

AB 547 Janitorial Advisory Committee

June 29, 2022
11:00am to 1:00pm



**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

- November 18, 2021 Meeting

III. Stay of Enforcement

IV. Qualified Organization Process

- Implementation Plan
- Conflict of Interest
- Qualified Organization Assessment Form (application) and Supporting 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
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- Advisory Committee member introduction

II. Approval of Meeting Minutes

- November 18, 2021 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 October 1, 2022.
- Suspend until October 1, 2022, enforcement of Labor Code section 1429.5, subsections (a), (c), (d), (e), and (k) and applicable DLSE regulations. 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, 2023, 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 5, 2022**)¹
- LCO posts announcement of QOAFs on website (**week of July 5, 2022**)
- LCO uploads QOAF to website (**week of July 5, 2022**)
- Deadline to apply (submission of QOAFs and supporting documentation) (**August 5, 2022**)
- LCO reviews QOAFs (**August 5, 2022 to September 5, 2022**)

¹ These dates are tentative and based on meeting the proposed October 1, 2022 deadline.

Implementation Plan (cont'd):

- LCO prepares list of applicants (**September 5, 2022**)
- Send the list to JAC (**September 6, 2022**)
- Schedule JAC Meeting for Qualified Organization (QO) recommendation; **proposed date: September 20, 2022**
- LCO sends final list to DIR by **September 21, 2022**
- The QO list to be approved and posted on LCO website by **October 1, 2022**

Conflict of Interest

- Background
- DIR & LCO Recommendation
- 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 **if you have**
any questions or comments.