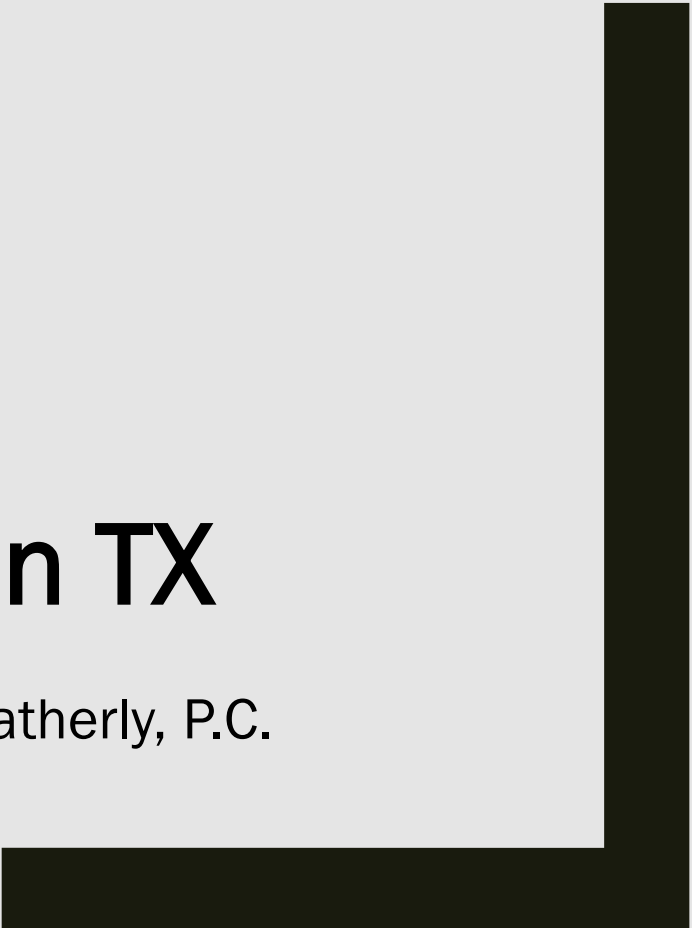




LET'S TALK  
ABOUT **SEX**:

**LGBT Rights at Work in TX**

© 2016 Susan Motley / Wood, Thacker & Weatherly, P.C.  
[susan@wtwlawfirm.com](mailto:susan@wtwlawfirm.com)



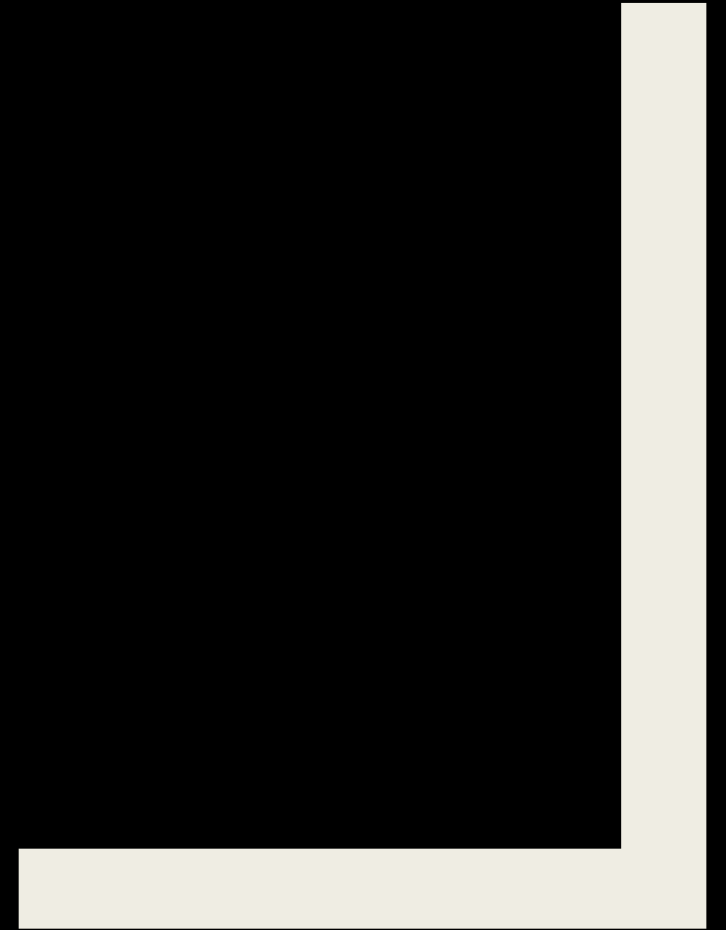
# TODAY:

- Orientation\*
- Protections
- Projections



**ORIENTATION\***

LGBT



The image features two large, thick black L-shaped brackets. One is positioned in the top-left corner, and the other is in the bottom-right corner. They are oriented towards each other, framing the central text.


**PROTECTIONS**



# Finding Protection:

(list is not exhaustive)

- U.S. Constitution/Equal Prot. (government 'ees/rational basis test)
- **Federal Civil Rights Laws**
- State Laws (maybe)
- Local Ordinances (maybe)
- Other:
  - *Exec. Order 13672* ('ees of federal contractors, sub-K'ors)
  - *VAWA Reauthorization Act* ('ees of recipients of certain VAWA and Office of Justice Programs grants)



# Do **State** Laws Help LGBT 'EEs?

## Roughly 3 out of 5 States Say **YES**

32 States Say **YES**:

AK, AZ, CA, CO, CT, DE, HI,  
IA, IL, IN, KS, KY, LA, MA,  
MD, ME, MI, MN, MT, NH,  
NJ, NM, NV, NY, OH, OR,  
PA, RI, UT, VT, WA & WI

18 States Say **NO**:

AL, AR, FL, GA, ID, MS,  
MO, NC, ND, NE, OK, SC,  
SD, TN, **TX**, VA, WV & WY



Do **Local Ordinances** Help LGBT 'EEs?  
Roughly 2/3 of TX's Major Cities Say **YES**.

Austin – YES

Dallas – YES

El Paso – NO\*

Fort Worth – YES

Houston – NO\*

San Antonio – YES

\*No protection for **private** employees,  
but some protection exists for city employees.





## Do **Federal Laws** Help LGBT ‘EEs?

EEOC says YES:

“While [Title VII] does not explicitly include sexual orientation or gender identity in its list of protected bases, [we interpret] the statute's **sex discrimination provision** as prohibiting discrimination against employees on the basis of **sexual orientation** and **gender identity.**”

“.... regardless of any contrary state or local laws.”

# CASE DECISIONS:


(IN PAPER & WILL DISCUSS)

**Also, a Helpful Link:**

[www.eeoc.gov/eeoc/newsroom/wysk/  
lgbt\\_examples\\_decisions.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/lgbt_examples_decisions.cfm)

The image features two large, thick black L-shaped brackets. One is positioned in the upper-left corner, and the other is in the lower-right corner. They are oriented towards each other, framing the central text.

# PROJECTIONS



# EEOC's Strategic Enforcement Plan:


Item 3:

Addressing Emerging &  
Developing Issues

“Under this [Plan], the EEOC will continue to prioritize issues that may be emerging or developing.

....

For example, the [EEOC] recognizes that elements of the following issues are emerging or developing: ... **coverage of lesbian, gay, bisexual and transgender individuals** under Title VII's sex discrimination provisions, as they may apply.”



# LGBT-related EEOC Charge Activity (FY 2015)

- 1,412 charges received, about 28% more than FY2014
- About 1,135 charges resolved
- About \$3.3 million in monetary relief
- Policy changes to prevent discrimination



# OTHER POSSIBILITIES

Employment Non-Discrimination Act  
& Federal Equality Act

THANK YOU!

Susan Motley, 940-565-6565  
susan@wtwlawfirm.com