



City of Gonzales

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July 20, 2020

Maria Orozco
Mayor

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

Scott Funk
Mayor Pro Tem

RE: *City of Gonzales' Response to the 2019-2020 Monterey County Civil Grand Jury Final Report "Sexual Harassment Prevention & Training Compliance"*

Liz Silva
Councilmember

Dear Judge Hulsey:

Lorraine Worthy
Councilmember

This letter will serve as the City Council of the City of Gonzales' response in regard to the Findings and Recommendations of the 2019-2020 Monterey County Civil Grand Jury Final Report - "Sexual Harassment Prevention & Training Compliance." As requested by the Grand Jury, the City of Gonzales respectfully submits the following responses to the Findings (7-12), and Recommendations (5-7) as identified for a response in the Report.

Paul Miller
Councilmember

CIVIL GRAND JURY REPORT- FINDINGS

René L. Mendez
City Manager

- F7)** *Gonzales has a viable dual approach toward of AB 1825 training through use of group-oriented classroom presentations and e-learning (i.e. computer-based training). Classroom presentations are preferred but E-learning is used for supervisory promotions/new hires (e.g. where a classroom training is unavailable).*
- The City Council agrees with the finding.
- F8)** *A December 6, 2016 classroom training by Concern-EAP, although deficient with reference to 2 CCR §11024, was sufficient to render the City of Gonzales compliant with the training mandate imposed by AB 1825.*
- The City Council partially disagrees with the finding. The training provided by Concern-EAP was/is compliant with AB 1825, though the company did not provide all the necessary information to validate this fact. Staff has subsequently discussed this with Concern-EAP, and they will be providing the necessary information in future trainings as they are used.
- F9)** *Online AB 1825 training by EVERFI that was done in 2017 was not in compliance with AB 1825 and 2 CCR §11024: the Civil Grand Jury was provided with insufficient information upon which to make a determination whether or not the online supervisory employee training complied with 2 CCR §11024.*
- The City Council partially disagrees with this finding. The training provided by EVERFI was/is compliant with AB 1825, though the company did not provide all the necessary information to validate this fact. Staff has subsequently discussed this with EVERFI, and they will be providing the necessary information in future trainings as they are used.
- F10)** *The city failed to meet the timeframe for sexual harassment/abusive conduct retraining of supervisory employees, as directed by California Government Code 12950.1 and more particularly specified in 2 CCR 11024.*

Gonzales will continue to be a safe, clean, family-friendly community, diverse in heritage, and committed to working collaboratively to preserve and retain its small-town charm

- The City Council agrees with the finding. While the City did not comply specifically with the timeframe, this was not the result of intentionally missing the training; but instead, because in-person classroom type training is the preferred method utilized, it took some time to schedule and consolidate the training which unfortunately resulted in the slippage of the schedule. This was further compounded by staff changes and workload issues.

F11) *The city's failure to meet the timeframe for sexual harassment/abusive conduct re-training established by 2 CCR §11024 was due to staff changes and workload issues.*

- The City Council agrees with the finding. Please also refer to City response for F10 above.

F12) *The city has no written policy about AB 1825 sexual harassment/abusive conduct training.*

- The City Council partially agrees with this finding. While the City does not have a policy that specifically identifies AB 1825, it does have a formally adopted "Harassment Policy and Complaint Procedure" in the City's Personnel Rules Personnel Rules, Regulations and Procedures that specifically identifies zero tolerance for sexual harassment/abusive conduct. Staff is currently working with the City Attorney to update the City's Personnel Rules Personnel Rules, Regulations and Procedures that will among a few other cleanups, specifically reflect AB 1825.

RECOMMENDATIONS

R5) *By September 30, 2020 AB 1825 sexual harassment/abusive conduct training undertaken by and/or at the direction of the city of Gonzales should follow 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 trainer.*

- The recommendation has been implemented, and the City will be in full compliance by September 30, 2020.

R6) *By September 30, 2020, the city should retain a full and complete written record with respect to all AB 1825 trainings that it provides, sponsors, or otherwise uses, regardless of whether delivered via classroom, e-learning, or webinar format.*

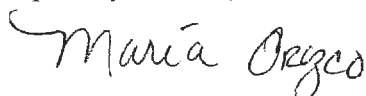
- The recommendation has been implemented.

R7) *By December 31, 2020, the city should prepare a written AB 1825 harassment, discrimination, retaliation prevention policy that is consistent with 2 CCR §11023; the policy should contain a provision covering the employer's training obligation under G.C. §12950.1 and 2 CCR §11024.*

- City concurs with recommendation and work is already underway to update our policies, which will be presented to the City Council for adoption by December 31, 2020.

To conclude, on behalf of myself, the City Council, and our Community, please pass along our thanks to the members of the Monterey County Civil Grand Jury for the work.

Respectfully submitted,



Maria Orozco

Mayor, for and on behalf of the City Council of the City of Gonzales

cc: Rene L. Mendez, City Manager