



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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DIRECTOR KEVIN KISH

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of October 19, 2018

Minutes

Loyola Law School
919 Albany Street
Hall of the 80s – C110
Los Angeles, CA 90015

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Connie Chan, Councilmember
Lisa Cisneros, Councilmember
Tim Iglesias, Councilmember
Dara Schur, Councilmember
Kevin Kish, DFEH Director and Ex Officio member

DFEH Staff Present

Brian Sperber, DFEH Legislative and Regulatory Counsel
Sarah Smith, DFEH Business Services Manager
Gabriela Diaz, DFEH Business Services Staff Service Analyst

Others Present

Fernando Acosta, Los Angeles County Office of Education
Chancela Al-Mansour, Housing Rights Center
Chloe Hollett-Billingsley, Employment Equality
Mark Murray, California Teachers Association

I. Call to Order and Roll Call

Chair Mandelbaum welcomed guests to the FEH Council's 28th 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 introduced newly appointed Councilmember, Connie Chan, who introduced herself and discussed her interests as it relates to the Council's work. Chair Mandelbaum then acknowledged Department leaders and members, including: Brian Sperber, DFEH Legislative and Regulatory Counsel; Gabriela Diaz, DFEH Business Services Staff Service Analyst; and Sarah Smith, DFEH Business Services Manager.

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:

- Consideration of Modifications to Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training
- Update from the Housing Subcommittee and Possible Topics for Future Fair Housing Regulations
- Consideration of Additional Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act
- Consideration of Employment Regulations Regarding Religious Creed and Age Discrimination
- Consideration of Government Code Section 11135 et seq. Regulations

IV. Approval of the Minutes

Attachment A: Minutes from August 17, 2018 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the August 17, 2018 meeting. During that meeting, the Council held a public hearing on proposed Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training; considered and voted to finalize Further Modifications to Text of Proposed Fair Housing Regulations; considered and adopted Further Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act; held a public workshop and review of the working draft of Regulations Regarding Religious Creed and Age Discrimination; and held a public workshop and review of the working draft of Government Code Section 11135 et seq. Regulations.

V. Councilmembers' Reports

Chair Chaya Mandelbaum and Councilmembers

Councilmember Schur reported that many individuals have expressed anticipation for the housing regulations to become effective.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish noted that there were five bills signed into law by Governor Brown in September that impact the work of the Department, including: SB 970 regarding human trafficking training; SB 1300 regarding sexual harassment claims and non-disclosure agreements signed outside of settlement agreements; SB 1343 regarding mandated sexual harassment training for all employees; SB 224 regarding sexual harassment in business, service, and professional relationships; and SB 820 regarding the inclusion of confidentiality terms in certain settlement agreements.

VII. Consideration of Modifications to Employment Regulations Regarding Definitions; Harassment

and Discrimination Prevention and Correction; and Training

Councilmembers Dale Brodsky and Lisa Cisneros

Attachment B: Modified Text of Proposed Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training

A. Discussion by Council

Councilmember Brodsky noted that the subcommittee made additional modifications to the regulations since the last Council meeting as a result of public comment.

Chair Mandelbaum suggested re-inserting both instances of the terms “to supervisors” in section 11024(b)(3).

Councilmember Schur highlighted additional proposed modifications, including: adding an introductory sentence to and revising the structure of section 11024(a)(10); revising section 11024(a)(10)(A)(2) to read “human resource professionals, harassment prevention consultants, or peer trainers”; and adding a parenthetical list of topics that can be covered in the mandatory sexual harassment training, which might include issues pertaining to sexual orientation and gender identity.

B. Public Comment

Mark Murray, California Teachers Association: Mr. Murray suggested that the Council consider including a differentiation of training requirements for unpaid, hourly volunteers.

Chloe Hollett-Billingsley, Employment Equality: Ms. Hollett-Billingsley thanked the Council for the work on the regulations and proposed a number of changes to the draft regulations, including additional detail regarding the substance of the training on SB 396 topics and the qualifications of those eligible to conduct the training.

C. Action by Council

The Council moved, seconded, and unanimously approved a motion to adopt Attachment B as amended and initiate a 15-day comment period.

VIII. Update from the Housing Subcommittee and Possible Topics for Future Fair Housing Regulations Councilmembers Dara Schur and Tim Iglesias

Attachment C: Possible Topics for Future Fair Housing Regulations

A. Discussion by Council

Councilmember Iglesias outlined the topics that he and Councilmember Schur think are ripe for future housing regulations.

B. Public Comment

None.

IX. Consideration of Additional Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act Chair Chaya Mandelbaum and Councilmember Joseph Ortiz

Attachment D: Additional Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act

A. Discussion by Council

Chair Mandelbaum noted that the subcommittee made additional modifications to the regulations since the last Council meeting as a result of public comment.

Councilmember Brodsky proposed additional modifications, including: rewording section 11017.1(a)(3)(A) to instead read “discontinue”; rewording “covering hiring decisions” to read “for hiring decisions” in section 11017.1(b)(1); eliminating some parentheses from section 11017.1(b)(1); and replacing the term “their” with “these” in section 11094(a).

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously approved a motion to adopt Attachment D as amended and initiate an additional 15-day comment period.

X. Consideration of Employment Regulations Regarding Religious Creed and Age Discrimination
Councilmembers Lisa Cisneros and Joseph Ortiz

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

A. Discussion by Council

Councilmember Cisneros noted that the subcommittee made additional modifications to the regulations since the last Council meeting as a result of 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 direct the Department to prepare the notice package and notice the regulations.

XI. Consideration of Government Code Section 11135 Regulations
Councilmembers Dale Brodsky and Dara Schur

Attachment F: Text of Proposed Government Code Section 11135 Regulations

A. Discussion by Council

Councilmember Schur and Councilmember Brodsky noted that the subcommittee made additional modifications to the regulations since the last Council meeting as a result of public comment and suggested a number of additional structural and line-edit modifications.

Chair Mandelbaum, Councilmembers, and Director Kish suggested additional modifications and corrections.

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. Further Public Comment

None.

XIII. Adjournment

Chair Mandelbaum adjourned the meeting at approximately 3:10 PM.

Date: November 5, 2018

CHAYA MANDELBAUM
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist