



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
FAIR EMPLOYMENT & HOUSING COUNCIL
2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758
(916) 478-7248 | www.dfeh.ca.gov | e-mail fehcouncil@dfeh.ca.gov

FAIR EMPLOYMENT AND HOUSING COUNCIL
Meeting of December 8, 2014

Minutes

University of California, Davis, School of Law
King Hall, Room 1303
400 Mrak Hall Dr.
Davis, CA 95616

and

22 Rue de Longchamp 92200
Neuilly-sur-Seine, France
(Teleconference location)

Councilmembers Present

Chaya Mandelbaum, Chairperson
Dale Brodsky, Councilmember
Patricia Perez, Councilmember
Andrew Schneiderman, Councilmember
Chanee Franklin Minor, Councilmember (telephonic appearance)
Annamarie Billotti, Acting DFEH Director and Ex Officio member

DFEH Staff Present

Nelson Chan, DFEH Chief of Public Policy and Education, Legislative and Regulatory Affairs
Brian Sperber, DFEH Legislative and Regulatory Counsel
Mathew Jackson, DFEH Civil Rights Fellow
Christopher Paredes, DFEH Civil Rights Fellow

Others Present

Connie Pouncy, Reasonable Accommodations Manager, EDD
Tony Diaz, Teacher, California Teachers Association
Emma Regidor, Attorney, California Department of Corrections and Rehabilitation
Brenda Barnes, Civil Rights Operations Manager, California Department of Corrections and Rehabilitation
Patricia Clark, Chief EEO Officer, California Department of Corrections and Rehabilitation
Jennifer Svec, Legislative Advocate, California Association of Realtors
Karim Drissi, Regulatory Analyst, California Association of Realtors
Brian (LNU), CA Board of Education
Beverly Bueno, EEO Manager, California Department of Corrections and Rehabilitation
Duyen Nguyen, Attorney, Weintraub

Noah Lebowitz, Attorney, California Employment Lawyers Association
Andrew Diaz, Manager, California Highway Patrol
Jeremy Squires, Sergeant, California Highway Patrol
Theresa Melendez, Associate Governmental Program Analyst, California Highway Patrol
Aimee Steele, Attorney, AC Transit
Pamela Price, Attorney, Law Offices of Pamela Y. Price
Jason Gabhart, CA Government Affairs Advisor, Society for Human Resource Management
Joan Herrington, Sole Practitioner

I. Call to Order and Roll Call

Chair Mandelbaum called the meeting to order at 10:22 a.m. and DFEH Civil Rights fellow, Mathew Jackson, conducted roll call.

II. Welcome and Introduction of Guests

Chair Mandelbaum introduced guest speaker Kevin R. Johnson, Dean, Mabie-Apallas Professor of Public Interest Law, and Professor of Chicana/o Studies, University of California, Davis, School of Law. Dean Johnson welcomed the Council to campus and expressed his appreciation for the partnership between the DFEH and the law school.

Chair Mandelbaum acknowledged guest speaker Claudia Cappio, Director, State Department of Housing and Community Development and former Executive Director, California Housing Finance Agency.

III. Review of the Agenda

Chair Mandelbaum reviewed the proposed [Agenda](#).

IV. Review of the Minutes

Chair Mandelbaum reviewed the minutes of the October 6, 2014 meeting, and the Council moved, seconded, and approved the minutes.

[Attachment A: Minutes from October 6, 2014 Meeting of the Fair Employment and Housing Council](#)

V. Councilmembers' Reports

Councilmember Franklin Minor provided a report regarding her studies in France.

VI. Department of Fair Employment and Housing Report

A. DFEH Update

Acting Director Billotti discussed matters currently being handled by the Department, including a settlement against retailer Winco Foods in a DFEH workplace disability discrimination class action, the collection of claims against the LSAC, and multiple systemic investigations.

B. Legislative Update

Acting Director Billotti reported on pending legislation, including AB 52 and AB 54, which each seek to amend the California Disabled Persons Act.

VII. Report of the Education and Outreach Subcommittee

Chair Mandelbaum and Councilmember Perez reported on the progress of the Education and Outreach Subcommittee. Chair Mandelbaum reported on a recent panel at a conference hosted by the California Hospital Association where he spoke about the Council's proposed amendments to the California Family Rights Act (CFRA) regulations, and reported his upcoming appearance on a public radio program, Your Legal Rights, to further address proposed amendments to the CFRA regulations.

VIII. Conflict of Interest Code Regulation

[Attachment B: Fair Employment and Housing Council Conflict of Interest Code Regulation \(FPPC Draft\)](#)

A. Discussion

Acting Director Billotti introduced the draft prepared by the Fair Political Practices Commission (FPPC) and recommended repealing the existing regulation and renumbering the new regulation so that it was relocated to the Administration subchapter of the regulations.

B. Public Comment

None.

C. Action by Council

The Council moved, seconded, and passed on a unanimous roll-call vote a motion to adopt the Fair Employment and Housing Council Conflict of Interest Code Regulation.

IX. Guest Speaker

Claudia Cappio, Director, State Department of Housing and Community Development; former Executive Director, California Housing Finance Agency, addressed the present state of housing in California and the intersection between the roles of the Department of Housing and Community Development and the DFEH.

X. Report of the Housing Regulations Subcommittee

Councilmembers Schneiderman and Franklin Minor reported on the progress of the Housing Regulations Subcommittee. Draft language is nearly complete and will likely be introduced to the full Council at the January meeting.

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

[Attachment F: Further Modifications to Text of Proposed Amendments to the California Family Rights Act Regulations \(Draft\)](#)

A. Discussion

Chair Mandelbaum and Councilmember Brodsky reviewed all post-15-day comment revisions.

Councilmember Schneiderman proposed further modifications to the text.

Acting Director Billotti proposed modifications to the text to correct a typographical error.

B. Public Comment

The Council heard public comment on the proposed amendments to the CFRA regulations from Noah Lebowitz, Attorney, California Employment Lawyers Association.

Lunch Break

The Council adjourned for lunch at 12:14 p.m. and reconvened at 1:29 p.m.

C. Action by Council

The Council moved, seconded, and on a roll-call vote of 3-2 denied a motion to amend the Further Modifications to Text of Proposed Amendments to the CFRA Regulations, which Councilmember Schneiderman proposed.

The Council moved, seconded, and passed on a unanimous roll-call vote a motion to adopt the Further Modifications to Text of Proposed Amendments to the CFRA Regulations, as modified at the meeting.

XII. Public Hearing: Adopted Proposed Amendments to the Fair Employment and Housing Act Regulations

[Attachment C: Notice of Proposed Rulemaking](#)

[Attachment D: Initial Statement of Reasons](#)

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

A. Introduction

Chair Mandelbaum introduced the Council's Proposed Amendments to the Fair Employment and Housing Act Regulations (FEHA) and invited public comment.

B. Public Comment

The Council heard public comment on the proposed FEHA regulations from the following persons:

Noah Lebowitz, Attorney, California Employment Lawyers Association

Joan Herrington, Sole Practitioner

XIII. Future Meeting

Chair Mandelbaum announced that the next meeting will be held on January 13, 2015 at the Elihu M. Harris State Building in Oakland, California.

XIV. Further Public Comment

The Council heard further public comment from Joan Herrington, Sole Practitioner.

XV. Adjournment

Chair Mandelbaum adjourned the meeting at 2:40 p.m.

Date: December 24, 2014

CHAYA MANDELBAUM

Chair

MATHEW JACKSON

DFEH Civil Rights Fellow