



## Department of Fair Employment & Housing Fair Employment and Housing Council

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 | email fehcouncil@dfeh.ca.gov

# ATTACHMENT A

## FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of July 3, 2019

### Minutes

Junipero Serra Building  
Carmel Room Auditorium  
320 W. 4th Street  
Los Angeles, CA 90013

### Councilmembers Present

Chaya Mandelbaum, Chairperson  
Dale Brodsky, Councilmember  
Connie Chan, Councilmember  
Tim Iglesias, Councilmember  
Dara Schur, Councilmember  
Joseph Ortiz, Councilmember  
Kevin Kish, DFEH Director and Ex Officio member

### DFEH Staff Present

Brian Sperber, DFEH Legislative and Regulatory Counsel  
Mike Miller, DFEH Deputy Director of Administration

### Others Present

Sahar Durali, Neighborhood Legal Services of Los Angeles  
Navneet Grewal, Western Center on Law & Poverty  
Ben Conway, Disability Rights California

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

Chair Mandelbaum welcomed guests to the FEH Council's 31st meeting and called it to order. He then turned the meeting over to DFEH Legislative and Regulatory Counsel, Brian Sperber, who conducted roll call.

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

Chair Mandelbaum announced that the video from the Council meeting would be available later on the Council's website and YouTube channel. The public can participate in the meeting by emailing the Council and can find the Attachments to the Agenda on the website.

Chair Mandelbaum then acknowledged Department leaders and members, including: Mike Miller, DFEH Deputy Director of Administration; and Brian Sperber, DFEH Legislative and Regulatory Counsel.

Chair Mandelbaum then invited the guests in attendance to introduce themselves, on a voluntary basis.

### **III. Review of the Agenda**

Chair Mandelbaum noted that hard copies of the agenda and its attachments were available for people in attendance and that copies are also available on the Council's webpage. He then reviewed the agenda for the meeting.

Chair Mandelbaum announced the highlights of the meeting, which included:

- Consideration of Additional Modifications to Text of Proposed Fair Housing Regulations
- Consideration of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act
- Update from the Employment Regulations Regarding Religious Creed and Age Discrimination Subcommittee
- Update from Government Code Section 11135 Regulations Subcommittee
- Update from Subcommittee Regarding Hate Violence
- Update from Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training Regulations Subcommittee

### **IV. Approval of the Minutes**

#### Attachment A: Minutes from January 28, 2019 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the January 28, 2019 meeting. During that meeting, the Council heard an update from the Employment Regulations Regarding Religious Creed and Age Discrimination Subcommittee; heard an update from the Government Code Section 11135 Regulations Subcommittee; heard an update from the Subcommittee Regarding Hate Violence; considered and voted to finalize Unmodified Text of Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training; and considered and voted to finalize Unmodified Text of Fair Housing Regulations. Chair Mandelbaum asked for public comments on the minutes, and receiving none, the Council voted to approve the minutes unanimously.

### **V. Councilmembers' Reports**

Chair Chaya Mandelbaum and Councilmembers

Councilmember Ortiz reported that he's looking into holding a civil rights hearing in Riverside, possibly in the fall.

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

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish announced that the Department hired three new executives: Mike Miller, DFEH Deputy Director of Administration; Branden Butler, DFEH Assistant Deputy Director of Education and Outreach; and Jamie Gillette, DFEH Deputy Director of Enforcement.

### **VII. Update from the Employment Regulations Regarding Religious Creed and Age Discrimination Subcommittee**

Councilmember Joseph Ortiz

#### A. Discussion by Council

Councilmember Ortiz reported that the notice package was submitted to the Office of Administrative Law (OAL) and that the Council will conduct the 45-day hearing on July 31, 2019, during the Oakland meeting.

B. Public Comment

None.

**VIII. Update from Government Code Section 11135 Regulations Subcommittee**

Councilmembers Dale Brodsky and Dara Schur

A. Discussion by Council

Councilmember Schur reported that the initial statement of reasons for the regulations are delayed and will be completed in the coming weeks.

B. Public Comment

None.

**IX. Update from Subcommittee Regarding Hate Violence**

Councilmembers Dale Brodsky and Connie Chan

A. Discussion by Council

Councilmember Chan reported that the subcommittee has been reaching out to organizations that are actively engaged in combating hate violence and found that there is already much activity involving public education and public hearings. As a result, the subcommittee believes drafting regulations and holding hearings designed to solicit feedback on areas in need of regulations would be the best next steps.

The Council suggested gathering input from organizations that could be incorporated into future regulations, as well as booking a guest speaker to present on hate violence at the July 31 meeting.

B. Public Comment

None.

**X. Update from Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training Regulations Subcommittee**

Councilmember Dale Brodsky

A. Discussion by Council

Councilmember Brodsky announced that the regulations have been approved by the Office of Administrative Law since the last Council meeting. She noted that OAL required four non-substantive changes prior to approval and thought those changes should be re-examined in a future rulemaking.

B. Public Comment

None.

## **XI. Discussion Regarding Additional Subcommittee Assignments**

Chair Chaya Mandelbaum and Councilmembers

### A. Discussion by Council

Chair Mandelbaum flagged that Councilmember Lisa Cisneros has left the Council to join the California Department of Justice. He then turned the meeting over to Director Kish to comment on a potential new subcommittee.

Director Kish commented that the Department received public feedback regarding last year's SB 1343 sexual harassment prevention training requirements and proposed forming a subcommittee to decide which topics regarding the sexual harassment prevention training requirements to focus on. He also noted that a pending bill, SB 778, may affect the effective date of SB 1343.

Councilmember Brodsky recommended the Council create a subcommittee to examine re-segregation trends.

The Council discussed a need for a second subcommittee member for the Employment Regulations Regarding Religious Creed and Age Discrimination Subcommittee, to which Councilmember Iglesias volunteered.

Chair Mandelbaum and Councilmember Chan volunteered to form the new SB 1343 subcommittee.

### B. Public Comment

None.

### C. Action by Council

The Council moved, seconded, and unanimously voted to approve a motion to adopt the subcommittee assignments.

## **XII. Consideration of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act**

Chair Chaya Mandelbaum and Councilmember Joseph Ortiz

Attachment B: Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act

### A. Discussion by Council

Chair Mandelbaum noted that the subcommittee made additional modifications to the draft regulations since the last Council meeting as a result of feedback from OAL and explained that, given the expiration of time allotted for the original rulemaking process, the draft would need to be re-introduced through a new rulemaking process.

Councilmembers and Director Kish suggested additional modifications and corrections.

### B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and unanimously voted to approve, with one abstention, a motion to adopt the regulations as amended and direct the Department to prepare the notice package and notice the regulations.

**XIII. Consideration of Additional Modifications to Text of Proposed Fair Housing Regulations**

Councilmembers Dara Schur and Tim Iglesias

Attachment C: Additional Modifications to Text of Proposed Fair Housing Regulations

A. Discussion by Council

Councilmember Schur noted that the subcommittee made additional modifications to the regulations since the last Council meeting as a result of feedback from OAL.

B. Public Comment

**Sahar Durali, Neighborhood Legal Services of Los Angeles:** Ms. Durali thanked the Council for the work on the regulations and urged the Council to adopt the regulations as drafted.

**Navneet Grewal, Western Center on Law & Poverty:** Ms. Grewal thanked the Council for the work on the regulations and urged the Council to adopt the regulations as drafted.

**Ben Conway, Disability Rights California:** Mr. Conway thanked the Council for the work on the regulations and urged the Council to adopt the regulations as drafted.

C. Action by Council

The Council moved, seconded, and unanimously approved a motion to adopt Attachment C and initiate a 15-day comment period.

**XIV. Further Public Comment**

None.

**XV. Adjournment**

Chair Mandelbaum adjourned the meeting at 12:05 PM.

Date: July 11, 2019

CHAYA MANDELBAUM

Chair

RENEE RONDINONE

DFEH Outreach and Education Specialist