

City of Los Alamitos

Agenda Report Consent Calendar

April 18, 2016
Item No: 8H

To: Mayor Richard D. Murphy & Members of the City Council
From: Bret M. Plumlee, City Manager
Subject: Harassment and Discrimination Training

Summary: This report seeks approval for Harassment and Discrimination Training to be extended to, and be required of, all appointed City Council Members and Commissioners.

Recommendation: Approve Resolution No. 2016-12 entitled, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING THE REQUIREMENT FOR MANDATORY HARASSMENT AND DISCRIMINATION TRAINING FOR CITY COUNCIL MEMBERS AND COMMISSIONERS."

Background

The state legislature in 2005 approved Assembly Bill No. 1825 (AB 1825) to establish California's sexual harassment prevention training requirements based upon its determination that then-current laws, while prohibiting sexual harassment, had not done enough to eliminate the problems.

AB 1825 was incorporated into Government Code Section 12950.1 which requires California employers with fifty or more employees to provide sexual harassment training and education to each supervisory employee once every two years, and to new supervisory employees within six months of their assumption of a supervisory position.

AB 1825 is interpreted and enforced by the California Fair Employment and Housing Commission (DFEH), which enforces the state's civil rights laws regarding discrimination employment, housing, public accommodations, pregnancy disability leave, family and medical leave and hate violence.

Discussion

The California Fair Employment and Housing Act makes it an unlawful practice for an employer to fail to take "all reasonable steps" necessary to prevent sexual harassment from occurring, and AB 1825 does not "discourage or relieve" any employer from

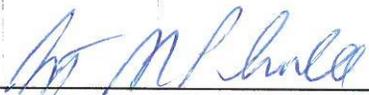
providing for longer, more frequent or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination or to make or meet its obligations to take all reasonable steps necessary to prevent and correct Harassment and Discrimination. The City's legal counsel has recommended that the Harassment and Discrimination training be extended to, and be required of, all appointed City Council Members and Commissioners.

The training is provided either in person at City Hall, remotely on-line, or the individual may provide a certificate of Harassment Training completion from a current employer to the City of Los Alamitos for records documentation purposes.

Fiscal Impact

The cost for Harassment Training is included in the existing budget.

Submitted and Approved By:



Bret M. Plumlee
City Manager

Fiscal Impact By:



Jason Al-Imam
Administrative Services Director

Attachment: Resolution 2016-12

RESOLUTION NO. 2016-12

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF
LOS ALAMITOS, CALIFORNIA, ESTABLISHING THE
REQUIREMENT FOR MANDATORY HARASSMENT
AND DISCRIMINATION TRAINING FOR CITY COUNCIL
MEMBERS AND COMMISSIONERS.**

WHEREAS, the state legislature in 2005 approved Assembly Bill No. 1825 (AB 1825) to establish California's sexual harassment prevention training requirements based upon its determination that then-current laws, while prohibiting sexual harassment, had not done enough to eliminate the problems; and

WHEREAS, AB 1825 was incorporated into Government Code Section 12950.1 which requires California employers with fifty or more employees to provide sexual harassment training and education to each supervisory employee once every two years, and to new supervisory employees within six months of their assumption of a supervisory position; and

WHEREAS, AB 1825 is interpreted and enforced by the California Department of Fair Employment and Housing (DFEH), which enforces the state's civil rights laws regarding discrimination in employment, housing, public accommodations, pregnancy disability leave, family and medical leave and hate violence; and

WHEREAS, according to DFEH regulations, the mandated harassment prevention training shall include, but is not limited to, the following:

1. The types of conduct that constitutes sexual harassment;
2. Remedies available for sexual harassment;
3. Strategies to prevent sexual harassment in the workplace;
4. Resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment;
5. The employer's obligation to conduct an effective workplace investigation of harassment complaints; and
6. The essential elements of anti-harassment policy and how to utilize them if a harassment complaint is filed; and

WHEREAS, the California Fair Employment and Housing Act makes it an unlawful practice for an employer to fail to take "all reasonable steps" necessary to prevent sexual harassment from occurring, and AB 1825 does not "discourage or relieve" any employer from providing for longer, more frequent or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination or to make or meet its obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination; and

WHEREAS, this City Council has determined that it is beneficial to the City of Los Alamitos and in the best interest of the City's employees, its residents, and the members of the general public using City services that harassment prevention training be extended to, and be required of, all appointed City Council Members and Commissioners.

WHEREAS, the training is provided either in person, remotely on-line, or the individual may provide a certificate of Harassment Training completion from a current employer to the City of Los Alamitos for records documentation purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Los Alamitos, California, mandates that all City Council Members and Commissioners complete a mandatory harassment prevention training program consistent with the requirements of Assembly Bill No. 1825.

SECTION 2. The manner and method for providing the harassment prevention training shall be determined by the City Manager or designee.

SECTION 3. A copy of this Resolution shall be posted on the City's website along with the description of City Commissions.

SECTION 4. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 18th day of April 2016.

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Cary S. Reisman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, CMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 18th day of April 2016, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Windmera Quintanar, CMC, City Clerk