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Julie A. Su

*California Labor Commissioner
Division of Labor Standards Enforcement*

May 2015

Dear Farm Labor Contractor:

This is a follow-up to my December 2014 letter relating to Senate Bill 1087. This bill brought many changes to the Farm Labor Contractor application requirements. As we work to implement, we have appreciated the feedback of the regulated community and this letter addresses several concerns that have been raised.

SB 1087 Training Requirements. Please note the following changes to the information in my initial letter:

- The two-hour required training time on sexual harassment prevention will NOT apply to non-supervisory employees. As long as **non-supervisory employees receive training** in identifying, preventing, and reporting sexual harassment in the workplace at the time of hire and at least once every two years thereafter, this requirement will be met **without the two-hour minimum.**
- The required sexual harassment prevention training can be provided by the Farm Labor Contractor or your appropriate designee. Trainers do NOT need to have 3 years of human resource experience, or a high school diploma or GED. It is important that your trainers be minimally qualified to provide such training but these **specific qualifications have been removed.** You should ensure that your designated trainers have knowledge of the procedures and practices of your operation related to addressing and preventing sexual harassment and the California requirements and standards on sexual harassment.

Please refer to the enclosed “UPDATED May 2015—Resources for Sexual Harassment Training.”

FLC Verification. We have re-tested the verification system for Farm Labor Contractor licenses because of complaints. When we first moved to an on-line verification in 2011, we heard from you and from growers that it was a vast improvement. When we put the on-line registration in place, it created two databases. Our goal is to combine the two into a single one again by June to provide you with a one-stop process for verification.

The Verification Search was designed in the most user-friendly manner possible. The look-up screen doubles as the Farm Labor Contractor Verification Search and requires minimal input. For example, all contractors in California may be listed by performing a search with “CA” in the state field. All contractors can also be pulled up by city or zip code, requiring no further data entry. If the license number, legal entity or DBA is known, these fields can be used to search a specific Farm Labor Contractor as well. To get verification emailed, anyone doing the search can input their company or individual name and email address. The system will produce either a PDF verification on the spot with a

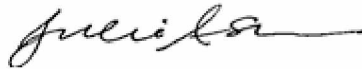
unique identification or email the pdf to you.

Delays in processing registration applications. When I was appointed Labor Commissioner in 2011, many of you told me of your frustrations with the delays in FLC applications, including lost applications. In response, we cut the average number of days for review by half (from 60 days before Governor Brown was elected to 25-30 days in 2012 and 2013). In 2014, we launched the on-line application to provide an easy-to-use tool for you where you would not need to re-submit the same information year after year or photocopy and mail bulky application materials. But certain practices have led to delays in the application process. You can best ensure prompt processing of your application by providing us with all of the necessary documents needed for us to issue your license. As you know, if not all documents are submitted we will have to send you a defect letter requesting such documents. This causes delays in issuing your license and puts a strain on our resources. We have become aware of the practice of some Farm Labor Contractors who submit applications knowing that some documents are missing out of a mistaken belief that this will “hold your place in line.” Instead, it forces us to spend time sending defect letters and looking at incomplete documents. Please submit your applications timely and complete and this will facilitate our getting your license to you in the most expeditious fashion.

On-line system in Spanish. We are translating the on-line registration process into Spanish and hope that this assists with compliance and ease of use.

Thank you for your ongoing commitment to compliance and for the important role you play in this valued industry in California.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. Su", with a long horizontal flourish extending to the right.

Julie A. Su
Labor Commissioner

UPDATED May 2015—Resources for Sexual Harassment Training
Labor Commissioner Julie A. Su
Labor Code section 1684(a)(8)(A)

SB 1087 includes a new requirement for training for employees on sexual harassment identification and prevention. California employers with 50 or more employees have been required to provide training in Sexual Harassment identification and prevention to all supervisors since 2007. As such there are numerous online training courses and materials that can provide guidance as you develop your program of sexual harassment training for your operation. To assist you in this task we have compiled a small sample of websites that contain training materials and information about sexual harassment identification and prevention in the workplace.

- Department of Fair Employment and Housing sexual harassment PowerPoint training presentation.
<http://www.dfeh.ca.gov/res/docs/ppt/Sexual%20Harassment%20Prevention%20Training%20upload%20revised%20FINAL%208-14-13.pptx>.
(Clicking this link will open a new browser window. Clicking the link that appears will initiate download of a PowerPoint (pptx) presentation on Sexual Harassment Identification and Prevention.)
- Department of Fair Employment and Housing Sexual Harassment Guidelines
http://www.dfeh.ca.gov/Publications_StatLaws_SexHarrass.htm
- Department of Fair Employment and Housing 2 hour Webinars on Sexual Harassment
<http://www.dfeh.ca.gov/Webinars.htm>

In addition to the DFEH links provided above, CalChamber also offers complete two-hour sexual harassment training programs for both:

- supervisors <http://store.calchamber.com/products/10032192/HPTC2/Harassment-Prevention-Training-Supervisor>; and
- employees <http://store.calchamber.com/products/10032192/HPTC1/Harassment-Prevention-Training>

Per the new statutory requirement, the training may be provided by either the licensee or an appropriate designee of the licensee. DLSE believes it is important that individuals tasked with providing training in sexual harassment prevention and identification be minimally qualified to provide such training. Licensees should ensure that designated trainers have knowledge of the procedures and practices of your operation related to addressing and preventing sexual harassment and the California requirements and standards on sexual harassment.

As part of the mandated training employers will be required to provide the Department of Fair Employment and Housing pamphlet “Sexual Harassment: The Facts about Sexual Harassment” DFEH-185.

- The pamphlet can be found here. <http://www.dfeh.ca.gov/res/docs/Publications/DFEH-185.pdf> (Clicking this link will open a new browser window)

FLCs will be required to keep a record of the training provided to employees and supervisors. At a minimum the training record should include:

- (i) Name, address, and telephone number of the individual(s) who performed the training;
- (ii) The date(s) on which the training and information were provided;
- (iii) Names of all employees to whom the training and information were provided;
- (iv) A description of the training and information provided and, if written materials were provided (other than the DFEH-185 which is required to be provided), include a copy of such materials; and
- (v) A certification by the licensee or designated person of the licensee that the record is true and complete