

Hurry Up and Pause—California Passes “Urgency Statute” that Delays for One Year Employers’ Deadline to Comply with Expanded Sexual Harassment Training Requirements

September 6, 2019

As we shared in our [Client Alert](#) last fall, the passage of SB 1343 required that employers with five or more employees provide, by no later than January 1, 2020, at least two hours of sexual harassment training to all employees in a supervisory position, and at least one hour of such training to all nonsupervisory employees, to be repeated every two years thereafter. Such training was also required for all new employees within six months of beginning work.

SB 1343 also required employers to provide training to seasonal and temporary employees, or any employee hired to work for less than six months, within 30 calendar days after the hire date, or within 100 hours worked, whichever occurs first.

SB 1343, codified as California Government Code Section 12950.1, expanded preexisting law, which required sexual harassment prevention training every two years for supervisory employees of employers of 50 or more employees.

With the new law came confusion about whether employers who had already provided training to their supervisory employees in 2018 due to preexisting law would be required to provide training to their supervisory employees again in 2019. Recognizing the confusion this caused, as well as the time pressures faced by smaller employers, the legislature proposed and passed as urgent legislation Senate Bill (SB) 778, which Governor Newsom signed into law on August 30, 2019. Upon signing, the new law immediately amended Section 12950.1 to provide that employers will now have until **January 1, 2021** to provide sexual harassment prevention training to their employees.

This means that employers who trained their supervisors in 2018 under the preexisting law will not need to train again until 2020.

Employers are not the only ones who are getting relief from this extension. With this amendment, the Department of Fair Employment and Housing (DFEH) will now have more time to prepare and

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make available its legislatively mandated online harassment training for employers to use to comply with these requirements.

In short, SB 778 impacts the timing of training in the following ways:

- All employers now have until January 1, 2021 to implement one hour of harassment prevention training for *nonsupervisory* employees.
- Employers of less than 50 employees will now have until January 1, 2021 to implement two hours of harassment prevention training for *supervisory* employees.
- Employers with 50 or more employees who provided supervisor harassment prevention training in 2018 can now wait until 2020 to schedule refresher training.
- Employers with 50 or more employees who are already on a two-year track to provide *supervisory* employee harassment refresher training in 2019 should still proceed with such refresher training this year.
- Employers with 50 or more employees should continue providing initial harassment prevention training to new *supervisory* employees within six months of hire.

We encourage you to reach out to a member of our Employment Law Group with any questions or concerns.

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