.

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