



30 Poppy Lane
Berkeley, California 94708

Thursday, August 17, 2006

DRAFT

Ann M. Noel, Executive and Legal Affairs Secretary
Fair Employment and Housing Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

Dear Madam Secretary:

We understand that the Fair Employment & Housing Commission is drafting regulations for Assembly Bill 1825 dealing with sexual harassment and requiring “employers with 50 or more employees to provide 2 hours of training and education to all supervisory employees....”

The specification of two hours appears to be drawn directly from a Connecticut statute, *Sexual Harassment and Training Requirements*, which became law fifteen years ago, long before the advent and widespread adoption of networked learning (“eLearning”). Times have changed.

eLearning Works

California companies such as Chevron, Cisco, HP, Apple, Wells Fargo, Intel, Countrywide, Gap, Oracle, PGE, Sun Microsystems, Charles Schwab, Electronic Arts, Intuit, and Autodesk train employees/personnel/staff with eLearning. They employ it because in many circumstances eLearning is more cost-effective, accessible, timely, and popular than classroom instruction, while providing equal or better results.

As corporate, non-profit, and independent learning professionals and university faculty members, we are concerned that a narrow reading of AB 1825 might limit employers’ ability to achieve the bill’s objective of preventing sexual harassment.

While the law specifies “two hours of training,” we strongly recommend you interpret that to mean the *equivalent* of what would be learned by an attentive and engaged participant in two hours of instructor-led training, and not an endorsement of the outdated notion that time spent in seats is the appropriate way to measure and assure that learning has taken place.



The Measure of Accomplishment

The classroom hour is an increasingly poor measure of learning. eLearning enables slower learners to take the time they need to master material, at the same time freeing faster learners (who may already know the subject matter well) to do something more productive than waiting out the clock.

Proficiency testing is a far better indicator of understanding and retention than hours expended. Two hours on line or in class proves little. In university courses, students who attend hours of lectures don't receive credit until they pass the exam. Satisfactory completion of an appropriate test demonstrates subject mastery.

Our Professional Recommendation

We the undersigned strongly urge your Fair Employment & Housing Commission to conform with educational best practice and interpret the two hours in AB 1825 to mean the possession of knowledge at least equivalent to what would have been acquired by the average learner by attending a two-hour instructor-led course and to measure that by proficiency test rather than two hours time on task.

This simple interpretation would enable employers to choose the methods of training they feel are most suitable to comply with the intent of the law. Alternatively, you might send AB 1825 back to the Assembly with the suggestion that the two-hour requirement be replaced with a more pragmatic test of proficiency.

We will be honored to supply the Commission with additional information or to assist if requested.

Thank you for your consideration.

Signed by:

Jay Cross, CEO, Internet Time Group; author, *Informal Learning: Rediscovering the Natural Pathways that Inspire Innovation and Performance*; co-author, *Implementing eLearning*.

You, your preferred title(s). And dozens upon dozens more...

If you are willing to join me in signing this letter, **please email me your preferred name and affiliation**. Also, please suggest names and email addresses of others who might want to sign this, especially from California. I hope to deliver it the commission early next week.