

DEPARTMENT OF INDUSTRIAL RELATIONS

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AB 547 Advisory Committee
DRAFT – MINUTES OF MEETING
Thursday, November 18, 2021
Via Video/Audio Conference

In Attendance:**DIR:**Deanna Ping, *DIR Chief Deputy Director*Sulma Guzman, *Legislative Deputy*Kumani Armstrong, *Special Counsel*Dick Dotts, *DMS Facility Services*Andrew Gaitan, *SEIU United Service Workers West*Sandra Henriquez, *VALOR*Veronica Lagunas, *SEIU United Service Workers West*Janice Periolat, *SBM Management*Adam Romero, *DFEH*Jessica Stender, *Equal Rights Advocates*Denise Velasco, *Maintenance Cooperation Trust Fund*Lizbeth Woo, *DLSE***Committee Members:**Yardena Aaron, *Maintenance Cooperation Trust Fund*Anabella Aguirre, *SEIU United Service Workers West*Zakiya Ali, *DLSE*Rene Bayardo, *SEIU California*Chris Bouvier, *ABM Industries Inc.*Lucia Carillo, *DMS Facility Services*Alejandra Domenzian, *UC Berkeley - LOHP***Interpreters:**David Myers, *DIR Interpreter***I. Approval of Minutes**

Motion: Approval of the minutes from the September 29, 2021 meeting

Vote: The committee members in attendance voted unanimously for approval of the minutes from the September 29, 2021 meeting.

II. LCO Proposal to Extend Implementation Timeline

- Suspend until July 1, 2022, enforcement of Labor Code section 1429.5, subsections (a), (c), (d), (e), and (k)
 - 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

- Covered employers must comply with the requirements of Government Code section 12950.1 by providing the Department of Fair Employment and Housing (DFEH) online trainings
- Post guidance on the temporary substitution of the 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 no, why not
- Reconvene the Advisory Committee in 2022 to develop the list of qualified organizations and assess the conditions of the pandemic
- Committee members in support of the extension
 - Provides opportunity to partner with DIR and the stakeholders to discuss enforcement strategies that may come out of the sexual harassment trainings
- If the governor decides to reopen before July 2022, there will be a 3-month grace period from announcement to implementation. In addition, the committee will need to meet again to develop a timeline.

Motion: Support LCO proposal to extend implementation timeline to July 1, 2022.

Vote: The committee members in attendance voted to adopt LCO's proposal to extend the implementation timeline to July 1, 2022.

III. List of Qualified Organizations

- Should there be a subcommittee that would focus on the requirements of the qualified organizations?
- What progress has already been made regarding qualified organizations?
 - Secured funding. Contributions effective 9/1.
 - Final signature on the collective bargaining agreement still a few weeks away
 - Partner organization, Building Skills, will act as the fiscal agent and house the Ya Basta operation
- Mechanism for enforcement to bringing employers to justice
 - Form new partnerships and relationships with other organizations to anticipate to address the enforcement opportunities that will come out of this
- How will noncompliance be addressed? What is the status of noncompliance during this interim phase?
 - Based on the previous proposal, DLSE received reports that reflected noncompliance with the DFEH online training during the interim phase
 - When in-person training begins, there will be a grace period. Committee needs to discuss the timeline in which when enforcement will begin for noncompliance.
- Suggestion for DLSE to build into the registry to see if a company has completed the training or not. This would help keep all the systems centralized.
- Develop an outreach and education plan to employers and workers. We have 7 months (July 1, 2022) to get information out into the industry.
- This is an advisory committee created to assist in compiling a list of the qualified organizations and the agency is supposed to post the list of qualified organizations on the website. Employers are supposed to use an organization from the qualified list if there is one in their area. There needs to be clarity to contractors and building owners that they are only allowed to use those listed on the website.

- Some of these strategies from AB 1978 may be applicable for this particular legislative roll-out as well (i.e., mass industry mailing, digital ads or a webinar). Industry contacts came from organizations and the union.
- For future meetings, a walk-through of the language or statute to discuss intention and/or interpretation would be helpful.
- Discussion surrounding implementation, enforcement and education should also be included. The roll-out plan is to contain all these pieces.
- Committee suggests a working timeline (from January through June 2022) at the next meeting
- Some committee members suggested establishing a subcommittee among current members to come up with working drafts or proposals to present at the bigger advisory committee meetings. Member suggests breaking off into a subcommittee may be premature and that this is already a small enough group.
- Member suggestions:
 - Discuss and prepare for a possible rise in retaliation claims as roll-out happens
 - Give input regarding the companies that don't comply and/or those that are hosting sexual harassment conditions
- The discussion today highlighted several points that to consider in getting ready for a list of qualified organizations. There is implementation, enforcement, education and outreach – the overall rollout of what this will look like. DIR – DLSE will work internally to draft a timeline to present at the next meeting. Discussion to include a walk-through of the statute that applies to the list of qualified organization and the role of this committee.

IV. Agenda for the next meeting

- Review of the statute
- Staff's proposals on outreach, education and how enforcement would work
- A clear establishment of what the approval process for qualified organizations. DIR will be the ultimate authority to determine who is qualified to do these trainings.

V. Next Steps

- Send feedback on discussion items to: [AB 547 Email Address](mailto:AB547@dir.ca.gov) (AB547@dir.ca.gov)
- Next meeting to present committee with a draft timeline