

California Extends Deadline for Sexual Harassment Training

September 27, 2019

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California recently enacted an emergency amendment ([SB 778](#)) to California Government Code Section 12950.1, extending the deadline for California employers to comply with the state's new anti-harassment training mandate. Under Section 12950.1, the initial training deadline was January 1, 2020—it is now January 1, 2021. In addition, SB 778 clarifies employer obligations concerning the retraining of supervisory employees who received training in 2018.

As discussed in our [Annual California Employment Law Update](#) for 2019, the state law on harassment prevention training was significantly [expanded](#) last year to:

- cover California employers with five or more employees, wherever located (previously the training mandate was imposed only on employers with 50 or more employees);
- require that all employees, including non-supervisory, temporary, and seasonal workers, receive training (previous law required only that supervisory personnel be trained);
- direct that nonsupervisory employees receive one hour of training and supervisory personnel continue to receive two hours of training, repeated every two years (there are additional timing requirements for temporary and seasonal workers); and
- mandate that new hires and employees promoted to supervisory positions receive training within six months of hire or promotion (previous law only required this for supervisory employees and applied just to employers with 50 or more employees).

In addition to delaying the new training requirements for one year, SB 778 also resolves the confusion concerning the deadlines for retraining supervisory employees who received training in 2018. The statute clarifies that employers who trained their supervisory employees in 2018 will have to retrain them in 2020, not 2019.

What California Employers Should Do Now

- Employers with 50 or more employees must continue to adhere to their training obligations concerning supervisory personnel.
- Employers with 50 or more employees, as well as smaller employers, should be aware that they now have an additional year to comply with the new training mandates imposed by the 2018 law.
- Employers should take note of these additional resources:
 - The California Department of Fair Employment and Housing (“DFEH”) will develop compliant online training programs for both supervisory and nonsupervisory personnel. In the meantime, the DFEH has created a [Sexual Harassment and Abusive Conduct Prevention Toolkit](#), including a sample training that may be presented by a qualified “trainer.”¹ The agency also has posted [FAQs](#) on its website.
 - Epstein Becker Green offers both live, in-person training and an online training program called “[Halting Harassment](#)” that fully comply with California’s harassment prevention training requirements.

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¹ The term “trainer” is defined in the regulations to include attorneys and human resources professionals with particular experience. [2 CCR § 11024\(a\)\(10\)](#).