



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
 800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.dfeh.ca.gov | contact.center@dfec.ca.gov

CIVIL RIGHTS COUNCIL

Minutes from Council Meeting on February 21 2023, 1:00 p.m.

Remote Meeting

Members of the public joined with the below information:

<https://us02web.zoom.us/j/88954922012>

and/or 1-699-444-9171 and Meeting ID 889 5942 2012

Councilmembers Present

Gabriel Sandoval, Chairperson
 Dale Brodsky, Councilmember
 Hellen Hong, Councilmember
 Tim Iglesias, Councilmember
 Adetunji O. Olude, Councilmember
 Dara Schur, Councilmember
 Julie Wilensky, Councilmember

Civil Rights Department Staff Present

Kevin Kish, CRD Director and Ex Officio Member
 Adam Romero, CRD Deputy Director of Executive Programs
 Rachael Langston, CRD Senior Legislative and Regulatory Counsel
 Mariel Block, CRD Senior Legislative and Regulatory Counsel
 Alec Watts, CRD Assistant Deputy Director of Research and Strategic Initiatives

Commission on the State of Hate Members Present

Russell Roybal, Chair of the Commission on the State of Hate
 Bamby Salcedo, Vice Chair of the Commission on the State of Hate

Others Present

An estimated 48 members of the public participated either in person or virtually.

I. Call to Order and Roll Call

Chair Gabriel Sandoval

Chair Sandoval welcomed guests to the Civil Rights Council's 50th meeting and called it to order. He then turned the meeting over to CRD Legislative and Regulatory Counsel, Rachael Langston, who conducted roll call.

II. Welcome

Chair Gabriel Sandoval

Chair Sandoval welcomed members of the public and announced that the Council meeting would be livestreamed. Members of the public could access the meeting agenda and attachments on the Council's website.

III. **Review of the Agenda**

Chair Gabriel Sandoval

Chair Sandoval reviewed the agenda for the meeting.

IV. **Approval of the Minutes**

Chair Gabriel Sandoval and Councilmembers

Chair Sandoval reviewed the minutes of the December 13, 2022, meeting and asked Councilmembers if they had any edits or amendments to the minutes and received none. There were no public comments on the minutes. The Council voted to approve the minutes unanimously.

V. **Councilmembers' Reports**

Chair Gabriel Sandoval and Councilmembers

Councilmember Iglesias announced he will be presenting at Stanford University on a panel regarding progressive careers in housing.

No further reports.

VI. **Civil Rights Department Report**

Director Kevin Kish

Director Kish provided the following Civil Rights Department updates:

- Pay data reporting portal is open and the deadline for reporting is May 10, 2023.
- CRD filed its first lawsuit last month to enforce protections for housing choice voucher holders.
- CRD announced two settlements last week, one regarding a restaurant worker who was repeatedly misgendered at work, and the second regarding housing providers discriminating against families with children.

VII. **Informational Presentation: Commission on the State of Hate**

Chair Russell Roybal and Vice Chair Bamby Salcedo, Commission on the State of Hate

Chair Russell Roybal and Vice Chair Bamby Salcedo introduced themselves to the Council and the public, and then gave an overview of the Commission on the State of Hate. Their presentation included an outline of the Commission's purpose and goals, a description of the work they have already started to advance the Commission's mission, and a summary of the Commission's first meetings. They also discussed collaborating with the Council on community events and helping to inform the Council's regulatory agenda.

A. **Discussion by the Council**

Councilmember Iglesias highlighted outreach to law enforcement and emphasized informing people about civil remedies to hate crimes. Chair Sandoval and Councilmember Brodsky commented on the benefits of the Council and Commission collaborating on future public hearings and related community education events with the goal of complementing each other's efforts.

B. **Public Comment**

No public comment.

VIII. **Consideration of Further Modified Text of Proposed Modifications to Employment Regulations Regarding Criminal History**

Chair Gabriel Sandoval and Councilmember Julie Wilensky

A. **Discussion by the Council**

Councilmember Wilensky noted that the subcommittee considered all of the public comments provided at the last meeting and that were submitted in writing. She then summarized proposed changes. Councilmembers Brodsky and Schur suggested edits and changes to improve clarity.

B. Public Comment

Sandra Johnson, Legal Aid at Work: Asked the Council to consider adding language to protect applicants with a conviction history whose background checks could take longer than applicants without a conviction history and who are denied employment opportunities as a result of this delay

Bradán Litzinger, Legal Aid at Work: Asked the Council to: include even stronger language in subsection (c)(1)(a)(1) by making an applicant's occupational license not just probative but determinative of the absence of a direct and adverse relationship; add language that will protect applicants from being penalized for disclosing their conviction history because of an employer's violation of the Fair Chance Act; amend subsection (a)(3) to prohibit an employer from using either an applicant's disclosure of criminal history or an applicant's failure to disclose criminal history prior to the conditional offer as a factor in subsequent employment decisions. He also reiterated the request by his colleague Sandra Johnson.

C. Action by the Council

Councilmember Hong moved to go forward with another 15-day comment period and Councilmember Brodsky seconded. The Council unanimously approved the motion.

IX. **Consideration of Proposed Modifications to Employment Regulations Regarding Automated-Decision Systems**

Councilmembers Tim Iglesias and Hellen Hong

A. Discussion by the Council

Councilmember Iglesias noted Councilmember Hong and he are introducing a revised version of the proposed modifications, after describing the procedural history leading to this point. He then summarized the proposed revisions. Councilmember Brodsky gave positive feedback and suggested some grammatical changes. Councilmember Schur suggested changes in the language and formatting for clarity. Councilmember Wilensky expressed appreciation for the draft.

B. Public Comment

None.

C. Action by the Council

Councilmember Brodsky moved to start the process of a 45-day comment period, and Councilmember Olude seconded the motion. The Council unanimously approved the motion.

X. **Update from the Reasonable Accommodations for Associational Disabilities Subcommittee**

Councilmembers Dale Brodsky and Adetunji Olude

A. Discussion by the Council

Councilmember Olude noted that the subcommittee is awaiting direction from the administration regarding potential regulations. She also noted they have begun the process of looking into making changes to the existing regulations related to CFRA and pregnancy disability leave, as well as new regulations related to bereavement leave. Councilmember Olude expressed hope to update the Council regarding this next meeting.

B. Public Comment

None.

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

A. Discussion by the Council

None.

B. Public Comment

None.

XII. **Update from the Government Code Section 11135 Regulations Subcommittee**
Councilmembers Dale Brodsky and Dara Schur

A. Discussion by the Council

Councilmember Schur announced that the proposed regulations are out for public comment. The public hearing on the proposed regulations will be at the next Council meeting on April 3, 2023.

Director Kish highlighted the background of Government Code Section 11135 and expressed hope that this proposed updated regulatory language will increase public understanding of this section's purpose.

B. Public Comment

Nina Beety: Asked if these changes go far enough. She stated that she has faced discrimination from state agencies due to her disability status. She looks forward to reading the suggested changes.

XIII. **Update from the Hate Violence Subcommittee**
Chair Gabriel Sandoval and Councilmember Dale Brodsky

A. Discussion by the Council

Councilmember Brodsky noted they met with the Chair and Vice Chair of the Commission on the State of Hate and discussed the ways they can work together. Chair Sandoval noted that they discussed opportunities for collaboration.

B. Public Comment

None.

XIV. **Update from the Algorithms and Bias Hearing Subcommittee**
Councilmembers Tim Iglesias and Hellen Hong

A. Discussion by the Council

None.

B. Public Comment

None.

XV. **Update from the Housing Regulations Review Subcommittee**
Councilmembers Dara Schur and Tim Iglesias

A. Discussion by the Council

Councilmember Iglesias announced that the proposed regulations are open for public comment. The public hearing on the proposed regulations will be at the next Council meeting on April 3, 2023.

B. Public Comment

None.

XVI. **Update from the Unruh Act Subcommittee**

Councilmembers Adetunji Olude and Julie Wilensky

A. Discussion by the Council

Councilmember Olude stated that the subcommittee is still researching and discussing potential regulations.

B. Public Comment

None.

XVII. **Update from the Community Education and Outreach Subcommittee**

Chair Gabriel Sandoval and Councilmember Hellen Hong

A. Discussion by the Council

Councilmember Hong stated that the subcommittee met with Lily Harvey, CRD Assistant Deputy Director of Outreach and Education, to discuss how the Council can align with CRD's outreach plan. She also recommended more introductory presentations for the Council on civil rights topics for which the Council might need more in-depth information. She expressed appreciation for the Councilmembers who are willing to participate in future speaking engagements on behalf of CRD and the Council.

Councilmember Iglesias asked for clarity regarding the next in-person Council meeting. Director Kish clarified that starting July 1, 2023, following the expiration of current rules for public bodies' meeting, the Council will need to have an in-person meeting location. CRD hopes to conduct hybrid livestream and in-person meetings.

B. Public Comment

None.

XVIII. **Update from the Religious Creed Discrimination and Accommodation Subcommittee**

Councilmembers Julie Wilensky and Dale Brodsky

A. Discussion by the Council

Councilmember Brodsky noted they are almost done with the initial statement of reasons. After then, the notice of proposed rulemaking will be published in the Notice Register and the 45-day comment period will begin.

B. Public Comment

None.

XIX. **Discussion Regarding Additional Subcommittee Assignments**

Chair Gabriel Sandoval and Councilmembers

A. Discussion by the Council

Councilmember Brodsky asked if it would be appropriate to assign an already existing subcommittee to define “race” in the general employment regulations, because, at this time, the definition does not exist, but a definition is being proposed in the Section 11135 regulations. Councilmember Schur noted that the same issue exists in the housing regulations. Director Kish recommended waiting, at least, for the first public comment period of the Section 11135 regulations to see if any public comment comes in on the proposed definition.

Councilmember Iglesias raised the idea of strategic planning for the Council. Chair Sandoval acknowledged the importance. Councilmember Hong recognized the importance of prioritizing work. Councilmember Brodsky agreed. Director Kish acknowledged that the Council has the ability to vote on creating a subcommittee for strategic planning.

B. Public Comment

None.

C. Action by Council

Councilmember Brodsky moved to create a subcommittee for strategic planning, the motion was seconded by Chair Sandoval. The Council unanimously approved the motion. The subcommittee will include Councilmember Iglesias and Chair Sandoval.

XX. Further Public Comment

Kai On: Asked the Council to look into new or enhancing regulations to protect employees’ rights to complain.

Nina Beety: Explained that she lives with a disability based on electromagnetic sensitivity, which entails serious disabling health effects from exposure to EMF and RF emissions like cell towers, wifi, and smart phones. She explained that her city’s decision to input Wi-Fi in their public buildings and antennas on the roof of the hospital has prevented her from accessing these services. Her stated that her requests for reasonable accommodations have been denied. She asked the Council to take this issue seriously and look into practices that are blocking people from access to accommodations.

XXI. Adjournment

Chair Sandoval adjourned the meeting at approximately 3:14 PM.