

September 20, 2020



The Honorable Stephanie E. Hulsey
Judge, Superior Court of California
County of Monterey
240 Church Street
Salinas, CA 93901

Re: 2019-2020 Monterey County Civil Grand Jury Final Report – “Sexual Harassment Prevention #TrainingCompliance”

Judge Hulsey:

This letter is written in response to the Monterey Civil Grand Jury Final Report - “Sexual Harassment Prevention #TrainingCompliance”, dated June 24, 2020 (“the Report”). As required by the Report, this letter serves as my City’s response pursuant to Penal Code section 933 and 933.05. The responses contained in this correspondence were approved by the City Council of the City of Sand City at their regular meeting of September 15, 2020.

On behalf of the City Council of the City of Sand City, I would like to assure you that the City of Sand City (“City”) is committed to providing a workplace and environment free of harassment and discrimination.

Our comments follow in the order that they were presented in the report. The actual report language is displayed in **bold** type for readability.

FINDINGS

Finding 1: For two employees, Sand City failed to meet the two-year timeframe for sexual harassment/abusive conduct re-training of supervisory employees, as directed by California Government Code §12950.1 and more particularly specified in 2 CCR §11024-----.

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The Council partially agrees and partially disagrees with the finding. 2 CCR §11024 specifies two methods to track compliance with California Government Code §12950.1. As the Grand Jury Report states, the City's retraining rate in fact resulted in a "100% compliance" under the "Training Year" tracking model set forth in 2 CCR section 11024(b)(1)(B). (Report, page 40). The City was therefore fully compliant under one of the two tracking methods allowed by the statute. The City agrees that if only the 24-month tracking method is applied, two employees would not be in compliance -- although it should be noted that both of the individuals noted in the Final Report as not in compliance completed the re-training less than a week late.

Finding 2: The city has no written policy regarding AB 1825 sexual harassment/abusive conduct training.

The Council partially agrees and partially disagrees with the finding. The City's personnel manual is a written policy which addresses sexual harassment training of supervisors. It requires that the City comply with all rules and regulations regarding the training of employees in supervisory positions, which would include all of the AB1825 requirements. The City agrees with the finding only to the extent it is intended to state that the City has no written policy *in addition to* the City's personnel manual.

RECOMMENDATIONS

Recommendation 1: By December 31, 2020, Sand City should ensure that AB 1825 sexual harassment/abusive conduct prevention training undertaken by and/or at the direction of the city follows the directives and protocols laid out in 2 CCR §11024, including but not limited to the following areas: frequency, duration, and documentation of training; content of training; method of delivery of training; qualification of the trainer.

This Recommendation is in the process of being implemented by the City of Sand City. City Staff is updating its personnel manual, which will be finalized before the December 31, 2020 deadline and the City will implement any necessary additional training procedures to ensure that the directives and protocols set forth in 2 CCR § 11024 are met.

Recommendation 2: Sand City should develop a system to ensure that a full and complete written record of all AB 1825 trainings that it sponsors, regardless of whether delivered via classroom, e-learning, or webinar format, is in place and includes the date of the trainings and the names of attendees. This recommendation should be completed within 18 months of the publication of this report.

This recommendation has not yet been implemented but will be implemented. The City of Sand City is committed to developing a system to ensure that a full and complete written record of all AB 1825 trainings that it sponsors is in place and includes the date

of the trainings and the names of attendees well before the 18-month deadline.

Recommendation 3: By December 31, 2020, Sand City should engage with the City Attorney, other staff, or an outside contractor to prepare a written policy regarding AB 1825 sexual harassment/abusive conduct prevention training for its workforce.

This recommendation has not yet been implemented, other than the existing language in the City's personnel manual, as set forth above. Prior to the December 31, 2020 deadline, City staff will work with the City Attorney to develop a written policy which will address AB1825 prevention training. In addition, a copy of the Monterey County Civil Grand Jury recommendations has been provided to HR staff to ensure continued compliance.

Respectfully,



Mary Ann Carbone
Mayor



Aaron Blair
City Manager