



Department of Fair Employment & Housing Fair Employment and Housing Council

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ATTACHMENT A

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of July 27, 2020

Minutes

Remote Meeting

Councilmembers Present

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

DFEH Staff Present

Mary Wheat, DFEH Chief Deputy Director
Adam Romero, DFEH Deputy Director of Executive Programs
Brian Sperber, DFEH Legislative and Regulatory Counsel

Others Present

About 40 members of the public

I. Call to Order and Roll Call

Chair Mandelbaum welcomed guests to the FEH Council's 36th 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 via Zoom 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 or using Zoom chat or "Raise Hand" 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; Mary Wheat, DFEH Chief Deputy Director; and Adam Romero, DFEH Deputy Director of Executive Programs.

III. Review of the Agenda

Chair Mandelbaum reviewed the agenda for the meeting.

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

- Public Hearing: Proposed Employment Regulations Regarding Harassment Prevention Training
- Update from Subcommittee Regarding Hate Violence
- Update from Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability Subcommittee
- Update from Government Code Section 11135 Regulations Subcommittee
- Update from Criminal History & Employment Hearing Subcommittee

IV. Approval of the Minutes

Attachment A: Minutes from May 21, 2020 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the May 21, 2020 meeting. During that meeting, the Council considered and voted to finalize Unmodified Text of Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act. 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

Chair Mandelbaum reported that the Employment Regulations Regarding Criminal History, the California Family Rights Act, and the New Parent Leave Act have been approved by the Office of Administrative Law and will be effective October 1, 2020.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Director Kish acknowledged a recent discrimination case filed in federal court: a caste discrimination case involving discrimination based on national origin, religion, race, and color. He then turned the meeting over to Deputy Director of Executive Programs Adam Romero for further updates.

Mr. Romero highlighted two outreach initiatives from the DFEH Education and Outreach division, including: an updated outreach material regarding employment and COVID-19; and the release of a periodic, online newsletter that highlights new educational materials, upcoming trainings, and other DFEH news. He also noted that DFEH's online, interactive sexual harassment and abusive conduct prevention training for supervisory employees has been released.

VII. Public Hearing: Proposed Employment Regulations Regarding Harassment Prevention Training

Attachment B: Notice of Proposed Rulemaking

Attachment C: Initial Statement of Reasons

Attachment D: Proposed Employment Regulations Regarding Harassment Prevention Training

Chair Mandelbaum introduced the proposed regulations and stated that the purpose of the hearing is to hear 45-day comments on the Proposed Employment Regulations Regarding Harassment Prevention Training.

No members of the public elected to provide comments during the hearing.

VIII. Update from Subcommittee Regarding Hate Violence

Councilmembers Dale Brodsky and Joseph Ortiz

A. Discussion by Council

Councilmembers Ortiz and Brodsky reported that due to the current pandemic, the public hearing on hate violence scheduled to take place in the Inland Empire will instead be held virtually on September 21.

B. Public Comment

None.

IX. Update from Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Advertisements, Statements, and Notices; Consideration of Income; Residential Real Estate-Related Practices; and Disability Subcommittee

Councilmembers Dara Schur and Tim Iglesias

A. Discussion by Council

Councilmember Schur announced that the notice package was submitted to the Office of Administrative Law and that they anticipate the Council will conduct the 45-day hearing on September 25, 2020, via Zoom.

B. Public Comment

None.

X. Update from Government Code Section 11135 Regulations Subcommittee

Councilmembers Dale Brodsky and Dara Schur

A. Discussion by Council

Councilmember Brodsky reported that the subcommittee has prepared the initial statement of reasons for the regulations and that the notice package is currently under review by the California Business, Consumer Services and Housing Agency.

B. Public Comment

Richard Grow, West Oakland Environmental Indicators Project: Mr. Grow asked how he might stay updated on the progress of the regulations and how he might contribute his comments and suggestions during the process.

XI. Update from Criminal History & Employment Hearing Subcommittee

Chair Chaya Mandelbaum and Councilmember Gabriel Sandoval

A. Discussion by Council

Councilmember Sandoval announced that the subcommittee has been in discussions with Laney College regarding a location for a public hearing, and the projected hearing date is November 17. He further noted that they anticipate having three sessions with panelists to provide insight on the topic.

B. Public Comment

None.

XII. Discussion Regarding Additional Subcommittee Assignments

Chair Chaya Mandelbaum and Councilmembers

A. Discussion by Council

Chair Mandelbaum discussed the need to form a criminal history subcommittee to focus on the intersection between Ban the Box and Work Opportunity Tax Credit and a subcommittee regarding AB 1748 (2009), regarding CFRA eligibility requirements for aircraft carrier flight deck and cabin crew. Councilmember Ortiz and Councilmember Sandoval volunteered to form the new criminal history subcommittee. Chair Mandelbaum and Councilmember Brodsky volunteered to form the new CFRA subcommittee.

Councilmember Iglesias suggested the Council form a subcommittee to draft regulations on discriminatory algorithms.

Chair Mandelbaum suggested inviting a subject matter expert to present to the Council on discriminatory algorithms.

Councilmember Schur recommended holding a hearing with subject matter experts on the topic of discriminatory algorithms prior to drafting regulations.

Director Kish noted that DFEH will be hiring a senior attorney to support the Council and suggested asking the attorney to provide regulatory policy proposals and suggested speakers regarding discriminatory algorithms.

B. Public Comment

None.

C. Action by Council

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

XIII. Further Public Comment

None.

XIV. Adjournment

Chair Mandelbaum adjourned the meeting at approximately 3:02 PM.

Date: August 19, 2020

CHAYA MANDELBAUM
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist