



Department of Fair Employment & Housing Fair Employment and Housing Council

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ATTACHMENT A

FAIR EMPLOYMENT AND HOUSING COUNCIL

Meeting of October 26, 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

Adam Romero, DFEH Deputy Director of Executive Programs
Kara Brodfuehrer, DFEH Legislative and Regulatory Counsel

Others Present

About 15 members of the public

I. Call to Order and Roll Call

Chair Mandelbaum welcomed guests to the FEH Council's 39th meeting and called it to order. He then turned the meeting over to DFEH Legislative and Regulatory Counsel, Kara Brodfuehrer, 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 using the "Raise Hand" function and can find the Attachments to the Agenda on the website.

Chair Mandelbaum then acknowledged Department leaders and members, including: Adam Romero, DFEH Deputy Director of Executive Programs; and Kara Brodfuehrer, DFEH Legislative and Regulatory Counsel.

III. Review of the Agenda

Chair Mandelbaum reviewed the agenda for the meeting.

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

- Consideration of Unmodified Text of Employment Regulations Regarding Harassment Prevention Training
- Updates from the Council's other subcommittees

IV. Approval of the Minutes

Attachment A: Minutes from September 25, 2020 Meeting of the Fair Employment and Housing Council

Chair Mandelbaum reviewed the minutes of the September 25, 2020 meeting. During that meeting, the Council held a public hearing on proposed Housing Regulations Regarding Definitions; Intentional Discrimination; Discriminatory Notices, Statements, and Advertisements; Consideration of Income; Residential Real Estate-Related Practices; and Disability; considered and adopted Modifications to Employment Regulations Regarding Harassment Prevention Training; considered and voted to finalize Changes Without Regulatory Effect to the California Family Rights Act Regulations; and heard updates from the Council's other subcommittees. In addition, a group of guest speakers presented to the Council regarding a possible regulation under the Unruh Civil Rights Act.

Councilmember Sandoval requested the minutes be amended to state that Councilmember Ortiz, rather than Councilmember Sandoval, reported the Criminal History & Work Opportunity Tax Credit Subcommittee's progress. Chair Mandelbaum asked for public comments on the minutes, and receiving none, the Council voted to approve the minutes unanimously with Councilmember Sandoval's amendment.

V. Councilmembers' Reports

Chair Chaya Mandelbaum and Councilmembers

Councilmember Iglesias reported that Los Angeles is expected to see a record number of hate crimes for 2020, emphasizing the importance of follow-up from the recent hate violence hearing.

Councilmember Brodsky noted that she will be attending the Hate Action Committee Meeting on October 28.

VI. Department of Fair Employment and Housing Report

Kevin Kish, Director, Department of Fair Employment and Housing

Deputy Director Romero, on behalf of Director Kish, highlighted the recent signing of SB 973, which requires large employers to annually report certain pay data to DFEH. DFEH is securing a vendor to build the IT infrastructure to collect and analyze the pay data, as well as developing a set of FAQs for employers. Additionally, a new educational factsheet regarding immigrants' rights was released in twelve languages, and a factsheet regarding the updated provisions of the California Family Rights Act will be released in the coming weeks.

VII. Consideration of Unmodified Text of Employment Regulations Regarding Harassment Prevention Training

Chair Chaya Mandelbaum and Councilmember Gabriel Sandoval

Attachment B: Unmodified Text of Proposed Employment Regulations Regarding Harassment Prevention Training

A. Discussion by Council

Chair Mandelbaum noted that the subcommittee did not make any modification to the regulations since the last Council meeting as a result of public comment.

B. Public Comment

Mark Murray, California Teachers Association: Mr. Murray thanked the Council for the work on the regulations.

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.

VIII. Update from Government Code Section 11135 Regulations Subcommittee

Councilmembers Dale Brodsky and Dara Schur

A. Discussion by Council

Councilmember Schur reported that the notice package is currently under review by the California Business, Consumer Services and Housing Agency.

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 noted that the subcommittee is making progress on modifications to the proposed regulations in light of the public comment received and expects a new draft will be completed by the next Council meeting.

B. Public Comment

None.

X. Update from Criminal History & Employment Hearing Subcommittee

Chair Chaya Mandelbaum and Councilmember Gabriel Sandoval

A. Discussion by Council

Councilmember Sandoval updated the Council on the plans for the upcoming public hearing scheduled

for November 17.

B. Public Comment

None.

XI. Update from Criminal History & Work Opportunity Tax Credit Subcommittee
Councilmembers Joseph Ortiz and Gabriel Sandoval

A. Discussion by Council

Councilmember Sandoval reported that the subcommittee is making progress on a draft of the regulations and expects it will be completed by the end of the year.

B. Public Comment

None.

XII. Update from Accommodation of Associational Disability Subcommittee
Chair Chaya Mandelbaum and Councilmember Dale Brodsky

A. Discussion by Council

Councilmember Brodsky reported that the subcommittee has been creating a proposal on how to best study this topic and expects it will be completed by the next Council meeting.

B. Public Comment

None.

XIII. Update from Hate Violence Hearing Subcommittee
Councilmembers Joseph Ortiz and Dale Brodsky

A. Discussion by Council

Councilmember Ortiz noted that the subcommittee will have more to report by the next Council meeting.

B. Public Comment

None.

XIV. Discussion Regarding Additional Subcommittee Assignments
Chair Chaya Mandelbaum and Councilmembers

A. Discussion by Council

Chair Mandelbaum turned the meeting over to the Councilmembers to offer suggestions for additional subcommittee formations.

Councilmember Brodsky suggested the Council form a subcommittee to reexamine the Unruh Act. Director Kish suggested tabling this subcommittee until 2021.

B. Public Comment

None.

C. Action by Council

None.

XV. Further Public Comment

Noah Lebowitz, California Employment Lawyer's Association: Mr. Lebowitz inquired as to whether DFEH had a plan for enforcement of Labor Code section 1197.5 (SB 973).

Director Kish explained that DFEH is planning to accept and process complaints under Section 1197.5 on January 1 and encouraged Mr. Lebowitz to contact the Department if he had ideas for necessary regulations.

Jodi Dayberry, California Teachers Association: Ms. Dayberry inquired as to where DFEH's online training courses on preventing sexual harassment and abusive conduct are located, and where the regulations on the topic are located.

Chair Mandelbaum explained the status of the proposed regulations and directed Ms. Dayberry to DFEH's free, online trainings available on the DFEH website.

XVI. Adjournment

Chair Mandelbaum adjourned the meeting at approximately 10:35 AM.

Date: October 30, 2020

CHAYA MANDELBAUM
Chair

RENEE RONDINONE
DFEH Outreach and Education Specialist