

DEPARTMENT OF INDUSTRIAL RELATIONS

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**AB 547 Advisory Committee**  
**DRAFT – MINUTES OF MEETING**  
**Tuesday, September 29, 2021**  
Via Video/Audio Conference

**In Attendance:**

**DIR:**  
Deanna Ping, *DIR Chief Deputy Director*  
Sulma Guzman, *Legislative Deputy*  
Kumani Armstrong, *Special Counsel*

**Committee Members:**  
Anabella Aguirre, *SEIU United Service Workers West*  
Zakiya Ali, *DLSE*  
Branden Butler, *DFEH*  
Lucia Carillo, *DMS Facility Services*  
Alejandra Domenzian, *UC Berkeley - LOHP*  
Anel Flores, *DLSE*  
Andrew Gaitan, *SEIU United Service Workers West*

David Gurley, *DLSE*  
Sandra Henriquez, *CalCASA*  
Veronica Lagunas, *SEIU United Service Workers West*  
Janice Periolat, *SBM Management*  
Adam Romero, *DFEH*  
Alejandra Valles, *SEIU United Service Workers West*  
Jessica Stender, *Equal Rights Advocates*  
Lizbeth Woo, *DLSE*

**Interpreters:**  
David Myers, *DIR Interpreter*

**I. Approval of Minutes**

Motion: Approval of the minutes from the December 17, 2020 meeting

Vote: The committee members in attendance voted unanimously for approval of the minutes from the December 17, 2020 meeting.

**II. Review**

- Background
  - In 2016, AB 1978 was introduced, which established a biennial in-person sexual harassment training and registration program.
  - In 2019, AB 547 was introduced, which further clarifies the training rules and requirements. Under Labor Code section 1429.5, by 1/1/21, employers were required to use qualified peer trainers to do the in-person training for non-supervisory employees.
  - DIR, in collaboration with DLSE, post a list of qualified organizations for employers to use to comply with the in-person training requirements. DLSE is also required to use training content developed by LOHP.
  - In response to the uniform consensus from the committee from the previous advisory committee meetings and also as a result of the pandemic, DIR had to suspend until

1/1/2021 enforcement of various provisions of Labor Code 1429.5. Instead, require compliance with the general industry standard under Government Code section 12950.1, which are the FEHA requirements and require compliance with the online training program developed by DFEH. Employers can also use other effective interactive training to comply.

- Role of the Advisory Committee
  - Develop of list of qualified organizations for employers to use to comply with the in-person training requirements
  - Review how the developing conditions with the pandemic will impact future recommendation, implementation, and enforcement of this law.
  - Governor Newsom recently signed AB 361, which is a bill that temporarily suspends certain elements of the Bagley-Keene requirements, and allows for public meetings to be held telephonically or remotely until January 31, 2022.
- In the interim, where the DFEH training is being substituted for the LOHP training, there was a request to remove LOHP training from the LCO website to avoid confusion. Instead, links to the AB 547 proposal and DFEH online training are provided on the LCO website.
- 2021 COVID-19 Proposal Temporarily Substituting “In-Person” Training with Training Permissible under FEHA
  - Ya Basta Center in preparation to be ready for June 2022.
  - SEIU-USWW just completed bargaining statewide for the 20,000+ janitors across California. Employers agreed across the board to prepare for training statewide in 2022.
  - SEIU-USWW (Sacramento area) stated employers are using the DFEH training, and setting aside time for workers to go through that training.
  - Ya Basta stated people have been using the DFEH videos, but they are not receiving all of the information. Stated that the DFEH video is not effective because attendees were not allowed to ask questions or make comments. Stated attendees were just asked to sit, watch a video, and complete a piece of paper at the end. Insisting these trainings should be in-person and utilize the model we made up. The videos are not an accurate reflection of the janitorial industry. The videos are generally of workers in offices.
  - Suggesting to extend the deadline for another 6 months (until June 2022)
  - Seeing a lot of janitors come into the Ya Basta Center to request for additional resources
  - The DFEH training was not what AB 547 or AB 1978 had in mind in the spirit of those laws.
  - The additional 6 months will provide some additional stability in the industry, before resuming in-person training in June 2022.
  - DFEH supports in-person training and industry-specific training
  - Support for using what’s being used now along with the trainings made by Women in the Industry and LOHP beginning in June 2022
- Discussion of Temporary Substitution and Timeframe
  - Implementation for in-person training January 2022 - proposal to extend
  - Need to take proposal to Labor Commissioner’s Office
  - Concern that online training is too general and doesn’t have a personal aspect
  - All members present are in support of 6-month extension to June 30, 2022
  - DIR and LCO will discuss recommendations from the committee and return for an October meeting

- Create a Work Plan and Establish Deadlines
  - Committee to create a list of qualified organizations by January 1, 2022. This list shall be made available on the website so that employers can locate a qualified trainer
  - Criteria for qualified organization:
    - List to go over the criteria
  - All requirements extended until June 30, 2022 (will need the list prior to this date)

### III. Next Steps

- Send feedback on discussion items to: [AB 547 Email Address](mailto:AB547@dir.ca.gov) (*AB547@dir.ca.gov*)
- Stakeholders suggested the inclusion of VSP to be part of next conversation
- Next meeting to discuss timeline for in-person training
- Meeting materials and documents information can be found via the [AB 547 Public Meetings webpage](https://www.dir.ca.gov/directors_office_meetings.html) (*https://www.dir.ca.gov/directors\_office\_meetings.html*)