

Statewide Cost Estimate

Penal Code Section 13519.7, Subdivisions (a) and (c)
Statutes of 1993, Chapter 126

Law Enforcement Sexual Harassment Complaint Procedures and Training

Mandate Background

The test claim legislation requires that city police departments, county sheriffs' departments, districts, and state university departments follow sexual harassment complaint guidelines developed by the Commission on Peace Officer Standards and Training (POST), and that peace officers, who completed their basic training before January 1, 1995, receive supplementary training on sexual harassment in the workplace by January 1, 1997.

The County of Los Angeles filed the test claim on December 23, 1997. The Commission adopted the Statement of Decision on September 28, 2000, and the Parameters and Guidelines on February 22, 2001. Costs incurred in implementing Statutes of 1993, Chapter 126, after July 1, 1996, are eligible for reimbursement.

Eligible Claimants

Cities, counties, city and county, school districts and community college districts that employ peace officers, and special districts as defined in Government Code section 17520 that are authorized by statute to maintain a police department.¹

Reimbursable Activities

The direct and indirect costs of labor, materials and supplies, contracted services, fixed assets, travel, and training incurred for the following mandate components are reimbursable:

A. Sexual Harassment Complaint Procedures

Local law enforcement agency costs incurred in following the sexual harassment guidelines developed by POST are reimbursable as follows:

One-time Costs

For the development of a local law enforcement agency's sexual harassment complaint policies and procedures, including:

1. Developing a formal written procedure for the acceptance of complaints from peace officers who are the victims of sexual harassment training in the workplace,
2. Providing a written copy of the local agency's complaint procedure to every peace officer employee,
3. Using definitions and examples of sexual harassment as contained in the Code of Federal Regulations (29 CFR 1604.11) and California Government Code Section 12950,
4. Identifying the specific steps complainants should follow for initiating a complaint,
5. Addressing supervisory/management responsibilities to intervene and/or initiate an investigation when possible sexual harassment is observed in the workplace,

¹ Penal Code section 13507 defines "district" to include the school districts, community college districts, and special districts authorized by statute to maintain a police department for purposes of the chapter on local officer standards and training.

6. Stating that agencies must attempt to prevent retaliation, and under the law, sanctions can be imposed if complainants and/or witnesses are subjected to retaliation,
7. Identifying parties to whom the incident should/may be reported, allowing complainant to circumvent their normal chain of command in order to report a sexual harassment incident, including stating that the complainant is always entitled to go directly to the California Department of Fair Employment Housing (DFEH) and/ or the Federal Equal Employment Opportunity Commission (EEOC) to file a complaint,
8. Requiring that all complaints shall be fully documented by the person receiving the complaint,
9. Requiring that all sexual harassment prevention training shall be documented for each person and maintained in an appropriate file.

B. Sexual Harassment Training

Local law enforcement agency costs incurred in conducting sexual harassment training during their employee's regular working hours, or outside the employee's regular working hours and is an obligation imposed by an MOU existing on January 1, 1994 which requires that the local agency provide or pay for continuing education training, are reimbursable.

Claimant-Sponsored Training

Costs incurred in conducting a one-time, two-hour supplementary training class on sexual harassment in the workplace for each peace officer who completed basic training before January 1, 1995, are reimbursable as follows:

1. Training the trainers to conduct the training,
2. Obtaining training materials including, but not limited to, training videos and audio visual aids,
3. A one-time, two-hour sexual harassment training course for each peace officer veteran that includes:
 - a. Instructor time to prepare and teach the two-hour sexual harassment class,
 - b. Trainee time to attend the two-hour sexual harassment class.

Outside Training

Costs incurred in attending a one-time, two-hour outside training class which meets the requirements of the mandated training on sexual harassment in the workplace for peace officers, who completed their basic training before January 1, 1995, are reimbursable as follows:

1. Trainee time to attend the one-time, two-hour sexual harassment class,
2. Training fees for each peace officer attending the one-time, two-hour class,
3. Purchase of training materials for each peace officer attending the one-time, two-hour class.

Assumptions

Staff made the following assumptions:

- The claiming data is accurate, although unaudited.
- There will not be any late claims filed.²

Methodology

To arrive at the total statewide cost estimate:

- Staff used unaudited actual claim totals filed with the State Controller for prior fiscal years (FYs) by eligible claimants.³
- Staff projected totals for FY 2001-02 by multiplying the FY 2000-01 claim total filed by claimants with the State Controller's Office times the implicit price deflator for 2001-02 (2.7%), as forecasted by the Department of Finance. Staff projected totals for FY 2002-03 by multiplying the 2001-02 estimate by the implicit price deflator for 2002-03 (2.1%).

Staff Recommendation

Staff recommends that the Commission adopt the proposed statewide cost estimate of \$2,470,761 for costs incurred in complying with the *Law Enforcement Sexual Harassment Complaint Procedures and Training* provisions.

Following is a breakdown of estimated total costs per fiscal year:

Fiscal year	# Claims Filed With SCO	Claim Totals
1995-96	1	\$506
1996-97	104	\$1,336,981
1997-98	57	\$414,739
1998-99	34	\$176,443
1999-00	41	\$233,840
2000-01	13	\$100,226
2001-02 (2.7% ⁴)	n/a	\$102,932
2002-03 (2.1% ⁵)	n/a	\$105,094
Total		\$2,470,761
Statewide Cost Estimate Total (Rounded)		\$2,471,000

Because the reported costs are prior to audit and partially based on estimates, the statewide cost estimate of \$2,470,761 has been rounded to \$2,471,000.

² If the Legislature appropriates the amount of the statewide cost estimate and actual claims exceed this amount, the State Controller's Office will prorate the claims. If the deficiency funds are not appropriated in the Budget Act, the Controller will report this information to the legislative budget committees and the Commission on State Mandates. The Commission will then include the deficiency in its report to the Legislature in order to ensure that it is included in the next claims bill.

³ State Controller's Office data as of January 10, 2002.

⁴ Implicit Price Deflator as forecast by Department of Finance.

⁵ *Ibid.*