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Employment Nondiscrimination Protections for State Employees

No updates required since September 30, 2020

Note:

As a result of a June 2020 U.S. Supreme Court ruling in *Bostock v. Clayton County, Georgia*, employment discrimination based on sexual orientation or gender identity is illegal under Title VII of the federal Civil Rights Act. As a result of this ruling, LGBTQ people across the country can continue to file complaints with the federal Equal Employment Opportunity Commission (EEOC) and seek recourse for discrimination in the workplace through federal courts. However, some states also have explicit laws against employment discrimination based on sexual orientation and/or gender identity, and these are reported below. These state laws remain important so that LGBTQ people are protected against discrimination at every level of government, and because they are often passed alongside additional protections not yet enshrined in federal law, such as protections against discrimination in public places.

Alabama

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Alaska

- [Administrative Order No. 195](#) (2002) prohibits discrimination in state employment based on sexual orientation.

Arizona

- State attorney general's filing in [Bruer vs. The State of Arizona](#) (2020) explicitly interprets existing protections against employment discrimination on the basis of sex to include both sexual orientation and gender identity
- [Executive Order 2003-22](#) (2003) prohibits discrimination in state employment based on sexual orientation

Arkansas

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

California

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Cal. Code § 12940](#)

Colorado

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [C.R.S. 24-34-402](#) (2007)



Connecticut

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Conn. Gen. Stat. § 46a-60](#), amended to include sexual orientation in 1991 and amended to include gender identity in 2011.

Delaware

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Del. S.B. 121, 145th Gen. Assem. \(2009\)](#) and [Del. S.B. 97, 147th Gen. Assem. \(2013\)](#).

District of Columbia

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [D.C. Code § 2-1402.11](#), amended to include sexual orientation in 1977 and amended to include gender identity in 2006.

Florida

- State agency explicitly interprets existing sex protections to include both sexual orientation and gender identity
- See [Florida Commission on Human Rights \(2020\)](#).

Georgia

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Hawaii

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Hawaii Rev. Stat. §378-2](#) (amended to include sexual orientation in 1991) and [H.B. 546 \(2011\)](#).

Idaho

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Illinois

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [775 ILCS 5/2-102](#) (2005).

Indiana

- [Workplace Harassment Prevention](#) policy (2005), resulting from a Governor's Affirmative Action State (2005), prohibits discrimination in state employment based on sexual orientation or gender identity.

Iowa

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Iowa Code § 216.86](#) and [216.6a](#) (2007).



Kansas

- [Executive Order 19-02](#) (2019) prohibits discrimination in state employment based on sexual orientation and gender identity.
- [Executive Order 07-24](#) (2007) prohibited discrimination in state employment based on sexual orientation and gender identity, but it was [rescinded](#) in 2015.

Kentucky

- [Executive Order 2020-554](#) (June 2020) prohibits discrimination in state employment, contracts, and government services based on sexual orientation and gender identity
- [Executive Order 2008-473](#) (2008) prohibits discrimination in state employment based on sexual orientation and gender identity.

Louisiana

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Maine

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Me. Rev. Stat. tit. 5, §4571](#) and [§4572](#) (2005).

Maryland

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [S.B. 212](#) (2001 for sexual orientation protection and 2014 for gender identity protection)

Massachusetts

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Mass. Gen. Laws, chapter 151B, § 4](#), amended to include sexual orientation in 1989 and amended to include gender identity in 2011.
- [Executive Order 526](#) prohibits discrimination in state employment and by state contractors based on sexual orientation and gender identity (2011).

Michigan

- [Directive 2019-9](#) (2019) expanded protections to include all state employees (classified and unclassified); employees of all recipients of state contracts, grants, and loans; and prohibiting discrimination in state services.
- [Executive Order 2007-24](#) (2007) prohibits discrimination in state employment based on gender identity or expression.
- [Executive Order 2003-24](#) (2003) prohibits discrimination in state employment based on sexual orientation.

Minnesota

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Minn. Stat. § 363A.08](#) (1993).



Mississippi

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Missouri

- [Executive Order 10-24](#) (2010) prohibits discrimination in state employment based on sexual orientation.

Montana

- [Executive Order No. 04-2016](#) (2016) prohibits discrimination in state employment and contracts based on sexual orientation and gender identity.

Nebraska

- State agency explicitly interprets existing sex protections to include both sexual orientation and gender identity
- See Nebraska Equal Opportunity Commission's [statement](#) (2020).

Nevada

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [A.B. 311](#) (1999) and [A.B. 211](#) (2011).

New Hampshire

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [H.B. 421](#) (1997) for sexual orientation and [H.B. 1319](#) (2018) for gender identity.

New Jersey

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [N.J. Stat. § 10:5-4](#), and [10:5-12](#) amended to include sexual orientation in 1992 and amended to include gender identity in 2007.

New Mexico

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [H.B. 314](#) (2003).

New York

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [S.B. 720](#) (2002) for sexual orientation and [S.B. 1047](#) (2019) for gender identity.
- Prior to 2019, the [New York Code of Rules and Regulations §466](#) prohibited gender identity discrimination, via executive order (2015).

North Carolina

- [Executive Order 24](#) (2017) prohibits discrimination in state employment and contracts based on sexual orientation and gender identity and expression



North Dakota

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Ohio

- [Executive Order 2018-12K](#) (2018) prohibits discrimination in state employment based on sexual orientation and gender identity.
- [Executive Order 2011-05K](#) (2011) prohibited discrimination in state employment based on sexual orientation only. This EO was rescinded by Gov. Kasich and replaced by EO 2018-12K (protecting both sexual orientation and gender identity).
- [Executive Order 2007-10S](#) (2007) prohibited discrimination in state employment based on sexual orientation and gender identity. This EO expired on Gov. Strickland's last day in office, and Gov. Kasich issued EO 2011-05K (protecting sexual orientation only) as its replacement.

Oklahoma

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Oregon

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [S.B. 2](#) (2007).

Pennsylvania

- [Executive Order 2016-04](#) (2016) prohibits discrimination in state employment based on sexual orientation or gender identity or expression.
- [Executive Order 2016-05](#) (2016) prohibits discrimination by state contractors based on sexual orientation or gender identity or expression.

Rhode Island

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Rhode Island Stat. § 28-5-7](#), amended in 1995 to include sexual orientation and amended in 2001 to include gender identity.

South Carolina

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

South Dakota

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Tennessee

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)



Texas

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Utah

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [S.B. 296](#) (2015).

Vermont

- Employment nondiscrimination law enumerates sexual orientation and gender identity
- See [Vt. Stat. tit. 21, § 495](#), amended to include sexual orientation in 1992 and amended to include gender identity in 2007.

Virginia

- Employment nondiscrimination law enumerates sexual orientation and gender identity. See [SB 868](#) (2020).
- Formerly, [Executive Order 1](#) (2014) prohibited discrimination in state employment based on sexual orientation or gender identity, and [Executive Order 61](#) (2017) prohibited discrimination in by state contractors based on sexual orientation or gender identity.

Washington

- Employment nondiscrimination law enumerates sexual orientation and gender identity. See [Wash. Rev. Code § 49-60-180](#) (2006).

West Virginia

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Wisconsin

- [Executive Order 19-01](#) (2019) prohibits discrimination in state employment based on sexual orientation and gender identity.
- Employment nondiscrimination law enumerates only sexual orientation, though federal law offers protections for gender identity (see note).
- See [Wis. Stat. § 111.321](#), [§ 111.322](#), and [§ 111.36](#) (1982).

Wyoming

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)



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U.S. Territories

American Samoa

- No employment nondiscrimination policy enumerating sexual orientation or gender identity, though federal law offers protections (see note)

Guam

- Employment nondiscrimination law enumerates sexual orientation and gender identity. See [Bill 102-33 \(2015\)](#).

Commonwealth of the Northern Mariana Islands

- Discrimination by the [Commonwealth government](#) and [Marianas Visitors Authority](#) prohibited based on sexual orientation (2013).

Puerto Rico

- Employment nondiscrimination law enumerates sexual orientation and gender identity. See [Act 22 \(2013\)](#).

U.S. Virgin Islands

- The Government of the U.S. Virgin Islands does not permit discrimination based on sexual orientation or gender identity and accepts complaints from government employees of discrimination on those bases ([Revised Sexual Harassment Policy, 2013](#)).

MAP relied, in part, on [“A State-by-State Examination of Nondiscrimination Laws and Policies,”](#) by Jerome Hunt, Center for American Progress Action Fund, June 2012.