

## Amador Water Agency

**Director Sexual Harassment Prevention Training Policy**

Reviewed and Adopted:  
04-23-2020

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**100.00 Purpose of the Policy**

Under California law and regulations established by the California Fair Employment and Housing Commission (“FEHC”), Directors are deemed to be supervisors and are required to receive the mandated training. Government Code section 12950.1 requires that all supervisors employed by the Agency receive at least two hours of effective interactive training and education regarding sexual harassment once every two years. The sexual harassment prevention training and education required by this policy is intended to establish a minimum threshold and a Director may participate in additional training as he or she deems appropriate. (Gov’t Code section 12926(t).)

**200.00 Harassment Prevention Training Requirement**

Within six months after a Director assumes office, he or she must attend at least two hours of classroom or other effective interactive training and education regarding sexual harassment prevention in the workplace. After meeting the initial training requirement, each Director must attend sexual harassment prevention training and education at least once every two years for as long as the Director remains in office. (Gov’t Code section 12950.1(a); 2 C.C.R, section 11024, subds. (b)(1) & (b)(4).)

The education and training must identify behaviors that create or contribute to “sexual harassment” as that term is defined in California and federal law, and help instill values in Directors that will assist them in preventing and effectively responding to incidents of sexual harassment. The training shall include, but is not limited to, all subjects described in 2 C.C.R. section 11024, subd. (c)(2).

A Director is not required to receive the training in two consecutive hours so long as all of the first required training is completed within the six month period and all of each subsequent training is completed within the same calendar year. (2 C.C.R, section 11024, subd. (b)(6).)

Training may be received by any of the following methods: (1) attendance in a classroom setting; (2) participation in an internet-based interactive seminar conducted in real time (“webinar”); or (3) by interactive computer-based training (“e-learning”). (2 C.C.R, section 11024, subdivision (a)(2).) The required training and education must be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code section 12950.1; 2 C.C.R, section 11024, subd. (a)(9).)

A Director who receives supervisor sexual harassment prevention training as a result of his/her service with an employer or another agency is not required to receive separate training because of his or her service with the Agency. However, such Director must: (1) receive, read and acknowledge receipt in writing of the Agency's anti-harassment policy; and (2) submit to the Executive Assistant to the General Manager a duplicate copy of the proof of his/her participation in the mandated training that was obtained on behalf of the Director's employer or other agency. (2 C.C.R, section 11024, subd. (b)(5).)

### **300.00 Reporting**

The Human Resources Manager will inform Directors of available harassment prevention training opportunities, including any training opportunities offered at Agency facilities for staff supervisors subject to the training requirement. Each Director must obtain proof of his or her participation after he or she completed the mandated periodic training and submit proof of completion of such training to the Executive Assistant to the General Manager within thirty days of completing any training component. Each Director's personnel file shall include records of the dates of participation in sexual harassment prevention training and the person or entity providing the training. (2 C.C.R, section 11024, subd. (b)(2).) All sexual harassment prevention policies and attendance records are public records subject to disclosure under the California Public Records Act.

### **400.00 Penalties for Policy Violation**

It is the responsibility of each Director to ensure his or her compliance with this policy, including choosing the sexual harassment prevention training courses and securing and submitting the training completion documentation to the Human Resource Manager as required in Article 300.00. While failure to comply with this policy does not impose strict liability on the Agency or a non-complying Director in any legal action involving a sexual harassment claim, such non-compliance can be used as evidence against the Agency and any non-complying Director in the prosecution of such claims. (Gov't Code section 12950.1(d).)

A violation of this policy may be addressed by the use of such remedies as are available by law to the Agency, including but not limited to: (a) adoption of a resolution expressing disapproval of the conduct of a Director who has violated this policy, (b) injunctive relief, or (c) referral of the violation to the FEHC, which has the legal authority to issue an order compelling any Director violating this policy to comply with the sexual harassment prevention training requirements within sixty days of the issuance of such an order. (Gov't Code section 12950.1(e); 2 C.C.R, section 11024, subd. (d).)

### **500.00 Policy Review**

This Policy shall be reviewed at least every two years.