



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

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of December 10, 2018

Minutes

Elihu M. Harris State Building
1515 Clay Street, Room 7
Oakland, CA 94612

Councilmembers Present

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

DFEH Staff Present

Holly Thomas, DFEH Deputy Director of Executive Programs
Brian Sperber, DFEH Legislative and Regulatory Counsel
Jacob Barak, DFEH Staff Council
Brenda Valle, DFEH Quality Assurance Manager
Gabriela Diaz, DFEH Business Services Staff Service Analyst
Tatianna Grant, DFEH Business Services Staff Service Analyst

Others Present

Curtis Washington, California Teachers Association
Mark Murray, California Teachers Association
Kara Brodfuehrer, National Housing Law Project
Whitney Prout, California Apartment Association
Madeline Howard, Western Center on Law and Poverty
Christopher Ogata, Disability Rights California
Zeenat Hassan, AIDS Legal Referral Panel
Naomi Young, Bay Area Legal Aid

I. Call to Order and Roll Call

Chair Mandelbaum welcomed guests to the FEH Council's 29th 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; Jacob Barak, DFEH Staff Council; Brenda Valle, DFEH Quality Assurance Manager; Gabriela Diaz, DFEH Business Services Staff Service Analyst; and Tatianna Grant, DFEH Business Services Staff Service 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:

- Consideration of Further Modifications to Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training
- Consideration of Nonsubstantial Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act
- Consideration of Further Modifications to Text of Proposed Fair Housing Regulations
- Discussion Regarding Hate Violence

IV. Approval of the Minutes

Attachment A: Minutes from October 19, 2018 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the October 19, 2018 meeting. During that meeting, the Council considered and adopted Modifications to Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training; received and reviewed the update from the Housing Subcommittee on Possible Topics for Future Fair Housing Regulations; considered and adopted Additional Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act; considered and adopted Employment Regulations Regarding Religious Creed and Age Discrimination; and considered and adopted Government Code Section 11135 et seq. Regulations. The Council moved, seconded and unanimously voted to approve the minutes, with one abstention.

V. Councilmembers' Reports

Chair Chaya Mandelbaum and Councilmembers

Councilmember Iglesias announced that he will be giving the keynote speech at Project Sentinel's Fair Housing Conference in April 2019.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish announced that DFEH has launched an employer resources webpage, which provides various tools and information such as required postings and sexual harassment prevention tools. He also noted that the Department has posted a SB 491 report to their website. Finally, Director Kish announced that Holly Thomas, DFEH Deputy Director of Executive Programs, will be leaving the Department to become a judge on the Superior Court of Los Angeles County.

VII. Consideration of Further Modifications to Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training

Councilmembers Dale Brodsky and Lisa Cisneros

Attachment B: Further 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 revising section 11024(a)(10)(A) to read “A trainer also shall be one or more of the following...”

Councilmember Ortiz suggested adding the phrase “under this section” to section 11024(a)(5).

B. Public Comment

None.

C. Action by Council

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

VIII. Consideration of Nonsubstantial 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 C: Nonsubstantial Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act

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

A. Public Comment

None.

B. 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-substantial changes if required by the Office of Administrative

Law.

IX. Update from the Employment Regulations Regarding Religious Creed and Age Discrimination Subcommittee

Councilmembers Lisa Cisneros and Joseph Ortiz

A. Discussion by Council

Councilmember Ortiz reported that the subcommittee is working on the initial statement of reasons for the regulations.

B. Public Comment

None.

X. Update from Government Code Section 11135 Regulations Subcommittee

Councilmembers Dale Brodsky and Dara Schur

A. Discussion by Council

Councilmember Brodsky reported that the subcommittee is in process of finalizing the initial statement of reasons for the regulations.

B. Public Comment

None.

XI. Discussion Regarding Hate Violence

Councilmember Connie Chan

A. Discussion by Council

Councilmember Chan commented on the issue of hate violence and prompted the Council to discuss potential initiatives to combat it.

Chair Mandelbaum and Councilmembers suggested the Council consider holding a public hearing on the subject.

B. Public Comment

Mr. Washington and Mr. Murray of the California Teachers Association agreed and urged the Council to move forward and hold public hearings on this subject.

XII. Discussion Regarding Additional Subcommittee Assignments

Chair Chaya Mandelbaum and Councilmembers

A. Discussion by Council

In light of the recent appointment of Councilmember Chan and the discussion regarding hate violence, Chair Mandelbaum proposed two additional subcommittee formations: a subcommittee regarding hate violence and a subcommittee in which Councilmembers Schur and Iglesias have authority to address fair housing topics raised during the last Council meeting.

Councilmembers Chan and Brodsky volunteered to join the subcommittee on hate violence.

Councilmember Ortiz expressed interest in hosting a 2019 civil rights hearing in either the Imperial Valley or Coachella Valley.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously voted to have Councilmembers Brodsky and Chan form the hate violence subcommittee, and for Councilmembers Schur and Iglesias to continue their work on the fair housing regulations subcommittee.

XIII. Consideration of Further Modifications to Text of Proposed Fair Housing Regulations

Councilmembers Dara Schur and Tim Iglesias

A. Discussion by Council

Councilmember Iglesias noted that the subcommittee made additional modifications to the regulations since the last Council meeting as a result of conversations with the Office of Administrative Law.

The Council suggested an additional line-edit modification.

B. Public Comment

Kara Brodfuehrer, National Housing Law Project: Ms. Brodfuehrer thanked the Council for the work on the regulations and suggested they leave as is the section regarding arrests.

Madeline Howard, Western Center on Law and Poverty: Ms. Howard thanked the Council for the work on the regulations and agreed that the section regarding arrests should remain as is.

Christopher Ogata, Disability Rights California: Mr. Ogata thanked the Council for the work on the regulations and urged the Council to adopt and finalize the regulations.

Whitney Prout, California Apartment Association: Ms. Prout thanked the Council for the work on the regulations, suggested the Council further consider evictions based on conduct leading to arrests, and said she would submit written comments.

Naomi Young, Bay Area Legal Aid: Ms. Young noted that she has witnessed numerous landlords serve evictions to tenants based on arrests and expressed the importance of the regulations addressing this.

Zeenat Hassan, AIDS Legal Referral Panel: Ms. Hassan urged the Council to adopt and finalize the regulations.

C. Action by Council

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

XIV. Further Public Comment

None.

XV. Adjournment

Chair Mandelbaum adjourned the meeting at approximately 12:30 PM.

Date: December 20, 2018

CHAYA MANDELBAUM
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist