

****DRAFT DOCUMENT: FOR DISCUSSION DURING AB 547 COMMITTEE MEETING ON APRIL 27, 2023**

Applicants are hereby notified and acknowledge that these application and appendix materials will be provided to the training advisory committee for review. Applicants further understand that application and appendix materials—including employee names—will be published on the DIR website in accordance with the Bagley-Keene Open Meeting Act and redacted subject to applicable state and federal laws including, but not limited, to the California Information Practices Act of 1977.

I. Qualified Organization Document

A. For Qualified Organizations (or, “QO”) only

1. 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))**
2. **Supporting document:**
 - a. IRS determination letter confirming the organization is a 501(c) nonprofit corporation and includes an employer identification number.

II. Documents for QOs and/or Training Partners

A. 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))

1. Supporting documents may include:

- a. List with the names of 30 qualified peer trainers.

B. 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))

1. Supporting documents may include:

- a. An “Operational Agreement” or contractual agreement with two signatories representing the applicant seeking to become a qualified organization and the service provider, which also includes:
 - i. the name of each agency or organization, scope of services to be provided by each agency, geographic area of where the services will be provided, duration of the agreement, and the signatures of designated representatives from each agency or organization.
- b. A documented letter of acknowledgement from a service provider may include:
 - i. Letter on letterhead of the service provider
 - ii. The name of the service provider
 - iii. The name of the qualified organization.
 - iv. Terms of referral could include a few bullet points outlining services the service provider will offer (*e.g.*, accepts referrals from victim/survivors for confidential hotline services, counseling, advocacy services).

- v. Terms of referral agreement that the qualified organization will commit to (*e.g.*, maintain the confidentiality of names and survivor information disclosed, refer victim/survivor within 2-5 days, update qualified organization point of contact and contact information as available).
 - vi. Signature of both parties.
 - vii. Dates of acknowledgment (generally 1-2 years).
- C. 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))**
1. **Supporting documents may include:**
- a. Master ongoing training participant log that includes the name of the training topic, start and end times, the name of each participant, the title or position of each qualified organization staff member, the names of each peer trainer, the email for each trainee (qualified organization staff and peer trainer), date of the training, total duration of the training.
 - b. Log with dates of each professional development training, each topic that was covered (with an explanation of the need for each specific subject), the names of the trainers (along with their titles and resumes), the name of each participant (qualified organization staff member and peer trainer), the title or position of each qualified organization staff member, sign-in and sign-out information/attendance sheets for each qualified organization staff member and peer trainer.
 - c. Continuing Education Tracking Sheet (sign-in/sign-out sheet) for qualified organization staff and peer trainers attending the trainings, the names of each qualified organization staff member and peer trainer, the title or position of each qualified organization staff member, the education topic covered, the names, titles, and discipline/affiliation of each speaker, dates of the training, location of the training, and time and number of hours per training topic.
 - i. A sign-in and sign-out sheet that includes the name of the trainees (qualified organization staff member and peer trainer, and the title or position held by each qualified organization staff member), the initials of each trainee in the sign-in section and the time they signed in, the initials of each trainee in the sign-out section and the time they signed out, the signature of each trainee after the sign-out section, the dates of the training
 - d. The name and signature of qualified organization staff in attendance, attesting to the accuracy of training, training hours, speaker and employee attendance.
 - e. Trainer names, and copies of trainers' titles and resumes.
 - f. Certificates of Completion stating that the qualified organization staff members and the peer trainers have received the 10 hours of professional development training.
- 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))

1. **Supporting documents may include:**

- a. Employer records
- b. Sworn attestation under penalty of perjury outlining and documenting* each area of experience with:
 - i. employers,
 - ii. providing training to employees on and off the worksite in the janitorial industry, and
 - iii. seven years of experience working with immigrant low-wage workers.
- c. *Areas of experience can be documented by media coverage, grant funding, dated documentation of trainings and location.
- d. Grant verification or service contracts from private foundations, public foundations or a government entity that award grants to organizations who provide the training. **Additional supporting documents for this example include:**
 - i. a copy of the grant, and
 - ii. a series of service contracts over the seven-year scope required by Labor Code section 1429.5(f)(4) that include the parties to the contract, scope of services, geographic area(s) or county/ies where the services will be provided, the type(s) of training(s) provided, description of who received the training, location(s) of the training(s), date(s) of the training(s).

III. **Documents for a training partner**

- A. **Definition of a training partner** – “a nonprofit, worker center, or labor organization with at least two years of demonstrated experience in addressing workplace sexual abuse, immigrants’ rights advocacy, and worker rights advocacy.” **(Labor Code § 1429.5(j))**
- B. **Required document:** a written partnership agreement **(Labor Code section 1429.5(j)). A sample written partnership agreement may include:**
 1. An agreement or memorandum of understanding between two organizations.
 2. Disclosable funding agreements, service agreements, an operational agreement, memorandum of understanding, and/or media coverage indicating at least two years of demonstrated experience as specified above that describe the services provided, when the services were provided, and a general description of who received these services.
- C. Sworn statement under penalty of perjury attesting that the training partner is a nonprofit, worker center, or labor organization with at least two years of demonstrated experience in addressing workplace sexual abuse, immigrants’ rights advocacy, and worker rights advocacy.

IV. **Documents for Peer Trainers**

- A. 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 the following qualifications: **(Labor Code § 1429.5(g))**

1. At least a cumulative 40 hours of sexual assault advocate training in the following areas: **(Labor Code § 1429.5(g)(1)(A)-(H))**
 - a. Survivor-centered and trauma-informed principles and techniques.
 - b. The long-term effects of sexual trauma and the intersection of discrimination, oppression, and sexual violence.
 - c. The availability of local, state, and national resources for survivors of sexual violence.
 - d. Interactive teaching strategies that engage across multiple literacy levels.
 - e. Conducting discrimination, retaliation, and sexual harassment prevention training.
 - f. Responding to sexual harassment complaints or other discrimination complaints.
 - g. Employer responsibility to conduct investigations of sexual harassment complaints.
 - h. Advising covered workers regarding discrimination, retaliation, and sexual harassment prevention.
2. **Supporting documents for Labor Code section 1429.5(g)(1)(A)-(H) may include:**
 - a. Evidence that the sexual assault advocate training for peer trainers was conducted by a well-known and reputable organization or agency in the janitorial or property service industry with knowledge of and experience in the eight required areas.
 - b. Documents that show the titles, resumes, and qualifications of the those who trained the peer trainers under Labor Code section 1429.5(g)(1).
 - c. A spreadsheet organized by:
 - i. the eight areas required under Labor Code section 1429.5(g)(1)(A)-(H),
 - ii. an agenda outlining topics to be covered, date, name of speaker and location,
 - iii. a list of the names of the classes or topics that cover the required areas under Labor Code section 1429.5(g)(1)(A)-(H) with bullet points of topics covered (*e.g.*, introduction to survivor-centered and trauma informed principles and techniques, how an employer should conduct investigations of sexual harassment complaints),
 - iv. the location of the trainings,
 - v. the content or subject matter covered in each training,
 - vi. the dates and times of trainings,
 - vii. the number of hours a person attended for each training topic or area, and
 - viii. the names of all trainers or speakers and their affiliation or discipline organized by the areas covered under Labor Code section 1429.5(g)(1)(A)-(H).
 - d. Tracking sheet(s) or attendance sheet(s) that accompany/ies the spreadsheet described above, which:
 - i. list(s) the attendance of each person,

- ii. includes a sign-in/sign-out section, to be signed by each trainee, attesting to their attendance of at least 40 hours of training, and
 - iii. document(s) that each person attended and participated in the full 40 hours of training.
 - e. In addition to a spreadsheet and tracking/attendance sheet, certificates of completion that include: 1) name and signature of the trainer; and 2) the name of the trainee to confirm they completed the 40-hour training.
- B. Have two years of nonsupervisory work experience in the janitorial or property service industry. **(Labor Code § 1429.5(g)(2))**
 - 1. **Supporting documents may include:**
 - a. Paystubs and letter of reference from the employer or union.
 - b. Two years of paystubs.
 - c. W-2s from the past two to three years.
 - d. A simple employment verification letter from employers to determine experience.
 - e. Letter of reference from an employer or union.
 - f. Employee/worker records reflecting the requirement of nonsupervisory experience.
- C. Be culturally competent and fluent in the language or languages that the relevant covered workers understand. **(Labor Code § 1429.5(g)(3))**
 - 1. **Supporting documents may include:**
 - a. Documents that demonstrate native or native-like spoken fluency.
 - b. Document(s) from the person that they lived in the country or countries where the language or languages is/are spoken and that they have worked in the janitorial or property service industry for at least two years.
 - c. Letter(s) of support from peers who work or have worked in the janitorial or property service industry for at least two years that the person is culturally competent and the reasons they believe the person is culturally competent.
 - d. An attestation where the person certifies under penalty of perjury that they are culturally competent and fluent in the language or languages that the relevant covered workers understand.
 - e. Written attestation by the qualified organization confirming the language fluency and cultural competency of trainers.
 - f. Written documentation from employer attesting to the language needs of employees/workers.
 - g. A list of trainings or presentations that the person presented in the language or languages that the relevant covered workers understand.