

Commission on the
Status of Women

Commission on the Status of Women
Wednesday, August 28, 2019 – 6:45pm
City Hall, Cypress Room
2180 Milvia Street, Berkeley, CA 94704
AGENDA

1. Roll call
2. Approval of Agenda
3. Approval of June Meeting Minutes
4. Public Comment
5. Presentation by Erin Scott, Executive Director, Family Violence Law Center
6. Chairperson's Report and Commissioner Updates
7. Election of Vice Chair
8. Update on Equal Pay Independent Audit / Discussion of Next Steps
9. Creation of Ad Hoc Equal Pay Workshop Subcommittee
10. Update on Paid Family Leave Ordinance
11. Update on Educational Outreach re Safety of Sex Workers Who Report Violence Initiative
12. Subcommittee Updates:
 - a. Santa Rita Jail
 - b. Women's Homelessness / Domestic Violence
13. Summary of Council Recommendations 2017-2019
14. Report on Census and Other Data for Demographic Snapshot of Berkeley Women
15. Good of the Order
16. Adjournment

ADA Disclaimer



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Communications Disclaimer

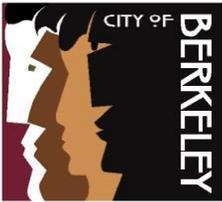
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SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Manager's Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information

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Commission on the Status of Women

**Commission on the Status of Women
Regular Meeting – June 26, 2019
DRAFT MINUTES**

The meeting convened at 6:47PM with Chairperson Leftwich presiding.

ROLL CALL

Present: Campbell, Howard, Hughes, Lake, Leftwich, Shanoski
Absent: None
Excused: Freedman, Lu, Verma

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Comments from the Public

- Public attendance: 0
- Public comments: 0

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Action

Item # 2: The Commission on the Status of Women approved the agenda for this meeting.

M/S/C: Shanoski/Howard
Ayes: Campbell, Howard, Hughes, Lake, Leftwich, Shanoski
Absent: None
Excused: Freedman, Lu, Verma

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Item # 4: The Commission on the Status of Women approved the May 22, 2019 meeting minutes.

M/S/C: Campbell/Hughes
Ayes: Campbell, Howard, Hughes, Lake, Leftwich, Shanoski
Absent: None
Excused: Freedman, Lu, Verma

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Item # 10: The Commission on the Status of Women eliminated the subcommittee on Paid Family Leave.

M/S/C: Campbell/Shanoski

Ayes: Campbell, Howard, Hughes, Lake, Leftwich, Shanoski

Absent: None

Excused: Freedman, Lu, Verma

The meeting was adjourned at 8:16pm.

**Respectfully Submitted,
Shallon Allen, Secretary
Commission on the Status of Women**

Berkeley COSOW Council Recommendations, 2017-2019

Project	Description	Major Events	Status
Equal Pay Recommendation	Equal pay vendor preference program, City pay audit, and equal pay certification program	<ul style="list-style-type: none"> ○ 3/2015 – referral received ○ 4/4/17 – passed by Council 	With City Manager; no updates.
Equal Pay Audit	Requested \$12,500 for independent audit of City pay gap	<ul style="list-style-type: none"> ○ 7/9/19 – tabled by Council until November 	Pending Council's November budgeting process.
Equal Pay Workshop	Requested \$900 for salary negotiation skills workshop	<ul style="list-style-type: none"> ○ 7/9/19 – approved by Council 	In progress by COSOW.
Paid Family Leave Ordinance	Drafted ordinance to provide paid family leave to employees of businesses with 25+ employees and City employees	<ul style="list-style-type: none"> ○ 4/25/17– referral received ○ 4/3/18 – COSOW recommendation referred to Council subcommittee ○ 4/23/19 – referred to City Manager 	With City Manager for drafting; no updates.
Transgender Health Training	Requested \$2400 to provide training to City Clinic staff	<ul style="list-style-type: none"> ○ 5/15/18 – approved by Council ○ 1/2019 - training 	Completed.
Freedom from Domestic Violence Recommendation	Resolution declaring freedom from DV is a human right; included requirement for City Manager to provide report within 6 months	<ul style="list-style-type: none"> ○ 1/23/18 – approved by Council 	Awaiting report from City Manager, no updates; City Auditor working on related issue
Membership in Association of California Commissions for Women	Requested \$50 membership fee for 2018-2019 for statewide organization	<ul style="list-style-type: none"> ○ 12/15/17 – approved by Council 	Membership ended June 2019, can seek new funding if desired
Prior Salary Ban Referral	Worked on ordinance banning employers from asking about a job applicant's prior salary; subsequently pre-empted by state law	<ul style="list-style-type: none"> ○ 6/13/17 – referral received ○ 10/12/18 – state law signed ○ 4/24/18 – referral voided by Council 	Completed.
Santa Rita Referral	Referral to investigate treatment of women at Santa Rita Jail	<ul style="list-style-type: none"> ○ 1/3/12 – referral received 	Incomplete – COSOW to finish investigation and complete report.

CITY OF BERKELEY

ADMINISTRATIVE REGULATIONS

SUBJECT: Domestic Violence Leave Policy

I. PURPOSE

Set forth guidelines, procedures and responsibilities as it relates to City employees who are victims of or witness to domestic violence. The City of Berkeley, as an employer, promotes a work environment that is supportive of victims of domestic violence and is sensitive to the effects of domestic abuse on employees and the workplace.

II. POLICY

The City of Berkeley is committed to promoting a work environment that is supportive of victims of domestic violence and the effects the abuse can have on employees and the workplace. The City has established this Administrative Regulation to offer assistance and a supportive environment to its employees experiencing or who witness domestic violence in compliance with federal, state, local law, and applicable provisions of any memorandums of understanding (MOU).

III. DEFINITIONS

- A. Domestic Violence – A pattern of coercive behavior, including acts or threatened acts that is used by a perpetrator to gain power or control over a current or former spouse, family member, intimate partner, or a person with whom the perpetrator shares a child in common.
- B. Survivor or Victim – For the purposes of this policy, is an employee who is experiencing domestic violence/abuse.
- C. Perpetrator - The individual who commits or threatens to commit an act of domestic violence

IV. PROCEDURES

A. Request for Time Off: Employees who are victims of domestic violence as provided by California Labor Code 230, shall be allowed to take time off work, with reasonable notice to the supervisor, to seek relief, such as temporary restraining order, or other assistance to safeguard their health, safety, and welfare, and that of their child, in accordance with any and all provisions of City Administrative Regulation 2.4, Family Care Leave.

1. **Notice:** An employee must give reasonable advance notice to the immediate supervisor of his or her intent to take this leave and schedule the leave according to the rules in his or her unit for all other planned absences, unless the advance notice is not feasible. When an unscheduled absence occurs, the employee is required to provide certification of the need for leave.

2. **Certification:** Certification shall be in the form of any of the following:

- i. A police report indicating that the employee was a victim of a domestic violence offense.
- ii. A court order protecting or separating the employee from the perpetrator of a specific offense, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
- iii. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting in victimization from a domestic violence offense.

3. **Confidentiality:** The immediate supervisor shall maintain the confidentiality of any employee requesting leave under this regulation.

4. **Leave Use:** An employee must utilize his or her earned but unused accrued leave; e.g., vacation or sick, depending on reason for request for leave, prior to requesting to use unpaid leave. Based on certification, employees may be approved for up to twelve (12) weeks of leave in a rolling 12 month period (12 months measured backward from the date leave is taken and continuous with each additional leave day taken). Employees requiring additional leave may be required to provide additional certification.

5. **Required Forms:** Employees must complete the Request for Leave of Absence payroll form and submit the completed form to the immediate supervisor for consideration and approval.

B. Reasonable Accommodation Interactive Process: An employee who is a victim of domestic violence also may request a reasonable accommodation for his or her safety while at work. Reasonable accommodation may include the implementation of safety measures, including modified work schedule, change in work number, work location, and resources or assistance in documenting domestic violence that occur in the workplace. The Human Resources staff will engage the employee in an interactive process to determine effective reasonable accommodations that can be provided to aid her/him in safeguarding their health and safety. Any reasonable accommodation involving changes to an employees working conditions will be in accordance with the terms of the employee's MOU, Personnel Rules and Regulations.

V. RESPONSIBILITIES

A. Employees:

Employees who are victims of domestic violence are encouraged to request time off or other reasonable accommodation, when or if needed. Employees requesting time off should do so with their supervisor in as much advance notice as practical. Employees requesting reasonable accommodation should contact the Human Resources Department at extension 6816 and shall avail themselves to the interactive process to determine if accommodations are needed to safeguard their health and safety and security of the workplace.

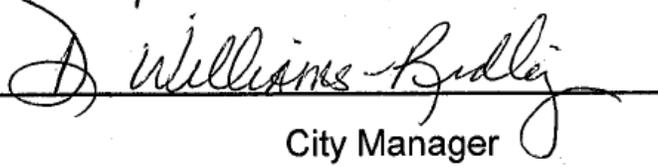
In the course of the interactive process regarding a domestic violence case, the employee may be asked to provide documentation of their domestic abuse such as a police report, court order of protection, or certification from a licensed healthcare professional. Request for documentation, specifically healthcare certification and documentation, would be in direct connection to an employee's request to take time off as a reasonable accommodation.

B. Supervisory Staff:

If a supervisor is notified, witness to, or becomes reasonably aware of a domestic violence involving any City of Berkeley employee regardless of the reporting relationship of the employee, s/he must report it to the Human Resources Department as soon as they become aware. The supervisor should ask, if feasible, the reporting and/or subject employee to also contact the Human Resources department at extension 6816. If the supervisor is asked by the reporting and/or subject employee to keep the reporting of domestic abuse confidential, the supervisor must tell the employee that they are required to report the incident as described, to the Human Resources Department.

C. Human Resources Department:

The Human Resources Department shall be responsible for timely, good faith, response and interactive processing of all requests for leave or accommodations due to domestic violence related reasons. The Human Resources staff will engage the employee in an interactive process to determine effective reasonable accommodations that can be provided to aid her/him in safeguarding their health and safety including the Employee Assistance Program and granting time off in accordance with the law and administrative regulations. To the extent required by law, the Human Resources staff will maintain the confidentiality of any employee requesting time off.

<p>RESPONSIBLE DEPARTMENT: Human Resources</p> <p>TO BE REVISED: Every 2 years</p>	<p>Approved by:</p> <p> _____ Department Director</p> <p> _____ City Manager</p>
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