

TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 6. DIVISION OF LABOR STANDARDS ENFORCEMENT

ADDING SUBCHAPTER 13: JANITORIAL REGISTRATION AND TRAINING

ADOPTING SECTIONS 13820 THROUGH 13822, INCLUSIVE, REGULATING SEXUAL
VIOLENCE AND HARASSMENT PREVENTION TRAINING FOR
PROPERTY SERVICE WORKERS

Article 6. Sexual Violence and Harassment Prevention Training for
Property Service Workers

PROPOSED TEXT MODIFICATION – Section 13820(f)

Language originally proposed is in normal text

Language added in first modification is in **bold single underline**

Language deleted in first modification is in ~~**bold single strikethrough**~~

Language added in the first modification and deleted in this revision is ~~in single underline and double strikethrough~~

Language added by this revision is in ***bold italics***

§ 13820. Definitions

For purposes of this Subchapter:

(a) “Covered worker” as defined in Labor Code section 1420(a) includes full time, part time, and temporary janitorial workers.

(b) “Employer” has the same meaning as in Labor Code section 1420(e).

(c) “Training” means in-person, interactive instruction, provided to ~~a janitorial employee or supervisor~~ **nonsupervisory covered workers and supervisors of nonsupervisory covered workers** by a trainer. Audio, video, webinar and e-learning training methods may be used as supplemental tools in conjunction with in-person instruction but cannot solely fulfill the requirements of this subchapter. Interactive instruction shall include questions that assess learning, skill-building activities that assess the ~~employee's~~ **trainee's** application and understanding of content learned, and hypothetical scenarios about sexual violence and harassment, each with one or more discussion questions.

Examples of in-person interactive instruction include pre- or post-training quizzes or tests, small group discussion questions, discussion questions that accompany hypothetical fact scenarios, use of brief scenarios discussed in small groups or by the entire group, or any other learning activity geared towards ensuring interactive participation as well as the ability to apply what is learned to the ~~employee's~~ **trainee's** work environment.

(d) “Supervisor” has the same meaning as in Labor Code section 1420(g).

(e) “Trainers” **for purposes of providing training to supervisors of nonsupervisory covered workers under this section** has the same meaning as individuals who are qualified to provide training under Government Code section 12950.1 and regulations implementing section 12950.1.

(f) “Trainers” for purposes of providing training to nonsupervisory covered workers means a qualified peer trainer provided by a qualified organization listed on the website of the Department of Industrial Relations. Until such website list of qualified organizations is made available, “trainers” for purposes of providing training to nonsupervisory workers has the same meaning as “trainers” in subdivision (e). Additionally, as set forth in Labor Code section 1429.5(k), if there is no qualified peer trainer available a “trainer” for a nonsupervisory covered worker may also be a trainer as described in subdivision (e) of this section. *After the website list is posted and consistent with Labor Code section 1429.5(k), if the website list of qualified organizations that provide peer trainers to employers required to provide training to nonsupervisors 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 described in subdivision (e) of this section to provide training to nonsupervisory covered workers working in that specific county.*

Note: Authority: Section 1422, Labor Code. Reference: Sections 1420, 1429 and 1429.5, Labor Code.