

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**

§ 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 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 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 work environment.

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

(e) “Trainers” 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.

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

§ 13821. Standards Regarding Timing, Documentation, and Languages for Training

(a) Frequency of Training. An employer shall provide at least two hours of training to janitorial employees and their supervisors in identifying, preventing, and reporting sexual violence and harassment in the workplace, at least once every two years. New janitorial employees and new supervisors shall be trained within six (6) months of assuming employment or their supervisory position.

(1) For purposes of complying with the frequency requirement for training under this article, a “covered successor employer” that retains the same workforce as a predecessor employer for at least one hundred and twenty (120) days and maintains a supervisor’s or employee’s: (A) original seniority date with the predecessor employer; and (B) wage rate equal to or greater than that provided by the predecessor employer, may use the retained supervisor’s or employee’s last documented date of required training to determine the date when they must receive their next biennial training and must provide them a copy of the successor employer’s sexual harassment policy and reporting procedures.

(b) Documentation of Training. To track compliance, an employer shall maintain a record of the training it has provided as required under this section, including, but not limited to, the names of the janitorial employees and supervisors trained, the date of training, the sign-in sheet, a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and the name of the training provider. The employer shall maintain these records for a minimum of three years and shall make them available, upon request, to the Labor Commissioner.

(c) Duration of Training. The training required by this section does not need to be completed in two (2) consecutive hours. The minimum duration of a training segment shall be no less than one (1) hour.

(d) Training required by this section shall be provided in the language and literacy level understood by the janitorial employee and supervisor.

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

§ 13822. Objectives and Content

(a) An employer shall provide training on the prevention of sexual violence and harassment for all janitorial employees and their supervisors, which shall include, at a minimum, the content-based training requirements in Government Code section 12950.1 and regulations implementing section 12950.1.

(b) In addition, all training shall include identification of local, state, and national resources for victims of unlawful sexual violence and harassment, including community-based resources such as rape crisis centers, counseling services and mental health supports, and to whom they should report any alleged sexual violence and harassment.

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