



Department of Fair Employment & Housing Fair Employment and Housing Council

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Attachment A

Version: 1-21-2022

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of November 9, 2021

Minutes

Remote Meeting

Councilmembers Present

Gabriel Sandoval, Chairperson
Dale Brodsky, Councilmember
Hellen Hong, Councilmember
Tim Iglesias, Councilmember
Adetunji O. Olude, Councilmember
Julie Wilensky, Councilmember
Kevin Kish, DFEH Director and Ex Officio member

DFEH Staff Present

Adam Romero, DFEH Deputy Director of Executive Programs
Rachael Langston, DFEH Legislative and Regulatory Counsel

Others Present

Approximately 20 members of the public.

I. Call to Order and Roll Call

Chair Sandoval welcomed guests to the FEH Council's 45th meeting and called it to order. He then turned the meeting over to DFEH Legislative and Regulatory Counsel, Rachael Langston, who conducted roll call.

II. Welcome and Introduction of Guests

Chair Sandoval announced that the Council meeting would be livestreamed on the Council's website via Zoom 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 or using Zoom chat or using the "Raise Hand" function and can find the Attachments to the Agenda on the website.

Chair Sandoval then acknowledged Department leaders and members, including: Adam Romero, DFEH Deputy Director of Executive Programs; and Rachael Langston, DFEH Legislative and Regulatory Counsel. Ms. Langston then introduced herself to the Council and the public.

III. Review of the Agenda

Chair Sandoval reviewed the agenda for the meeting.

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

- Consideration of Changes Without Regulatory Effect to the California Family Rights Act Regulations (2 CCR 11087 et seq.)
- Updates from the Council’s other subcommittees

IV. Approval of the Minutes

Attachment A: Minutes from July 7, 2021 Meeting of the Fair Employment and Housing Council

Chair Sandoval reviewed the minutes of the July 7, 2021 meeting. During that meeting, the Council considered and voted to finalize Unmodified Text of Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability; and heard updates from the Council’s other subcommittees.

Councilmember Wilensky requested the minutes be amended to state that the Criminal History and Employment Regulations Subcommittee was considering “potential modifications,” rather than “proposed modifications,” to the regulations.

Chair Sandoval asked for public comments on the minutes, and receiving none, the Council voted to approve the minutes unanimously with Councilmember Wilensky’s amendment.

V. Councilmembers’ Reports

Chair Sandoval and Councilmembers

None.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish highlighted two outreach initiatives from the DFEH Education and Outreach unit, including: an affirmative enforcement campaign on the California Fair Chance Act that uses technology to find unlawful statements in advertisements and applications; and the release of a guidance document regarding businesses and COVID-19 safety protocols. Additionally, he congratulated former DFEH Deputy Director of Executive Programs, Holly Thomas, on her nomination to the United States Court of Appeals for the Ninth Circuit by President Biden.

VII. Consideration of Changes Without Regulatory Effect to the California Family Rights Act Regulations (2 CCR 11087 et seq.)

Councilmember Dale Brodsky

Attachment B: Changes Without Regulatory Effect Under California Code of Regulations Title I, Section 100: Explanatory Statement

Attachment C: Changes Without Regulatory Effect to the California Family Rights Act Regulations (2 CCR 11087 et seq.)

A. Discussion by Council

Councilmember Brodsky noted that the subcommittee is proposing modifications to the Council’s CFRA regulations as a result of statutory changes going into effect January 1, 2022.

Councilmember Hong suggested removing “parent-in-law” from the definition of parent-in-law. Upon further discussion, the Council determined that “parent-in-law” should remain in the definition.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously approved a motion to adopt Attachments B and C and submit the proposed changes without regulatory effect to the Office of Administrative Law for approval.

VIII. Update from the Reasonable Accommodations for Associational Disabilities Subcommittee
Councilmembers Dale Brodsky and Adetunji Olude

A. Discussion by Council

Councilmember Olude noted that the subcommittee did not have any new information to share at this time.

B. Public Comment

None.

IX. Update from the Criminal History & Employment Regulations Subcommittee
Chair Gabriel Sandoval and Councilmember Julie Wilensky

A. Discussion by Council

Councilmember Wilensky noted that the subcommittee is continuing to research and consider proposing modifications to the criminal history and employment regulations.

B. Public Comment

Joshua Kim, Root & Rebound: Mr. Kim noted he submitted written comments to the Council and urged the Council to interpret the implementing regulations of the Fair Chance Act in a way that gives meaning to the intended purpose of the Act.

X. Update from Government Code Section 11135 Regulations Subcommittee
Councilmember Dale Brodsky

A. Discussion by Council

Councilmember Brodsky reported that the notice package is still under review by the Administration.

B. Public Comment

None.

XI. Update from the Hate Violence Subcommittee

Chair Gabriel Sandoval and Councilmember Dale Brodsky

A. Discussion by Council

Chair Sandoval and Councilmember Brodsky recommended that the Council send letters to law enforcement agencies, district attorneys, and city attorneys' offices throughout California offering guidance regarding DFEH's role in assisting victims of hate violence and affirmative steps that can be taken by said law enforcement entities to refer victims of hate incidents to other available resources, including, by way of example, the DFEH complaint process. They also noted that the subcommittee is meeting with various groups to discuss ways of disseminating educational materials on hate violence. Councilmember Iglesias suggested including, as an attachment to the letter, a fact sheet on hate violence that receiving agencies can distribute. Deputy Director Adam Romero noted that such a factsheet is available through DFEH's Outreach and Education Unit.

Deputy Director Romero and Director Kish noted that DFEH has received funding to create a hotline for victims of hate violence and will be hiring for a position to lead the effort. DFEH will also be creating a request for proposals for community groups and other stakeholders to bid on the project.

Director Kish announced that Governor Newsom appointed Becky Monroe as Deputy Director of Strategic Initiatives and External Affairs. He anticipates she will be very helpful in increasing awareness regarding issues relating to hate violence and remedies surrounding hate violence.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously voted to approve a motion to draft the hate violence letter.

XII. Update from the Algorithms and Bias Hearing Subcommittee

Councilmembers Tim Iglesias and Hellen Hong

A. Discussion by Council

Councilmember Iglesias noted that the subcommittee held an October 21, 2021 meeting during which they created a work plan regarding next steps, additional rulemaking, and a potential future hearing.

B. Public Comment

Rachael Langston noted that one written comment was received by Brenda Lebsack, which would be circulated to Council.

XIII. Discussion Regarding Additional Subcommittee Assignments

Chair Gabriel Sandoval and Councilmembers

A. Discussion by Council

None.

B. Public Comment

None.

C. Action by Council

None.

XIV. Further Public Comment

None.

XV. Adjournment

Chair Sandoval adjourned the meeting at approximately 11:41 AM.

Date: December 14, 2021

GABRIEL SANDOVAL
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist