



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of August 26, 2015

Minutes

Caltrans District 4
111 Grand Ave, Room B-615
Oakland, CA 94612

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Tim Iglesias, Councilmember
Patricia Perez, Councilmember
Andrew Schneiderman, Councilmember
Dara Schur, Councilmember
Kevin Kish, DFEH Director and Ex Officio member

DFEH Staff Present

Brian Sperber, DFEH Legislative and Regulatory Counsel
Paul Kennedy, DFEH Associate Business Management Analyst

Others Present

Beverly Bueno, Equal Opportunity Specialist, City of Oakland
Maurice Emsellem, Program Director, National Employment Law Project
Deborah Gettleman, Staff Attorney, Disability Rights California
Noah Lebowitz, Chair, FEHC Committee, California Employment Lawyers Association

I. Call to Order and Roll Call

Chair Mandelbaum called the meeting to order at 10:18 a.m. and DFEH Legislative and Regulatory Counsel Brian Sperber conducted roll call.

II. Welcome and Introduction of Guests

Chair Mandelbaum asked the guests in attendance to introduce themselves and reminded guests viewing remotely that they could participate in the meeting by emailing the Council.

III. Review of the Agenda

Chair Mandelbaum reviewed the Agenda and invited the guests to comment on subjects addressed by the

Council throughout the day.

IV. Approval of the Minutes

Attachment A: Minutes from the July 20, 2015 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the July 20, 2015 Meeting, and the Council moved, seconded, and approved the minutes unanimously.

V. Councilmembers' Reports

Councilmember Iglesias discussed an upcoming symposium on housing rights at the University of San Francisco School of Law in January 2016.

Councilmember Schneiderman announced his new job as General Counsel/Chief Operating Officer for Los Angeles Family Housing Corporation, a provider of transitional and permanent affordable housing and supportive services in Los Angeles County.

VI. Department of Fair Employment and Housing Report

Director Kish discussed the Department's hiring of new investigators using new job classifications and a training academy for investigators. He also announced two new projects: updating the DFEH Website's brochures & publications and revamping the DFEH Website as a whole to be more accessible and user-friendly. Finally, Director Kish highlighted DFEH's emphasis on using video-conferencing to save on travel costs and the recent filing of a case involving allegations of discrimination in lending practices.

VII. Guest Speaker

Maurice Emsellem, Program Director, National Employment Law Project, presented *Advancing the Employment Rights of Californians with Arrest and Conviction Records*. The PowerPoint presentation is available at the Council's page of the DFEH Website at <http://www.dfeh.ca.gov/FEHCouncil.htm>.

VIII. Reports from Hearings and Research Initiatives Subcommittees

Councilmember Perez and Director Kish, who are focusing on sexual harassment prevention training inquiries, discussed looking into collaborating with the EEOC, updating the frequently asked questions and brochures on the DFEH Website, and their plans to reach out to professors with expertise for further guidance on research inquiries related to the effectiveness of prevention training.

Councilmember Brodsky discussed an update on efforts to reach out to law enforcement agencies and community groups regarding potential civil rights hearings and suggested a subcommittee to investigate gender pay disparity.

Chair Mandelbaum and Councilmember Schneiderman discussed their ongoing dialogue with UCLA School of Law Professor Noah Zatz regarding the use of criminal records in employment decisions.

IX. Consideration of Additional Modifications to Text of Proposed Fair Employment and Housing Act Employment Regulations

Attachment B: Additional Modifications to Text of Proposed Fair Employment and Housing Act Employment

CHAYA MANDELBAUM
CHAIRPERSON

DALE BRODSKY
COUNCILMEMBER

CHANÉE FRANKLIN MINOR
COUNCILMEMBER

TIM IGLESIAS
COUNCILMEMBER

PATRICIA C PEREZ
COUNCILMEMBER

ANDREW SCHNEIDERMAN
COUNCILMEMBER

DARA L. SCHUR
COUNCILMEMBER

Regulations

A. Discussion by Council

Councilmembers Brodsky and Perez reviewed comments and proposed changes by the California Department of Water Resources and the California Employment Lawyers Association. Proposed technical changes to sections 11024 subdivision (a)(2)(C), 11049 subdivision (d), 11062 subdivision (d), and 11068 subdivision (k) were accepted by the subcommittee. The Council as a whole did not propose any further amendments.

B. Public Comment

Chair Mandelbaum invited public comment. Noah Lebowitz, on behalf of the California Employment Lawyers Association, thanked the Council for its hard work. He reported that the recently effective California Family Rights Act regulations have been met with universally positive feedback, and appreciated the Council's forethought in incorporating the recently signed AB 987 into the FEHA employment regulations. In the future, Mr. Lebowitz would like to see further regulations regarding age discrimination, Government Code section 12941, and pre-employment inquiries as they relate to religious discrimination.

C. Action by Council

The Council unanimously approved the text, authorized DFEH staff to submit it to the Office of Administrative Law, and authorized DFEH staff to make non-substantive changes if required by the Office of Administrative Law.

X. Report from the Housing Regulations Subcommittee No. 1

Councilmember Schneiderman reported that the state of the housing regulations is unchanged since the last meeting.

XI. Report from the Housing Regulations Subcommittee No. 2

Councilmembers Schur and Iglesias discussed their first meeting on land-use, prior conviction reports, credit history checks, and "discriminatory effect." They set an agenda and marshalled resources, which includes compiling all precedential housing cases, reviewing the legislative history of the housing portion of the Fair Employment and Housing Act, creating a side-by-side comparison chart of the different laws regarding their four topics, and looking into other states' regulatory schemes.

XII. Further Public Comment

There was no further public comment.

XIII. Adjournment

Chair Mandelbaum adjourned the meeting at 11:49 a.m.

Date: August 31, 2015

CHAYA MANDELBAUM

Chair

BRIAN SPERBER

DFEH Legislative and Regulatory Counsel