



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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FAIR EMPLOYMENT AND HOUSING COUNCIL
Meeting of June 18, 2013

MINUTES

801 Capitol Mall, Room 150
Sacramento, CA 95814

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

Anmarie Billotti, DFEH Chief of Dispute Resolution, Legislative and Regulatory Affairs
Nelson Chan, DFEH Chief of Enforcement
Brian Sperber, DFEH Legislative and Regulatory Counsel
Josephine Blue, DFEH Executive Assistant
Iva Townsel, DFEH Senior Legal Analyst
Rav Grewal, DFEH-UC Davis School of Law Employment Law Program, Summer Intern
Gagan Kaur, DFEH-UC Davis School of Law Employment Law Program, Summer Intern
Carl Larson, DFEH-UC Davis School of Law Employment Law Program, Summer Intern
Evelyn Mendoza, DFEH-UC Davis School of Law Employment Law Program, Summer Intern

Others Present

Hon. Anna M. Caballero, Secretary, State and Consumer Services Agency
Patrick Henning, Chief Deputy Appointments Secretary, Office of the Governor
Mary Hernandez, Deputy Appointments Secretary, Office of the Governor
Charles Franklin
Dia Kirby, Summer Diversity Fellow, Seyfarth Shaw LLP
Angelise Marcigliano, Attorney, Seyfarth Shaw LLP
Wendy E. Musell, Attorney, Steward and Musell Attorneys-at-Law
Alfonso Ramirez, Coalition of State Employees & Civil Rights Organizations
Emma Regidor, Staff Counsel, California Department of Corrections and Rehabilitation
Sarah Triano, Executive Officer, California Committee on Employment of People with Disabilities
Mariko Yoshihara, California Employment Lawyers Association Political Director
Christopher Brancart, Partner, Brancart & Brancart, by webcast, phone and e-mail

I. Oath of Office Ceremony

At 10 am, Secretary Anna Caballero, State and Consumer Services Agency (Business, Consumer Services, and Housing Agency effective July 1, 2013) administered the Oath of Office to the Councilmembers.

II. Welcome, Opening Remarks, and Introduction of Guests

Chair Mandelbaum called the meeting to order, introduced audience members, and all Councilmembers discussed their backgrounds and ambitions for the Council.

III. Review of the Agenda

Chair Mandelbaum reviewed the agenda. The Civil Rights Leadership Award to Governor Edmund G. Brown, Jr., originally to be accepted by Executive Secretary Nancy McFadden of the Governor's Office, was ultimately postponed to a later date.

IV. Department of Fair Employment and Housing Report

Director Cheng provided an update on the Department's mission, budget, staffing, workload, settlements and judgments, outreach and educational partnerships.

Ms. Billotti reported on four pending bills that could affect the Department's and Council's work: AB 556, SB 292, SB 404, and SB 655.

V. Changes without Regulatory Effect- Proposed Former Fair Employment and Housing Commission Regulations to be Deleted

Ms. Billotti outlined the regulations that have been rendered obsolete. The Council moved, seconded and passed unanimously a motion to delete the recommended regulations.

VI. Changes without Regulatory Effect - Proposed Former Fair Employment and Housing Commission Regulations to be Republished under the DFEH Fair Employment and Housing Council

Ms. Billotti outlined the regulations that may be republished as is. The Council moved, seconded and unanimously passed a motion to republish the recommended regulations.

LUNCH RECEPTION

The Council recessed at 11:40 a.m. for lunch and reconvened at 12:25 p.m.

VII. Changes without Regulatory Effect - Proposed Former Fair Employment and Housing Commission Regulations to be Changed and Republished under the DFEH Fair Employment and Housing Council

Ms. Billotti outlined the regulations that need to be modified and then republished. After making various minor changes, the Council moved, seconded and unanimously passed a motion to change and republish the recommended regulations.

VIII. Council Incompatible Activities Policy Statement

After a brief discussion, Chair Mandelbaum and Councilmember Schneiderman volunteered to serve on a subcommittee to complete the Incompatible Activities Statement.

IX. Proposed Regulatory Projects

The scope and composition of four subcommittees tasked with revising or writing regulations were discussed and assigned. Councilmembers Perez and Brodsky form the subcommittee tasked with revising selected regulatory provisions relating to employment under the Fair Employment and Housing Act. Chair Mandelbaum and Councilmember Brodsky form the subcommittee tasked with revising the California Family Rights Act. Councilmembers Franklin-Minor and Schneiderman form the subcommittee tasked with writing the housing regulations under the Fair Employment and Housing Act. Chair Mandelbaum and Councilmember Frankin-Minor form the subcommittee tasked with writing regulations under the Ralph Civil Rights Act.

X. Public Comment

Mr. Ramirez presented comments on behalf of the Coalition of State Employees and Civil Rights Organizations. He explained his involvement with civil rights generally and expressed his appreciation and willingness to assist the Councilmembers.

Ms. Mussell spoke on behalf of the California Employment Lawyers Association, in part clarifying and urging that the Council take a broader role in the civil rights community beyond promulgating regulations.

Mr. Brancart sent two e-mail messages commenting on his interest in the housing regulations, giving recommendations to the Council, and complimenting the Council on its actions.

Director Cheng stated that anyone who wanted to comment at a later date may e-mail the Council at FEHCouncil@dfeh.ca.gov.

XI. Future Council Meeting Schedule

Councilmembers discussed future meeting dates and locations. They broadly agreed to alternate between Sacramento and other California cities and/or DFEH educational partnership campuses approximately every other month. Exact dates and locations will be determined.

XII. Adjourment

There being no further business to conduct, Chair Mandelbaum adjourned the meeting at 3:58 p.m.

Date: June 18, 2013

CHAYA MANDELBAUM
Chair

JOSEPHINE BLUE
Executive Assistant