



80496

DATE: April 26, 2016

TO: Board of Supervisors

FROM: Sylvia Gallegos, Deputy County Executive

SUBJECT: Sexual Harassment Prevention and Anti-Bullying Training for All Employees

RECOMMENDED ACTION

Under advisement from December 15, 2015 (Item No. 13): Approve recommendations from the Equal Opportunity Department relating to Sexual Harassment, Discrimination and Bullying Prevention training to all County employees, as identified in the Executive Summary of Recommendations. (Employee Services Agency)

FISCAL IMPLICATIONS

In order to provide training to all County employees on sexual harassment and discrimination prevention as well as anti-bullying training in the workplace, the Equal Opportunity Department (EOD) estimates that it will require approximately \$80,000 to purchase Sexual Harassment, Discrimination, and Bullying Prevention web-based training, \$45,000 to contract with trainers to provide instructor-led training to employees who are unable to take web-based trainings, and up to \$90,000 to track compliance with this mandated training to all employees. The resources needed by EOD to implement training to all employees will be included in the County Executive's FY2016-17 Recommended Budget. EOD will also further explore alternative cost-effective methods to provide instructor-led training including training offered by County Counsel.

Additionally, there will be costs associated with backfilling for County employees attending training. This estimated annual cost will vary by the department, the staffing level, the length of training, and the number of employees needing coverage while attending training. Most departments will stagger the trainings so that managers will not have to backfill to provide core services that have mandatory staffing levels. However, it is estimated that in some workplaces, such as, Valley Medical Center, there may be a need to backfill up to 30% of staff.

Below are two estimates prepared by the Office of Budget and Analysis. The first range estimates the annual cost to backfill all County employees attending training and the second range estimates the annual cost to backfill 30% of County employees:

| | 30 Minutes | 1-hour | 2-hours |
|--|------------|-----------|-----------|
| Annual Backfill for all County Employees attending training | \$150,000 | \$300,000 | \$600,000 |
| Annual Backfill for 30% of County Employees attending training | \$45,000 | \$90,000 | \$180,000 |
| | | | |

The estimated annual cost to backfill is based on projected FY2016-17 salaries and benefits and includes all authorized positions that are not currently required to take Sexual Harassment Prevention and Anti-Bullying Training, but would potentially require backfill.

The above estimates exclude executive management, CEMA, and employees who are currently required to take Sexual Harassment Prevention training (supervisors, managers, leads). The number of authorized positions include those approved by the Board through January 26, 2016. The estimated cost assumes a 15% vacancy rate as not all authorized positions will be filled during the year.

In addition to the above cost to backfill for employees attending training, there will be a cost associated with employee travel to attend instructor-led training, but these costs are not yet known.

REASONS FOR RECOMMENDATION

On December 15, 2015, at the Board of Supervisors' meeting, Supervisors Wasserman and Cortese made a Board referral to the Administration to develop a plan to provide training to all County employees regarding sexual harassment prevention and anti-bullying training in the workplace. Supervisor Wasserman discussed the value of a recent training he attended for supervisors on prevention of sexual harassment and bullying, which also included prevention of discrimination and retaliation.

Executive Summary of Recommendations

The Administration was directed to provide a report and recommendations to implement mandatory training for all County employees relating to sexual harassment, discrimination, and bullying prevention. Employees required to attend this training are coded employees (classified and unclassified). EOD will evaluate the necessity of training temporary employees (extra-help and interns). Below is EOD's recommendation:

A. Frequency and Length of Training:

EOD recommends that an employee who is a non-supervisor shall complete a 1 to 2-hour online or instructor-led training once in his/her employment with the County and take a shorter (approximately 30-min refresher) course thereafter every three years.

B. How Soon Should Employees Receive Training:

Due to varying business requirements/busy seasons for each department, and to allow management flexibility in scheduling training to ensure core staffing coverage, EOD recommends the following:

- a) All current employees who have not previously received this training while employed at the County shall take the training within the year upon effective date and availability of this training.
- b) New Hires: All County new hires shall be trained within six months of new hire date (consistent with the State requirement mandating new supervisory employees must receive training within six months).

Background Analysis

In developing a plan for implementation of mandatory training, EOD considered that some departments require a minimum level of core staffing to ensure essential County services. Requiring all employees to attend training, even if done in phases, may require managers to provide coverage/backfilling by either using overtime or extra-help for core services. Having an online training program will provide employees immediate access, reduce travel time, and contain cost for coverage/backfill.

EOD has identified vendors that provide 1 to 2-hour online trainings that teach employees to recognize conduct that could lead to harassment. One online course helps employees understand how to effectively avoid conduct that frequently forms the basis of harassment claims that may not violate state or federal law, yet still violates County policy. In addition,

these vendors provide an option of a 20/30/45-minute refresher course that can be taken every three years.

EOD recommends that County employees should receive a minimum of a 1-hour web-based training, recognizing the online exercise will take up to 1.5 hours to complete or have the option of a 2-hour instructor-led training. (Instructor-led trainings are generally longer than web-based trainings due to classroom participation.) Once the employee has completed the base training, the employee must take a refresher course every three years.

Compliance with DFEH Regulations

Implementing these recommendations will assist the County in complying with the Department of Fair Employment and Housing regulations effective April 1, 2016, which requires employers to show that they have properly provided policies on harassment, discrimination, and retaliation prevention to employees and have confirmation of receipt of the policy.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

In accordance with the California Government Code, managers, supervisors and leads (supervisors) are required to attend sexual harassment prevention and anti-bullying training every two years, and newly appointed supervisors are required to take this class within six months of hire or appointment. Although there is an instructor-led training offered to non-supervisory employees, there is no requirement for non-supervisors to attend this training.

Current County Training Resources

Currently, the County has approximately an 18,000 employee workforce, of which 6,000 are supervisors. The County provides a two-hour training to all its supervisors by either an instructor-led course or web-based training online. The majority of the County's supervisors

take the web-based training. This training focuses on management's responsibilities to prevent and end harassment and includes guidelines on how to respond to a notice or a complaint of sexual harassment/discrimination, steps to appropriately respond, how to prevent, recognize, correct sexual harassment/discrimination, and how to identify bullying.

Practices of Other Local Agencies Surveyed

Learning and Employee Development surveyed eight Counties to determine their current practice for non-supervisory sexual harassment prevention training. The survey revealed:

Frequency of Training:

The majority of the agencies required training every three years.

Length of Training:

The average length was between 1.5 to 2 hours.

Delivery of Training:

The majority provide both web-based and instructor-led training.

CONSEQUENCES OF NEGATIVE ACTION

All County employees will not be required to receive sexual harassment, discrimination, and bullying prevention training.