

**Date:** January 8, 2013

**Code:** TECHNICAL LETTER  
HR/EEO 2013-01

**To:** Human Resources Officers  
AVPs/Deans of Faculty  
Equal Employment Opportunity Directors

**Reference:** HR Letter 2005-35

**From:** John Swarbrick   
Associate Vice Chancellor  
Labor Relations

Ellen Bui   
Senior Manager  
Systemwide Equal Opportunity/Whistleblower Compliance

**Subject:** Implementation of Policy on Sexual Harassment Training for Supervisors

**Overview**

**Audience:** Equal Employment Opportunity Directors, Human Resources Officers, AVPs/Deans of Faculty, and other individuals with responsibility for ensuring compliance with legally-mandated sexual harassment training

**Action Item:** Information item

**Affected Employee Group(s)/Unit(s):** All supervisory employees

**Summary**

This Technical Letter provides information and additional clarification regarding requirements for sexual harassment training for supervisors as specified in California Government Code § 12950.1 and provided for in policy by [HR Letter 2005-35](#). Individuals responsible for ensuring compliance with this requirement and campus designees responsible for coordination of the training should review the remainder of this letter for more detailed information.

California Government Code § 12950.1, often referred to as Assembly Bill 1825 (AB 1825), established a requirement that all employers with 50 or more employees provide supervisory employees in California with at least two hours of classroom or other effective interactive training regarding sexual harassment prevention. The law also requires that training be provided once every two years. Newly hired supervisory employees or employees newly assigned to supervisory responsibilities must receive training within six months of their assumption of a supervisory position. Additional information on these requirements is available in [HR Letter 2005-35](#), which remains in effect. The following information is intended to clarify campus responsibilities for the implementation of the training requirements described in [HR Letter 2005-35](#).

**Distribution:**

CSU Presidents  
Vice Chancellor, Human Resources  
Vice Presidents, Academic Affairs

Vice Presidents, Administration  
Budget Officers  
HR Professionals

❖ **Definition of Supervisory Employee**

For the purposes described here, campuses and the Chancellor's Office will use the definition of supervisor provided in California's Fair Employment and Housing Act, which defines "supervisor" to include any individual with the authority "to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if ... the exercise of that authority ... requires the use of independent judgment." (California Government Code § 12926 (s)).

Under CSU policy, irrespective of whether an employee meets the definition of supervisor under the Higher Education Employer-Employee Relation Act, individuals who are required to complete training include, but are not limited to:

- Presidents
- Administrators with supervisory responsibilities
- Department chairs
- Faculty in roles such as "program coordinator", "director", *etc.*, if those roles involve supervisory responsibilities as defined above
- Any employee with the word "supervisor" in his/her position title, responsibilities, or position description
- Employees with lead worker responsibilities
- Faculty or staff who assign work to student employees, whether or not they are the supervisor of record

Each campus is responsible for determining which employees are supervisors as defined above or who otherwise fall into one or more of the categories of employees listed above and are therefore required to complete the training.

❖ **Campus Training Coordinator**

Each campus and the Chancellor's Office must have a designated training coordinator. The name and contact information for the coordinator must be provided to Systemwide Professional Development ([TheSource@calstate.edu](mailto:TheSource@calstate.edu)) at the Chancellor's Office by July 1 of each year. In addition, the campus is responsible for notifying the Chancellor's Office immediately if the identity of the designated training coordinator changes.

The responsibilities of the campus training coordinator include:

- Working with appropriate campus administrators to identify employees with supervisory responsibility
- Maintaining and updating the list of employees who must be trained
- Notifying employees of the training requirement
- Monitoring the completion status of individual employees scheduled for training

❖ **Training Options and Technical Requirements**

Campuses have the option of either participating in the systemwide on-line sexual harassment training program or providing an alternate training program that meets the requirements of California Government Code § 12950.1. [HR Letter 2005-35](#) provides the certification requirements for campuses that elect to use an alternate program.

For those campuses that have opted to participate in the systemwide on-line training program, training continues to be provided by Systemwide Professional Development in partnership with Workplace Answers. An on-line management and notification program is included as part of the systemwide training program. Systemwide Professional Development trains campus training coordinators in the use of this database.

❖ **Management of On-Line Training for New Employees or Employees Newly Assigned to Supervisory Positions**

Any new employee required to complete the training, as well as any employee newly assigned to a supervisory role, must complete the required training within six months of beginning the assignment. While new employees have six months to complete the training, campuses are urged to encourage new employees to complete the training as soon as practicable after assuming supervisory responsibilities. Note that if an employee moves from one supervisory position to a different supervisory position either at the same campus or a different CSU campus, and if the employee has already completed sexual harassment training through the CSU, that training remains valid for two years from the date of the training. If an employee new to the campus was previously employed at another campus, the campus training coordinator contacts Systemwide Professional Development to request a transfer of training records.

*Campus responsibilities include:*

- Identifying employees who have supervisory responsibility in a timely fashion;
- Establishing the initial due date for completion of training (six months from start of appointment);
- Notifying supervisory employees that they are required to complete two hours of sexual harassment training within six months;
- Submitting names and email addresses of employees who must complete training to Systemwide Professional Development; and
- Ensuring that the employee completes the training on time.

*Systemwide Professional Development's responsibilities include:*

- Verifying and transmitting lists of individuals who are required to complete training to Workplace Answers.

*Workplace Answers's responsibilities include:*

- Enrolling employees in the required course;
- Sending email notification to the employees that they are enrolled and may begin training; and
- Sending periodic reminder emails to employees until training is completed.

In order to ensure that the CSU is in compliance with the requirement that training be completed within six months of appointment to the supervisory position, the initial completion date is set six months from the last day of the month *prior* to the month in which the employee begins the supervisory position. This is intended to ensure that training occurs within the six-month window permitted under the law.

*Example:* A faculty member who has not previously been required to complete the mandatory training becomes Department Chair on August 20, 2012. Under the law, she is required to complete training no later than six months from the date she entered the position, which would be February 20, 2013. To ensure that she receives training within the six month window, her completion date will be set as January 31, 2013.

❖ **Management of On-Line Training for Continuing Employees after Completion of Initial Training**

All continuing employees with supervisory responsibility must receive at least two hours of training at an interval that may not exceed two years.

*Campus responsibilities include:*

- Reviewing quarterly lists of employees scheduled to renew training after two years; and
- Updating the campus database to reflect any changes that may have occurred.

*Systemwide Professional Development's responsibilities include:*

- Once an employee completes training, setting the due date for two-year renewal of training;

- Compiling quarterly lists of individuals scheduled for two-year renewals. These reports are provided on September 1 for employees whose due dates fall between the end of October and the end of December, December 1 for employees whose due dates fall between the end of January and the end of March, March 1 for employees whose due dates fall between the end of April and the end of June, and June 1 for employees whose due dates fall between the end of July and the end of September.
- Providing updated lists to Workplace Answers for enrollment.

*Workplace Answers' responsibilities include:*

- Enroll employees in the required course;
- Send email notification to the employees that they are enrolled and may begin training; and
- Send periodic reminder emails to employees until training is completed.

In order to ensure that the CSU is in compliance with the requirement that training be completed every two years, once the supervisory employee completes the online training, the completion date for the subsequent training is set *two years from the last day of the month prior to the month in which training was completed*. This ensures that subsequent training occurs within the two-year window.

*Example:* An employee is notified that she must complete training no later than April 30, 2013. She completes the training on April 18, 2013. Assuming she remains in a position with supervisory responsibility, her next training deadline will be set to March 31, 2015.

Please direct questions regarding this technical letter as follows:

- Policy aspects Equal Opportunity and Whistleblower Compliance at (562) 951-4400
- Training aspects Systemwide Professional Development at (562) 951-4403

This document is available on Human Resources Management's Web site at:

<https://www.calstate.edu/HRAdm/memos.shtml>

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