



Civil Rights Department

Civil Rights Council

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CIVIL RIGHTS COUNCIL

Corrected Minutes from Council Meeting on February 7, 2025, 10:00 a.m.

May Lee State Office Complex
Multipurpose Center, Room SE 142
651 Bannon St.
Sacramento, CA 95811

Members of the public may also join remotely using the following information:

<https://us02web.zoom.us/j/84705431704>

or 1-669-900-6833 and Webinar ID: 847 0543 1704

Councilmembers Present

David Garcia, Council Chair
Jonathan Glater, Councilmember
Hellen Hong, Councilmember
Julie Wilensky, Councilmember

Civil Rights Department Staff Present

Kevin Kish, CRD Deputy Director
Adam Romero, Deputy Director of Executive Programs
Rachael Langston, Assistant Chief Counsel
Mariel Block, CRD Senior Legislative and Regulatory Counsel
Alexandria Sadler, CRD Senior Legislative and Regulatory Counsel
Suge Lee, CRD Senior Legislative and Regulatory Counsel

Others Present

An estimated 60 members of the public participated in-person and virtually.

I. Call to Order and Roll Call

Chair David Garcia

Chair Garcia called the meeting to order. CRD Senior Counsel Alexandria Sadler conducted roll call.

II. Welcome

Chair David Garcia

Chair Garcia welcomed members of the public and informed members of the public how to submit public comment.

III. Review of the Agenda

Chair David Garcia

Chair Garcia reviewed the agenda for the meeting.

IV. **Approval of Minutes**

Chair David Garcia and Councilmembers

Chair Garcia reviewed the minutes from the October 17, 2024 meeting and asked for edits, amendments and public comments on the minutes and received none. The Council unanimously voted to approve the minutes.

V. **Councilmembers' Reports**

Chair David Garcia and Councilmembers

No Councilmember reports.

VI. **Civil Rights Department Report and Council Acknowledgements**

Civil Rights Department Executives

Director Kish acknowledged that Councilmember Olude's term as a councilmember had concluded as of December 31, 2025, and thanked her for the work she has done on the Council.

Director Kish then offered reassurance that the Civil Rights Department will continue to receive, investigate, mediate, and, when appropriate, litigate civil rights disputes that are filed with the department. He also announced that the department has expanded educational public webinar offerings and flagged that there is new guidance on the Unruh Civil Rights Act available on the CRD website.

VII. **Consideration of Second Modified Text of Proposed Modifications to Employment Regulations Regarding Automated-Decision Systems**

Councilmembers Hellen Hong and Jonathan Glater

A. **Discussion by the Council**

Councilmember Hong introduced the second modified text of the proposed modification to employment regulations regarding automated-decision systems and explained where they are in the rulemaking process, and what the next steps are to follow.

Councilmember Glater explained the proposed modifications to the text.

No further comments or discussion by Councilmembers.

B. **Public Comment**

Ken Wang, California Employment Lawyer's Association: Mr. Wang expressed his appreciation of the elimination of the definition of adverse impact, and the clarification that the lack of proactive anti-bias testing may be relevant evidence. He then shared some concerns over the new proposed text. He wanted clarification regarding the reservation of that section for future rulemaking. He suggested instead renumbering the section, rather than introducing ambiguity regarding the council's position on the definition of adverse impact. He believes that the Council, by striking the list of examples, sends the signal that the Council does not believe ADS developers are agents, which cannot be true. Mr. Wang also disagreed with the revised definition of 'agent' and preferred the Council's original proposal. He then questioned the decision to strike the proposed section requiring employer disclosure of ADS systems being used to withdraw conditional offers.

Ashley Hoffman, California Chamber of Commerce: Ms. Hoffman expressed thanks for the removal of the definition of adverse impact and wanted clarity on the reserve language in the draft. She noted that they

were still reviewing the remainder of the changes. Ms. Hoffman then asked that the Council consider having a comment period longer than 15 days.

Tara Celli: Ms. Celli expressed that she was happy to see the reserve language for reinforcing adverse impact. She noted that there is evidence that many of these ADS systems have biases built in. She also questioned the removal of the definition of developers from the definition of agent; she would like to see those actors defined elsewhere within the text. She does not agree with the decision to strike the text regarding the decision to withdraw conditionally offered positions due to the use of an automated decision system, because it creates an opportunity to avoid accountability.

Tim Newman, Tech Equity: Mr. Newman referred the Council back to the letters they sent in in July and November 2024 to view their full comments and suggestions and recommended aligning the definition of ADS with legislative language, like in 2024's SB 892. He also agreed with previous public comments that the role and liability of developers and third parties should be made clear. He is concerned that the current version removes language referring to the liability of third-party developers of ADS and the definition of agent. He said that this could pose a loophole to accountability and is also not responsive to the way in which technology operates on the ground to potentially harm working people.

C. Action by Council

Assistant Chief Counsel, Rachael Langston, advised the council to keep the comment period at 15 days. She reminded the Council that in order to keep in schedule with rulemaking requirements, the Council must complete this rulemaking within one year and recommended that the Council not offer an extension as it did for the last comment period.

Councilmember Hong noted that the Council has provided extensive opportunities for public comment and urged the Council to move forward with the rulemaking without any extensions to the comment period.

Councilmember Wilensky moved to approve the second modified text of the proposed modifications to employment regulations regarding automated decision-making systems and enter a 15-day comment period.

Councilmember Glater seconded. The Council unanimously approved the motion.

VIII. Subcommittee Updates

Chair David Garcia and Councilmembers

A. Discussion by the Council

Councilmember Hong gave an update on the subcommittee reviewing the contractor non-discrimination and compliance regulations and stated that they have met and hope to have the regulatory package ready by the next Council meeting.

Councilmember Hong also gave an update on the Outreach subcommittee and noted that they met with the Commission on the State of Hate and that she is working with Outreach staff at CRD with plain language edits to documents and other resources.

Councilmember Hong then asked if there was interest in holding another joint meeting with the Commission. The council will place this topic on the next Council meeting agenda.

B. Public Comment

No public comment.

C. Action by Council

None taken.

IX. **Further Public Comment**

Kai On: Mr. On explained an issue he was having with the Sacramento District Attorney's office, Sacramento Police Department and the Attorney General's office regarding a private matter and asked for help from the Council to bring light to this issue.

X. **Adjournment**

Chair Garcia adjourned the meeting at approximately 11:41 AM.