



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**  
**FAIR EMPLOYMENT & HOUSING COUNCIL**  
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FAIR EMPLOYMENT AND HOUSING COUNCIL  
 Meeting of June 2, 2014

Minutes

California Public Utilities Commission  
 505 Van Ness Avenue, Auditorium  
 San Francisco, CA 94102

Councilmembers Present

Chaya Mandelbaum, Chairperson  
 Dale Brodsky, Councilmember  
 Chanée Franklin Minor, Councilmember  
 Patricia Perez, Councilmember  
 Andrew Schneiderman, Councilmember  
 Phyllis Cheng, DFEH Director and Ex Officio member

DFEH Staff Present

Annamarie Billotti, DFEH Chief of Dispute Resolution, Legislative and Regulatory Affairs  
 Brian Sperber, DFEH Legislative and Regulatory Counsel  
 Mallory Sepler-King, DFEH Civil Rights Fellow  
 Christopher Paredes, DFEH Civil Rights Fellow

Others Present

Ben Bodell, California Public Utilities Commission  
 Michelle Cafarelli, Tenants Together  
 Chief Judge Karen Clopton, California Public Utilities Commission  
 Hed Ehrlich, Tenants Together  
 Rita Franklin, Unknown Affiliation  
 Barry Gerharz, Eviction Defense Center  
 Pinkey O. Gibson, Unknown Affiliation  
 Pamela Hall, Housing Advocate  
 Tim Iglesias, Professor, University of San Francisco School of Law  
 Xavier Johnson, Tenants Together  
 Kimberly Kim, California Public Utilities Commission  
 Elizabeth Kiss, California Public Utilities Commission  
 Rachael Langsten, Legal Aid Society–Employment Law Center  
 Noah Lebowitz, Duckworth Peters Lebowitz Olivier LLP, California Employment Law Association  
 Leila LNU, Intake Specialist, City of Oakland Housing Assistance Center  
 Laura Maechtlen, Seyfarth Shaw LLP  
 Jeanne McKinney, California Public Utilities Commission  
 Patricia Miles, California Public Utilities Commission  
 Blanca Montiel, Guest of Tenants Together

Tammy Moon, Court Reporter  
Christyn Richardson, California Public Utilities Commission  
Kelly Richardson, Richardson Harman Ober PC  
Allie Sevy, University of California, Berkeley  
Jay Sherman, Law Offices of Jay Sherman APC  
Monali Sheth, Equal Rights Advocates  
Leah Simon-Weisberg, Legal Director, Tenants Together  
Green Son, California Public Utilities Commission  
Jonathan Szhup-Valdez, California Public Utilities Commission  
Levwam Tesfai, California Public Utilities Commission  
Pat Tsen, California Public Utilities Commission  
Ryan Wheeler, Brancart & Brancart

### **I. Call to Order and Roll Call**

Chair Mandelbaum called the meeting to order. Ms. Sepler-King conducted roll call.

### **II. Welcome and Introduction of Guests**

Chair Mandelbaum introduced guest speaker Karen Clopton, Interim General Counsel and Chief Administrative Law Judge of the California Public Utilities Commission. Kelly Richardson, Jay Sherman and Tim Iglesias introduced themselves.

### **III. Review of the Minutes**

Chair Mandelbaum reviewed and the Council unanimously approved the below minutes.

[Attachment A: Minutes from the April 7, 2014 Meeting of the Fair Employment and Housing Council](#)

### **IV. Councilmember Reports**

Councilmember Perez co-presented a DFEH webinar on sexual harassment prevention with Senior Staff Counsel Phoebe Liu to over 700 participants on April 16, 2014.

Chair Mandelbaum, Councilmember Brodsky and Director Cheng co-presented a Northern California Employment Round Table seminar/webinar on proposed amendments to the California Family Rights Act Regulations in Walnut Creek on May 2, 2014.

The Board of Trustees of the State Bar of California appointed Chair Mandelbaum to the Executive Committee of the Labor and Employment Law Section.

### **V. Department of Fair Employment and Housing Report**

Director Cheng gave an update on the Department's \$8.73 million nationwide [consent decree](#) and [permanent injunction](#) in [Department of Fair Employment and Housing v. Law School Admission Council](#) (N.D.Cal. CV 12-1830-EMC 5/29/14) on an Americans with Disabilities Act and Unruh Civil Rights Act systemic investigation and prosecution.

### **VI. Legislative Update**

Ms. Billotti reviewed pending bills of interest.

## **VII. Guest Speaker**

Karen Clopton, Interim General Counsel and Chief Administrative Law Judge of the California Public Utilities Commission, and Vice Chair of the State Bar Council on Access and Fairness, provided remarks. Judge Clopton spoke about the CPUC's work on diversity in contracting and the COAF's diversity law school pipeline program.

The Council unanimously voted to partner with COAF on its Diversity Awards Reception at the 2014 State Bar Stakeholder Forum and committed to assisting COAF on other access and fairness initiatives.

## **VIII. Report of the Fair Employment and Housing Act Regulations Subcommittee**

Councilmembers Dale Brodsky and Patricia Perez reported on the progress of the FEHA Regulations Subcommittee.

## **IX. Report of the Housing Regulations Subcommittee**

Councilmembers Andrew Schneiderman and Chanée Franklin Minor reported on the progress of the Housing Regulations Subcommittee. Professor Iglesias provided public comment regarding residential occupancy standards.

## **X. Report of the Education and Outreach Subcommittee**

Councilmember Patricia Perez and Chair Chaya Mandelbaum reported on the progress of the Education and Outreach Subcommittee.

## **Lunch Break**

The Council adjourned for lunch at 11:15 a.m. and reconvened at 1:09 p.m.

## **XI. Update on Proposed Amendments to the California Family Rights Act Regulations**

### **A. Introduction**

Chair Chaya Mandelbaum and Councilmember Dale Brodsky provided an overview of the Proposed Amendments to the California Family Rights Act Regulations described in the attachments below.

[Attachment B: Notice of Proposed Rulemaking](#)

[Attachment C: Initial Statement of Reasons](#)

[Attachment D: Text of Proposed Amendments to the California Family Rights Act Regulations](#)

### **B. Public Comment**

The Council heard public comment on the proposed CFRA regulations from the following persons:

- Rachael Langston, Legal Aid Society-Employment Law Center.
- Jay Sherman, Law Offices of Jay Sherman, APC.
- Laura Maechten, Seyfarth Shaw LLP.
- Noah Lebowitz, Duckworth Peters Lebowitz Olivier LLP, for the California Employment Law Association.

## **XII. Upcoming Meetings**

Chair Mandelbaum announced the upcoming Council meetings:

- October 6, 2014 Meeting, possible Proposed CFRA Regulations Hearing and possible Proposed FEHA Regulations Hearing, U.C. San Diego Extension
- December 8, 2014, Meeting, possible proposed CFRA Regulations Meeting, possible Proposed FEHA Regulations Hearing, and possible Council deliberations on Proposed Housing Regulations, UC Davis School of Law

**XIII. General Public Comment**

The Council heard public comment from the following persons regarding residential occupancy standards and other topics related to housing regulations:

- Barry Gerhart, Eviction Defense Center.
- Leah Simon-Weisberg, Tenants Together.
- Blanca Montiel, Guest of Tenants Together.
- Leila LNU, Intake Specialist, City of Oakland Housing Assistance Center.
- Pamela Hall, Housing Advocate.
- Ryan Wheeler, Law Offices of Brancart & Brancart,
- Kelly Richardson, Richardson Harmon Ober PC.

**XIV. Adjournment**

There being no further business to conduct, Chair Mandelbaum adjourned the meeting at 3:40 p.m.

Date: June 18, 2014

CHAYA MANDELBAUM  
Chair

JOSEPHINE BLUE  
Legal Secretary