

**California Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: New Sexual Harassment Prevention Training Requirements	REFERENCE NUMBER: 2014-040
DATE ISSUED: 11/7/14	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Equal Employment Opportunity Officers
Training Officers
Workplace Safety Officers**

FROM: California Department of Human Resources
Office of Civil Rights and the Statewide Learning and Performance Management Program

CONTACT: Office of Civil Rights
(916) 324-0970 (Voice)
California Relay Service, 7-1-1
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The purpose of this memorandum is to provide guidance on the implementation of AB 2053 (Gonzalez, 2014), which amends a provision of the Fair Employment and Housing Act, Government Code section 12950.1.

Effective January 1, 2015, AB 2053 requires the state, to include prevention of abusive conduct as a new component to the two-hour sexual harassment training for all supervisory employees within six months of appointment and every two years thereafter. AB 2053 also requires the state to incorporate prevention of abusive conduct into the 80 hours of training required by Government Code section 19995.4(b) for all new supervisory employees.

AB 2053 defines “abusive conduct” as:

[C]onduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

The California Department of Fair Employment and Housing (DFEH) is in the process of amending their regulations concerning AB 2053. (See Cal. Code of Regs., tit., 2, § 11024 (as proposed.) DFEH’s proposed amendments concerning AB 2053 can be found on its website at <http://www.dfeh.ca.gov/FEHCouncil.htm>.

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Departments should review their training programs with their respective Human Resources Office and/or legal staff to ensure compliance with the amended statute and regulations.

For questions regarding this PML, please contact the Office of Civil Rights at civilrights@calhr.ca.gov or (916) 324-0970 or California Relay Service, 7-1-1.

/s/Martha Chavez

Martha Chavez, Program Chief
Office of Civil Rights

/s/Guy Burghgraef

Guy Burghgraef, Statewide Training Coordinator
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Program