

ASSEMBLY BILL

No. 1661

Introduced by Assembly Members McCarty and Gonzalez
(Coauthor: Assembly Member Kim)
(Coauthor: Senator Jackson)

January 13, 2016

An act to add Article 2.4.5 (commencing with Section 53237) to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, as introduced, McCarty. Local government: sexual harassment training and education.

Existing law requires all local agency officials to receive training in ethics, at specified intervals, if the local agency provides any type of compensation, salary, or stipend to those officials. Existing law also requires any civil or political subdivision of the state and all cities to provide at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified.

This bill would additionally require local agency officials, as defined, to receive sexual harassment training and education if the local agency provides any type of compensation, salary, or stipend to those officials, and would allow a local agency to require employees to receive sexual harassment training or information.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2.4.5 (commencing with Section 53237)
2 is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the
3 Government Code, to read:

4
5 Article 2.4.5. Sexual Harassment Training and Education

6
7 53237. For the purposes of this article, the following terms
8 have the following meanings:

9 (a) “Legislative body” has the same meaning as specified in
10 Section 54952.

11 (b) “Local agency” means a city, county, city and county, charter
12 city, charter county, charter city and county, or special district.

13 (c) “Local agency official” means any member of a local agency
14 governing body and any elected local agency official.

15 53237.1. (a) If a local agency provides any type of
16 compensation, salary, or stipend to a local agency official of that
17 agency, then all local agency officials of that agency shall receive
18 sexual harassment training and education pursuant to this article.
19 A local agency may also require any of its employees to receive
20 sexual harassment training and education pursuant to this article.

21 (b) Each local agency official, or employee who is so required,
22 shall receive at least two hours of sexual harassment training and
23 education within the first six months of taking office or
24 commencing employment, and every two years thereafter.

25 (c) The training and education required by this section shall
26 include information and practical guidance regarding the federal
27 and state statutory provisions concerning the prohibition against,
28 and the prevention and correction of, sexual harassment and the
29 remedies available to victims of sexual harassment in employment.
30 The training and education shall also include practical examples
31 aimed at instructing the local agency official in the prevention of
32 sexual harassment, discrimination, and retaliation, and shall be
33 presented by trainers or educators with knowledge and expertise
34 in the prevention of sexual harassment, discrimination, and
35 retaliation.

36 (d) A local agency or an association of local agencies may offer
37 one or more training courses, or sets of self-study materials with

1 tests, to meet the requirements of this section. These courses may
2 be taken at home, in person, or online.

3 (e) All providers of training courses shall provide participants
4 with proof of participation to meet the requirements of this article.

5 (f) A local agency shall provide information on training available
6 to meet the requirements of this article to its local agency officials
7 and its employees at least once annually.

8 53237.2. (a) A local agency that requires its local agency
9 officials or employees to complete the sexual harassment training
10 and education prescribed by this article shall maintain records
11 indicating both of the following:

12 (1) The dates that local agency officials or employees satisfied
13 the requirements of this article.

14 (2) The entity that provided the training.

15 (b) Notwithstanding any other law, a local agency shall maintain
16 these records for at least five years after local agency officials or
17 employees receive the training. These records are public records
18 subject to disclosure under the California Public Records Act
19 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
20 Title 1).

21 SEC. 2. The Legislature finds and declares that all employees
22 should have the same opportunity to work in a safe and harassment
23 free environment and therefore, sexual harassment training and
24 education for all local agency officials is a matter of statewide
25 concern and, not merely a municipal affair, as that term is used in
26 Section 5 of Article XI of the California Constitution. Therefore,
27 this act shall apply to charter cities, charter counties, and charter
28 cities and counties.