



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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FAIR EMPLOYMENT AND HOUSING COUNCIL
Meeting of June 2, 2014

Minutes

California Public Utilities Commission
505 Van Ness Avenue, Auditorium
San Francisco, CA 94102

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Chanée Franklin Minor, Councilmember
Patricia Perez, Councilmember
Andrew Schneiderman, Councilmember
Phyllis Cheng, DFEH Director and Ex Officio member

DFEH Staff Present

Annamarie Billotti, DFEH Chief of Dispute Resolution, Legislative and Regulatory Affairs
Brian Sperber, DFEH Legislative and Regulatory Counsel
Mallory Sepler-King, DFEH Civil Rights Fellow
Christopher Paredes, DFEH Civil Rights Fellow

Others Present

Ben Bodell, California Public Utilities Commission
Michelle Cafarelli, Tenants Together
Chief Judge Karen Clopton, California Public Utilities Commission
Hed Ehrlich, Tenants Together
Rita Franklin, Unknown Affiliation
Barry Gerharz, Eviction Defense Center
Pinkey O. Gibson, Unknown Affiliation
Pamela Hall, Housing Advocate
Tim Iglesias, Professor, University of San Francisco School of Law
Xavier Johnson, Tenants Together
Kimberly Kim, California Public Utilities Commission
Elizabeth Kiss, California Public Utilities Commission
Rachael Langsten, Legal Aid Society–Employment Law Center
Noah Lebowitz, Duckworth Peters Lebowitz Olivier LLP, California Employment Law Association
Leila LNU, Intake Specialist, City of Oakland Housing Assistance Center
Laura Maechtlen, Seyfarth Shaw LLP
Jeanne McKinney, California Public Utilities Commission
Patricia Miles, California Public Utilities Commission
Blanca Montiel, Guest of Tenants Together

Tammy Moon, Court Reporter
Christyn Richardson, California Public Utilities Commission
Kelly Richardson, Richardson Harman Ober PC
Allie Sevy, University of California, Berkeley
Jay Sherman, Law Offices of Jay Sherman APC
Monali Sheth, Equal Rights Advocates
Leah Simon-Weisberg, Legal Director, Tenants Together
Green Son, California Public Utilities Commission
Jonathan Szhup-Valdez, California Public Utilities Commission
Levwam Tesfai, California Public Utilities Commission
Pat Tsen, California Public Utilities Commission
Ryan Wheeler, Brancart & Brancart

I. Call to Order and Roll Call

Chair Mandelbaum called the meeting to order. Ms. Sepler-King conducted roll call.

II. Welcome and Introduction of Guests

Chair Mandelbaum introduced guest speaker Karen Clopton, Interim General Counsel and Chief Administrative Law Judge of the California Public Utilities Commission. Kelly Richardson, Jay Sherman and Tim Iglesias introduced themselves.

III. Review of the Minutes

Chair Mandelbaum reviewed and the Council unanimously approved the below minutes.

[Attachment A: Minutes from the April 7, 2014 Meeting of the Fair Employment and Housing Council](#)

IV. Councilmember Reports

Councilmember Perez co-presented a DFEH webinar on sexual harassment prevention with Senior Staff Counsel Phoebe Liu to over 700 participants on April 16, 2014.

Chair Mandelbaum, Councilmember Brodsky and Director Cheng co-presented a Northern California Employment Round Table seminar/webinar on proposed amendments to the California Family Rights Act Regulations in Walnut Creek on May 2, 2014.

The Board of Trustees of the State Bar of California appointed Chair Mandelbaum to the Executive Committee of the Labor and Employment Law Section.

V. Department of Fair Employment and Housing Report

Director Cheng gave an update on the Department's \$8.73 million nationwide [consent decree](#) and [permanent injunction](#) in [Department of Fair Employment and Housing v. Law School Admission Council](#) (N.D.Cal. CV 12-1830-EMC 5/29/14) on an Americans with Disabilities Act and Unruh Civil Rights Act systemic investigation and prosecution.

VI. Legislative Update

Ms. Billotti reviewed pending bills of interest.

VII. Guest Speaker

Karen Clopton, Interim General Counsel and Chief Administrative Law Judge of the California Public Utilities Commission, and Vice Chair of the State Bar Council on Access and Fairness, provided remarks. Judge Clopton spoke about the CPUC's work on diversity in contracting and the COAF's diversity law school pipeline program.

The Council unanimously voted to partner with COAF on its Diversity Awards Reception at the 2014 State Bar Stakeholder Forum and committed to assisting COAF on other access and fairness initiatives.

VIII. Report of the Fair Employment and Housing Act Regulations Subcommittee

Councilmembers Dale Brodsky and Patricia Perez reported on the progress of the FEHA Regulations Subcommittee.

IX. Report of the Housing Regulations Subcommittee

Councilmembers Andrew Schneiderman and Chanée Franklin Minor reported on the progress of the Housing Regulations Subcommittee. Professor Iglesias provided public comment regarding residential occupancy standards.

X. Report of the Education and Outreach Subcommittee

Councilmember Patricia Perez and Chair Chaya Mandelbaum reported on the progress of the Education and Outreach Subcommittee.

Lunch Break

The Council adjourned for lunch at 11:15 a.m. and reconvened at 1:09 p.m.

XI. Update on Proposed Amendments to the California Family Rights Act Regulations

A. Introduction

Chair Chaya Mandelbaum and Councilmember Dale Brodsky provided an overview of the Proposed Amendments to the California Family Rights Act Regulations described in the attachments below.

[Attachment B: Notice of Proposed Rulemaking](#)

[Attachment C: Initial Statement of Reasons](#)

[Attachment D: Text of Proposed Amendments to the California Family Rights Act Regulations](#)

B. Public Comment

The Council heard public comment on the proposed CFRA regulations from the following persons:

- Rachael Langston, Legal Aid Society-Employment Law Center.
- Jay Sherman, Law Offices of Jay Sherman, APC.
- Laura Maechten, Seyfarth Shaw LLP.
- Noah Lebowitz, Duckworth Peters Lebowitz Olivier LLP, for the California Employment Law Association.

XII. Upcoming Meetings

Chair Mandelbaum announced the upcoming Council meetings:

- October 6, 2014 Meeting, possible Proposed CFRA Regulations Hearing and possible Proposed FEHA Regulations Hearing, U.C. San Diego Extension
- December 8, 2014, Meeting, possible proposed CFRA Regulations Meeting, possible Proposed FEHA Regulations Hearing, and possible Council deliberations on Proposed Housing Regulations, UC Davis School of Law

XIII. General Public Comment

The Council heard public comment from the following persons regarding residential occupancy standards and other topics related to housing regulations:

- Barry Gerhart, Eviction Defense Center.
- Leah Simon-Weisberg, Tenants Together.
- Blanca Montiel, Guest of Tenants Together.
- Leila LNU, Intake Specialist, City of Oakland Housing Assistance Center.
- Pamela Hall, Housing Advocate.
- Ryan Wheeler, Law Offices of Brancart & Brancart,
- Kelly Richardson, Richardson Harmon Ober PC.

XIV. Adjournment

There being no further business to conduct, Chair Mandelbaum adjourned the meeting at 3:40 p.m.

Date: June 18, 2014

CHAYA MANDELBAUM
Chair

JOSEPHINE BLUE
Legal Secretary