

Sacramento Suburban Water District

Director Sexual Harassment Prevention Training Policy

Adopted: June 16, 2008

Revised: June 21, 2010

100.00 Purpose of the Policy

Government Code section 12950.1 requires that all supervisors employed by the District receive at least two hours of effective interactive training and education regarding sexual harassment once every two years. 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. 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.

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 7288, subs. (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. As provided in subdivision (c) of section 7288 of Title 2 of the Code of California Regulations, effective sexual harassment training includes without limitation: (1) the definition of and what conduct constitutes unlawful sexual and other forms of harassment under state and federal law; (2) information and practical guidance regarding applicable federal and state statutes and appellate cases concerning the prohibition against and the prevention and correction of sexual harassment; (3) practical examples aimed at instructing in the prevention of harassment, discrimination, and retaliation in the workplace and strategies for prevention; (4) the employer's obligation to conduct an effective workplace investigation of a harassment complaint; (5) the essential elements of an anti-harassment policy and how to utilize it if a harassment complaint is filed; and (6) the remedies available to victims of sexual harassment in employment.

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 6 month period and all of each subsequent training is completed within the same calendar year. (2 C.C.R, section 7288, 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 7288, 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 in accordance with Government Code section 12950.1 and subdivision (c) of section 7288 of Title 2 of the Code of California Regulations. (2 C.C.R, section 7288, 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 District. However, such Director must: (1) receive, read and acknowledge receipt in writing of the District’s anti-harassment policy; and (2) submit to the District’s Human Resources Coordinator or 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 7288, subd. (b)(5).)

300.00 Reporting

The District’s Human Resources Coordinator or Assistant to the General Manager will inform Directors of available harassment prevention training opportunities at least once annually, including any training opportunities offered at District facilities for staff supervisors subject to the training requirement. Compliance with Government Code section 12950.1’s sexual harassment prevention training requirements must be documented. 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 District’s Human Resources Coordinator or Assistant to the General Manager within 30 days of completing any training component. The District’s Human Resources Coordinator shall keep records of each Director’s dates of participation in sexual harassment prevention training and the person or entity providing the training for five years. All sexual harassment prevention policies and attendance records are public records subject to disclosure under the California Public Records Act. (2 C.C.R, section 7288, subd. (b)(2).)

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 District’s Human Resources Coordinator or the Assistant to the General Manager as required in Article 300.00. While failure to comply with this policy does not impose strict

liability on the District or a non-complying Director in any legal action involving a sexual harassment claim, such non-compliance can be used as evidence against the District 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 District, 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 60 days of the issuance of such an order. (Gov't Code section 12950.1(e); 2 C.C.R, section 7288, subd. (d).)

500.00 Policy Review

This Policy shall be reviewed at least biennially.