



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758
(916) 478-7248 | www.dfeh.ca.gov | e-mail: fehcouncil@dfeh.ca.gov

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of May 4, 2015

Minutes

Loyola Law School
919 Albany St.
Girardi Advocacy Center, Room 202
Los Angeles, CA 90015

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Patricia Perez, Councilmember
Andrew Schneiderman, Councilmember
Dara Schur, Councilmember
Kevin Kish, DFEH Director and Ex Officio member

DFEH Staff Present

Nelson Chan, DFEH Chief of Public Policy and Education, Legislative and Regulatory Affairs
Brian Sperber, DFEH Legislative and Regulatory Counsel
Mathew Jackson, DFEH Civil Rights Fellow
Christopher Paredes, DFEH Civil Rights Fellow

Others Present

Chancela Al-Mansour, Executive Director, Housing Rights Center
Tony Dias, Teacher, California Teachers Association
Alan Reinach, Attorney, California Employment Lawyers Association and Church State Council
Tia Grasso, Superior Court of California, Orange County

I. Call to Order and Roll Call

Chair Mandelbaum called the meeting to order at 10:07 a.m. and DFEH Civil Rights fellow, Mathew Jackson, conducted roll call.

II. Welcome and Introduction of Guests, New Director, and New Councilmember

Chair Mandelbaum introduced the Council, DFEH staff, Director Kish, and Councilmember Schur.

III. Review of the Agenda

Chair Mandelbaum reviewed the proposed Agenda.

IV. Discussion of Additional Subcommittee Assignments

The Council moved, seconded, and approved the appointment of Councilmember Schur to the FEHA Housing Regulations Subcommittee, and Chair Mandelbaum to the FEHA Employment Regulations Subcommittee.

V. Review of the Minutes

Chair Mandelbaum reviewed the minutes of the January 13, 2015 meeting, and the Council moved, seconded, and approved the minutes with four yes votes, and one abstention (Schur).

Attachment A: Minutes from January 13, 2015 Meeting of the Fair Employment and Housing Council

VI. Councilmembers' Reports

Chair Mandelbaum announced that on February 18, 2015, he participated in an employment roundtable to discuss AB 2053 with Assemblywoman Lorena Gonzalez, the author of the bill.

VII. Department of Fair Employment and Housing Report

Director Kish discussed changes within the Department and presented findings from the Report to the Joint Legislative Budget Committee.

VIII. Report from the CFRA Regulations Subcommittee

Chair Mandelbaum reported on the status of the CFRA rulemaking process. The updated CFRA regulations will become effective on July 1, 2015.

IX. Report of FEHA Housing Regulations Subcommittee

Councilmember Schneiderman reported on the status of the draft housing regulations. An updated working draft of the regulations will be introduced for the full Council's consideration in the coming months.

X. Consideration of Modifications to Text of Proposed Fair Employment and Housing Act Employment Regulations

Attachment B: Modified Text of Proposed Fair Employment and Housing Act Employment Regulations

A. Discussion by Council

Councilmember Brodsky and Councilmember Perez reviewed all proposed changes made after the first 15-day comment period.

The Council adjourned for lunch at 11:33 a.m. and reconvened at 1:08 p.m.

The Councilmembers discussed further proposed modifications in response to the 45-day written public comment.

B. Public Comment

Alan Reinach, Attorney, California Employment Lawyers Association and Church State Council

- On behalf of the California Employment Lawyers Association, Mr. Reinach expressed a preference for the 17 1/3 weeks method of calculating pregnancy leave. On behalf of the Church State Council, Mr. Reinach requested that the Council provide additional guidance to employers on how to handle religious discrimination and what constitutes religious discrimination. He also encouraged the Council to examine pre-employment inquiries further and to provide more guidance on the topic through the regulations.

C. Action by Council

The Council clarified a number of proposed additional updates to the draft of the regulations introduced by the subcommittee. The Council then moved, seconded, and unanimously approved a motion to adopt the Modified Text of Proposed Fair Employment and Housing Act Employment Regulations, as amended at the meeting.

XI. Guest Speaker

Chair Mandelbaum introduced the guest speaker, Noah D. Zatz, Professor of Law, UCLA School of Law. Professor Zatz discussed disparate impact claims of discrimination and encouraged the Council to look for opportunities to address disparate impact discrimination through the regulations.

XII. Future Meeting

Chair Mandelbaum announced that future meetings will be announced soon on the Council's website.

XIII. Further Public Comment

None.

XIV. Adjournment

Chair Mandelbaum adjourned the meeting at 4:07 p.m.

Date: May 6, 2015

CHAYA MANDELBAUM

Chair

MATHEW JACKSON

DFEH Civil Rights Fellow