

STATE SEXUAL HARASSMENT TRAINING REQUIREMENTS

ORMA, Employment Practices Risk Management Association (EPRMA), and EPRMA's EPLI Helpline and defense counsel, LaPointe Law, have undertaken an analysis of state requirements pertaining to mandatory sexual harassment training. Currently, five states—California, Connecticut, Delaware, Maine, and New York¹—require sexual harassment training for managers, rank-and-file employees, or both.

CALIFORNIA

Requirements

- **Timing/Duration:** Training must occur during 2019 (before 1/1/20), then every two years thereafter and/or within 6 months of hire/promotion
 - Supervisors (managers): 2 hours
 - Non-supervisors (crew): 1 hour
 - Seasonal/temp employees: within 30 days of hire or 100 hours of work, whichever occurs first
- **Method:** “effective interactive training” by eligible trainer, which includes--
 - In-person classroom training;
 - E-learning with opportunity to ask questions and receive an answer within 2 business days; or
 - Webinar with documented active participation
- **Content:**
 - Definition of sexual harassment
 - Statutory provisions and case law
 - Conduct that constitutes sexual harassment
 - Remedies/liability
 - Strategies to prevent sexual harassment
 - Supervisor’s duty to report
 - Practical examples
 - Limited confidentiality of complaint process
 - Victim resources and how to complain
 - How to investigate and take appropriate remedial measures
 - What to do if supervisor is accused
 - Elements of anti-harassment policy, how to use it, and distribute employer’s policy and have employees acknowledge receipt
 - Define abusive conduct and negative consequences on workplace, provide examples, explain single act is not abusive conduct unless severe
 - Define and provide examples of harassment based on gender identity, gender expression, and sexual orientation
- **Recordkeeping:** maintain for 2 years
 - E-learning: questions/answers
 - Webinar: webinar recording, written materials, questions/answers



- Tracking: names, training date, sign-in sheet, attendance/completion certificates, type of training, copy of all written or recorded materials that comprise the training, and name of training provide

Training Plan for California Managers/Supervisors and Crew

LaPointe Law 2 hour Webinar meets state requirement for managers/supervisors.
Kantola 2 hour training session meets state requirement for managers/supervisors.
Kantola1 hour training session meets state requirement for crew/seasonal workers.

CONNECTICUT

Requirements

- **Timing**: Supervisors must complete sexual harassment training within six months of assuming position. Every 3 years thereafter is encouraged.
- **Method/Duration**: Can be web-based.
 - 2 hours
 - Q&A
- **Content**:
 - Training must describe federal and Connecticut provisions, define sexual harassment, discuss conduct that can constitute harassment, include info that harassment can occur between individuals of same or opposite sex, describe remedies available, discuss that harassment can also be a crime, discuss prevention strategies.
- **Recordkeeping**
 - Training records for 1 year or until a claim of harassment/discrimination is resolved.

Training Plan for Connecticut Managers/Supervisors

LaPointe Law 2 hour Webinar meets state requirement for managers/supervisors.
Kantola 2 hour training session meets state requirement for managers/supervisors.

DELAWARE

Requirements

- **Timing**: By 1/1/2020 for current supervisors, within one year of promotion to supervisor position, or one year of hire for new managers. Every 2 years thereafter.
- **Method**: Must be “interactive,” which is not defined.
- **Content**:
 - The illegality of sexual harassment
 - The definition of sexual harassment using examples
 - The legal remedies and complaint process available to the employee
 - Directions on how to contact the Department
 - The legal prohibition against retaliation
 - Supervisor training must also include:
 - The specific responsibilities of a supervisor regarding the prevention and correction of sexual harassment



- The legal prohibition against retaliation
- **Recordkeeping**: Not specified.

Training Plan for Delaware Managers/Supervisors

LaPointe Law 2 hour Webinar meets state requirement for managers/supervisors.
Kantola 2 hour training session meets state requirement for managers/supervisors.

MAINE

Requirements

- **Timing**: All employees within 1 year of hire.
- **Method**: Not specified, but the Maine Human Rights Commission (MHRC) considers “interactive” training to be the most effective.
- **Content**: Must follow MHRC checklist, to include:
 - The illegality of sexual harassment;
 - The definition of sexual harassment under state and federal law, including the Maine Human Rights Act and Title VII of the Civil Rights Act;
 - A description of sexual harassment using examples;
 - The internal complaint process available to employees;
 - The legal recourse and complaint process available through the Maine Human Rights Commission
 - Contact information for the Maine Human Rights Commission; and
 - The protection from retaliation under the Maine Human Rights Act.
 - Supervisor training must also include:
 - The specific responsibilities of supervisory and managerial employees to with respect sexual harassment prevention; and
 - The methods that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.
- **Recordkeeping**: maintain for 3 years record of who received training

Training Plan for Maine Employees

Maine has required sexual harassment training for all employees for a number of years, so it is likely that owner/operators in the state already have compliance programs in place. However, LaPointe Law 2 hour Webinar meets state requirement for employees. Kantola 2 hour training session meets state requirement for employees.



NEW YORK STATE

Requirements

- **Timing**: All employees must receive training by **October 9, 2019**, then yearly thereafter.
- **Method**: Can be web-based. Must be “interactive,” meaning:
 - Q&A
 - Feedback survey for employees
- **Content**:
 - Model training video and PowerPoint available.
 - Explanation of sexual harassment consistent w/ guidance issued by NYSDHR
 - Examples of unlawful harassment
 - Information concerning statutes, agencies, and remedies
- **Recordkeeping**: Encouraged to keep copy of training records.

Training Plan for New York State Employees

LaPointe Law 2 hour Webinar meets state requirement for employees.
Kantola 2 hour training session meets state requirement for employees.

NEW YORK CITY

Requirements

Employers in New York City must train employees by **April 1, 2019**, and yearly thereafter. Training is required for employees who work more than 80 hours in a calendar year and work for at least 90 days. In addition to the New York State requirements, training must include information about New York City’s laws against harassment, discuss the NYC Commission on Human Rights, discuss “bystander intervention,” and go through additional responsibilities for managerial employees.

Training Plan for New York City Employees

LaPointe Law 2 hour Webinar meets state requirement for managers/supervisors.
Kantola 2 hour training session meets state requirement for managers/supervisors.
