



## Department of Fair Employment & Housing Fair Employment and Housing Council

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### FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of October 23, 2019

#### Minutes

State Capitol  
Room 113  
Sacramento, CA 95814

#### Councilmembers Present

Chaya Mandelbaum, Chairperson  
Dale Brodsky, Councilmember  
Tim Iglesias, Councilmember  
Joseph Ortiz, Councilmember  
Dara Schur, Councilmember

#### DFEH Staff Present

Brian Sperber, DFEH Legislative and Regulatory Counsel  
Tatianna Grant, DFEH Business Services Associate Governmental Program Analyst

#### Others Present

Beverly Bueno, California Air Resources Board  
Thomas Coleman, Spectrum Institute  
Pamela Cohen, Disability Rights California  
Desiree Lamar, Board of Equalization  
Jodi Dayberry, California Teachers Association

#### **I. Call to Order and Roll Call**

Chair Mandelbaum welcomed guests to the FEH Council's 33rd meeting and called it to order. He then turned the meeting over to DFEH Legislative and Regulatory Counsel, Brian Sperber, who conducted roll call.

#### **II. Welcome and Introduction of Guests**

Chair Mandelbaum announced that the Council meeting would be livestreamed on the Council's website and that the recording will be available later on the Council's website and YouTube channel. The public can participate in the meeting by emailing the Council and can find the Attachments to the Agenda on the website.

Chair Mandelbaum then acknowledged Department leaders and members, including: Brian Sperber, DFEH Legislative and Regulatory Counsel; and Tatianna Grant, DFEH Business Services Associate Governmental Program Analyst.

Chair Mandelbaum then invited the guests in attendance to introduce themselves, on a voluntary basis.

### **III. Review of the Agenda**

Chair Mandelbaum noted that hard copies of the agenda and its attachments were available for people in attendance and that copies are also available on the Council's webpage. He then reviewed the agenda for the meeting.

Chair Mandelbaum announced the highlights of the meeting, which included:

- Public Hearing: Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act
- Consideration of Modifications to Employment Regulations Regarding Religious Creed and Age Discrimination
- Consideration of Employment Regulations Regarding Harassment Prevention Training

### **IV. Approval of the Minutes**

#### Attachment A: Minutes from July 31, 2019 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the July 31, 2019 meeting. During that meeting, the Council held a public hearing on Proposed Employment Regulations Regarding Religious Creed and Age Discrimination and heard updates from the Council's other subcommittees. Chair Mandelbaum asked for public comments on the minutes, and receiving none, the Council voted to approve the minutes unanimously.

### **V. Councilmembers' Reports**

Chair Chaya Mandelbaum and Councilmembers

Chair Mandelbaum announced that Governor Newsom appointed Gabriel Sandoval to the Council.

Councilmember Schur reported that the Office of Administrative Law approved the Fair Housing Regulations.

Councilmember Iglesias announced that he signed a comment letter to HUD regarding proposed revisions to their disparate impact regulations. He further noted that the San Francisco office of HUD will be hiring entry-level attorneys in the coming months.

### **VI. Department of Fair Employment and Housing Report**

Kevin Kish, Director, Department of Fair Employment and Housing

Brian Sperber, on behalf of Director Kish, who could not attend the meeting, highlighted three bills signed into law by Governor Newsom that impact the work of the Department: AB 9 regarding the filing deadline for employment complaints; SB 329 regarding the definition of source of income in the housing sections of the Fair Employment and Housing Act; and SB 222 regarding the addition of veteran or military status as a basis in the housing sections of the Fair Employment and Housing Act.

### **VII. Public Hearing: Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act**

Attachment B: Notice of Proposed Rulemaking

Attachment C: Initial Statement of Reasons

Attachment D: Proposed Employment Regulations Regarding Criminal History, the California Family Rights

Act, and the New Parent Leave Act

Chair Mandelbaum introduced the proposed regulations and stated that the purpose of the hearing is to hear 45-day comments on the Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act.

The Council heard public comment from:

**Dale Brodsky:** Ms. Brodsky suggested adding a definition of “conditional offer” within the Employment Regulations Regarding Criminal History. Additionally, she suggested the Council change the definition of “directly employs.” Ms. Brodsky proposed additional line edit modifications.

**VIII. Update from Government Code Section 11135 Regulations Subcommittee**

Councilmembers Dale Brodsky and Dara Schur

A. Discussion by Council

Councilmember Brodsky reported that the initial statement of reasons for the regulations is completed and is currently being reviewed prior to submission to the Office of Administrative Law.

B. Public Comment

**Thomas Coleman, Spectrum Institute:** Mr. Coleman gave the Council multiple suggestions related to the rights of disabled individuals in conservatorship proceedings, including: creating regulations applicable to the courts, adding examples and scenarios in the regulations that are geared toward individuals with disabilities in conservatorships, holding public hearings, and issuing reports of findings stemming from the hearings.

**IX. Update from Subcommittee Regarding Hate Violence**

Councilmembers Dale Brodsky and Joseph Ortiz

A. Discussion by Council

Councilmember Ortiz reported that he reached out to California State University San Bernardino to partner for a future public hearing.

Councilmember Brodsky reported that she spoke with the District Attorney for Contra Costa County regarding local progress in the topic of hate violence. She discussed having a specific agenda item at future Council meetings for individuals to provide input about hate violence and potential regulations or other steps the Council can take to address it.

B. Public Comment

None.

**X. Consideration of Employment Regulations Regarding Religious Creed and Age Discrimination**

Councilmembers Tim Iglesias and Joseph Ortiz

Attachment E: Text of Proposed Employment Regulations Regarding Religious Creed and Age Discrimination

A. Discussion by Council

Councilmember Ortiz noted that the subcommittee made additional modifications to the regulations since the last Council meeting after reviewing public comment.

The Council suggested a number of additional structural and line-edit modifications.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously voted to approve a motion to adopt the regulations as amended and initiate a 15-day comment period.

**XI. Consideration of Employment Regulations Regarding Harassment Prevention Training**

Chair Chaya Mandelbaum

Attachment F: Text of Proposed Employment Regulations Regarding Harassment Prevention Training

A. Discussion by Council

Chair Mandelbaum noted that there were three bills signed into law that affect the harassment prevention training requirements and the proposed edits to the regulations: SB 1343 regarding the scope of the training requirements; SB 778 regarding the deadline of the training; and SB 530 addressing training of unionized construction workers covered by multiemployer collective bargaining agreements. He also discussed modifications that address other public inquiry regarding the requirements.

The Council suggested a number of additional structural and line-edit modifications.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously voted to approve a motion to adopt the regulations as amended and direct the Department to prepare the notice package and notice the regulations.

**XII. Changes Without Regulatory Effect to 2 CCR 12176, 12179, and 12180 (Standard for Denying a Reasonable Accommodation Request in Fair Housing Regulations)**

Councilmembers Dara Schur and Tim Iglesias

Attachment G: Changes Without Regulatory Effect to 2 CCR 12176, 12179, and 12180 (Standard for Denying a Reasonable Accommodation Request in Fair Housing Regulations)

A. Discussion by Council

Councilmember Iglesias noted that there was a phrasing error in the Fair Housing Regulations and the subcommittee would like to address that through 1 CCR 100 – changes without regulatory effect.

B. Public Comment

None.

C. Action by Council

The Council unanimously approved the text, authorized DFEH staff to submit it to the Office of Administrative Law as a change without regulatory effect, and authorized the Department to prepare a rulemaking package if not approved as a change without regulatory effect by the Office of Administrative Law.

**XII. Further Public Comment**

None.

**XIII. Adjournment**

Chair Mandelbaum adjourned the meeting at approximately 12:00 PM.

Date: November 14, 2019

CHAYA MANDELBAUM  
Chair

RENEE RONDINONE  
DFEH Outreach and Education Specialist