

# **AB 547 Janitorial Advisory Committee**

**July 22, 2022**  
9:30 a.m. to 11:30 a.m.



**State of California  
Gavin Newsom  
Governor**

# Agenda

## **I. Welcome and Call to Order**

- Video/audio conference platform introduction
- Roll call
- Advisory Committee member introductions

## **II. Approval of Meeting Minutes**

- June 29, 2022 Meeting

## **III. Stay of Enforcement**

## **IV. Qualified Organization Process**

- Implementation Plan
- Conflict of Interest
- Document Criteria

## **V. Discussion**

## **VI. Public Comment (Limited to 3 minutes per person)**

## **VII. Adjournment**

# **I. Welcome and Call to Order**

- Video/audio conference platform introduction
- Roll call
- Advisory Committee member introduction

# **II. Approval of Meeting Minutes**

- June 29, 2022 Meeting

# III. Stay of Enforcement

# Proposal to Extend In-Person Training with Online Training as Required under the FEHA

- Propose extending stay of enforcement of the in-person training requirements past July 1, 2022 to January 1, 2023.
- Suspend until January 1, 2023, enforcement of Labor Code section 1429.5, subsections (a), (c), (d), (e), and (k) and applicable DLSE regulations. Meanwhile, covered employers to comply with the requirements of Government Code section 12950.1 by providing the online trainings made available through the Department of Fair Employment and Housing (DFEH) website (one hour for non-supervisory employees and two hours for supervisors).

## Proposal (cont'd):

- Labor Code section 1429.5:
  - Subsection (a): In-person sexual violence and harassment prevention training, qualifications for trainers for nonsupervisors
  - Subsection (c): List of qualified organizations to provide employers with qualified peer trainers for nonsupervisors
  - Subsection (d): LOHP training requirement
  - Subsection (e): Compliance certification requirements for use of qualified organizations
  - Subsection (k): Alternatives when no qualified peer trainers available.

## Proposal (cont'd):

- LCO posted guidance on the temporary substitution of the Section 12950.1 training requirements and DFEH's online materials.
- Suspend until January 1, 2024, enforcement of section 1429(a)(10)'s attestation requirement to demonstrate completion of the section 1429.5 in-person training, including whether training was provided by a peer trainer and, if not, why not.
- Reconvene the Advisory Committee during 2022 to continue development of the list of qualified organizations.

# IV. Qualified Organization Process



# Implementation Plan

- LCO finalizes the application, or the Qualified Organization Assessment Form (QOAF), after discussion with the JAC (**week of July 25, 2022**)<sup>1</sup>
- LCO posts announcement of QOAFs on website (**August 5, 2022**)
- LCO uploads QOAF to website (**August 5, 2022**)
- Deadline to apply (submission of QOAFs and supporting documentation) (**September 30, 2022**)
- LCO reviews QOAFs (**September 30, 2022 to October 30, 2022**)

<sup>1</sup> These dates are tentative and based on meeting the proposed January 1, 2023 deadline.

# Implementation Plan (cont'd):

- LCO prepares list of applicants (**October 31, 2022**)
- Send the list to JAC (**November 1, 2022**)
- Schedule JAC Meeting for Qualified Organization (QO) recommendation; **proposed date: December 1, 2022**
- LCO sends final list to DIR by **December 21, 2022**
- The QO list to be approved and posted on LCO website by **December 30, 2022.**

# Conflict of Interest

- Background
- Discussion

# QOAF (application) and Supporting Documents

- QOAF is the proposed application
- Possible QOAF supporting documents:
  - i. For Qualified Organizations
  - ii. For Peer Trainers

# Possible Documents for Qualified Organizations:

- 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))
- 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))
  - **For discussion:** What document(s) would help meet this requirement?

# Possible Documents for Qualified Organizations (cont'd):

- 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))
- **For discussion:** What document(s) would help meet this requirement?

# Possible Documents for Qualified Organizations (cont'd):

- 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))
- **For discussion:** What document(s) would help meet this requirement?

## Possible Documents for Qualified Organizations (cont'd):

- 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))
  - **For discussion:** What document(s) would help meet this requirement?
- Written partnership agreement with the training partner. (Labor Code § 1429.5(j))



# Possible Documents for Peer Trainers:

- 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))
  - Survivor-centered and trauma-informed principles and techniques.

## Possible Documents for Peer Trainers (cont'd):

- The long-term effects of sexual trauma and the intersection of discrimination, oppression, and sexual violence.
- The availability of local, state, and national resources for survivors of sexual violence.
- Interactive teaching strategies that engage across multiple literacy levels.

## Possible Documents for Peer Trainers (cont'd):

- Conducting discrimination, retaliation, and sexual harassment prevention training.
- Responding to sexual harassment complaints or other discrimination complaints.
- Employer responsibility to conduct investigations of sexual harassment complaints.

## Possible Documents for Peer Trainers (cont'd):

- Advising covered workers regarding discrimination, retaliation, and sexual harassment prevention.
- **For discussion:** What document(s) would help meet the requirement that a peer trainer have a cumulative 40 hours of sexual assault advocate training in these 8 areas?

## Possible Documents for Peer Trainers (cont'd):

- Have two years of nonsupervisory work experience in the janitorial or property service industry. (Labor Code § 1429.5(g)(2))
- **For discussion:** What document(s) would help meet this requirement?

## Possible Documents for Peer Trainers (cont'd):

- Be culturally competent and fluent in the language or languages that the relevant covered workers understand. (Labor Code §1429.5(g)(3))
- **For discussion:** What document(s) would help meet this requirement?

# V. Discussion

# **VI. Public Comment**



# VII. Adjournment

**Thank you for participating!**

**Please email us at**  
**[AB547@dir.ca.gov](mailto:AB547@dir.ca.gov)** **if you have**  
**any questions or comments.**