



Employment Law Update

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SUPERVISOR TRAINING DEADLINE IS IMMINENT

California law requires that employers with 50 or more employees provide supervisors working in California with two hours of training in the prevention of sexual harassment and discrimination. The employers must ensure their supervisors are trained every two years or within six months of obtaining a supervisory position. A supervisor is generally one that has the authority to “hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or to recommend that action...if the exercise of that authority is not merely of a clerical nature but requires independent judgment.” See Cal. Gov’t Code § 12926(r).

Since the initial training requirement went into effect in 2005, the deadline for many businesses probably falls at the end of 2009. A company which complied with the law and started training supervisors and managers in 2005, should have updated their training in 2007, which means that December 31, 2009 is the deadline for the next update.

California law also requires that the training be interactive and conducted by a qualified trainer. This means that video training or training by someone who lacks formal education or substantial experience in Human Resources and employment law is insufficient. Companies that do not complete the training have an increased exposure to employment lawsuits and are subject to a corrective order from the Department of Fair Employment and Housing.

BURNHAM BROWN RECOMMENDATIONS

- Identify all employees who are required to undergo sexual harassment training.
- Evaluate the selected trainer to ensure that they have the requisite experience.
- Schedule and provide the mandatory sexual harassment prevention training.
- Provide your employees with a copy of your anti-harassment policy and a sexual harassment information sheet at time of hire and at least once a year.
- Contact an attorney to insure that your training program is in compliance with the law. Burnham Brown’s employment attorneys are ready to discuss the issues and are experienced trainers with the proper education on discrimination and harassment and are available to assist.

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