

# Statement of Compliance for AB 1825 Regulations

**LawRoom warrants its online Supervisor Compliance Program to Prevent Harassment, Discrimination and Retaliation complies with California's AB 1825 Regulations.**

## **AB 1825 (Gov code section 12950.1)**

California's AB 1825 requires employers to provide at least two hours of training to all supervisory employees on the prevention of harassment, discrimination and retaliation every two years.

## **FEHC Regulations (CCR, Title 2, section 7288.0)**

The Fair Employment & Housing Commission Regulations define who qualifies as trainers, when and whom to train, what training methods comply, the training duration and content, and how to track and record training. LawRoom participated in the public hearings held by the FEHC (Commission), provided suggestions and its online training course to help the Commission draft the new regulations.

## **Instructional Designer Requirement**

The new regulations specifically state that e-learning (online) training complies with AB 1825 if it is created by an instructional designer and meets the other requirements discussed in this paper. LawRoom is headed by Ralph Yanello, a lawyer with 30 years of experience has been designing, building, and delivering online employment law courses since 2003. Under his direct supervision, LawRoom has designed and launched over 15 online courses, following the best practices of the leading instructional designers like Michael Allen, Clark Aldrich and other notable designers. LawRoom's courses are highly interactive and designed around the inquiry-based, constructionist pedagogy.

This means supervisors learn by doing. They learn by experimentation, and not by being told what will happen. This engages supervisors. And, when supervisors are engaged, they are more receptive to learning. The objective is to affect behavior in the workplace and go beyond mere compliance.

In recognition of the quality of LawRoom's online training, LawRoom is an Approved Provider of training by the Human Resource Certification Institute (SHRM), the California State Bar, and the California Dental Board.

## **Trainer Requirement**

The regulations also state that e-learning content must be created by a trainer who can be an Attorney, HR Professional, Harassment Prevention Consultant, Professor or Instructors. These individuals must also have a minimum number of years of experience (two years or more) in the area of preventing harassment, discrimination, and retaliation.

LawRoom qualifies under the attorney category. Ralph Yanello has spent the last 18 years practicing employment law under state and federal laws. Plus,

LawRoom's editorial staff of lawyers is headed by Kent Mannis, the Managing Editor and lawyer with 13 years of employment law experience. Kent also has a background in teaching Harassment Prevention and legal publishing.

LawRoom also qualifies as an HR Prevention Consultant. Ralph Yanello and Kent Mannis have years of practical experience in designing and conducting discrimination, retaliation and sexual harassment prevention training and many more years advising employers regarding discrimination, retaliation and sexual harassment prevention.

Since 1994, LawRoom has advised over 40,000 employers regarding employment law compliance, which include harassment, discrimination, and retaliation. Weekly, we analyze new cases, interpret new regulations and laws, spot legal trends, and educate our corporate members on how to comply. We specialize in understanding employment laws and explaining them to employers in clear, simple and useful language.

Because of the respect and trust LawRoom earned serving employers, over 1,700 companies of all sizes have relied on LawRoom's online supervisor course to satisfy their AB 1825 training mandate. LawRoom's training library also educated employees, managers, and HR staff on legal hiring, termination, workplace safety, diversity, ethics, workplace investigations, and other employment law topics.

### **Two-Hour Requirement—LawRoom's "Smart-Timer"**

The regulations require that e-learning training must take the supervisor "no less than two hours to complete." LawRoom was the first online provider to use the Smart-Timer to guarantee that supervisors spend two hours in the course. Based on the reading and comprehension speed of the supervisor, the amount of content and interactions can change to insure that the supervisor spends at least two hours in the course.

If the supervisor is a fast reader or trying to click through the content, LawRoom's proprietary Smart-Timer senses it and offers additional content and interactions until the two-hour minimum is met. If the supervisor is an average or slow reader, the normal content and interactions will take at least two hours.

Other vendors simply display a meter of how much time supervisors are spending in the course. If they go too fast, they either have to stop or go back over the same material. Some vendors pause the training to allow time to pass, leaving the supervisor staring at the page.

Neither of these solutions complies with the two hour requirement. Completing a one hour course twice or staring at it for an additional hour does not make it a two-hour course. There must be enough content and interactions to insure that supervisors spend two hours, no matter how quickly or slowly they read, interact, and comprehend.

### **Interactive Requirement: Access to Subject Matter Expert**

The regulations require the e-learning training be interactive. The training must give the supervisors the opportunity to ask questions via a link to a trainer who can answer their questions within two days.

LawRoom was the first online vendor to provide supervisors access to expert answers via email, using its popular "Ask the Instructor" feature. Every page of the online course has this feature. It allows a supervisor to immediately send a question to LawRoom's employment lawyers. On average, LawRoom provides an answer within two hours.

All questions and answers, including who and when sent, are automatically stored in LawRoom's online (LMS). Via the online LMS, the employer can review the questions posed by its supervisors, who sent the question, the answers provided by LawRoom, and the time between the question and answer.

LawRoom has more experience using this online interactive methodology than any other training vendor. We modeled "Ask the Instructor" after its highly effective, well-tested "Ask the Editor" feature that LawRoom introduced in 2000 for its online employment law compliance program. LawRoom has honed its skill in answering thousands of ONLINE employment law questions over the last seven years.

### **Interactive Requirement: Hypotheticals and Skill-building Activities**

The regulations require all methods of training (classroom, e-learning, and webinar) to contain the following interactions: (1) practical examples from case law, news and media; (2) workplace hypotheticals which illustrate harassment, discrimination and retaliation through role playing, case studies, or group discussions; (3) questions that assess learning and keep supervisors engaged in the training, and (4) skill-building activities that assess the supervisor's application and understanding of content learned.

LawRoom's online training meets and exceeds the interactive requirements. The training has dozens of case studies, covering hundreds of questions. Case studies are workplace hypotheticals that put the supervisor in the position of the characters in the scenario. The supervisor is asked how he or she would respond to the questions or handle the situation raised in the workplace scenario.

When the supervisor selects an answer, the program explains why the answer is either correct or incorrect. Most vendors only provide an explanation for the correct answer. LawRoom's form of role playing and immediate feedback is a powerful skill-building activity. It gives supervisors an opportunity to apply what they learned in the training to the real world.

The training has additional robust interactions to engage supervisors and test their comprehension. There are standalone quizzes, multi-Q exercises that

provide mini scenarios related to a specific topic, crossword puzzles, and other types of interactions to keep supervisors engaged.

Supervisors cannot complete the training until they correctly answer all of the questions and complete all the different interactions. Plus, there are over 50 "real cases" offered throughout the training. These cases are taken from employment litigation and the news and presented to the supervisors to demonstrate that the learning points are relevant to the workplace. Plus, there are over 50 "real cases" offered throughout the training. These cases are taken from employment litigation and the news and presented to the supervisors to demonstrate that the learning points are relevant to the workplace.

The training includes four interactive simulations. Supervisors are presented with an opening conversation by the character in the scenario. Then, the supervisor is offered a set of alternative responses from which to choose. Once selected, the supervisor receives the character's response (in text) and given a new set of alternative responses. This back-and-forth interchange occurs until the supervisor reaches the end of the session. This engaging role-play brings the training to life.

### **Subject Matter Content Requirement**

The regulations require all methods of training to contain specific content. The content includes the definition of harassment, discrimination and retaliation (collectively called "misconduct") under both California and federal law; types of misconduct, strategies to prevent misconduct, and the remedies available to victims; the resources to report misconduct; the limited confidentiality of the complaint process; the employer's obligation to conduct an investigation of a complaint; what the supervisor should do if personally accused of misconduct; and the essential elements of an anti-harassment policy and how to utilize it if a complaint is filed.

LawRoom's training covers these topics through engaging practical examples, case studies, and workplace hypotheticals drawn from real cases, the news, and media. Plus, LawRoom also covers topics such as how to report complaints of misconduct; how to respond to complaints; and the effect of misconduct on employees, co-workers, harassers, and employers.

### **Anti-Harassment Policy Requirement**

All training methods must provide supervisors either the employer's policy or a sample policy. Whether or not the employer's policy is included in the training, the employer must give each supervisor a copy of its anti-harassment policy and require each supervisor to read and acknowledge receipt of the policy.

As part of the training, LawRoom integrates the employer's policy into the training and requires each supervisor to open the policy and to electronically acknowledge receipt of the policy and that the supervisor has read and agrees to its terms. The policy also can be downloaded and printed for future reference by supervisors. If

the employer does not have a policy, LawRoom provides a sample policy in the training.

LawRoom's LMS maintains an electronic record of the supervisors' acknowledgment that they received and read the employer's policy.

### **Tracking & Record Keeping Requirement**

The regulations require employers to train supervisors every two years and to maintain records of the training. Although the training vendor is not obligated to track when supervisors were trained or when they must be retrained or to keep records, LawRoom makes it easy for employers to comply with these requirements.

LawRoom's comprehensive, proprietary LMS makes it a snap to deliver, track, and manage online training. Training administrators can print certificates, administer training by employee, department, and location; assign courses or change start/ due dates; create auto schedulers that email reminders to supervisors; track supervisor progress; view, print, download course progress reports and evidence of compliance.

Whether the employer uses the "individual" or "training year" method or both to track when supervisors must be trained or retrained, LawRoom's LMS automatically handles the tracking for the employer. Plus the LMS electronically stores the version of the course the supervisor took for future reference (or defense in court), and the name of the supervisor trained, date of training, type of training, and name of the training provider to help the employer comply with AB 1825 record-keeping requirement.

### **LawRoom's Online Supervisor Training Complies**

LawRoom spent years building its library that instantly provides customized answers to thousands of employment law questions. LawRoom monitors the law every day and prides itself on making the law easy to understand and useful. LawRoom applied the same attention to detail, legal accuracy, and usability to its training programs.

The regulations only served to reinforce LawRoom's vision of competent, effective training and forced the competition to play catch-up and emulate LawRoom's Smart Timer, Ask the Instructor, and other interactive features. That's why LawRoom is comfortable warranting that its training complies with the regulations.

Ready to take advantage of LawRoom online training? Call 800-652-9546 or simply [email us](#).