

Memorandum

TO: Board of Directors, Central Contra Costa Transit Authority

FROM: Madeline Chun, Legal Counsel

DATE: March 10, 2017

RE: **New Sexual Harassment Prevention Training Requirement For Public Agency Board Members: FAQ & Compliance Tips**

On January 1, 2017, AB 1661 went into effect, requiring many local agency officials, including elected Board members, to receive sexual harassment prevention training and education. This training requirement is very similar to the sexual harassment and prevention training already required for supervisory employees every two years. Local agencies should begin now to expand their sexual harassment training requirements to local officials who are covered under the new law.

What local agencies and officials 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. However, as a practical matter, even JPAs may want to consider offering this training to local officials as a best practice and because employment practice liability insurers typically require this information in applications for coverage.

The law applies to "any member of a local agency legislative body and any elected local agency official" who receives "any type of compensation, salary, or stipend." For example, the law applies even if a local official receives a nominal stipend for attendance at Board meetings.

The law does not apply to volunteer Board members, but as a best practice, an agency might consider offering this training even to volunteers.

What training is required?

The new law requires 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. The training should 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. Local 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.

Human Resources staff and Legal Counsel will coordinate to make available appropriate curricula to satisfy the training requirement.

Can local officials satisfy the training requirement by receiving training provided by 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.

If you receive training from another agency please submit a certificate of completion to Lathina.

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 years thereafter.

What are the record-keeping requirements?

Local agencies must maintain records for five (5) years indicating: the dates that local agency officials completed training; and the entity that provided the training.

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