



## HUMAN SERVICES COMMISSION

VACANT	D1	Daisy Barocio	D5	Tayesa Knight	D9	Chris Demers	SSDV
Jessica Dickinson Goodman	D2	Rita Holiday	D6	Thomas Estrada	D10		
Rich Dotson	D3	Kimberly Carvallison	D7	Angie Lopez	MAY		
VACANT	D4	VACANT	D8	Tiffany Maciel	SSDP		

CMO Staff: Sabrina Parra-García

### Amended Regular Meeting Agenda January 17, 2019

6:15 – 8:00 PM  
City Hall

San José

Tower Conference Room 1753

**I. Call to Order & Orders of the Day**

**II. Consent Calendar**

- A. Approve minutes from December 20, 2018 Commission meeting.

**III. Public Record - None**

**IV. Open Forum** (*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Committee, Board or Commission.*)

**V. Reports and Informational Only**

- A. Chair; Jessica Dickinson Goodman (5 min)  
B. Council Liaison (5 min)  
C. Staff; Sabrina Parra-García, Office of the City Manager (5 min)

**VI. Old Business**

- A. Approve monthly letter to council; Chair Dickinson Goodman. (5 min)

Action: Vote to send monthly letter to council on findings of proceeding month's meeting.

Reference Materials: (1) Letter to council on findings of December meeting.

**VII. New Business**

- A. Presentation: Accessibility for people with disabilities; Silicon Valley Independent Living Center (15 min)

Action: Discussion only.

- B. Women's Bill of Rights Request For Information (RFI), Zulma Maciel (15 minutes)

Action: Vote to approve RFI for implementation of the gender analysis required by the 2017 Women's Bill of Rights.

Reference Materials: (1) CEDAW Ad Hoc Proposed RFI. (2) City Manager's RFI

draft.

**C. Ad Hoc: Women's Bill of Rights, Chair Dickinson Goodman (15 minutes)**

Purpose: Update Human Services Commission on current status of the proposed revision of the Women's Bill of Rights we sent to Council unanimously in August and that the City Attorney's office has been reviewing and requested a reformatting of.

Action: Discussion only.

Reference Materials: (1) Ad Hoc Work Plan, (2) Op-Ed: San Jose Should Allocate Funding for Women's Bill of Rights, (3) Community Survey (Pending translation by City Manager's office since April 2018), (4) Reformatted version of the proposed replacement ordinance

**D. Ad Hoc: Ending Domestic Violence; Commissioner Demers (10 minutes)**

Purpose: 1. Decide specific, reasonable actions most important for City to complete to fulfill recommendations; 2. Share action ideas with task force members and service providers for comment.

Discussion only.

Reference Materials: (1) Ad Hoc Work Plan.

**E. Ad hoc: Protecting the Rights of People with Disabilities, Commissioner Elieh (10 minutes).**

Purpose: 1. Report back to HSC findings of data and community feedback and define the goals of the Ad Hoc. 2. Develop timeline for execution and completion of the Ad Hoc's goals.

Action: Discussion only.

Reference Materials: (1) Ad Hoc Work Plan.

**F. Ad hoc: Protecting Environmental Sustainability Rights, Commissioner Lopez (10 minutes).**

Purpose: It has come to our attention that there are possibly multiple large city contractors actively violating our clean energy community agreements that protect our city's Human Rights to clean environmental sustainability. For example, a Texas-based city contractor, *Calpine*, is legitimately listed as a top-ten polluter in the U.S. and has outsourced many of our once San Jose-resident jobs to out-of-state subcontractors.

Action: Discussion only.

**G. Ad Hoc: Protecting Justice-Impacted Children's Rights, Commissioner Maciel (15 minutes)**

Purpose: Guest juvenile justice/youth with disabilities in San José expert to address commission and update on ReelAbilities.

Action: Discussion only.

Reference Materials: Ad Hoc Work Plan

**H.** Ad Hoc: Protecting Immigrants' Rights, Chair Dickinson Goodman (10 minutes)  
Purpose: Review current status of data on ICE impacts.

Action: Discussion only.

Reference Materials: (1) Ad Hoc Work Plan. (2) Article: An ICE Memo Lays Out The Differences Between Trump And Obama On Immigration Enforcement. (3) Draft policy recommendations.

## VI. Next Meeting

A. Thursday, February 21, 2019 at City Hall Tower Conference Room 1753.

## VII. Adjournment

*The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.*

You may speak to the Commission about any discussion item that is on the agenda, and you may also speak during Public Comments on items that are not on the agenda and are within the subject matter jurisdiction of the Commission. Please be advised that, by law, the Commission is unable to discuss or take action on issues presented during Public Comments. Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the Commission unless listed on the agenda, which has been posted not less than 72 hours prior to meeting.

Agendas, Staff Reports and some associated documents for the Commission items may be viewed on the Internet at [www.sanjoseca.gov/hsc](http://www.sanjoseca.gov/hsc).

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk, 200 East Santa Clara Street, 14<sup>th</sup> Floor, San José, California 95113, at the same time that the public records are distributed or made available to the legislative body. Any draft resolutions or other items posted on the Internet site or distributed in advance of the commission meeting may not be the final documents approved by the commission. Contact the Office of the City Clerk for the final document.

On occasion the Commission may consider agenda items out of order.

The Human Services Commission meets every third Thursday of the month at 6:15 p.m., with special meetings as necessary. If you have any questions, please direct them to the Commission staff. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.**

**Please direct correspondence and questions to:**

City of San José  
Attn: Sabrina Parra-García  
200 East Santa Clara Street, T17  
San José, California 95113  
Tel: (408) 535-8171  
Email: [SabrinaParra-Garcia@sanjoseca.gov](mailto:SabrinaParra-Garcia@sanjoseca.gov)



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CMO Staff: Sabrina Parra-García

## **Draft Meeting Minutes**

*prepared by: Sabrina Parra-García*

**Thursday, December 20, 2018**

### **VII. Call to Order & Orders of the Day**

The Human Services Commission of the City of San José convened for their regular meeting at 6:27 p.m. in Tower Conference Room 1753 at City Hall.

Present Commissioners: Dickinson Goodman, Ly, Barocio, Carvallison, Lopez Maciel, Demers.

Absent Commissioners: Elieh, Dotson, Chaudry, Knight, Estrada.

### **II. Consent Calendar**

A. Approve the minutes for August 16 and September 20, 2018.

Action: Upon a motion by Commissioner Barocio, seconded by Commissioner Carvallison and carried unanimously, the Commission voted to remove the minutes from the Consent Calendar.

### **III. Public Record – None.**

### **IV. Open Forum**

- Blair Beekman, resident, complimented the Commission on all the work that they have been engaged in.

### **V. Reports and Information Only**

- A. Chair Dickinson Goodman spoke on the following:
- A thank you to the Commissioners for all the hard work this year.
  - Went over the calendar of meetings for the next year to see if any Commissioners already knew they couldn't attend.
- B. Office of Commission Council Liaison Nguyen – None. Staff was not present
- C. Sabrina Parra-Garcia, Executive Analyst, City Manager's Office, provided an oral report on:
- The expected date when the Mayor will announce the new Council liaison to the Commission.
  - The City's furlough closing through January 1.

### **VI. Old Business**

- A. Approve monthly letter to council, Chair Dickinson Goodman

Action: With a motion by Commissioner Lopez, seconded by Commissioner Carvallison, the Commission voted unanimously approval of the September 20 letter for Council.

**VII. New Business**

**A. Presentation: Women's Bill of Rights Process; Zulma Maciel, City Manager's Office**

Action: With a motion by Commissioner Maciel, seconded by Commissioner Barocio, the Commission voted unanimously to have the Commission's CEDAW ad hoc committee help write the RFI and have staff return to the whole Commission with an update in January.

**B. Ad Hoc: Women's Bill of Rights; Chair Dickinson Goodman – REMOVED**

Chair Dickinson Goodman asked to remove the item from the agenda since the topic was covered in the previous item.

Action: With a motion by Commissioner Lopez, seconded by Commissioner Barocio, the Commission voted unanimously to remove the item from the agenda.

**C. Ad Hoc: Ending Domestic Violence; Commissioner Demers**

Commissioner Demers provided the Commission an update on his plan to complete the ad hoc committee work.

Action: Discussion only.

**D. Ad Hoc: Protecting the Rights of People with Disabilities, Commissioner Elieh –  
Removed because the Commissioner wasn't in the meeting**

Action: With a motion by Commissioner Maciel, seconded by Commission Lopez, the Commission voted to remove this item from the agenda.

**E. Ad Hoc: Protecting Environmental Sustainability Rights, Commissioner Lopez**

Commissioner Lopez provided an update, stating that they are in the process of gathering information on the environmental impact of locations that are being rented to companies who are not local.

Action: Discussion only.

**F. Ad Hoc: Protecting Justice-Impacted Children's Rights, Commissioner Maciel**

Commissioner Maciel provided an update on her research and report design.

Action: Discussion only.

**G. Ad Hoc: Protecting Immigrants' Rights, Chair Dickinson Goodman**

Chair Dickinson Goodman provided an update on her work on this item.

Action: Discussion only.

**VIII. Next Meeting**

A. Thursday, January 17, 2019 at 6:15 p.m. in City Hall Tower Conference Room 1753.

**IX. Adjournment** - The meeting adjourned at 7:53 p.m.





Dear Honorable Councilmember,

Our commission continues to be excited and passionate about our work for our fellow residents. As a reminder, these monthly one-page letters will serve as executive summaries of our official minutes and your appointed commissioner may of course happily share additional insights.

**Highlights from the December Commission Meeting**

Note, five of our 11 commissioners had births/deaths/major illness/major travel in their families in October, so we did not have quorum for our October or November meetings. As of writing, Council has not filled the D6 position that has been vacant since June, nor the positions that opened-up in December for D4 and D1. Having 25% of our Commission's seats unfilled will make attaining quorum a challenge, but we are doing our best to assure the continued functioning of this commission.

1. **Women's Bill of Rights:** Zulma Maciel of the City Manager's office requested that the Womens' Bill of Rights Ad Hoc provide guidance to her office on what an RFI would entail. She shared that the City Manager's office could not send out an RFP without sending out an RFI first; the ad hoc provided a full draft RFI on 1/2/19. The whole commission looks forward to seeing how the ad hoc's proposals are incorporated in the City Manager's proposed RFI at the January meeting.
2. **Ending Domestic Violence:** Commissioner Demers shared updates on his evaluation of whether and how the city is applying the recommendations of the county's blue ribbon domestic violence report.
3. **Protecting Environmental Sustainability Rights:** Commissioner Lopez shared photos of roads, sidewalks, and open spaces filled with commercial garbage and industrial damage in South and East San José. She is leading her ad hoc in preparing a report on the disparate impact of misuse of city-owned, commercially-rented land for the council.
4. **Protecting Justice-Impacted Children's Rights:** Commissioner Maciel shared how difficult it has been to get a response from SJPD, working through City Manager's office staff, on basic questions pertaining to their treatment of children with disabilities. Difficulty getting city departments to respond to staff-facilitated commission requests was a theme in 2018 which we hope does not carry over to the new year.
5. **Protecting Immigrants' Rights:** The commission discussed current reports on ICE activity in the city, including Commissioners' volunteer work with the Rapid Responder network, and confirmed there remains a pervasive sense of fear in the face the threat of arbitrary immigration detention.

Respectfully and in-service,



Jessica Dickinson Goodman  
Chair,  
The San José Human Services Commission



Request For Information (RFI)  
Gender-Based Analysis  
Issue Date: January 24th, 2018

1. BACKGROUND

- 1.1. On December 19th, 2017, San José City Council unanimously passed the Women's Bill of Rights, a local implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This ordinance requires a gender analysis of city departments, programs and policies. It tasks the volunteer Human Services Commission with overseeing the implementation of this bill.
- 1.2. In May 2018, Vice Mayor Magdalena Carrasco submitted a budget request for \$150,000 for an independent, experienced consultant to implement the bill. In June 2018, Mayor Liccardo directed City Manager to determine if the Women's Bill of Rights could be implemented with no additional funding. The Mayor gave his office a deadline of December 2018.

2. PURPOSE

- 2.1. The purpose of this Request for Information (RFI) is to provide key data and information about how the City many work with the consultant community to conduct an intersectional gender analysis of City departments, programs, and policies. Please see 5.3.9 "Gender analysis" for what we consider an intersectional gender analysis. This analysis would produce information about whether those departments, programs, and policies benefit or harm women, non-binary people, and men differently; it also includes a pay equity analysis. This RFI should result in a clearer picture for the City of the overall cost effectiveness and feasibility of contracting with one or more consultants to conduct the City's ongoing gender analysis.
- 2.2. In the event the City determines that a consultant model is feasible, it will move forward with a formal Request for Proposal (RFP) solicitation with the objective of entering into a final agreement with the selected consultant.

3. CONTACT INFORMATION

- 3.1. [Staff can fill this in please]

4. RFI PROCESS AND TIMELINE

- 4.1. Once this RFI is released, the process is as follows:
  - 4.1.1. Receive questions from interested parties in the even that additional information is required in order to make a determination if the City's requirements meet your consultancy's business model.
  - 4.1.2. City responds to all questions received.
  - 4.1.3. RFI response due.
  - 4.1.4. RFI response evaluated
  - 4.1.5. Oral presentations. Not less than two consultants will be invited to present capabilities to City staff and the Human Services Commission's CEDAW ad hoc committee, and respond to questions.
- 4.2. RFI TIMELINE
  - 4.2.1. RFI Released (January 24th, 2018)
  - 4.2.2. Deadline for consultant questions (February 4th, 2018)
  - 4.2.3. City response to questions published (February 11th, 2018 by 2pm - Location: TBD)
  - 4.2.4. Oral Presentations (February, 2018)

5. RFI Response Information

5.1. GENERAL

- 5.1.1. Your response should include information that is sufficient for the City to make a recommendation about whether or not to hire a consultant.

5.1.2. The City is not limiting or restricting responses. However, a concise summary response is preferred over volumes of marketing material. It may be possible to respond to this RFI in fewer than four pages.

## 5.2. SPECIFIC

5.2.1. Please include the following information in your response to this RFI

5.2.1.1. **Section 1:** Background information on your consultancy / program.

5.2.1.2. **Section 2:** Identification of past experience conducting qualitative and quantitative surveys of the kinds of large and vulnerable groups of people who receive government services. If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.

5.2.1.3. **Section 3:** Your familiarity with the needs of and experience working with LGBTQ, non-binary, and genderqueer people. If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.

5.2.1.4. **Section 4:** Your facility with working on an intersectional analysis of gender that includes race, disability, sexual orientation, gender identity, age, familial status, culture, and language, and how residents' multiple identities interact with their experiences of violence against women and non-binary people and gender inequity (please see next section for a definitions of terms). If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.

5.2.1.5. **Section 5:** Your experience conducting independent reviews of government programs, policies, and departments where their findings may present a conflict of interest with their other regular responsibilities, such as representing or advising the government in gender discrimination cases and other human resources matters. If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.

5.2.1.6. **Section 6:** Examples of analyses you have performed not only of salaries, hiring data, and evaluating compensation based on work of equal value, but also of the disparate impact government services and budgets have on adults and children of different genders (e.g., whether spending on homeless services benefits non-binary, women, and men who are without housing; whether non-binary people receive the same access to government forms and the services they gate-keep; whether girls and boys' sports teams receive the same level of investment from the Parks and Recreation Department).

5.2.1.7. **Section 7:** Answer the following scope, proposed methodology, and impact questions: What would you prioritize if limited by resources? How would you collect information and what data would you expect to result? How would you recommend data be organized and stored that is collected? How do you recommend government take steps to implement findings and make continuous improvement? Are there previous government gender analysis you would model? Are you familiar with government RFPs for gender analysis that clearly explain expectations and could you share them with us? What budget would you find prudent for this work (please substantiate with examples from past work, yours or others).

5.2.1.8. **Section 8:** References from two clients for whom you have performed an intersectional and/or gender analysis survey of the type described above. It is preferable that past clients also be cities, but if you do not have this experience, please provide the best relevant reference you can get.

## 5.3. DEFINITIONS

As used in this Part, the following words and phrases shall have the meanings indicated herein:

5.3.1. "CEDAW" shall mean The Convention on the Elimination of All Forms of Discrimination Against Women.

- 5.3.2. "City" shall mean the City of San Jose.
- 5.3.3. "Commission" shall mean the San Jose Human Services Commission.
- 5.3.4. The "Council" shall mean the City Council of San Jose.
- 5.3.5. "Women" shall mean all persons who identify with the sex category woman, whether or not assigned to that category at birth.
- 5.3.6. "Disaggregated data" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between people of different genders. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes. This data will be collected in a manner that will facilitate intersectional analysis.
- 5.3.7. "Discrimination against women" shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex or gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of all people, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence against women, that is, violence that is directed against a woman because she is perceived as a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender, gender identity or expression, familial status, age, handicap or disability, or use of support animals, as specified.
- 5.3.8. "Gender" shall mean the way society produces, positions, and policies women and men as "opposite," mutually exclusive, natural categories of persons, and organizes ideas, interactions, and roles on the basis of presumed differences that establish hierarchies between women, men and non-binary people and erases the experiences of non-binary people.
- 5.3.9. "Gender analysis" shall mean an intersectional examination of the racial, ethnic, cultural, disability, economic, social, civil, legal, and political relations between women, men and non-binary people within a certain entity, recognizing that women, men and non-binary people prescribe and proscribe different social roles, responsibilities, opportunities, and needs for people, and that these differences, which permeate our society, affect how decisions, including budgetary decisions, and policy are made.
- 5.3.10. "Gender equity" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both. "Gender equity" shall further mean the redress of discriminatory practices and establishment of conditions enabling all persons identifying as transgender, non-binary, and gender non-conforming to achieve full equality.
- 5.3.11. "Human rights" shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person's dignity and well-being and the humanity of all people.
- 5.3.12. "Racial discrimination"; shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- 5.3.13. "Sex"; for the purposes of this ordinance, sex shall mean the gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.

- 5.3.14. "Violence against women, girls, and non-binary people" shall mean any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, girls, and non-binary people including threats of those acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including Domestic Violence as described under [Include ordinance number here].
- 5.3.15. "Work of Equal Value" shall mean that an employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. An employer shall not pay any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. For the purposes of this statute, pay includes wages, benefits, and total compensation.
- 5.3.16. "Age" shall also mean, for purposes of this ordinance, women, girls and non-binary people of any age and shall also include any person so protected by further amendment to the Federal Age Discrimination in Employment Act.
- 5.3.17. "Familial Status", in addition to the definition in [Need the ordinance number here] shall also mean, for purposes of this ordinance, The protection afforded against discrimination in employment or housing on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.
- 5.3.18. "Culture" shall mean the sum of attitudes, customs, and beliefs that distinguishes one group of people from another.
- 5.3.19. Specific to CEDAW, "Human Rights" will include Immigration Status including immigrant visa holders who can come to the States to live permanently, or immigrants who come to the States for time-specific purposes, such as tourism, education, training and temporary workers as well as undocumented persons living in the States

## 6. GENERAL INFORMATION

- 6.1. The RFI process will not result in the recommendation of or selection of any consultant, or the issuance of a purchase order or agreement of any time. It is an information gathering exercise that may lead to an Request for Proposal (RFP) which would be intended to lead to those outcomes.
- 6.2. Confidential or proprietary information should not be included in your response.
- 6.3. Responders are responsible for any and all expenses that may be associated with responding to this RFI.

## 7. ORDINANCE INFORMATION

The text of the Women's Bill of Rights, as well as an amended version that the Human Services Commission recommended to City Council to ensure the inclusion of non-binary and transgender residents may be found in the following exhibits.

- 7.1. EXHIBIT A - The final ordinance language
- 7.2. EXHIBIT B - The proposed ordinance language that is inclusive of non-binary and transgender people
- 7.3. EXHIBIT C - The March 29th letter from the Human Services Commission to City Council outlining a proposed budget for this work (<http://sanjoseca.gov/DocumentCenter/View/75932>)
- 7.4. EXHIBIT D - Guidance on conducting a gender analysis survey (<https://sfgov.org/dosw/sites/default/files/How%20to%20do%20a%20Gender%20Analysis%2081114.pdf> and <https://sfgov.org/dosw/index.aspx?page=2099> and <https://swc-cfc.gc.ca/gba-acsc/index-en.html> and [https://sfgov.org/dosw/ftp/uploadedfiles/dosw/reports/GenderResponsiveBudgeting\\_DataCollecti onSurvey\\_FinalReport\\_Feb2010.pdf](https://sfgov.org/dosw/ftp/uploadedfiles/dosw/reports/GenderResponsiveBudgeting_DataCollecti onSurvey_FinalReport_Feb2010.pdf) )
- 7.5. EXHIBIT E - Example of a gender analysis of San Francisco's commissions and boards (<http://citiesforcedaw.org/wp-content/uploads/2018/01/SFDOSW-Gender-Analysis-of-Commissio>

ns-and-Boards-2017-FINAL-1.pdf) as well as their general implementation  
([http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW\\_report\\_SAN-FRANCISCO-101810-1.pdf](http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW_report_SAN-FRANCISCO-101810-1.pdf))





## **CEDAW Ad Hoc Work Plan**

for the San José Human Services Commission  
September 12, 2018

**Goal:** Oversee implementation of the Women's Bill of Rights in San José and the Gender-Based Analysis that ordinance requires.

**Details:** Appointed by Council in Dec 2017 to oversee local implementation of the United Nations's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

**Chair:** Commissioner Dickinson Goodman

**Ad Hoc Members:**

- TBD

### **Timeline:**

This ad hoc exists between August 2018- January 2019

1. **August** (Planning month)
  1. At the Commission Meeting: Commission voted to propose this workplan topic to council
  2. Follow-up with YWCA's Ignite Fellows to leverage their interest in CEDAW to enable implementation
  3. Request qualifications of any city staff who might be tasked with overseeing the implementation of the gender-based analysis
2. **September** (Data collection month)
  1. Arrange for translation into Spanish and Vietnamese of survey approved by the Commission in April on which programs, policies, and departments will undergo the gender-based analysis first; begin distribution through community partners. Note: City Manager's office took responsibility for translation in April but they have not as-of 9/12/18.
  2. At the Commission Meeting: review plan for and roadblocks to securing funding for independent gender survey, determining which departments, programs, and policies will be reviewed first, and ensuring the bill language is inclusive.
3. **October** (Data analysis month)
  1. Seek comment from community members, organizations, and interested advocates on which departments, policies, and programs will undergo the gender-based analysis first
  2. Update City Council and the Mayor on Commission findings as-to whether the City Manager's office is equipped to oversee the gender-based analysis, per his June Budget Message.
  3. At the Commission Meeting: Vote to send a letter from the commission updating council on the above and advocating for council including funding for an independent gender-based analysis (GBA).
4. **November** (Story month)
  1. Begin drafting rationale for recommendation of departments, programs, and policies for GBA
  2. At the Commission Meeting: Take action based-on current status of inclusive bill language, and funding of independent oversight for the GBA
5. **December** (Writing month; note: commission meeting canceled)
  1. Finalize language in recommendation of which departments, policies, or programs will undergo the GBA first

**6. January**

1. Incorporate final community feedback and finish final draft of recommendation.
  2. At the Commission Meeting: Recommend which programs, policies, and departments will undergo the gender-based analysis first
-

Per the City Attorney's request, the amended Women's Bill of Rights language proposed by the Human Services Commission to the San José City Council on August 16th, 2018 is laid-out in a table format below. In cases where no change was made, that is noted; in cases where a line was added, that is noted; in cases where the language was modified, both versions are included for cross-referencing.

Ordinance Passed by San José City Council on 19, December 2017	Version Submitted by Human Services Commission to Council for Consideration on August 16th, 2018
<i>No changes</i>	<p><b>ORDINANCE NO. 30055</b>  <b>AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW PART 49 FOR THE LOCAL IMPLEMENTATION OF THE WOMEN'S BILL OF RIGHTS</b></p> <p>BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:</p> <p>Chapter 2.08 of Title 2 of the San Jose Municipal Code is hereby amended to add a new Part 49 to read as follows:</p> <p style="text-align: center;"><b>Part 49</b>  <b>Women's Bill of Rights</b></p>
<p><b>2.08.4900 Purpose of Chapter</b>  The Council of the City of San Jose declares that it is the policy of the City to take affirmative action to eliminate the practice of discrimination and prejudice on account of sex in the areas of housing, employment, education, community services and related fields.</p>	<p><b>2.08.4900 Purpose of Chapter</b>  The Council of the City of San Jose declares that it is the policy of the City to take affirmative action to eliminate the practice of discrimination and prejudice on account of sex or gender in the areas of housing, employment, education, community services and related fields.</p>
<i>No changes</i>	<p><b>2.08.4910 Definitions</b>  As used in this Part, the following words and phrases shall have the meanings indicated herein:</p>
<i>No changes</i>	<p>A. "CEDAW" shall mean The Convention on the Elimination of All Forms of Discrimination Against Women.</p>
<i>No changes</i>	<p>B. "City" shall mean the City of San Jose.</p>
<i>No changes</i>	<p>C. "Commission" shall mean the San José Human Services Commission.</p>
<i>No changes</i>	<p>D. The "Council" shall mean the City Council of San Jose.</p>
<i>No definition provided</i>	<p>E. "Women" shall mean all persons who identify with the sex category woman, whether or not assigned to that category at birth.</p>

<p>E. "Disaggregated data" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between women and men. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes.</p>	<p>F. "Disaggregated data" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between people of different genders. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes. This data will be collected in a manner that will facilitate intersectional analysis.</p>
<p>F. "Discrimination against women" shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government.</p>	<p>G. "Discrimination against women" shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex or gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of all people, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence against women, that is, violence that is directed against a woman because she is perceived as a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender, gender identity or expression, familial status, age, handicap or disability, or use of support animals, as specified.</p>
<p>G. "Gender" shall mean the way society constructs the difference between women and men, focusing on their different roles, responsibilities, opportunities and needs, rather than their biological differences.</p>	<p>H. "Gender" shall mean the way society produces, positions, and policies women and men as "opposite," mutually exclusive, natural categories of persons, and organizes ideas, interactions, and roles on the basis of presumed differences that establish hierarchies between women, men and non-binary people and erases the experiences of non-binary people.</p>
<p>H. "Gender analysis" shall mean an examination of the cultural, economic, social, civil, legal and political relations between women and men within a certain entity, recognizing that women and men have different social roles, responsibilities, opportunities and needs and that these differences, which permeate our society, affect how decisions and policy are made.</p>	<p>I. "Gender analysis" shall mean an intersectional examination of the racial, ethnic, cultural, disability, economic, social, civil, legal, and political relations between women, men and non-binary people within a certain entity, recognizing that women, men and non-binary people prescribe and proscribe different social roles, responsibilities, opportunities, and needs for people, and that these differences, which permeate our society, affect how decisions, including budgetary decisions, and policy are made.</p>
<p>I. "Gender equity" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ,</p>	<p>J. "Gender equity" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ,</p>

resulting in fair and equitable outcomes for both.	resulting in fair and equitable outcomes for both. "Gender equity" shall further mean the redress of discriminatory practices and establishment of conditions enabling all persons identifying as transgender, non-binary, and gender non-conforming to achieve full equality.
<i>No changes</i>	K. "Human rights" shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person's dignity and well-being and the humanity of all people.
<i>No definition provided</i>	L. "Racial discrimination"; shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
<i>No definition provided</i>	M. "Sex"; for the purposes of this ordinance, sex shall mean the gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.
<i>No definition provided</i>	N. "Violence against women, girls, and non-binary people" shall mean any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, girls, and non-binary people including threats of those acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including Domestic Violence as described under [Include ordinance number here].
<i>No definition provided</i>	O. "Work of Equal Value" shall mean that an employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. An employer shall not pay any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. For the purposes of this statute, pay includes wages, benefits, and total compensation.
<i>No definition provided</i>	P. "Age" shall also mean, for purposes of this ordinance, women, girls and non-binary people of any age and shall also include any person so protected by further amendment to the Federal Age Discrimination in Employment Act.

<p><i>No definition provided</i></p>	<p>Q. “Familial Status”, in addition to the definition in [Need the ordinance number here] shall also mean, for purposes of this ordinance, The protection afforded against discrimination in employment or housing on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.</p>
<p><i>No definition provided</i></p>	<p>R. “Culture” shall mean the sum of attitudes, customs, and beliefs that distinguishes one group of people from another.</p>
<p><i>No definition provided</i></p>	<p>S. Specific to CEDAW, “Human Rights” will include Immigration Status including immigrant visa holders who can come to the States to live permanently, or immigrants who come to the States for time-specific purposes, such as tourism, education, training and temporary workers as well as undocumented persons living in the States</p>
<p><b>2.08.4920 Local Principles of CEDAW</b> It shall be the goal of the City to implement the principles underlying CEDAW, listed in Section (Local Principles of CEDAW) by addressing discrimination against women and girls in areas including economic development, and violence against women and girls. The City shall ensure that the City does not discriminate against women in areas including employment practices, allocation of funding and delivery of direct and indirect services. The City shall conduct gender analyses, as described in Section (Gender Analysis and action plan), to determine what, if any, City practices and policies should change to implement the principles of CEDAW</p>	<p><b>2.08.4920 Local Principles of CEDAW</b> It shall be the goal of the City to implement the principles underlying CEDAW, listed in Section (Local Principles of CEDAW) by addressing discrimination against women, girls, and non-binary people in areas including economic development, and violence against women, girls, and non-binary people. The City shall ensure that the City does not discriminate against women in areas including employment practices, allocation of funding and delivery of direct and indirect services. The City shall conduct gender analyses, as described in Section (Gender Analysis and action plan), to determine what, if any, City practices and policies should change to implement the principles of CEDAW.</p>
<p>Economic Development. 1. The City shall take all appropriate measures to eliminate discrimination against women and girls in the City of San Jose in employment and other economic opportunities, including, but not limited to, ensuring:</p>	<p>Economic Development. 1. The City shall take all appropriate measures to eliminate discrimination against women, girls and non-binary people in the City of San Jose in employment and other economic opportunities, including, but not limited to, ensuring:</p>
<p><i>No changes</i></p>	<p>a. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;</p>
<p><i>No changes</i></p>	<p>b. The right to promotion, job security and all benefits and conditions of</p>

	<p>service, regardless of parental status, particularly encouraging the appointment of women to decision making posts, City revenue generating and managing commissions and departments, and judicial positions;</p>
<i>No changes</i>	<p>c. The right to equal remuneration, including benefits and to equal pay in respect to work of equal value;</p>
<p>The right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods and protection from violent acts at the workplace.</p>	<p>d. The right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods and protection from violent acts at the workplace, and reasonable accommodations for pregnant and nursing mothers.</p>
<i>No changes</i>	<p>2. The City shall encourage and, where possible, fund the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities, paid family leave, family-friendly policies and work-life balance.</p>
<i>This line was not included</i>	<p>3. The City shall promote access to safe and affordable housing and transportation.</p>
<i>No changes</i>	<p>4. The City shall encourage the use of public education and all other available means to urge financial institutions to facilitate women's access to bank accounts, loans, mortgages, and other forms of financial services.</p>
<i>B. Violence Against Women and Girls.</i>	<p>B. Violence Against Women, Girls and Non-Binary People.</p>
<p>1. The City shall take and diligently pursue all appropriate measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to:</p>	<p>1. The City shall take and diligently pursue all appropriate measures to prevent and redress sexual, domestic violence, and trafficking against women, girls, and non-binary people, including, but not limited to:</p>
<i>No changes</i>	<p>a. Police enforcement of criminal penalties and civil remedies, when appropriate;</p>

<i>No changes</i>	b. Providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;
c. Providing gender-sensitive training of City employees regarding violence against women and girls, where appropriate; and	c. Providing gender-sensitive training of City employees regarding violence against women, girls, and non-binary people where appropriate; and
d. Providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate.	d. Providing rehabilitation programs for perpetrators of violence against women, girls, or non-binary people, where appropriate.
<i>No changes</i>	The City shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.
2. It shall be the goal of the City to take all necessary measures to protect women and girls from sexual harassment in their places of employment, school, public transportation, and any other places where they may be subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.	2. It shall be the goal of the City to take all necessary measures to protect women, girls, and non-binary people from sexual harassment in their places of employment, school, public transportation, and any other places where they may be subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.
3. Sex workers are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San Jose that the Police Department diligently investigate violent attacks against sex workers and take efforts to establish the level of coercion involved in the sex work, in particular where there is evidence of trafficking in women and girls. It shall be the goal of the City to develop and fund projects to help sex workers who have been subject to violence and to prevent such acts.	3. Sex workers are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San Jose that the Police Department diligently investigate violent attacks against sex workers and take efforts to establish the level of coercion involved in the sex work, in particular where there is evidence of trafficking in women, girls, and non-binary people. It shall be the goal of the City to develop and fund projects to help sex workers who have been subject to violence and to prevent such acts.
<i>This line was not included</i>	4. Labor trafficking, sexual exploitation and trafficking, domestic servitude affects women from and in the City of San José. The City shall endeavor to study these issues and develop appropriate policies, procedures, and training to uphold the principles of CEDAW.
4. The City shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls.	5. The City shall ensure that all public works projects include measures, such as adequate



	lighting, to protect the safety of women, girls, and non-binary people.
5. It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the roles and status of women and men.	6. It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the limited roles and under-represented status of women or men in particular jobs or roles.
<i>No changes</i>	<b>2.08.4930 Powers and Duties</b> The powers and duties of the Commission shall be as follows:
A. As a tool for determining whether the City is implementing the local principles of CEDAW and preventing discriminating against women and girls, selected City departments, programs, and policies to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Human Services Commission.	A. As a tool for determining whether the City is implementing the local principles of CEDAW and preventing discriminating against women, girls, and non-binary people, selected City departments, programs, and policies to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Human Services Commission. B
B. To study by means of meetings, conferences or public hearings, conditions which demonstrate discrimination or prejudice because of sex	B. To study by means of meetings, conferences or public hearings, conditions which demonstrate discrimination or prejudice because of sex or gender.
<i>No changes</i>	C. To consult and cooperate with the Council and federal, state, county, city and other public agencies and to refer, if requested, to the proper governmental agencies any matters, disputes, or controversies already in the jurisdiction of their existing powers, with the intent that duplication of efforts should be avoided.
D. To prepare and disseminate information in the field of sex discrimination and prejudice and to advise and counsel the residents of the City, the Council, the Mayor, and departments and agencies of the City, other cities, special districts, state, and federal governments on matters involving the needs of women and relating to discrimination and prejudice on account of sex.	D. To prepare and disseminate information in the field of sex or gender discrimination and prejudice and to advise and counsel the residents of the City, the Council, the Mayor, and departments and agencies of the City, other cities, special districts, state, and federal governments on matters involving the needs of women, girls, and non-binary people and relating to discrimination and prejudice on account of sex or gender.
<i>No changes</i>	E. To recommend, and assist in implementation where needed of, necessary procedures, programs, or legislation to promote and insure equal rights and opportunities for all women.
<i>No changes</i>	F. To render to the Council, at least once each calendar year, a report or reports of its activities.
<i>No changes</i>	G. Subject to the approval of the Mayor, to request of any City department information, services, facilities,

	and any other assistance for the purposes of furthering the objectives of this chapter.
<p><b>2.08.4940 Gender Analysis and Action Plan</b>  A. As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women and girls, selected City departments, programs, and policies to the extent permitted by law shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Commission. The gender analysis shall include:</p>	<p><b>2.08.4940 Gender Analysis and Action Plan</b>  A. As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women, girls, and non-binary people selected City departments, programs, and policies to the extent permitted by law shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Commission. The gender analysis shall include:</p>
1. the collection of disaggregated data;	1. the collection of intersectionally disaggregated data, as defined above in part I;
2. an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices; and	2. an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices; and
<i>No changes</i>	3. the entity's integration of human rights principles and the local principles of CEDAW as set forth in Resolution No. 78468. Upon completion of the gender analysis, the entity shall develop an Action Plan that contains specific recommendations on how it will correct any identified deficiencies and integrate human rights principles and the local principles of CEDAW into its operations.
<i>No changes</i>	B. The Commission shall identify the City departments, programs, and policies to undergo the gender analysis and shall develop timelines for completion of the analyses and Action Plans.
<i>No changes</i>	C. The Commission shall train the selected department, policy or program staff to conduct its gender analysis and shall provide technical assistance to the entity throughout the gender analysis process and development of the Action Plan.
<i>No changes</i>	D. Each department or program undergoing a gender analysis shall designate a management and/or executive level employee to serve as a liaison to the Commission and to coordinate the completion of the gender analysis.
<i>No changes</i>	E. Each department or program undergoing a gender analysis shall provide a report on its gender analysis and its Action Plan to the Commission and the Commission, which shall review, analyze and comment on the report and forward it to the Mayor and the Council.

No changes

F. The Commission shall monitor the implementation of each department's Action Plan.

*Note from Jessica Dickinson Goodman: This document is a working document for advocates interested in ensuring San José's CEDAW ordinance proactively includes the needs of non-binary and transgender people with an intersectional lens. The text below is of the ordinance, as passed by City Council on 12/19/2018, with track changes for my proposed changes to the bill, subject to your review and feedback. I evaluated all 38 CEDAW ordinances collected by Cities for CEDAW and only found one ordinance (Pittsburgh, PA) and one executive order (Los Angeles, CA) that affirmatively included non-binary and transgender people, so these changes are based on those texts. Here is a blog post summarizing that process.*

*A core terminology question: because the linguistic set for describing gender in our world is changing rapidly, I have not found anything like a consensus for what terms people prefer who are **non-binary / genderqueer / gender expansive**. Because laws are a lot harder to change than Facebook posts, it is important that we use language in this project that will remain relevant and inclusive for 5-10 years. With that in mind, if you feel strongly that "non-binary" is not the term this bill should use, please leave a comment here. If there are other terms in this document you believe should be more inclusive, please leave comments here as well.*

*A note on intent: Because not everyone reading this document will have the same context, I want to say here -- this ordinance was written with the right intentions. The authors, sponsors and the city councilmembers who voted for it were not trying to exclude non-binary or transgender people. This is a friendly amendment designed to improve the inclusivity of the bill, not an attack on the sponsors or supporters of it.*

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**Here is the current text of the proposed:**

**ORDINANCE NO. 30055**  
**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING**  
**CHAPTER 2.08 OF TITLE 2 OF THE SAN JOSE**  
**MUNICIPAL CODE TO ADD A NEW PART 49 FOR THE**  
**LOCAL IMPLEMENTATION OF THE WOMEN'S BILL OF**  
**RIGHTS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Chapter 2.08 of Title 2 of the San Jose Municipal Code is hereby amended to add a new Part 49 to read as follows:

**Part 49**  
**Women's Bill of Rights**

**2.08.4900 Purpose of Chapter**

The Council of the City of San Jose declares that it is the policy of the City to take affirmative action to eliminate the practice of discrimination and prejudice on account of sex or gender in the areas of housing, employment, education, community services and related fields.

**2.08.4910 Definitions**

As used in this Part, the following words and phrases shall have the meanings indicated herein:

A. "CEDAW" shall mean The Convention on the Elimination of All Forms of Discrimination Against Women.

B. "City" shall mean the City of San Jose.

C. "Commission" shall mean the San Jose Human Services Commission.

D. The "Council" shall mean the City Council of San Jose.

E. "Women" shall mean all persons who identify with the sex category woman, whether or not assigned to that category at birth.

F. "Disaggregated data" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between people of different genders. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability, age and other attributes. This data will be collected in a manner that will facilitate intersectional analysis.

G. "Discrimination against women" shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex or gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of all people, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence against women, that is, violence that is directed against a woman because she is perceived as a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender, gender identity or expression, familial status, age, handicap or disability, or use of support animals, as specified.

H. "Gender" shall mean the way society produces, positions, and policies women and men as "opposite," mutually exclusive, natural categories of persons, and organizes ideas, interactions, and roles on the basis of presumed differences that establish hierarchies between women, men and non-binary people and erases the experiences of non-binary people.

I. "Gender analysis" shall mean an intersectional examination of the racial, ethnic, cultural, disability, economic, social, civil, legal, and political relations between women, men and non-binary people within a certain entity, recognizing that women, men and non-binary people prescribe and proscribe different social roles, responsibilities, opportunities, and needs for people, and that these differences, which permeate our society, affect how decisions, including budgetary decisions, and policy are made.

J. "Gender equity" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and equitable outcomes for both. "Gender equity" shall further mean the redress of discriminatory practices and establishment of conditions enabling all persons identifying as transgender, non-binary, and gender non-conforming to achieve full equality.

K. "Human rights" shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person's dignity and well-being and the humanity of all people.

L. "Racial discrimination"; shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

M. "Sex"; for the purposes of this ordinance, sex shall mean the gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.

N. "Violence against women, girls, and non-binary people" shall mean any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, girls, and non-binary

people including threats of those acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including Domestic Violence as described under [Include ordinance number here].

O. "Work of Equal Value" shall mean that an employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. An employer shall not pay any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. For the purposes of this statute, pay includes wages, benefits, and total compensation.

P. "Age" shall also mean, for purposes of this ordinance, women, girls and non-binary people of any age and shall also include any person so protected by further amendment to the Federal Age Discrimination in Employment Act.

Q. "Familial Status", in addition to the definition in [Need the ordinance number here] shall also mean, for purposes of this ordinance, The protection afforded against discrimination in employment or housing on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

R. "Culture" shall mean the sum of attitudes, customs, and beliefs that distinguishes one group of people from another.

S. Specific to CEDAW, "Human Rights" will include Immigration Status including immigrant visa holders who can come to the States to live permanently, or immigrants who come to the States for time-specific purposes, such as tourism, education, training and temporary workers as well as undocumented persons living in the States

#### **2.08.4920 Local Principles of CEDAW**

It shall be the goal of the City to implement the principles underlying CEDAW, listed in Section (Local Principles of CEDAW) by addressing discrimination against women, girls, and non-binary people in areas including economic development, and violence against women, girls, and non-binary people. The City shall ensure that the City does not discriminate against women in areas including employment practices, allocation of funding and delivery of direct and indirect services. The City shall conduct gender analyses, as described in Section (Gender Analysis and action plan), to determine what, if any, City practices and policies should change to implement the principles of CEDAW.

##### **A. Economic Development.**

1. The City shall take all appropriate measures to eliminate discrimination against women, girls and non-binary people in the City of San Jose in employment and other economic opportunities, including, but not limited to, ensuring:

a. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;

b. The right to promotion, job security and all benefits and conditions of service, regardless of parental status, particularly encouraging the appointment of women to decision making posts, City revenue generating and managing commissions and departments, and judicial positions;

c. The right to equal remuneration, including benefits and to equal pay in respect to work of equal value;

d. The right to the protection of health and safety in working conditions, including supporting efforts not to purchase sweatshop goods and protection from violent acts at the workplace, and reasonable accommodations for pregnant and nursing mothers.

2. The City shall encourage and, where possible, fund the provisions of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child care facilities, paid family leave, family-friendly policies and work-life balance.

3. The City shall promote access to safe and affordable housing and transportation.

4. The City shall encourage the use of public education and all other available means to urge financial institutions to facilitate women's access to bank accounts, loans, mortgages, and other forms of financial services.

**B. Violence Against Women, Girls and Non-Binary People.**

1. The City shall take and diligently pursue all appropriate measures to prevent and redress sexual, domestic violence, and trafficking against women, girls, and non-binary people, including, but not limited to:

- a. Police enforcement of criminal penalties and civil remedies, when appropriate;
- b. Providing appropriate protective and support services for survivors, including counseling and rehabilitation programs;
- c. Providing gender-sensitive training of City employees regarding violence against women, girls, and non-binary people where appropriate; and
- d. Providing rehabilitation programs for perpetrators of violence against women or girls, where appropriate.

The City shall not discriminate on the basis of race, ethnicity, culture, language or sexual orientation, when providing the above supportive services.

2. It shall be the goal of the City to take all necessary measures to protect women, girls, and non-binary people from sexual harassment in their places of employment, school, public transportation, and any other places where they may be subject to harassment. Such protection shall include streamlined and rapid investigation of complaints.

3. Sex workers are especially vulnerable to violence because their legal status tends to marginalize them. It shall be the policy of San Jose that the Police Department diligently investigate violent attacks against sex workers and take efforts to establish the level of coercion involved in the sex work, in particular where there is evidence of trafficking in women, girls, and non-binary people. It shall be the goal of the City to develop and fund projects to help sex workers who have been subject to violence and to prevent such acts.

4. Labor trafficking, sexual exploitation and trafficking, domestic servitude affects women from and in the City of San José. The City shall endeavor to study these issues and develop appropriate policies, procedures, and training to uphold the principles of CEDAW.

5. The City shall ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women, girls, and non-binary people.

6. It shall be the goal of the City to fund public information and education programs to change traditional attitudes concerning the limited roles and under-represented status of women or men in particular jobs or roles.

**2.08.4930 Powers and Duties**

The powers and duties of the Commission shall be as follows:

A. As a tool for determining whether the City is implementing the local principles of CEDAW and preventing discriminating against women, girls, and non-binary people, selected City departments, programs, and policies to the extent permitted by law, shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Human Services Commission.

B. To study by means of meetings, conferences or public hearings, conditions which demonstrate discrimination or prejudice because of sex or gender.

C. To consult and cooperate with the Council and federal, state, county, city and other public agencies and to refer, if requested, to the proper governmental agencies any matters, disputes, or controversies already in the jurisdiction of their existing powers, with the intent that duplication of efforts should be avoided.

D. To prepare and disseminate information in the field of sex or gender discrimination and prejudice and to advise and counsel the residents of the City, the Council, the Mayor, and departments and agencies of the City, other cities, special districts, state, and federal governments on matters involving the needs of women, girls, and non-binary people and relating to discrimination and prejudice on account of sex or gender.

E. To recommend, and assist in implementation where needed of, necessary procedures, programs, or legislation to promote and insure equal rights and opportunities for all women.

F. To render to the Council, at least once each calendar year, a report or reports of its activities.

G. Subject to the approval of the Mayor, to request of any City department information, services, facilities, and any other assistance for the purposes of furthering the objectives of this chapter.

#### **2.08.4940 Gender Analysis and Action Plan**

A. As a tool for determining whether the City is implementing the local principles of CEDAW and/or discriminating against women, girls, and non-binary people selected City departments, programs, and policies to the extent permitted by law shall undergo a gender analysis and develop an Action Plan. The gender analysis shall be conducted according to guidelines developed by the Commission. The gender analysis shall include:

1. the collection of intersectionally disaggregated data, as defined above in part I;
2. an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices; and
3. the entity's integration of human rights principles and the local principles of CEDAW as set forth in Resolution No. 78468. Upon completion of the gender analysis, the entity shall develop an Action Plan that contains specific recommendations on how it will correct any identified deficiencies and integrate human rights principles and the local principles of CEDAW into its operations.

B. The Commission shall identify the City departments, programs, and policies to undergo the gender analysis and shall develop timelines for completion of the analyses and Action Plans.

C. The Commission shall train the selected department, policy or program staff to conduct its gender analysis and shall provide technical assistance to the entity throughout the gender analysis process and development of the Action Plan.

D. Each department or program undergoing a gender analysis shall designate a management and/or executive level employee to serve as a liaison to the Commission and to coordinate the completion of the gender analysis.

E. Each department or program undergoing a gender analysis shall provide a report on its gender analysis and its Action Plan to the Commission and the Commission, which shall review, analyze and comment on the report and forward it to the Mayor and the Council.

F. The Commission shall monitor the implementation of each department's Action Plan.





## Domestic Violence Ad Hoc Work Plan

San José Human Services Commission

August 29, 2018

**Goal (advocacy action):** Compare DV response actions and plans of San Jose City Government (including actions undertaken or planned through 2018 DV study session) with recommendations of June 2017 Santa Clara County Intimate Partner Violence Blue Ribbon Task Force report, and where applicable to City, advocate for specific actions necessary to fulfill Blue Ribbon Task Force recommendations.

**Chair:** Commissioner Demers

**Ad Hoc Members:**

- TBD
- TBD
- TBD
- TBD

**Timeline:**

This ad hoc exists between August 2018 - December 2018

1. **August**

1. Identify recommendations in task force report that imply actions for city.
2. Clarify with task force members what specific actions sought from City (for general recommendations)
3. Collect documents from DV study session

2. **September**

1. Decide ad hoc members and divide responsibilities.
2. Review DV study session documents for evidence of actions/plans
3. Identify subject offices/positions in City government and arrange interviews
4. Complete interviews that include: 1) evidence of actions/plans; 2) resource constraints affecting actions/plans

3. **October**

1. Decide specific, reasonable actions most important for City to complete to fulfill recommendations
2. Share action ideas with task force members and service providers for comment.

4. **November**

1. Draft memo to City advocating for actions, explaining resources needed, where resources can come from, and timeline.
2. Present memo to Commission to approve and send to council and City

5. **December**

1. Determine if outreach needed (in City government or among stakeholders) to gain support for needed actions.



# Protecting the Rights of People With Disabilities Ad Hoc Work Plan

for the San José Human Services Commission  
September 20, 2018

**Chair:** Commissioner Elieh

**Ad Hoc Members:**

- Maciel
- Estrada

**Timeline:**

This ad hoc exists between September 2018 - January 2019

1. **September** (Organizing month)
    1. Clearly define the core mission and goal of the Ad Hoc incorporating feedback from HSC Commissioners.
    2. Using data and community feedback, identify 3-5 priorities for the Ad Hoc to focus on.
  2. **October** (Data & Feedback Month)
    1. Report back to HSC findings of data and community feedback and define the goals of the Ad Hoc.
    2. Develop timeline for execution and completion of the Ad Hoc's goals.
  3. **November**
    1. TBD
  4. **December** (Writing month; note: commission meeting canceled)
    1. TBD
  5. **January**
    1. TBD
-



## **Disability Rights Ad Hoc Work Plan: How youth with disabilities (up to age 22) are impacted by contact with law enforcement.**

for the San José Human Services Commission

August 19, 2018

**Goal:** Drawing on testimony received from SJPD, juvenile detention centers, public defenders and District Attorneys, community members, service providers, San Jose school districts, Santa Clara County Office of Education Safe Schools Team (if possible), produce a brief, actionable report for City Council on how contact with law enforcement impacts youth with disabilities in the community.

**Chair:** Commissioner Maciel

**Ad Hoc Members:**

- TBD
- TBD
- TBD
- TBD

**Timeline:**

This ad hoc exists between August 2018 - January 2019

1. **August** (Planning and Research month)
  1. At the Commission Meeting: Commission voted to propose this workplan topic to council
  2. Gather information regarding the intersection of disability and contact with law enforcement and the juvenile/criminal justice system.
  3. Reach out to members of above mentioned groups for professional insight and experience, and personal testimony on the topic.
2. **September** (Research month)
  1. Have 30 minute call with other members of the ad hoc to coordinate collection of materials for report
  2. Dive into data sources from the city, from the federal government -- anything to give a quantitative sense of the impact contact with law enforcement has had on youth with disabilities in San José, particularly as has impacted global well-being (ie, social/emotional/physical health, education, employment, and housing outcomes.)
  3. At the Commission Meeting: Update on current research status of the impact that contact with law enforcement has on youth with disabilities
3. **October** (Data month)
  1. Meet with SJPD, juvenile detention centers, public defenders and District Attorneys, community members, service providers, San Jose school districts, Santa Clara County Office of Education Safe Schools Team (if possible) for professional insight and experience, and personal testimony on the topic.
  2. Write and Send: sections drawing on research and data collected, report production plan, proposed structure; ask for feedback on proposed structure.
  3. At the Commission Meeting: Guest expert to address commission (TBD)
4. **November** (Story month)

1. Continue to meet with SJPD, juvenile detention centers, public defenders and District Attorneys, community members, service providers, San Jose school districts, Santa Clara County Office of Education Safe Schools Team (if possible) for professional insight and experience, and personal testimony on the topic.
2. At the Commission Meeting: Review current status of community feedback on the impact that contact with law enforcement has on youth with disabilities.
5. **December** (Writing month; note: commission meeting canceled)
  1. Send out drafts for community feedback and incorporate feedback.
6. **January**
  1. Incorporate final community feedback and finish final draft.
  2. At the Commission Meeting: Present report for commission vote to approve to send to council

## Immigrants' Rights Ad Hoc Work Plan

for the San José Human Services Commission

September 12, 2018

**Goal:** Drawing on testimony received from SJPD, community members, service providers, and ICE officials (if possible), produce a brief, actionable report for City Council on how Immigrations and Customs Enforcement (ICE) actions have impaired communities and their access to city services.

**Chair:** Commissioner Dickinson Goodman

**Ad Hoc Members:**

- Chris Demers
- TBD
- TBD
- TBD

**Timeline:**

This ad hoc exists between August 2018 - January 2019

1. **August** (Planning month)
  1. At the Commission Meeting: Commission voted to propose this workplan topic to council
  2. Review all notes on previous testimony from community members, service providers, LE on ICE actions in San José
2. **September** (Organizing month)
  1. Have 30 minute call with other members of the ad hoc to coordinate collection of materials for report
  2. Write sections drawing on past testimony
  3. At the Commission Meeting: Review report production plan, proposed structure; ask for feedback on proposed structure.
3. **October** (Data month)
  1. Dive into data sources from the city, from the federal government -- anything to give a quantitative sense of the impact ICE has had on San José, particularly as has impacted access to city services.
  2. At the Commission Meeting: Review current status of data on ICE impacts
4. **November** (Story month)
  1. Meet with community organizers to collect stories from the diverse communities impacted by ICE's behavior, particularly as has impacted access to city services.
  2. At the Commission Meeting: Review current status of community feedback on ICE impacts
5. **December** (Writing month; note: commission meeting canceled)
  1. Send out drafts for community feedback and incorporate feedback.
6. **January**
  1. Incorporate final community feedback and finish final draft.
  2. At the Commission Meeting: Present report for commission vote to approve to send to council





## ENVIRONMENTAL SUSTAINABILITY RIGHTS DISCUSSION

The *Community Choice Aggregation* program, which draws in potential environmental and sustainability energy partners, ensures:

1. Choice of Providers
2. GHG Emissions Reductions
3. More Renewable Energy
4. LOCAL JOBS!
5. LOCAL CONTROL!
6. LOWER COSTS!
7. PROTECTION FOR VULNERABLE COMMUNITIES!

A plethora of questions exist about the future of our sustainability and environmental [Human] rights under city contractors – some as wolves in sheep’s clothing – operating questionably within such new and changing programs like CCA. Many outer forces are affecting our city’s CCA compliance and selection strategy as well. Most recently, city-provider energy rules have changed – in addition to PG&E filing for bankruptcy on Monday – equating to costs (Power Charge Indifference Adjustment, commodity cost increases, transmission maintenance increases, etc.) going up significantly for San Jose as its own energy and jobs provider. San Jose will increasingly rely on contracted partners to control these inflating costs. Contractors claiming to be environmentally-minded and sustainability-promoting community partners must be vetted, now more than ever, to protect the future of our residents’ Human Rights:

- It is known that a current City of San Jose CCA contractor, *Calpine* of Texas, is ranked as a 2018 “Top 10” polluter! Additionally, *Calpine* has sub-contracted many supposed local-resident held jobs out of the area; such as transferring data management and call-center positions to *Answernet* of Pennsylvania.
- Contracted entities, like *Calpine*, have also been known to inflate their pricing; it is time to look deeper into these contractors’ true value of sustaining our city through jobs and environmentally conscience practices—and perhaps reallocating any savings to pressing community Human Services needs.
- San Jose must take note of how other Bay Area CCA stakeholder-cities have publicly turned down potential contractors – including *Calpine* – for poor performance and value. Through the help our city’s Director of Energy, Clean Energy Advisory Commission, and City Council, we can begin to reverse any adverse impacts upon our residents and their Environmental Sustainability Rights.

**Greenhouse 100 Polluters Index (2018 Report, Based on 2015 Data)**

Green House 100 Rank	Parent corporation or entity	2015 Emissions (CO2 equivalent metric tons)	Percentage of 2015 U.S. greenhouse gas emissions from all sources	EJ: Poor	EJ: Minority
1	Southern Company	104,564,333	1.6%	18%	
2	Duke Energy	101,026,260	1.5%	16%	
3	American Electric Power	100,138,543	1.5%	15%	
4	NRG Energy	83,519,721	1.3%	11%	
5	Berkshire Hathaway	79,264,742	1.2%	17%	
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15	DTE Energy	35,498,582	0.5%	23%	

**GREENHOUSE 100 POLLUTERS RESOURCES**

*Click on company name for facility and chemical details.*

Search all EPA reported companies (not just top 100)

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