

City of Pacific Grove



Response to Grand Jury Report

AB 1825

August 2020

Response to Assertions of Facts

Though the Grand Jury has not required comment on the listed Facts, the City will comment selectively. The City notes that Findings and Recommendations must necessarily rely on the Facts, and it is important to be fully accurate.

- The City of Pacific Grove exclusively trained its supervisory employees with classroom sessions during FY 2016/17, FY 2017 /18, and FY 2018/19.

The City also offered online training when City employees or officials were not able to attend in person.

- The City's AB 1825 classroom training course titled, *Sexual Harassment Prevention – A Guide for Elected Officials & Senior Staff - AB 1825*, is offered throughout each calendar year.

Through De Lay & Laredo, the City offered four training modules:

- *Sexual Harassment Prevention A Guide for Elected Officials and Senior Staff*
- *Sexual Harassment Prevention A Guide for Public Agency Employees*
- *Sexual Harassment Prevention A Guide for Human Resource Professionals*
- *Sexual Harassment Prevention A Guide for Non-Managerial Employees*

- AB 1825 supervisory training content appears to be fully compliant with the applicable administrative regulation 2 CCR §11024. It provides training sign-in sheets for each employee. Certificates of completion are not issued.

The training program provides sign-in sheets, certificates of completion, and evaluations for the participants. The copies of the sign-in sheets and evaluations are retained at De Lay & Laredo and a copies of the sign-in sheets and certificates are provided to the City.

The classroom schedule included two training dates in 2017, six training dates in 2018, and two training dates in 2019 (one of which was held after FY ending June 30, 2019).

In calendar year 2017, in addition to the two trainings at City facilities on February 23rd and March 23rd, De Lay & Laredo held a third training session in March 14, 2017 at the Monterey Peninsula Water Management District, which was also offered to City employees and officials.

In calendar year 2018, De Lay & Laredo held five training sessions for City employees and officials at City facilities. De Lay & Laredo provided an additional five training sessions to various public agency clients, to which City employees and officials were also invited.

In calendar year 2019, De Lay & Laredo held three training sessions for City employees and officials at City facilities. De Lay & Laredo provided an additional three training sessions to various public agency clients, to which City employees and officials were invited.

- Staff in the City's HR Department changed in 2016. The newer employees were unable to access AB 1825 training records for 2016 and prior years. Therefore, the City's current training records start in 2017.

The Grand Jury requested training records for fiscal years 2016-17, 2017-18, and 2018-19; therefore, records prior to July 2016 were not provided. The City has training records for 2015.

- Pacific Grove's *Employee Handbook*, which is also posted on the city's website, is dated August 1, 2016. Review of the handbook showed it is missing all reference to a policy pertaining to sexual harassment or abusive behavior required by 2 CCR §11023. Therefore, it is assumed employees sign a required acknowledgement of receipt of the handbook in their new-hire orientation, but it is deficient in the acknowledgement of a legally required receipt of the harassment, discrimination, and retaliation policy.

New employees are provided a copy of the City's harassment policy during onboarding. Continuing employees receive and sign an annual performance evaluation, which has the City's harassment policy attached.

Response to Grand Jury Project Sexual Harassment Prevention Training and Compliance Findings

With respect to each finding, the Grand Jury requests the City indicate one of the following:

- 1) The City agrees wholly with the finding; or
- 2) The City disagrees wholly or partially with the finding, in which case the City must specify the portion of the finding that is disputed and shall include in the response an explanation of the reasons for the disagreement.

F27. Pacific Grove has a first-rate classroom training program. However, its structured in-person training dates sometimes make it hard to achieve timely training for all employees who have training due.

The City disagrees partially with the finding.

The City offers training throughout the year for City officials and employees at City facilities. De Lay & Laredo offers additional training sessions for other public agencies, which are open to participation by City employees and officials. Furthermore, the City encourages online training for those unable to attend in person.

F28. The City's existing AB 1825 recordkeeping system does not facilitate tracking two-calendar year retraining and six-month supervisory employee training.

The City disagrees wholly with the finding. The City tracks compliance via an Excel spreadsheet, which is date driven.

F29. The City's electronic onboarding or induction does not ensure timely six-month training for new and promoted supervisors, which has resulted in a low percentage of timely training.

The City agrees wholly with the finding. The City began contracting with NeoGov, a new electronic onboarding system, in December 2019. NeoGov will be populated with harassment training due dates and advance reminders.

F30. The City's policies no 100.80-100.110, Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure, found in the Administrative Policies and Procedures Manual posted on the website, are missing a reference to mandated AB 1825 training requirements contained in 2 CCR § 11024 regulations.

The City agrees wholly with the finding.

F.31 The City's Employee Handbook, for which Employees sign and acknowledgment of receipt, is missing references to AB1825 policy and mandated training requirements.

The City agrees wholly with the finding.

Response to Grand Jury Recommendations

With respect to each recommendation, the Grand Jury requests the City report one of the following actions:

- 1) The recommendation has been implemented, with a summary of the implemented action;
- 2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation,
- 3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the City (this timeframe not to exceed six months from the date of publication), or
- 4) The recommendations will not be implemented because it is not warranted or is not reasonable, with an explanation therefore:

R17. By September 30, 2020, Pacific Grove should continue to improve its recordkeeping efforts and fully update its supervisory employee roster worksheet to better track and address potentially late AB 1825 training before it becomes late.

The recommendation has been implemented. The City has improved its recordkeeping efforts by consistently updating the Excel spreadsheet to better track training prior to the compliance due date and utilizing NeoGov, an electronic onboarding program to track training of new hires.

R18. The City should develop a practice to individually counsel and refer new and promoted supervisors to online training when classroom training is not available within six months of their hire. Those employees also should be encouraged to take the next session of in-person classroom training to reinforce the City's culture of respect. This recommendation should be completed no later than six months after this report is published

The recommendation has been implemented. In addition to the regularly scheduled classroom training sessions, the City has contracted with a new provider for online sexual harassment prevention training as an alternative to classroom sessions.

R19. By December 31, 2020, the City should amend their Administrative Policies and Procedures Manual, policies no. 100.80 – 100.110, Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure, to reference AB 1825 training requirements per 2 CCR § 11024 regulations.

The recommendation has not yet been implemented but will be implemented by December 31, 2020. The City has been in the process of updating all personnel policies established in the Administrative Policy and Procedure Manual and the Employee Handbook and combining them into a single Manual. The Manual amendments reference the AB1825 training requirements.

R20. The City should publish an updated Employee Handbook that references current law on harassment of all types, on abusive conduct, and on mandated harassment training. Pacific Grove should distribute the revised handbook to all employees and require them to sign a new

acknowledgment of receipt. This recommendation should be completed within 18 months of the publication of this report.

The recommendation has not yet been implemented but will be implemented by June 30, 2021.

The City has been in the process of updating all personnel policies established in the Manual and Employee Handbook, including harassment, and will require all employees to execute a new acknowledgement of receipt.

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