

ATTACHMENT D
FEH COUNCIL PROPOSED CHANGES WITHOUT REGULATORY EFFECT

Chapter 1. Administration

Subchapter 1. Administration

Section	Title	Action	Notes
7285.0	Generally	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11000
7285.1	Construction	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11001
7285.2	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11002

Sub. 2. Powers and Duties

Section	Title	Action	Notes
7285.3	Staff	Delete	Statutorily repealed; Council has no staff.
7285.4	Rules, Regulations, and Guidelines	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11003
7285.5	Hearings and Precedential Opinions	Delete	Statutorily repealed; administrative adjudication of FEHA cases eliminated.
7285.6	Investigative Authority	Delete	Statutorily repealed; Council does not have investigative authority.
7285.7	Other Powers and Duties	Amend/Republish	Renumbered Division 4.1, Ch. 5, § 11004

Chapter 2. Discrimination in Employment

Sub. 1. General Matters

Section	Title	Action	Notes
7286.0	FEHC Conflict of Interest Code	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11005
7286.1	DFEH Conflict of Interest Code	Amend/Republish	Renumbered Div. 4.1, Ch. 2, § 10500 (DFEH Administration Regulation)
[It skips 7286.2]			
7286.3	Statement of Policy and Purpose	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11006
7286.4	Authority	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11007
7286.5	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11008
7286.6	Principles of Employment Discrimination	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11009
7286.7	Affirmative Defenses to Employment Discrimination	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11010
7286.8	Affirmative Action Programs	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11011
7286.9	Remedies	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11012
7287.0	Recordkeeping	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11013

Sub. 2. Particular Employment Practices

Section	Title	Action	Notes
7287.1	Statement of Purpose	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11014
7287.2	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11015
7287.3	Pre-Employment Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11016
7287.4	Employee Selection	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11017
7287.5	Compensation (Reserved.)	Republish	Renumbered Div. 4.1, Ch. 5, § 11018
7287.6	Terms, Conditions and Privileges of Employment	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11019
7287.7	Aiding and Abetting	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11020
7287.8	Retaliation	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11021
7287.9	Association	Republish	Renumbered Div. 4.1, Ch. 5, § 11022
7288.0	Sexual Harassment Training and Education	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11023
7288.1	Labor Organizations (Reserved.)	Republish	Renumbered Div. 4.1, Ch. 5, § 11024
7288.2	Apprenticeship Programs (Reserved.)	Republish	Renumbered Div. 4.1, Ch. 5, § 11025
7288.3	Employment Agencies (Reserved.)	Republish	Renumbered Div. 4.1, Ch. 5, § 11026

Sub. 3. Race and Color Discrimination (RESERVED)

Sub. 4. National Origin and Ancestry Discrimination

Section	Title	Action	Notes
7289.4	Defenses	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11027
7289.5	Specific Employment Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11028.

Sub. 5. Ancestry Discrimination(RESERVED)

Sub. 6. Sex Discrimination

Section	Title	Action	Notes
7290.6	General Prohibition Against Discrimination on the Basis of Sex	Amend/Republish	Notes: UPCOMING RULEMAKING: AMEND ARTICLE 6 TO UPDATE/CONFORM TO EXISTING LAW, INCLUDING CURRENT DEFINITION OF SEX, ETC. Renumbered Div. 4.1, Ch. 5, § 11029.
7290.7	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11030.
7290.8	Defenses	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11031.
7290.9	Pre-Employment Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11032.
7291.0	Employee Selection	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11033.
7291.1	Terms, Conditions and Privileges of Employment	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11034.

Sub. 6A. Sex Discrimination: Pregnancy, Childbirth or Related Medical Conditions

Section	Title	Action	Notes
7291.2	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11035. UPCOMING RULEMAKING: AMEND TO FURTHER CLARIFY LEAVE DURATION.
7291.3	Prohibition Against Harassment	Republish	Renumbered Div. 4.1, Ch. 5, § 11036.
7291.4	No Eligibility Requirements	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11037.

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7291.5	Responsibilities of Covered Entities Other Than Employer	Republish	Renumbered Div. 4.1, Ch. 5, § 11038.	
7291.6	Responsibilities of Employers	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11039.	
7291.7	Reasonable Accommodation	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11040.	
7291.8	Transfer	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11041.	
7291.9	Pregnancy Disability Leave	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11042. UPCOMING RULEMAKING: AMEND TO FURTHER CLARIFY LEAVE DURATION.	
7291.10	Right to Reinstatement from Pregnancy Disability Leave	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11043.	
7291.11	Terms of Pregnancy Disability Leave	Republish	Renumbered Div. 4.1, Ch. 5, § 11044.	
7291.12	Relationship Between Pregnancy Leave and FMLA Leave	Republish	Renumbered Div. 4.1, Ch. 5, § 11045.	
7291.13	Relationship Between CFRA and Pregnancy Leaves	Republish	Renumbered Div. 4.1, Ch. 5, § 11046.	
7291.14	Relationship Between Pregnancy Disability Leave and Le	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11047.	
7291.15	Remedies	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11048.	
7291.16	Employer Notice to Employees of Rights and Obligations	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11049.	
7291.17	Employee Requests for Reasonable Accommodation, Tra	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11050.	
7291.18	Employer Notices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11051.	
Sub. 7. Marital Status Discrimination				
	Section Title Action Notes		Renumbered Div. 4.1, Ch. 5, Subchapter 2, Article 7.	
7292.0	General Prohibition Against Discrimination on the Basis o	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11052.	
7292.1	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11053.	
7292.2	Establishing Marital Status Discrimination	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11054.	
7292.3	Defenses	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11055.	
7292.4	Pre-Employment Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11056.	
7292.5	Employee Selection	Republish	Renumbered Div. 4.1, Ch. 5, § 11057.	
7292.6	Terms, Conditions and Privileges of Employment	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11058.	
Sub. 8. Religious Creed Discrimination				
	Section Title Action Notes		Renumbered Div. 4.1, Ch. 5, Subchapter 2, Article 8.	
7293.0	General Prohibition Against Religious Creed Discriminatic	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11059.	
7293.1	Establishing Religious Creed Discrimination	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11060.	
7293.2	Defenses	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11061.	
7293.3	Reasonable Accommodation	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11062.	
7293.4	Pre-Employment Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11063.	
Sub. 9. Disability Discrimination				
	Section Title Action Notes		Renumbered Div. 4.1, Ch. 5, Subchapter 2, Article 9.	
7293.5	General Prohibition Against Discrimination on the Basis o	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11064.	
7293.6	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11065. UPCOMING RULEMAKING: REVISIT ISSUE OF EMOTIONAL SUPPORT ANIMALS IN THE WORKPLACE.	
7293.7	Establishing Disability Discrimination	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11066. (Delete subd. (b) repealed by <i>Harris v. City of Santa Monica</i> .) FUTURE RULEMAKING: Revisit mixed-motive defense.	
7293.8	Defenses	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11067.	
7293.9	Reasonable Accommodation	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11068.	
7294.0	Interactive Process	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11069.	
7294.1	Pre-Employment Practices	Republish	Renumbered Div. 4.1, Ch. 5, § 11070.	
7294.2	Medical and Psychological Examinations and Inquiries	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11071.	
7294.3	Employee Selection	Republish	Renumbered Div. 4.1, Ch. 5, § 11072.	
[There is no Sub. 10]	7294.4	Terms, Conditions and Privileges of Employment	Republish	Renumbered Div. 4.1, Ch. 5, § 11073.
Sub. 11. Age Discrimination				
	Section Title Action Notes		Renumbered Div. 4.1, Ch. 5, Subchapter 2, Article 10.	
7295.0	General Prohibition Against Discrimination on the Basis o	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11074.	
7295.1	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11075.	
7295.2	Establishing Age Discrimination	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11076.	
7295.3	Defenses	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11077.	
7295.4	Pre-Employment Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11078.	
7295.5	Pre-Employment Inquiries, Interviews and Applications	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11079.	
7295.6	Physical or Medical Examination of Applicants or Employe	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11080.	
7295.7	Employee Selection	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11081.	
7295.8	Promotions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11082.	
7295.9	Terms, Conditions and Privileges of Employment (Reserve	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11083.	
7296.0	Retirement Practices	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11084.	
7296.1	Procedures for Continuing in Employment Past the Norm	Republish	Renumbered Div. 4.1, Ch. 5, § 11085.	
7296.2	Termination and Disciplinary Actions	Republish	Renumbered Div. 4.1, Ch. 5, § 11086.	
7296.3	Termination and Disciplinary Action [Repealed]	Delete	Already repealed.	
7296.4	Application of Federal Law [Repealed]	Delete	Already repealed.	
Sub. 12. Family Care and Medical Leave Act				
			Renumbered Div. 4.1, Ch. 5, Subchapter 2, Article 11.	

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Section	Title	Action	Notes UPCOMING RULEMAKING: ARTICLE 11 CFRA REGULATIONS OVERHAUL.
7297.0	Definitions	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11087.
7297.1	Right to CFRA Leave: Denial of Leave; Reasonable Request	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11088.
7297.2	Right to Reinstatement: Guarantee of Reinstatement; Reinstatement	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11089.
7297.3	Computation of Time Periods: Twelve Workweeks; Minimum	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11090.
7297.4	Requests for CFRA Leave: Advance Notice; certification; Extension	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11091.
7297.5	Terms of CFRA Leave	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11092.
7297.6	Relationship Between CFRA Leave and Pregnancy Disability Leave	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11093.
7297.7	Retaliation	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11094.
7297.8	Remedies	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11095.
7297.9	Notice of Right to Request CFRA Leave	Republish	Renumbered Div. 4.1, Ch. 5, § 11095.
7297.10	Relationship with FMLA Regulations	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11097.
7297.11	Certification Form	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11098.
<u>Chapter 3. Discrimination in Housing (Reserved)</u>		Republish	Renumbered Div. 4.1, Ch. 5, <u>Subchapter 3 (RESERVED)</u> (Hold to issue Housing Regulations)
<u>Chapter 4. Procedures of the Commission</u>		Republish	Renumbered Div. 4.1, Ch. 5, <u>Subchapter 4 (RESERVED)</u> (Hold to issue Council procedural regulations)
Notes: PROCEDURES APPLICABLE TO ADMINISTRATIVE ADJUDICATION OF FEHA CLAIMS, WHICH HAS BEEN REPEALED.			
Section	Title	Action	Notes
7400	Statement of Purpose	Delete	Statutorily repealed.
7401	Delegation of Powers	Delete	Statutorily repealed.
7402	Definitions	Delete	Statutorily repealed.
7403	Department to Maintain Current Addresses and Telephone Numbers	Delete	Statutorily repealed.
7403.5	Interpretive Guidelines [Repealed]	Delete	Already repealed.
7404	Public Hearing Records	Delete	Statutorily repealed.
7405	Representation in Matters Before the Commission	Delete	Statutorily repealed.
7406	Filing of Papers with the Commission	Delete	Statutorily repealed.
7407	Service of Parties and Complainants	Delete	Statutorily repealed.
7408	Accusations	Delete	Statutorily repealed.
7409	Amended Accusations	Delete	Statutorily repealed.
7410	Election to Transfer Proceedings to Court in Lieu of Administrative Proceedings	Delete	Statutorily repealed.
7411	Statement to Respondent	Delete	Statutorily repealed.
7412	Notice of Defense	Delete	Statutorily repealed.
7413	Subpoenas	Delete	Statutorily repealed.
7414	Setting of Hearing	Delete	Statutorily repealed.
7415	Withdrawal of Accusation	Delete	Statutorily repealed.
7416	Notification of Settlement or Withdrawal of Accusation	Delete	Statutorily repealed.
7417	Discovery	Delete	Statutorily repealed.
7418	Interpreters and Accommodation	Delete	Statutorily repealed.
7419	Pre-Hearing Motions	Delete	Statutorily repealed.
7420	Ex Parte Communications	Delete	Statutorily repealed.
7421	Consolidation and Severance	Delete	Statutorily repealed.
7422	Pre-Hearing Statements	Delete	Statutorily repealed.
7423	Pre-Hearing Conferences	Delete	Statutorily repealed.
7424	Settlement Conferences	Delete	Statutorily repealed.
7425	Intervention	Delete	Statutorily repealed.
7426	Amicus Briefs	Delete	Statutorily repealed.
7427	Depositions of Unavailable Witnesses	Delete	Statutorily repealed.
7428	Evidence by Affidavit	Delete	Statutorily repealed.
7429	Hearings	Delete	Statutorily repealed.
7430	Default Hearings	Delete	Statutorily repealed.
7431	Official Notice	Delete	Statutorily repealed.
7432	Post-Hearing Matters	Delete	Statutorily repealed.
7433	Proposed Decisions	Delete	Statutorily repealed.
7434	Commission Decisions	Delete	Statutorily repealed.
7435	Precedential Decisions	Delete	Statutorily repealed.
7436	Reconsideration	Delete	Statutorily repealed.
7437	Judicial Review	Delete	Statutorily repealed.
7438	Appendices	Delete	Statutorily repealed.
7439	Filing of Notice of Defense [Renumbered]	Delete	Statutorily repealed.
7440	Purpose of Motions Before Hearing [Repealed]	Delete	Already repealed.
7441	Form of Motions Before Hearing [Repealed]	Delete	Already repealed.
7442	Procedures for Motions Before Hearing [Repealed]	Delete	Already repealed.
7443	Decisions and Appeal [Repealed]	Delete	Already repealed.

ATTACHMENT D
FEH COUNCIL PROPOSED CHANGES WITHOUT REGULATORY EFFECT

	8303	Post Award Compliance	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11128.
	8304	Verification	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11129.
Article 2. Regulated Contracts				Renumbered Div. 4.1, Ch. 5, Subchapter 5, Article 3, <u>Subarticle 2.</u>
	8310	Regulated Contracts, Dollar Value	Republish	Renumbered Div. 4.1, Ch. 5, § 11130.
	8311	Post Award Informational Filing	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11131.
	8312	Designating EEO/Affirmative Action Officers	Republish	Renumbered Div. 4.1, Ch. 5, § 11132.
	Section	Title	Action	Notes
Sub. 4. OCP Review Procedures				Renumbered Div. 4.1, Ch. 5, Subchapter 2, <u>Article 4.</u>
	8400	Scope	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11133.
	8401	OCP Review Procedures	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11134.
	8402	Compliance Investigations	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11135.
	8403	Letters of Commitment	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11136.
	Section	Title	Action	Notes
Sub. 5. OCP Enforcement Procedures				Renumbered Div. 4.1, Ch. 5, Subchapter 2, <u>Article 5.</u>
	8500	Scope	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11137.
	8501	Show Cause Notice	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11138.
	8502	Conciliation Agreements	Republish	Renumbered Div. 4.1, Ch. 5, § 11139.
	8503	Hearing	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11140.
	8504	Potential Remedies	Amend/Republish	Renumbered Div. 4.1, Ch. 5, § 11141.