

DEPARTMENT OF INDUSTRIAL RELATIONS

Office of the Director1515 Clay Street, 17th Floor Oakland, CA 94612

Telephone: 510-286-7100

[AB 547 Email Address: AB547@dir.ca.gov](mailto:AB547@dir.ca.gov)[Director's Office Website: https://www.dir.ca.gov/directors_office.html](https://www.dir.ca.gov/directors_office.html)

AB 547 Advisory Committee
DRAFT – MINUTES OF MEETING
Tuesday, November 10, 2020
Via Video/Audio Conference

In Attendance:**DIR:**

Deanna Ping, *DIR Chief Deputy Director*
Kumani Armstrong, *Special Counsel*

Committee Members:

Yardenna Aaron, *Maintenance Cooperation Trust Fund*
Anabella Aguirre, *SEIU United Service Workers West*
Rene Bayardo, *SEIU California*
Lucia Carrillo, *DMS Facility Services*
Valerie Clark, *SBM Management*
Sandra Diaz, *SEIU United Service Workers West*
Dick Dotts, *DMS Facility Services*
Anel Flores, *DLSE*

Andrew Gaitan, *SEIU United Service Workers West*
David Gurley, *DLSE*
Sandra Henriquez, *CalCASA*
Veronica Lagunas, *SEIU United Service Workers West*
Michael Mahdesian, *Servicon Systems, Inc.*
Janice Periolat, *SBM Management*
Jennifer Reisch, *Equal Rights Advocates*
Luis Sandoval, *Building Skills Partnership*
Denise Solis, *SEIU United Service Workers West*
Alejandra Valles, *SEIU United Service Workers West*

Interpreters:

Gloria Rivera, *DIR Interpreter*

I. Approval of Minutes – October 15, 2020 Meeting

- Address translation issues from the previous meeting
- Feedback on the minutes should be sent to the AB 547 email inbox
- SEIU-USWW will review the notes and submit edits (if any) by the end of the week
- Hold off on approval of minutes pending possible edits from stakeholders

II. Old Business – Previous Meeting Recap

- January 1, 2021 deadline for DIR to post the list of qualified organizations to its Internet website
- Recap from stakeholder perspectives on delaying portions of the bill due to the realities of the pandemic

III. Continuation of Work Plan – Discussion

- How can the training requirement be achieved during the pandemic?
- What process should be used to confirm qualifications and approval of potential training organizations for when in-person training is resumed?
- What metrics or indicators should be used to determine when in-person training requirement can resume?
- Proposal to use DFEH sexual harassment training in the interim, instead of modifying the current training, which was designed for in-person use
 - Ya Basta representatives stated DFEH training meets the minimum requirements and should be used for now until in-person training can resume

- Delay implementation of AB 547 (posting list of qualified organizations) and relaxing the mandate for in-person training requirements for 1 year as a result of the pandemic
 - Advisory committee to reconvene prior to the 1-year marker expiration; reassess the situation in relation to the pandemic at that time
- Should the current sexual harassment training posted on the DIR's Internet website be replaced with the DFEH training? The current training posted on the DIR's Internet website was developed as part of AB 1978 implementation.
- Recap on proposal:
 - Delaying implementation of the qualified organizations for 1 year
 - Relaxing in-person requirements established under AB 1978
 - Employer obligation to default to the DFEH training
 - Remove the current training posted on the DIR's Internet website and default to the DFEH training
 - Language already written in AB 547 in the event that regions where qualified organizations were not present would be able to default to DFEH's requirements
 - Labor Code section 1429.5(k) states "If the internet website list of qualified organizations that provide peer trainers to employers required to provide training to nonsupervisors under this section indicates there is no qualified peer trainer available to provide training in a specific county, or if none of the qualified trainers are available to meet an employer's training needs, an employer may use a trainer as prescribed by the Department of Fair Employment and Housing with respect to sexual harassment training and education to provide training to covered workers working in that specific county."
 - Statute on its face cannot be read with enough breadth to suggest DFEH can be used as a default for all purposes
 - Trainer requirements can be used as a substitute in the event that there are no peer trainers or qualified organizations in a specific region
- DIR needs to take the alternative suggestions to Labor Commissioner and provide a recommendation
 - Provide all stakeholder perspectives
 - Need a consensus from the stakeholders, and would go a long way with the Labor Commissioner
 - Is there an administrative path to making the recommendation to the Labor Commissioner without going back to make any statutory changes?
 - Emergency regulation or statutory change would be unrealistic in the given timeframe (prior to January 1, 2021)
 - Every county has different rules in bringing people together so a uniform system through the state would not work
 - Minimum standard on training is through DFEH
 - Designed to be done individually online
 - Use as an acceptable alternative until it is safe to bring people together
 - A preference was stated for in-person training
 - Request to delay for in-person training. Yet we recognize that the merit of this training is to be done in person by the promotoras.
 - Peer-to-peer voice is the best chance to get individuals to come forward on the non-union side
 - Employers, who have more than five employees, will be required to use the DFEH training

- One hour of training for non-supervisory and two hours for supervisory positions

IV. Next Steps

- Bring proposal to the Labor Commissioner with a recommendation. Look at legal aspects such as underground regulations or exceeding authority. Look at how to implement and enforce the recommendations outlined in the proposal.
- Trainings need to be completed within a defined one-year period, not exceeding one year of implementation
- From the Labor Commissioner's perspective, a hybrid would present more complications and difficulty from an enforcement standpoint. The training that is on DFEH's Internet website is a one-hour training.
- Stakeholders would like to see the draft proposal prior to determining if another meeting is needed. SEIU offered to draft the proposal for DIR and stakeholder review.