

DEPARTMENT OF INDUSTRIAL RELATIONS

Office of the Director

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AB 547 Advisory Subcommittee
DRAFT – MINUTES OF MEETING
Tuesday, February 14, 2023
Via Video/Audio Conference

In Attendance:**DIR:**Sulma Guzman, *Legislative and Regulatory Affairs, Deputy*Kumani Armstrong, *Special Counsel*Zakiya Ali, *DLSE*Patricia Salazar, *DLSE***Committee Members:**Anabella Aguirre, *Ya Basta*Andrew Gross Gaitan, *SEIU United Service Workers West*Sandra Henriquez, *VALOR*Veronica Lagunas, *Ya Basta***Interpreters:**David Myers, *DIR Interpreter***I. QOAF Appendix with List of Documents**

- Subcommittee was convened to discuss the appendix document. This appendix would accompany the QOAF, and would have a list of documents for applicants.
- What should LCO and DIR look for in these documents?
- We've organized the suggested documents to the description of the documents we have received. We've organized that based on those legal requirements.
- A qualified organization shall be a nonprofit corporation as described in subsection (c) of Section 501 of the Internal Revenue Code of the United States (26 U.S.C. 501(c)). (Labor Code § 1429.5(f))
 - IRS determination letter – Generic letter issued to employers saying they've qualified as a nonprofit, and giving them an employer ID number.
- Have and maintain at least 30 qualified peer trainers who are available to provide training to nonsupervisor covered workers. (Labor Code § 1429.5(f)(1))
 - List with names of 30 qualified peer trainers with evidence of completion of the 40 hours of required training

- The 40 hours of required training is a separate labor code requirement specific to peer trainers.
- At least a cumulative 40 hours of sexual assault advocate training in the following areas: (Labor Code § 1429.5(g)(1)(A)-(H))
 - Sexual Assault Counselor Training Application – demonstrates all of the different categories and hours that are put together to create the number of training hours that are required. This would cover the 8 components of the 40 hours that are required. It outlines exactly the content covered and how it's covered.
 - Separate from that, is another sheet that tracks the attendance of each of those people. Need evidence that they actually participated and attended the full 40 hours of training.
 - Sandra Henriquez to provide a sample template that applicants can use, and a list of the criteria that needs to be met.
 - There are 2 aspects of the peer advocate training. One is the sexual assault counselor training, and the other is the role of the trainer. A generic version that most rape crisis centers use is around being the actual advocate, who may either on a hotline or in person, go with the rape survivor to the hospital, or advise them on what to expect in terms of the criminal investigation process. The aspects that are critical and related to this program are really the ones about understanding the nature of the trauma for a survivor of harassment and assault.
 - Certificate of completion for the program Anabella, Veronica, Sandra Henriquez, and USWW have been working on
 - 2 aspects – clinical and trainer aspect. These are folks who are expected to work with the particular video that the State created through LOHP and deliver 2 hours of instruction to a group of people in their native language.
 - This is the training that Building Skills Partnership did together with Sandra Henriquez, who is one of the signatories on the certificate.
 - The certificate on its own is probably not adequate. There are documentation that Sandra mentioned, but we are envisioning that people would be able to provide some sort of evidence that the individual on their list actually completed the training. The certificate would be one way of doing that.
 - Evidence of completion of sexual assault advocate training from one of the California service providers (84 agencies) listed on VALOR website, all of whose sexual assault advocate trainings are certified by the state.
 - These 84 agencies cover more than what the person needs in the 40 hours, but not everything the person needs in terms of being a trainer of the content. At minimum, they would need to go through a training to get the content just about understanding what happens when somebody experiences any level of sexual assault.
 - The Ya Basta Center, through Building Skills Partnership, went above and beyond. Some of the trainings are longer than 40 hours. In addition to that, they spent many hours training all the individuals on how to deliver the content on how to develop the skills to be able to be an instructor, and how to navigate challenging questions.
 - The 84 agencies on VALOR's website does not include the 8 areas in their curriculum. These agencies are set up for trainings around sexual assault and sexual assault advocacy, and not peer advocate training specific to the janitorial industry.
- Draft of Appendix

- Committee member request to have the application and appendix aligned for ease of completing the form.
- Might be helpful to include a hyperlink to a sample of the suggested document – LCO would need to confirm if this could be done. We could hyperlink to a specific area of the appendix that describes what documents could support the application, or to some kind of resource.
- Have access to local and regional sexual violence-related trauma services and resources for local referrals documented through letters of acknowledgment from service providers. (Labor Code § 1429.5(f)(2))
 - VALOR maintains listing of all such service providers in California on their website
 - Operational Agreement form that VALOR currently uses as a training partner (service provider) for sexual violence related trauma services and resources – serves as the contractual agreement
 - The signature line would be the QO, and the second signature line would be for the service provider.
 - The two bullets above are linked. The service providers are on VALOR’s website. The sample of the operational agreement could be the letter of acknowledgement that shows that the service providers committed to being that resource, and the two signatories would be the QO working with that service provider as the second signatory.
- Be committed to ongoing education and development as documented by a minimum of 10 hours of professional development each year for qualified organization staff and peer trainers in areas of research and strategies to prevent and respond to sexual assault and sexual harassment. (Labor Code § 1429.5(f)(3))
 - Submitted documents include:
 - Continuing education tracking sheet
 - Advocate master template
 - Ongoing training participant log
 - Log with dates, each topic covered (explanation of need for this subject), names of trainers/subject matter experts (titles, resumes), sign-in/attendance sheets.
 - The logs with dates and who provided the training and when are critical. Supported by asking for their titles and copies of their resumes. The qualified organization staff and peer trainers would receive a diploma or certification that they received these 10 hours of professional development.
 - Continuing Education Tracking Sheet (sign in/out sheet) for peer trainers attending the training.
- Have seven years of demonstrated experience working with employers to provide training to employees both on and off the worksite in the janitorial industry, including seven years demonstrated experience working with immigrant low-wage workers. (Labor Code § 1429.5(f)(4))
 - Sworn attestation outlining and documenting each area of experience with:
 - Employers;
 - providing training to employees on & off the worksite in the janitorial industry; and,
 - 7 years of experience working with immigrant, low-wage workers
 - Service contracts – The service contracts would be less than seven years. They should submit multiple service contracts. Other documents that would support those trainings are dated documents of trainings and locations
 - Grant funding for the training has to be documented for the services you are billing for.

For government grants, it's public record.

- If working with a training partner:
 - A “training partner” means a nonprofit, worker center, or labor organization with at least two years of demonstrated experience in addressing workplace sexual abuse, immigrants’ rights advocacy, and worker rights advocacy. (Labor Code § 1429.5(j))
 - Written partnership agreement with the training partner. (Labor Code § 1429.5(j))
 - VALOR does not have any sample for this but suggested that the JAC could use attestation to satisfy this requirement.
 - Sandra also sent sample docs of the following:
 - a copy of a sample Operational Agreement between two organizations
 - a spreadsheet sample of the “Ongoing Training Participant Log”
 - a Word document with a table containing a list of “Trainings Offered”
 - Are these three other documents submitted, a separate set of documents in addition to the attestation?
 - Yes, the same elements would be appropriate
 - We could we use operational agreement and service agreement interchangeably
 - Attestation is about the same, just documenting the different content areas that were described. For the sexual advocacy partner, that they are actually licensed to do that. Could it be the same sworn statement under penalty and perjury attesting to the training partner that they are that non-profit that has two years of demonstrative experience? Both the attestation and the documentation.
 - There are a lot of entities that do workplace sexual abuse prevention training where they list out their clients on their website. Not sure if they could provide a service agreement. Funders for those services might not be comfortable disclosing that they contracted somebody.
 - If it has to be a non-profit or labor organization, a non-profit isn’t going to survive on fee for service agreements alone. Therefore, they would have to have some of the disclosed funding.
- To be qualified as a peer trainer, a person shall have the training, knowledge, and experience necessary to train nonsupervisory covered workers and shall, at the minimum, have all of the following qualifications: (Labor Code § 1429.5(g)). At least a cumulative 40 hours of sexual assault advocate training in the following areas: (Labor Code § 1429.5(g)(1)(A)-(H)).
 - There are eight areas that a peer trainer must be trained for a cumulative 40 hours of a broader list of topics. The provider doing the training would be on the Valor website. The source of the training would be those providers listed on VALOR’s website. Having a log of those that have attended this training and who delivers the trainings and on which topics. We would know more if we required their resumes and titles which could be added to the appendix. We want evidence of additional training.
 - Suggestions of suggested documents to meet requirement of a peer trainer being culturally competent in the language of the covered workers could be an interpreter certification.
 - The trainer does not need to speak more than one language, rather just need to be fluent in the relevant language that the covered workers understand.
 - How do you determine how someone is culturally competent?
 - Could be that the person has studied abroad in certain countries
 - Certain jobs in their career, professional or personal life
 - Could be an attestation that you grew up in a Spanish speaking country or house

hold

- Could also be a letter of support from someone with whom they have worked with
- A person could submit a list of various presentations or trainings that they've done in another language
- However, this could impose a requirement of having some formal education of sorts
- The trainer team needs to be multilingual, but no individual trainer need to be bilingual

II. Public Comment

- No public comments

III. Wrap Up

- Share anything else via email (AB547@dir.ca.gov). Our goal is land on a recommendation that we want to present at our next advisory committee meeting.