

## A SAMPLING OF EMPLOYMENT LAWS RELEVANT FOR THE LESBIAN GAY BISEXUAL TRANSGENDER QUEER COMMUNITY

This chart compares select federal, state and local employment laws that apply to this community. It does not include protections that may be found in tribal laws or collective bargaining agreements; nor does it contain information about laws that explicitly exclude this community from protection. See e.g., [42 U.S.C § 12211](#) (excluding GID from coverage).

Level of Gov't	Agency/Cities	Statute/Regulation/Guidance	General Provisions	Does it Protect . . .				
				Federal Employees?	Federal Contractors?	State (AZ) Employees?	Municipal Employees?	All Employees?
Federal	The U.S. Equal Employment Opportunity Commission ("EEOC")	Title VII of the Civil Rights Act <a href="#">42 U.S.C. § 2000e-2</a>	<ul style="list-style-type: none"> <li>Applies to employers of 15 or more employees.</li> <li>Prohibits unlawful employment practices (hiring, firing, and other discrimination against someone regarding compensation or conditions of work) on the basis of sex.</li> <li>LGBTQ are not included as a statutorily protected class. The EEOC's interpretation, however, prohibits: <ul style="list-style-type: none"> <li>(1) transgender (or gender identity) discrimination; and</li> <li>(2) discrimination against lesbian, gay, and bisexual individuals based on sex-stereotypes.</li> </ul> </li> </ul>	X	X	X	X	X
For more information visit: <a href="http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm">http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm</a> and <a href="http://www.eeoc.gov/eeoc/publications/brochure-gender_stereotyping.cfm">http://www.eeoc.gov/eeoc/publications/brochure-gender_stereotyping.cfm</a> .								
Federal	Wage and Hour Division ("WHD") of the U.S. Department of Labor ("DOL")	Family Medical Leave Act (FMLA) <a href="#">29 U.S.C. §§ 2601-2653</a>  29 C.F.R. §§ <a href="#">825.102</a> , <a href="#">825.122(b)</a> (effective 3/2015*)  <a href="#">Interpretation Letter 2010-3</a>	<ul style="list-style-type: none"> <li>Applies to private employers of at least 50 employees within a 75 mile radius or federal, state, or local governments</li> <li>Allows up to 12 weeks/yr of unpaid job-protected leave for: <ul style="list-style-type: none"> <li>an employee's serious health condition, such as undergoing hormonal treatments or gender reassignment surgery for Gender Dysphoria;</li> <li>to bond with or care for a child to whom the employee stands "in loco parentis" (like the person who helps raise the child of a same-sex partner absent a legal relationship with the child);</li> <li>to care for a person who stood in loco parentis of the worker even if there is no legal relationship); or</li> <li>to care for a same-sex spouse with a serious health condition if the marriage was performed in a place of celebration that recognized the marriage (as of 3/15*).</li> </ul> </li> </ul>	X	X	X	X	X
For more information visit: <a href="http://www.dol.gov/whd/fmla/spouse/index.htm">http://www.dol.gov/whd/fmla/spouse/index.htm</a> and <a href="http://www.dol.gov/whd/regs/compliance/whdfs28B.htm">http://www.dol.gov/whd/regs/compliance/whdfs28B.htm</a> . *The DOL spouse regulation is on hold, pending an injunction in a lawsuit with the State of Texas. See <a href="http://www2.bloomberglaw.com/public/desktop/document/State_of_Texas_v_United_States_of_America_et_al_Docket_No_715cv00/3">http://www2.bloomberglaw.com/public/desktop/document/State_of_Texas_v_United_States_of_America_et_al_Docket_No_715cv00/3</a> .								

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Federal	DOL's Occupational Safety and Health Administration ("OSHA")	<a href="#">29 C.F.R. 1910.141(c)(1)(i)</a>	<ul style="list-style-type: none"> <li>Employers must provide safe, sanitary, and reasonably accessible restrooms. (It may violate this provision to deny access to restrooms that are consistent with an employee's gender identity.)</li> </ul>	X	X	X	X	X
For more information, visit: <a href="https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&amp;p_id=22932">https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&amp;p_id=22932</a> .								
Federal	The U.S. Office of Personnel Management ("OPM")	Civil Service Reform Act, <a href="#">5 U.S.C. § 2302(b)(10)</a> Executive Orders <a href="#">13087</a> and <a href="#">13672</a> <a href="#">June 17, 2009 Memorandum</a>	<ul style="list-style-type: none"> <li>Prohibits discrimination on the basis of sexual orientation or gender identity.</li> <li>Prohibits discrimination on the basis of "conduct which does not adversely affect the performance" of an applicant or employee, including gender identity and being transgender.</li> </ul>	X				
For more information, visit: <a href="http://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/gender-identity-guidance/">http://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/gender-identity-guidance/</a> and <a href="http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=724620&amp;version=726991&amp;application=ACROBAT">http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=724620&amp;version=726991&amp;application=ACROBAT</a> .								
Federal	DOL's Office of Federal Compliance Contract Programs ("OFCCP")	<a href="#">41 C.F.R. Part 60</a> (effective 4/2015) <a href="#">Executive Order 13672</a>	<ul style="list-style-type: none"> <li>Prohibits discrimination against applicants and employees of federal contractors on the basis of sexual orientation or gender identity.</li> <li>Requires contractors to take limited affirmative steps to ensure that discrimination does not occur.</li> </ul>		X			
For more information, visit: <a href="http://www.dol.gov/ofccp/lgbt.html">http://www.dol.gov/ofccp/lgbt.html</a> and <a href="http://www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html">http://www.dol.gov/ofccp/regs/compliance/directives/dir2014_02.html</a> .								
State (AZ)		<a href="#">Executive Order No. 2003-22</a>	<ul style="list-style-type: none"> <li>Prohibits sexual harassment or discrimination against state employees on the basis of sexual orientation.</li> <li>Informs employees that engaging in harassment on the basis of sexual orientation "shall be a cause for discipline."</li> </ul>			X		
Local		<i>City Ordinances:</i> <a href="#">Flagstaff: Ordinance 2013-08</a> <a href="#">Phoenix: Code Ch. 18</a> <a href="#">Scottsdale: Code Ch.14 Sec. 2</a> <a href="#">Tempe: Code Sec 2-601</a> <a href="#">Tucson: Code Ch. 17</a>	<ul style="list-style-type: none"> <li>Generally, applies to employers of 15 or more employees in the city for each working day in each 20 or more calendar weeks in the current or preceding calendar year. &gt;&gt; Scottsdale only protects the city's employees. &gt;&gt; Tucson covers employers with 1-100 employees. &gt;&gt; Tempe covers all employers.</li> <li>Prohibits discrimination in employment decisions based on sexual orientation and gender identity.</li> <li>Flagstaff, Phoenix, and Tempe also prohibit discrimination on the basis of gender expression, defined as the ways in which a person manifests masculinity or femininity or expresses external characteristics and behaviors associated with gender.</li> </ul>	X	X	X	X	X