

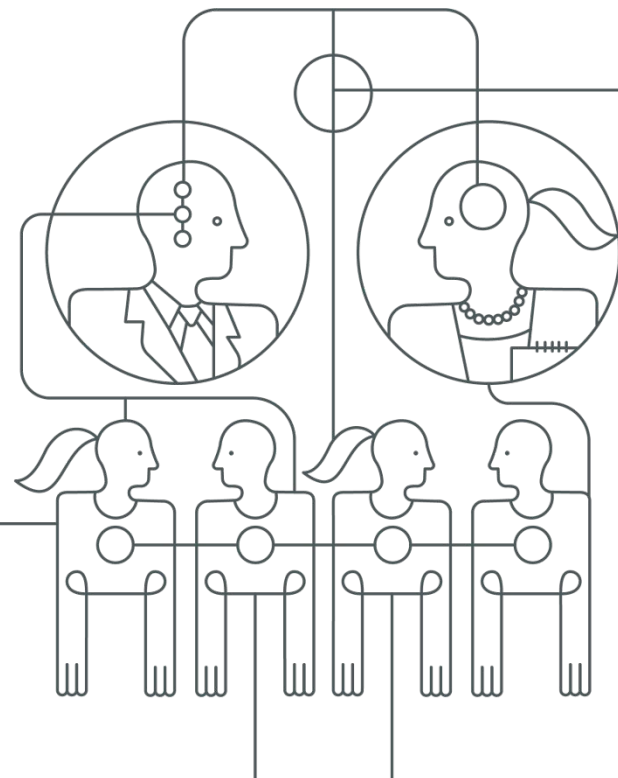
June 27, 2019

EVERFI

Harassment Training Mandates: CA, NY... What's Next?

○ **Christopher Valentino**, Jackson Lewis P.C.

Elizabeth Bille, EVERFI



One Thing Before We Get Started...

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EVERFI Conduct and Culture at a Glance



1.4M

learners
enrolled
since 2016



1,900+

partners



7+

in-house
lawyers tracking
legislation

Featured Speakers

Christopher Valentino is the Office Managing Principal of the Long Island, New York, office of Jackson Lewis P.C. and is a member of the firm's Board of Directors. Mr. Valentino represents companies in matters relating to traditional labor, equal employment opportunity, employment litigation and related matters. He has conducted hundreds of management training seminars on avoiding discrimination and sexual harassment.

Elizabeth Bille is an employment law attorney and currently serves as the subject matter expert on the prevention of harassment and discrimination in the workplace for EVERFI. Prior to joining EVERFI, Elizabeth was the General Counsel of the Society for Human Resource Management (SHRM); served as a legal and policy advisor to the Vice Chair of the EEOC; and counseled employers as an attorney at the law firm of Hogan & Hartson (now Hogan Lovells). Elizabeth's work has been cited by several news outlets such as National Public Radio, The Wall Street Journal, and The New York Times.

Note: The information provided via this webinar is not intended as legal advice. Please consult with your counsel regarding applicable legal requirements, risks, and practices for your organization.

About Jackson Lewis P.C.



Named the 2018 **“Innovative Law Firm of the Year”**
by *International Legal Technology Association*

Certified as a 2018 **“Gold Standard Firm”** by the *Women in Law Empowerment Forum (WILEF)* for the seventh consecutive year

Named the 2018 **Labor Law – Management Law Firm of the Year** and ranked in the **First Tier** nationally in the categories of Employment Law – Management; Labor Law – Management; Litigation – Labor and Employment in the *U.S. News – Best Lawyers® “Best Law Firms”*



10 Jackson Lewis attorneys were named “Lawyer of the Year” and **200+** attorneys were selected for inclusion in the 2019 edition of *Best Lawyers in America*

Train for Prevention, Not Just Compliance: Strategy Framework



Programming. Prevention training, programs, and communication strategies that maximize engagement and drive impact.

Policy. The values and expectations of the organization, and the system of accountability to uphold and enforce them.

Critical Processes. Using goal setting, strategic planning, and data analysis to inform and evaluate prevention work.

Institutionalization. System-wide buy-in, visible commitment, and investment in effective prevention initiatives.

Training Is a Best Practice

Employers Should Conduct Sexual Harassment Prevention Training Even in States with No Statutory Requirement.



Changing Legislative Landscape

The Post #MeToo Environment



Required Sexual Harassment Prevention Training

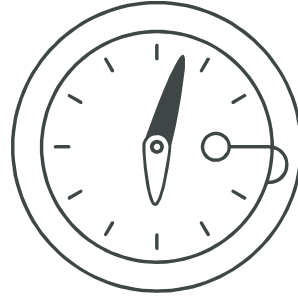
California



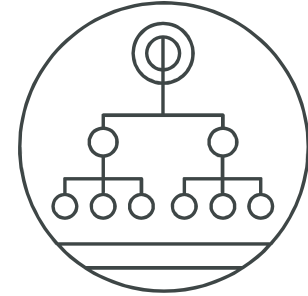
California Requirements Prior to 2019



Applied to employers
**with 50 or more
employees**



Required to provide
supervisors in California
**two hours of anti-sexual
harassment training
every two years**



No requirement
to train non-supervisors



California: New Anti-Harassment Laws

SB 1343

Expansion of AB 1825 Training Mandate

Employers with five or more employees

All employees must receive sexual harassment training every two years

One hour for non-supervisors; Two hours for supervisors

Within six months of hire (except temp/seasonal workers – within 30 days or 100 hours)

Training /retraining (?) deadline: January 1, 2020

Penalty: an order requiring the employer to provide training

SB 1300

Bystander Training/Expansion of Liability

Bystander intervention training encouraged

Expanded liability for harassment by non-employees – all types of harassment

Legislative intent that a single incident can constitute a viable claim of HWE

Effective January 1, 2019



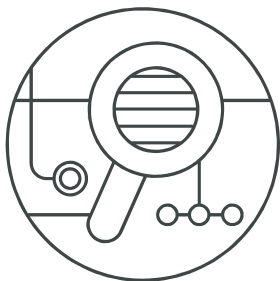
Required Sexual Harassment Prevention Training

New York



New York: New Anti-Harassment Laws

State Law: Effective April 1, 2019



Scope

All NY employers must provide all NY employees with sexual harassment training and a written sexual harassment prevention policy



Training must

Be completed annually
first round by October 9, 2019
Meet minimum standards
Be interactive (may be online)



Policy must include

A standard complaint form
Investigation procedure,
information about filing complaints
(agencies, courts), remedies



New York City: New Anti-Harassment Laws

NYC Law: Effective April 1, 2019

Local Law 96 Of 2018

Employers with 15 or more employees

All employees must receive sexual harassment training every year

Duration of the program not specified

Within 90 days of hire (except temp/seasonal workers – more than 80 hours and at least 90 days)

Tracking: Employers must keep a record of all trainings with a signed employee acknowledgement



Required Sexual Harassment Prevention Training

Connecticut, Illinois, Delaware, Maine & D.C.



Connecticut Requirements

State Law: Effective June 19, 2019

Prior to 2019
Passed in 1992

Employers with 50 or more total employees no matter where they were located

Supervisors must receive sexual harassment training every three years

Duration of the program must be two hours

Within 6 months of assuming a supervisor role

2019

Public Act No. 19-16 “Time’s Up Act”
Amended by Senate Bill 1111

Employers with three or more total employees

One to two employees only train supervisors

Three+ employees all employees

Duration of the program must be two hours

Training Deadline October 1, 2020

Within six months of hire or assuming a supervisor role

Penalty: \$750

Additional Legislation



Illinois *(Pending)*

Scope

All employees
working in Illinois

Training must

Be completed annually

Penalty

Up to \$5,000



Delaware

Scope

50+ employees
in the state

Training must

Be completed by all
employees first round
by January 1, 2020

Be given every **two years**

Have **90 minutes**
of content



Maine

Scope

15+ employees
in the state

Training must

Be given to all employees

Every year for
supervisors

Within a year of starting

Penalty

Up to \$5,000



D.C.

Scope

Employers with
tipped employees

Training must

Be given to all employees

Be given every **two years**

Be given within **90 days**
of starting employment

Strategies for Compliance

Synthesizing Requirements
for Multi-State Employers

Topics Covered – Compliance vs. Impact

- Definition of unlawful sexual harassment under applicable local, state & federal law
- Harassment based on other protected classes including gender identity, gender expression and sexual orientation
- Company policies
- Conduct constituting sexual harassment and examples
- Remedies available under the law
- Strategies to prevent sexual harassment in the workplace
- The company's internal complaint process and the limited confidentiality of such process
- Employer's obligation to conduct an effective workplace investigation

Topics Covered Across States

- Bullying / “Abusive Conduct” (California Required)
- Bystander Intervention (New York City Required)
- Process and contact information for filing a complaint with local and state agencies and the EEOC
- Prohibition against retaliation
- Specific responsibilities of a supervisor regarding prevention and correction of sexual harassment and the prohibition against retaliation
 - CA employers must cover what to do if accused of harassment for supervisors

Training for Impact: Teach Employees and Managers What They SHOULD Do

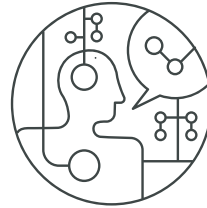


Positive Framing

Learners as bystanders/allies
not potential harassers/victims

Positive action and values
not avoiding negative
consequences

Professionalism and culture
not just illegal/egregious behavior



Bystander Intervention

More than “See something, say something”

- Learn to **recognize** concerning situations
- Build and practice intervention **skills**
- Understand they will be **supported**

The EVERFI Difference



Engaging Design

Gain lifelong skills applicable in everyday interactions that can drive business outcomes and shape workplace culture



Robust Technology

Best-in-class, online workplace training with engaging content and interactive modules



Data Impact Driven

Platform dashboards display actionable information about the perception, behaviors and attitudes of your employees



Customizable Content

Incorporate your company logo, images, welcome letter and policies

For Attendees Holding a SHRM-CP or SHRM-SCP Credential:

SHRM Activity ID:

19-NR9JE

portal.shrm.org



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Questions?

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Christopher Valentino

Jackson Lewis P.C.

jacksonlewis.com



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Elizabeth Bille

EVERFI

ebille@everfi.com

insights@everfi.com

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July 23

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Live Webinar

Lead with Integrity: How to Promote an Ethical Culture Within Your Workforce

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