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Update on FLC Sexual Harassment Training Requirements

The Dept. of Labor Standards Enforcement (DLSE) has issued its interpretation on how the new 2019 SB 1343 sexual harassment prevention training requirements for California employers would impact the former harassment training regulations FLCs have had under SB 1087, which are tied to FLC licensing requirements.

The DLSE's approach interprets the regulations in the strictest manner. FLC's should be aware that under the guidance from the DLSE, non-supervisory agricultural employees of the FLC must receive one hour of harassment prevention training on the day of hire, and every two years after. FLCs' supervisory employees must receive two hours of training within six months of assuming a supervisory position and then annually.

Another critical element of the DLSE's interpretation pertains to trainer qualifications. SB 1087 regulations allowing the FLC or their appropriate designated person to provide sexual harassment prevention training NO LONGER APPLY. The stricter requirement under SB 1343 is now the rule for FLCs. Sexual harassment prevention training for supervisors and non-supervisors must be provided by a qualified trainer with two years of experience who is:

- A) An attorney experienced in FEHA or Title VII harassment/discrimination law;
- B) A credentialed law school, college, or university level instructor with experience in harassment/discrimination law; or
- C) An HR Professional/Consultant with experience in harassment prevention issues.

For a copy of the letter the DLSE issued to FLCs, visit the following:

- English:
[https://www.dir.ca.gov/DLSE/Letter to FLC SB 1343 vs SB 1087-295 Clarification Eng.pdf](https://www.dir.ca.gov/DLSE/Letter%20to%20FLC%20SB%201343%20vs%20SB%201087-295%20Clarification%20Eng.pdf)
- Spanish:
[https://www.dir.ca.gov/DLSE/Letter to FLC SB 1343 vs SB 1087-295 Clarification-Spanish.pdf](https://www.dir.ca.gov/DLSE/Letter%20to%20FLC%20SB%201343%20vs%20SB%201087-295%20Clarification-Spanish.pdf)

More information on harassment training requirements is currently available at:

- <https://www.dfeh.ca.gov/resources/frequently-asked-questions/employment-faqs/sexual-harassment-faqs/>

The DLSE is currently constructing a FAQ webpage which will address questions posed by FLCs and others in the industry.

What This Means for Employers

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FLCs should note that the SB 1087 requirements have harsher consequences for them than other employers have under SB 1343. Under SB 1343, employers found to be out of compliance are simply instructed to get into compliance. For FLCs, the SB 1087 requirements are tied to their licenses and violations could result in significant fines and potential revocation or non-renewal of the license. Contact Barsamian & Moody for help in creating compliant training materials and procedures. Additionally, the firm provides training services in both English and Spanish.

The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360, for individual responses to questions or concerns regarding any given situation.