

# YUBA COUNTY WATER AGENCY

## Director Harassment Prevention Training Policy

Adopted: April 16, 2019

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### 1.0 Purpose of this Policy

Under California law, Agency Directors are required to receive mandated sexual harassment prevention training. Government Code section 53237.1 requires that the Directors receive at least two hours of sexual harassment training and education within the first six months of taking office and every two years thereafter. The 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).)

### 2.0 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 harassment prevention training and education at least once every two years for as long as the Director remains in office. (Gov't Code section 53237.1.) 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).)

The education and training must identify behaviors that create or contribute to "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 Government Code section 53237.1 and 2 C.C.R. section 11024, subd. (c)(2).

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. (Gov't Code section 12950.1; 2 C.C.R, section 11024, subd. (a)(9).)

A Director who receives sexual harassment prevention training as a result of his or 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 Board Secretary a duplicate copy of the proof of his or her participation in the mandated training that was obtained on behalf of the Director's employer or other agency. (Govt. Code section 53237.1(h); 2 C.C.R, section 11024, subd. (b)(5).)

### **3.0 Reporting**

The Board Secretary 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 Board Secretary within thirty days of completing any training component. Each Director's personnel file shall include records of the dates of participation in harassment prevention training and the person or entity providing the training. All harassment prevention policies and attendance records are public records subject to disclosure under the California Public Records Act. (Govt. Code section 53237.2; 2 C.C.R section 11024, subd. (b)(2).)

### **4.0 Penalties for Policy Violation**

It is the responsibility of each Director to ensure his or her compliance with this policy, including choosing the harassment prevention training courses and securing and submitting the training completion documentation to the Board Secretary as required in Article 3.0. 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 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 California Fair Employment and Housing Commission, which has the legal authority to issue an order compelling any Director violating this policy to comply with the 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).)

### **5.0 Policy Review**

The Board Secretary shall ensure that this Policy is reviewed at least every two years.

### **5.1 Version History**

Date	Version#	Description
December 22, 2016	1.0	Initial Release
April 16, 2019	2.0	Bi-Annual Review