


DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
 800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320
 www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

FAIR EMPLOYMENT AND HOUSING COUNCIL
 Meeting of October 6, 2014

Minutes

University of California, San Diego Extension
 University City Center Campus, Room 313
 6256 Greenwich Dr.
 San Diego, CA 92122

Councilmembers Present

Chaya Mandelbaum, Chairperson
 Dale Brodsky, Councilmember
 Patricia Perez, Councilmember
 Andrew Schneiderman, Councilmember
 Annmarie Billotti, Acting DFEH Director and Ex Officio member

DFEH Staff Present

Fahizah Alim, DFEH Deputy Director of Communications
 Nelson Chan, DFEH Chief of Public Policy and Education
 Brian Sperber, DFEH Legislative and Regulatory Counsel
 Mathew Jackson, DFEH Civil Rights Fellow
 Christopher Paredes, DFEH Civil Rights Fellow

Others Present

Cheryl Brigherton, Mediator, Equal Employment Opportunity Commission (EEOC)
 Tony Diaz, Teacher, California Teachers Association
 Kelly Richardson, Richardson Harman Ober PC

I. Call to Order and Roll Call

Chair Mandelbaum called the meeting to order. Mr. Jackson conducted roll call.

II. Welcome and Introduction of Guests

The Council recognized former DFEH Director, Phyllis Cheng, for her service to the Council, the Department and the State of California.

Chair Mandelbaum acknowledged guest speaker Jerrilyn T. Malana, Shareholder, Littler Mendelson; President, Alumni Association, University of California San Diego; Member, Board of Trustees, University of California San Diego Foundation.

III. Review of the Agenda

Chair Mandelbaum reviewed the [agenda](#).

IV. Review of the Minutes

Chair Mandelbaum called for a vote to approve the [minutes of the June 2, 2014 meeting](#). The Council moved, seconded, and unanimously passed a motion to approve the minutes.

V. Councilmembers' Reports

Chair Chaya Mandelbaum reported on a presentation he made along with Councilmember Brodsky and former DFEH Director Cheng on the California Family Rights Act regulations at the State Bar Annual Meeting.

VI. Department of Fair Employment and Housing Report

A. DFEH Update

Acting Director Billotti introduced DFEH Chief of Public Policy and Education, Nelson Chan, who has assumed Ms. Billotti's role over the DFEH's legislative and regulatory functions, discussed department restructuring that took place in September 2014 and introduced new DFEH Civil Rights Fellow, Mathew Jackson.

B. Legislative Update

Brian Sperber reported on legislation amending the Fair Employment and Housing Act (FEHA) that had recently been signed by the Governor, including AB 1443 (Harassment: unpaid interns), AB 1660 (Driver's licenses: nondiscrimination), and AB 2053 (Employment discrimination or harassment: education and training: abusive conduct). Mr. Sperber also reported on AB 2617 (Civil rights: restriction on waiver of rights), which amends the Ralph Civil Rights Act.

VII. Guest Speaker

Jerrilyn T. Malana, Shareholder, Littler Mendelson; President, Alumni Association, University of California San Diego; Member, Board of Trustees, University of California San Diego Foundation, recognized former DFEH Director, Phyllis Cheng, discussed the Diversity, Equity and Inclusion prong of UCSD's Strategic Plan, and expressed interest in having a DFEH Employment Round Table in San Diego.

VIII. Report of the Housing Regulations Subcommittee

Councilmember Andrew Schneiderman reported on the progress of the Housing Regulations Subcommittee, and in particular, the draft regulations regarding occupancy standards and service animals.

IX. Report of the Education and Outreach Subcommittee

Chair Chaya Mandelbaum and Councilmember Patricia Perez reported on recent activities of the Education and Outreach Subcommittee. Chair Mandelbaum reported on a recent joint presentation on family care leave, medical leave, and pregnancy leave in collaboration with the DFEH, California Rural Legal Assistance and CELA's worker outreach committee.

X. Modifications to Text of Proposed Amendments to the Fair Employment and Housing Act Regulations

[Attachment B: Modifications to Text of Proposed Amendments to the Fair Employment and Housing Act Regulations](#)

A. Discussion

Councilmembers Perez and Brodsky explained the proposed changes.

Chair Mandelbaum commented that the Council's conflict of interest code also needs to be updated based upon draft language received from the California Fair Political Practices Commission (FPPC).

Councilmember Schneiderman proposed changing language regarding the translation of written materials, to conform to language the Council used in its proposed amendments to the California Family Rights Act regulations.

B. Public Comment

The Council heard public comment on the proposed amendments to the FEHA regulations from Cheryl Brigherton, Mediator, EEOC.

Lunch Break

The Council adjourned for lunch at 11:35 a.m. and reconvened at 1:26 p.m.

B. Public Comment

Brian Sperber read a comment about AB 2053, which Marlene K. Schwalje, President/CEO, Infinite Resolutions LLC, emailed during the lunch break.

C. Action by Council

Councilmember Brosky proposed an alternative way to include the definition of interns and volunteers in the regulations.

The Council moved, seconded and unanimously voted to adopt the Modifications to Proposed Amendments to the Fair Employment and Housing Act Regulations as modified at the meeting.

Staff will submit the rulemaking action to OAL on or before October 14, 2014 for publication in the California Regulatory Notice Register on October 24, 2014.

XI. Modifications to Text of Proposed Amendments to the California Family Rights Act Regulations

[Attachment C: Modifications to Text of Proposed Amendments to the California Family Rights Act Regulations](#)

A. Discussion

Chair Mandelbaum and Councilmember Brodsky reviewed all post-45-day public comment period revisions.

Acting Director Billotti expressed concern over the formatting for the modifications to the proposed text.

Councilmember Schneiderman proposed further modifications to the text.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and passed on a vote of 3-1 a motion to adopt the Modifications to Text of Proposed Amendments to the California Family Rights Act Regulations as modified at the meeting.

Staff will serve and post on the Council's Website a Notice for 15-Day Comment Period on Modified Text and Modifications to Text of Proposed Amendments to the California Family Rights Act Regulations.

XII. Future Meetings

Chair Mandelbaum announced the upcoming Council meetings:

- December 8, 2014, U.C. Davis School of Law, 400 Mrak Hall Dr., King Hall, Room 1303, Davis, CA 95616
- January 2015 (Date and location to be determined)

XIII. Further Public Comment

The Council heard public comment from Cheryl Brigherton, Mediator, EEOC.

XIV. Adjournment

Chair Mandelbaum adjourned the meeting at 4:00 p.m.

Date: October 16, 2014

CHAYA MANDELBAUM

Chair

MATHEW JACKSON

DFEH Civil Rights Fellow