

AMENDED IN ASSEMBLY APRIL 11, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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. *The bill would also require an entity that develops curricula to satisfy this requirement to consult with the*

Attorney General regarding the sufficiency and accuracy of that proposed content.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. 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" means the governing body of a city,~~
10 ~~county, city and county, or special district.~~

11 ~~(b)~~

12 (a) "Local agency" means a city, county, city and county, charter
13 city, charter county, charter city and county, or special district.

14 ~~(e)~~

15 (b) "Local agency official" means any member of a local agency
16 ~~governing legislative~~ body and any elected local agency official.

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

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

27 (c) *An entity that develops curricula to satisfy the requirements*
28 *of this section shall consult with the Attorney General regarding*
29 *the sufficiency and accuracy of that proposed content. An entity*
30 *is permitted to include local sexual harassment training and*
31 *education policies in the curricula.*

32 ~~(e)~~

1 (d) The training and education required by this section shall
2 include information and practical guidance regarding the federal
3 and state statutory provisions concerning the prohibition against,
4 and the prevention and correction of, sexual harassment and the
5 remedies available to victims of sexual harassment in employment.
6 The training and education shall also include practical examples
7 aimed at instructing the local agency official in the prevention of
8 sexual harassment, discrimination, and retaliation, and shall be
9 presented by trainers or educators with knowledge and expertise
10 in the prevention of sexual harassment, discrimination, and
11 retaliation.

12 ~~(e)~~

13 (e) A local agency or an association of local agencies may offer
14 one or more training courses, or sets of self-study materials with
15 tests, to meet the requirements of this section. These courses may
16 be taken at home, in person, or online.

17 ~~(e)~~

18 (f) All providers of training courses shall provide participants
19 with proof of participation to meet the requirements of this article.

20 ~~(f)~~

21 (g) A local agency shall provide information on training
22 available to meet the requirements of this article to its local agency
23 officials and its employees at least once annually.

24 (h) *A local agency official who serves more than one local*
25 *agency shall satisfy the requirements of this article once every two*
26 *years without regard to the number of local agencies he or she*
27 *serves.*

28 53237.2. (a) A local agency that requires its local agency
29 officials or employees to complete the sexual harassment training
30 and education prescribed by this article shall maintain records
31 indicating both of the following:

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

34 (2) The entity that provided the training.

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

1 53237.5. *The requirements of this article are in addition to*
2 *any other law requiring similar or related training, and nothing*
3 *in this article shall be construed to supersede the requirements of*
4 *Section 12940 or 12950.1.*

5 SEC. 2. The Legislature finds and declares that all employees
6 should have the same opportunity to work in a safe and ~~harassment~~
7 ~~free~~ *harassment-free* environment and therefore, sexual harassment
8 training and education for all local agency officials is a matter of
9 statewide concern ~~and~~, *and* not merely a municipal affair, as that
10 term is used in Section 5 of Article XI of the California
11 Constitution. Therefore, this act shall apply to charter cities, charter
12 counties, and charter cities and counties.