



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
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DIRECTOR KEVIN KISH

SECOND NOTICE OF PROPOSED REGULATORY ACTION TO READOPT EMERGENCY REGULATIONS REGARDING GENDER-NEUTRAL FACILITY SIGNAGE

April 25, 2018

Pursuant to Government Code section 11346.1(h), the Fair Employment and Housing Council of the Department of Fair Employment and Housing (Council) proposes to readopt emergency regulations to address a conflict between its recently promulgated regulations related to gender-neutral signage on restroom facilities and regulations promulgated by the Department of Industrial Relations (Cal/OSHA) regarding provision of a certain number of non-flushing toilet facilities separately marked for men and women in certain industries. The unmodified emergency regulations are proposed for readoption into Title 2 of the California Code of Regulations, Division 4.1, Chapter 5 (2 CCR section 11034) and would otherwise expire on May 15, 2018.

Government Code section 11346.1(a)(2) requires that State of California agencies give a five working day advance notice of intent to file emergency regulations with the Office of Administrative Law (OAL) to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed readoption to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed readoption as set forth in Government Code section 11349.6. Upon filing, OAL will have ten (10) calendar days in which to review and make a decision on the proposed readoption. If approved, OAL will file the regulations with the Secretary of State, and the emergency regulations will become effective for an additional ninety (90) days. If it deems such action to be prudent, within the 90-day effective period, the Council will proceed with a regular rulemaking action, including a public comment period.

As required by subdivisions (a)(2) and (b)(2) of Government Code section 11346.1, this notice appends the following: (1) the specific language of the proposed readoption and (2) the Finding of Emergency, including specific facts demonstrating the need for immediate action, authority and reference citations, an informative digest, and required determinations.

If you would like to make comments on the proposed readoption or Finding of Emergency, they must be received by both the Council and OAL within five calendar days of the Council filing at OAL. Responding to these comments is strictly at the Council's discretion.

Comments should be sent simultaneously to:

Fair Employment and Housing Council
c/o Brian Sperber, Legislative & Regulatory Counsel
Department of Fair Employment and Housing
320 West 4th Street, 10th Floor
Los Angeles, CA 90013
FEHCouncil@dfef.ca.gov

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Please note that this notice and comment period is not intended to replace the public's ability to comment should the emergency regulations be approved. If it deems finalization of the emergency regulation prudent, the Council will observe a 45-day comment period and may hold a public hearing within the 90-day certification period following the effective date of the emergency regulations.

Please contact Brian Sperber at brian.sperber@dfef.ca.gov if you have any questions concerning this notice. Materials regarding this proposal can be found at <http://www.dfeh.ca.gov/fehcouncil/>.