



Department of Fair Employment & Housing Fair Employment and Housing Council

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FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of January 28, 2019

Minutes

State Capitol
Room 127
Sacramento, CA 95814

Councilmembers Present

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

DFEH Staff Present

Brian Sperber, DFEH Legislative and Regulatory Counsel
Jacob Barak, DFEH Staff Council
Tatianna Grant, DFEH Business Services Associate Governmental Program Analyst

Others Present

Laura Curtis, California Chamber of Commerce
Michelle Livingstone, Business, Consumer Services and Housing Agency
Elizabeth Dietzen Olsen, Senate Office of Research
Pamela Cohen, Disability Rights California
Mark Murray, California Teachers Association
Madeline Howard, Western Center on Law and Poverty
Edward H. Telfeyan, California Strategic Advisors
Julia Jordan, Leadership Counsel for Justice and Accountability

I. Call to Order and Roll Call

Chair Mandelbaum welcomed guests to the FEH Council's 30th 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 Council meeting would be livestreamed on the Council's website and that the recording will 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: Brian Sperber, DFEH Legislative and Regulatory Counsel; Jacob Barak, DFEH Staff Council; and Tatianna Grant, DFEH Business Services Associate Governmental Program Analyst.

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:

- 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
- Consideration of Unmodified Text of Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training
- Consideration of Unmodified Text of Fair Housing Regulations

IV. Approval of the Minutes

Attachment A: Minutes from December 10, 2018 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the December 10, 2018 meeting. During that meeting, the Council considered and adopted Further Modifications to Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training; considered and adopted Nonsubstantial Modifications to Text of Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act; considered and adopted Further Modifications to Text of Proposed Fair Housing Regulations; and held a Discussion Regarding Hate Violence. The Council approved the minutes unanimously.

V. Councilmembers' Reports

Chair Chaya Mandelbaum and Councilmembers

Chair Mandelbaum announced that the Proposed Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act are being considered by the Office of Administrative Law and they will make a decision by February 27, 2019. He further noted that if adopted, the regulations will have an effective date of April 1, 2019.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

None.

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

Councilmembers Lisa Cisneros and Joseph Ortiz

A. Discussion by Council

Councilmember Ortiz reported that the subcommittee has prepared the initial statement of reasons for the regulations and that the Council should plan to conduct the 45-day hearing at the next 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 Brodsky reported that the subcommittee is in the process of finalizing the initial statement of reasons for the regulations.

B. Public Comment

None.

IX. Update from Subcommittee Regarding Hate Violence

Councilmembers Dale Brodsky and Connie Chan

A. Discussion by Council

Councilmember Chan announced that the subcommittee has been reaching out to organizations regarding ways to combat hate violence. Councilmember Brodsky added that they would like to hear ideas from the Council and the public of what the subcommittee can do.

The Council suggested gathering input from organizations that could be incorporated into future or existing regulations, as well as holding a public hearing on the subject.

B. Public Comment

Mark Murray, California Teachers Association: Mr. Murray recommended the subcommittee review various publications and organizations regarding hate violence. He also suggested working with teachers' associations to lighten teacher's workloads so that education on hate violence can be incorporated into school curriculums.

V. Consideration of Unmodified Text of Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training

Councilmembers Dale Brodsky and Lisa Cisneros

Attachment B: Unmodified Text of Employment Regulations Regarding Definitions; Harassment and Discrimination Prevention and Correction; and Training

A. Discussion by Council

Councilmember Brodsky noted that the subcommittee has not made additional modifications to the regulations since the last Council meeting.

The Council discussed the definition of “regularly employing employees” and how that may affect employment practices.

B. Public Comment

Laura Curtis, California Chamber of Commerce: Ms. Curtis expressed concern and requested clarity for the definitions of “regular basis” and “employee.”

Chloe Hollett-Billingsley, Employment Equality: Ms. Hollett-Billingsley emailed in a lengthy, written comment that was projected at the meeting for all to read and circulated after the meeting.

C. Action by Council

The Council unanimously approved the text, authorized DFEH staff to submit it to the Office of Administrative Law, and authorized DFEH staff to make non-substantial changes if required by the Office of Administrative Law.

XI. Consideration of Unmodified Text of Fair Housing Regulations

Councilmembers Dara Schur and Tim Iglesias

Attachment C: Unmodified Text of Fair Housing Regulations

A. Discussion by Council

Councilmember Iglesias noted that the subcommittee has not made additional modifications to the regulations since the last Council meeting.

B. Public Comment

Edward H. Telfeyan, California Strategic Advisors: Mr. Telfeyan expressed concern with how housing providers are expected to handle regulations from the State and requested that the regulations provide more substantive guidance and/or examples for decision-making regarding criminal history in housing applicants.

Madeline Howard, Western Center on Law and Poverty: Ms. Howard urged the Council to adopt the regulations as drafted.

Julia Jordan, Leadership Counsel for Justice and Accountability: Ms. Jordan thanked the Council for their work and urged them to adopt the regulations as drafted.

Heidi Palutke, California Apartment Association: Ms. Palutke emailed the Council and expressed that she believes that there is still work to be done on the regulations and requested they not be adopted today.

C. Action by Council

The Council unanimously approved the text, authorized DFEH staff to submit it to the Office of Administrative Law, and authorized DFEH staff to make non-substantial changes if required by the Office of Administrative Law.

XII. Further Public Comment

None.

XIII. Adjournment

Chair Mandelbaum adjourned the meeting at approximately 2:45 PM.

Date: January 31, 2019

CHAYA MANDELBAUM
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist