

File No. 170708

Committee Item No. \_\_\_\_\_  
Board Item No. 41

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_  
Date: June 13, 2017

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                          |                                     |                     |
|--------------------------|-------------------------------------|---------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Senate Bill No. 491 |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____               |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____               |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____               |
| <input type="checkbox"/> | <input type="checkbox"/>            | _____               |

Prepared by: Lisa Lew  
Prepared by: \_\_\_\_\_

Date: June 8, 2017  
Date: \_\_\_\_\_

1 [Supporting California State Senate Bill 491 (Bradford) - Fair Employment Act  
2 of 2017]

3 **Resolution supporting California State Senate Bill 491, the Fair Employment Act**  
4 **of 2017, authored by Senator Steve Bradford, which would establish local**  
5 **enforcement of California's employment discrimination protections.**

6  
7 WHEREAS, The Fair Employment and Housing Act (FEHA) already prohibits  
8 discrimination based on race or color, religion, national origin or ancestry, physical  
9 disability, mental disability or medical condition, marital status, sex or sexual orientation,  
10 age, and pregnancy, childbirth, or related medical conditions; and

11 WHEREAS, The Act is silent on the question of whether municipalities can  
12 participate in the enforcement of the Act, neither granting permission nor banning local  
13 enforcement activities; and

14 WHEREAS, Any form of discrimination deprives people of their human dignity,  
15 health and financial stability; and

16 WHEREAS, Californians have rights not to be discriminated against in the  
17 workplace and housing decisions, many do not know that these rights exist; and

18 WHEREAS, There remains a large gap in hiring practices, specifically for people  
19 of color; and

20 WHEREAS, Discrimination in hiring remains a persistent challenge for African  
21 American workers; and

22 WHEREAS, African Americans are underrepresented in supervisor and  
23 managerial positions and about half as likely to hold them as white workers; and

24 WHEREAS, 8% of Black workers are in management positions compared to 15%  
25 of white workers; and

1           WHEREAS, These statistics are related to the enforcement of anti-discrimination  
2 laws; and

3           WHEREAS, Lack of enforcement of anti-discrimination laws is a problem that is  
4 well documented and is a pattern that needs to be reversed; and

5           WHEREAS, SB 491 would begin the process of establishing local enforcement of  
6 California's employment discrimination laws; and

7           WHEREAS, SB 491 would require the California's Department of Fair  
8 Employment and Housing (DFEH) to establish a workgroup that would determine the  
9 process of local enforcement of California's employment discrimination laws and draft  
10 legislation to implement a process for local enforcement; and

11           RESOLVED, That the San Francisco Board of Supervisors of the City and  
12 County of San Francisco urges the California Legislature and Governor Brown to  
13 support and pass SB 491; and, be it

14           FURTHER RESOLVED, That the San Francisco Board of Supervisors of the City  
15 and County of San Francisco directs the Clerk of the Board to transmit this resolution to  
16 the California State Legislature and Governor Jerry Brown.

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# California

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**SB-491 Civil rights: discrimination: enforcement.** (2017-2018)

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**Date Published: 05/01/2017 09:00 PM**

AMENDED IN SENATE MAY 01, 2017

AMENDED IN SENATE MARCH 27, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**SENATE BILL**
**No. 491**
**Introduced by Senator Bradford**
**February 16, 2017**

An act to amend Section 12993 of the Government Code, relating to civil rights.

### LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, Bradford. Civil rights: discrimination: enforcement.

The Unruh Civil Rights Act generally prohibits business establishments from discriminating on specified bases.

 The California **Fair** Employment and Housing Act prohibits discrimination in housing and employment on specified ~~bases~~ *bases and provides procedures for enforcement by the Department of **Fair** Employment and Housing (department).*

 Existing law specifies that while it is the intent of the Legislature that the California **Fair** Employment and Housing Act occupy the field of regulation of discrimination in employment and housing, nothing in the act shall be construed to limit or restrict the application of the Unruh Civil Rights Act.

 This bill would also specify that nothing in the California **Fair** Employment and Housing Act shall be construed to limit or restrict efforts by local entities to enforce state law prohibiting discrimination against classes of persons covered by the act in employment and housing. *require the department, by April 1, 2018, to convene an advisory group, as specified, to determine the feasibility of authorizing local government entities to also enforce antidiscrimination statutes. The bill would, by December 31, 2018, require the advisory group to develop an implementation plan and draft proposed legislation for presentation to the Legislature if it finds that local enforcement would be feasible.*

 Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Department of **Fair** Employment and Housing shall, not later than April 1, 2018, establish an advisory group consisting of at least one member of the department, and civil rights, employer, and employee advocates, to do all of the following:

(a) Conduct a study to determine the feasibility of authorizing local government entities to also enforce antidiscrimination statutes.

(b) (1) If the advisory group concludes that enforcement by local entities is feasible, develop an implementation plan and draft proposed legislation for the next legislative session to authorize local enforcement.

(2) The advisory group may consult with the Legislative Counsel and the Law Review Commission in drafting the proposed legislation.

(c) Consult with stakeholders, including department representatives and civil rights, employer, and employee advocates as part of drafting proposed legislation.

(d) Not later than December 31, 2018, present the results of the study, implementation plan, and the proposed legislation, if any, to the Legislature, pursuant to Section 9795 of the Government Code.

~~SECTION 1. Section 12993 of the Government Code is amended to read:~~

~~12993. (a) The provisions of this part shall be construed liberally for the accomplishment of the purposes of this part. Nothing contained in this part shall be deemed to repeal any of the provisions of the Civil Rights Law or of any other law of this state relating to discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, or sexual orientation, unless those provisions provide less protection to the enumerated classes of persons covered under this part.~~

~~(b) Nothing contained in this part relating to discrimination in employment on account of sex or medical condition shall be deemed to affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan, provided the terms or conditions are in accordance with customary and reasonable or actuarially sound underwriting practices.~~

~~(c) While it is the intention of the Legislature to occupy the field of regulation of discrimination in employment and housing encompassed by the provisions of this part, exclusive of all other laws banning discrimination in employment and housing by any city, city and county, county, or other political subdivision of the state, nothing contained in this part shall be construed, in any manner or way, to limit or restrict the application of Section 51 of the Civil Code, or to limit or restrict efforts by any city, city and county, county, or other political subdivision of the state to enforce state law prohibiting discrimination against any of the enumerated classes of persons covered under this part in employment and housing.~~

Print Form

### Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2017 JUN -6 PM 3:43

BY: *AB*  
Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [redacted] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [redacted] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [redacted]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Cohen

Subject:

Supporting California State Senate Bill 491 (Bradford) – Fair Employment Act of 2017

The text is listed:

Attached

Signature of Sponsoring Supervisor: *Melissa Cohen*

For Clerk's Use Only