

U.S.

● CIVIL RIGHTS ACT OF 1964 (TITLE VII)

STATUTORY CITATION: 42 USC 2000e – 2000e-17

RELATED REGULATIONS: 29 CFR Part 1601

GENERAL SUMMARY: Title VII of the Civil Rights Act of 1964 defines certain unlawful employment practices by employers, employment agencies, labor organizations and training programs, and establishes procedures for reporting and resolving employment discrimination complaints. The law generally applies to employers — agricultural and non-agricultural alike — who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year are prohibited from engaging in any of the following practices:

- (1) Refusing to hire a job applicant, harassing or discharging an employee, or otherwise discriminating against an individual with respect to compensation and other terms or conditions of employment, because of the individual's race, color, religion, national origin, or sex (including gender identity, sexual orientation, and pregnancy).
- (2) Segregating, limiting or classifying job applicants or employees in any way which would deprive or tend to deprive them of employment opportunities or adversely affect their job status, on the basis of race, color, religion, national origin, or sex.
- (3) Printing or publishing notices or advertisements indicating a preference or specification based on race, color, religion, national origin, or sex, except where such preference or specification is a bona fide occupational qualification for employment.

Comparable discriminatory practices by employment agencies and labor organizations are also unlawful.

COMPLAINT PROCEDURE — Anyone who is aggrieved by an apparent act of unlawful employment discrimination may file a charge with the enforcement agency, generally no later than 180 days after the alleged discrimination occurred. If the agency's investigation finds that there is reasonable cause to believe that the charge is true, the agency must attempt to eliminate the discriminatory practice through conference, conciliation and persuasion, but if informal measures do not result in an acceptable conciliation agreement, the agency may take legal action against the employer or other respondent named in the complaint in federal court. A finding by the court that an employer has intentionally engaged in unlawful employment discrimination under the Act may result in an order requiring the employer to cease the discriminatory practice and to take appropriate affirmative action, which may include hiring or reinstatement of the affected employee (with or without back pay) or other relief. In certain cases and under certain circumstances, the court may award monetary damages.

SPECIAL NOTES OR ADVISORIES

DEFERRAL OF ENFORCEMENT TO STATE OR LOCAL AGENCIES — In a state or locality which has a state or local law prohibiting unlawful employment practices and designating a state or local authority to enforce the prohibition, an employee may not file a charge with the Equal Employment Opportunity Commission until at least 60 days after filing the complaint with the state or local agency, or until action by the state or local agency is terminated, whichever occurs first.

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee or job applicant because the employee or applicant has filed a complaint, participated in a proceeding, or opposed any practice made illegal under Title VII.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000).* The Commission is authorized to investigate charges of unlawful employment practices under the Act, take statements from employees and employers, conduct fact-finding conferences and hearings, subpoena witnesses and information, inspect and copy records, and bring civil actions against employers found to have violated the law. Complaints are taken at any district, area or local EEOC office.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The Commission may delegate primary responsibility for acting on civil rights complaints brought to its attention to any state or local fair employment practices agency which enforces anti-discrimination provisions similar to those described under this law and which meets certain other criteria. Puerto Rico and all states except Arkansas and Mississippi have statewide or local agencies to which EEOC will defer all or certain types of charges under the Act.

PRIVATE CIVIL ACTION — If a complaint filed with the Commission is dismissed, or the Commission has not reached an acceptable conciliation agreement with or taken legal action against the respondent named in the complaint within certain specified timeframes, the Commission may provide the complainant with a notice of the right to sue. At any time within 90 days after the notice is given, the complainant may file suit against the respondent in civil court directly, using a private attorney or a public legal service provider.

Alaska

● STATE HUMAN RIGHTS LAW

STATUTORY CITATION: Alaska Stat. §§ 18.80.010 – 18.80.300

GENERAL SUMMARY: Alaska's health, safety and housing statutes include provisions which prohibit discrimination in employment on the basis of race, religion, color, national origin, physical or mental disability, sex, age, marital status, changes in marital status, pregnancy or parenthood, and declare it a civil right to obtain employment without such discrimination. Among other illegal employment practices, employers may not refuse to hire and may not discriminate against a person in pay or other conditions of employment on the above-mentioned grounds when the reasonable demands of the job do not require distinction on the basis of age, physical or mental disability, sex, marital status, changes in marital status, pregnancy or parenthood.

The law also makes it unlawful to print or circulate job announcements, advertisements or applications which express any sort of limitation, specification or discrimination as to sex, physical or mental disability, marital status, changes in marital status, pregnancy, parenthood, age, race, creed, color or national origin, unless based on a bona fide occupational qualification.

It is illegal to employ a female at a salary or wage rate less than that paid to a male employee for work of comparable character, or work in the same occupation, business or type of work in the same locality.

Employers and others subject to these provisions are required to maintain records on age, sex and race necessary for enforcement of the anti-discrimination laws.

PROVISIONS APPLICABLE TO AGRICULTURE: Like most other classes of employers in Alaska, farm operators and other agricultural establishments with one or more employees in the state must observe the proscriptions against discrimination in employment.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against a person because the person has opposed a discriminatory practice or has filed a complaint or participated in a proceeding under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Alaska State Commission for Human Rights, Anchorage, Alaska 99501 (800-478-4692).* Any person subjected to or alleging employment discrimination may file a complaint with the Commission, which is obligated to investigate such allegations promptly and impartially. The agency's staff must first try to resolve confirmed cases of discrimination by conference, conciliation and persuasion. Cases that cannot be resolved by Commission staff may be presented to the Commission, which may issue formal compliance orders, including the award of back pay. Any such order may be enforced by the state courts upon the filing of a complaint by the Commission. Penalties for willful violations include a fine, jail sentence, or both.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The state human rights law authorizes municipalities to establish local human rights commissions and to grant such bodies powers and duties similar to those exercised by the state commission.

PRIVATE CIVIL ACTION — As an alternative to filing an administrative complaint, a worker aggrieved by an apparent act of illegal employment discrimination may take legal action against the employer directly, using a private attorney or a public legal service provider.

Arizona

● ARIZONA CIVIL RIGHTS ACT

STATUTORY CITATION: Ariz. Rev. Stat. §§ 41-1401 – 41-1493.04

GENERAL SUMMARY: The Arizona Civil Rights Act prohibits, among other things, employment discrimination because of race, color, religion, sex, age, national origin, disability, or genetic testing results. The Act generally applies to agricultural employers and employees to the same extent as their non-agricultural counterparts.

SPECIFIC TERMS AND CONDITIONS

COVERAGE — With few exceptions, employers that have 15 or more employees for each working day in 20 or more different calendar weeks in the current or preceding calendar year are subject to the Act. Notably, the prohibition against sexual harassment applies to employers with *one or more* employees in the current or preceding calendar year.

PROHIBITED PRACTICES — Unlawful practices in which subject employers may not engage include, among others, (1) firing an employee, or failing or refusing to hire a job applicant, because of the employee's or applicant's race, color, religion, sex, age over 40 years, national origin, disability, or genetic testing results, (2) discriminating on any of the above-specified grounds with respect to an individual's compensation, terms, conditions or privileges of employment, (3) limiting, segregating or classifying employees or job applicants based on any of the above-specified grounds, in any way which would tend to curtail job opportunities or otherwise adversely affect employment status, and (4) failing or refusing to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified employee or applicant unless the employer can demonstrate that the accommodation would impose an undue burden.

Employers are also prohibited from discriminating against employees and job applicants because the employee or applicant has opposed any prohibited employment practice, or has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing involving an alleged prohibited employment practice.

Workers are also protected against similar unlawful employment practices by employment agencies (which can include farm labor contractors), and by labor organizations with 15 or more members. The Act describes circumstances under which hiring, classification or referral of employees or job applicants on the grounds of religion, sex or national origin may be permissible where such grounds are bona fide occupational qualifications reasonably necessary to the normal operation of a particular business or enterprise.

COMPLAINTS — A charge of employment discrimination under the Act must be filed with the state enforcement agency within 180 days after the alleged unlawful employment practice occurred. If, after investigation, there is reasonable cause to believe a charge is valid, the agency must attempt to correct the problem by informal methods of conference, conciliation and persuasion. If no such resolution has been reached within 30 days after the finding of reasonable cause, the agency may bring civil court action against the employer or other entity named in the charge.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Division, Office of the Attorney General, Phoenix, Arizona 85007 (877-491-5742).* The Division is authorized to examine personnel records, subpoena witnesses and documents, hold hearings, and take related measures to enforce compliance with the Arizona Civil Rights Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — If a complaint is dismissed by the Division, or if the Division has not filed civil action against or entered into a conciliation agreement with the employer or other entity involved within 90 days after filing of the complaint, the Division must so notify the worker; within 90 days thereafter, the worker may file a private suit to enforce compliance. Whether brought by the Division or by the complainant, court action under the Act must commence no later than one year after the alleged violation.

Arkansas

● ARKANSAS CIVIL RIGHTS ACT OF 1993

STATUTORY CITATION: Ark. Code §§ 16-123-101 – 16-123-108

GENERAL SUMMARY: Among others to whom this law applies, an employer who employs 9 or more workers in Arkansas in each of 20 or more calendar weeks in the current or preceding year is liable for damages if the employer (1) deprives a person of his or her rights under the state constitution, (2) intimidates, harasses or commits violence against the person where the act is motivated by racial, religious or ethnic animosity, or (3) commits an act of employment discrimination against a person on the basis of race, religion, national origin, gender, or the presence of any sensory, mental or physical disability.

PROVISIONS APPLICABLE TO AGRICULTURE: The Arkansas Civil Rights Act protects farmworkers to the same extent as employees in any other industry.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal to intimidate, threaten, coerce, interfere with, or discriminate against an individual because he or she, in good faith, has filed a complaint under this law, testified or participated in any other way in a related investigation or hearing, or exercised any other right granted by this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – The Arkansas Civil Rights Act can be enforced only through civil action in state court, using a private attorney or public legal service provider. Depending on the facts of the case, the aggrieved party may be entitled to collect compensatory and punitive damages, as well as court costs and attorney's fees.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

California

● CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

STATUTORY CITATION: Cal. Gov. Code §§ 12900–12996

GENERAL SUMMARY: The California Fair Employment and Housing Act is intended to safeguard the right and opportunity of all persons to seek, obtain and hold employment without discrimination on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. The Act, among other provisions, defines certain unlawful employment practices and prescribes remedies which will help eliminate discrimination by subject employers, implicitly including farm operators and other agricultural entities.

SPECIFIC TERMS AND CONDITIONS: With few exceptions, every employer in the state regularly employing 5 or more workers is subject to the Act. It is an unlawful employment practice, unless based on a bona fide occupational qualification, for such an employer, because of any individual's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, sexual orientation, or military and veteran status, to refuse to hire or employ the individual, or to discriminate against the individual with respect to compensation or other terms and conditions of employment. Similarly, except under specified and very limited circumstances, it is unlawful for a subject employer to refuse to hire, or to fire or demote, any individual over the age of 40 on the basis of age.

The Act establishes comparable proscriptions against employment discrimination by employment agencies and labor organizations.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – California Department of Fair Employment and Housing, Elk Grove, California 95758 (916-478-7251). In exercise of its enforcement responsibility under the Act, the Department is authorized to receive and investigate complaints of employment discrimination, to issue subpoenas, and to interrogate witnesses. Any person aggrieved by alleged unlawful discrimination on the job may file a written complaint with the Department, which is required to try promptly to eliminate any confirmed unlawful employment practice by conference, conciliation and persuasion. If this process fails to effectuate compliance, the Department may file a civil action in court. In general, a complaint under this law must be filed within one year of the alleged violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Fair Employment and Housing Council, Department of Fair Employment and Housing, Elk Grove, California 95758 (916-478-7248). The Council is responsible for issuing regulations that interpret and apply the provisions of the Fair Employment and Housing Act, and for conducting hearings and issuing rulings on formal charges brought by the Department of Fair Employment and Housing.

PRIVATE CIVIL ACTION — If an accusation is not issued within 150 days after filing of a complaint, or the Department determines that no accusation will be issued, the complainant may bring civil action in superior court against the employer or other entity alleged to have violated the Act.

Colorado

● CIVIL RIGHTS LAWS

STATUTORY CITATION: Colo. Rev. Stat. §§ 24-34-301 – 24-34-406

GENERAL SUMMARY: The state civil rights statutes define certain unfair employment practices and establish a process for accepting and responding to complaints involving job-related discrimination.

PROVISIONS APPLICABLE TO AGRICULTURE

UNFAIR EMPLOYMENT PRACTICES — As for most other classes of employers, it is unlawful for a farm operator or other agricultural establishment to refuse to hire, to fire, to promote or demote, or to discriminate in the payment of wages against any otherwise-qualified person because of disability, race, creed, color, sex, pregnancy, sexual orientation (including transgender status), religion, age (over 40), national origin, ancestry, or marriage to a co-worker. Retaliation by an employer against a worker because the worker opposed a discriminatory practice, or participated in an employment discrimination proceeding, is also regarded as an unfair employment practice and therefore illegal.

Employment agencies and labor organizations are barred from similar acts of discrimination.

COMPLAINTS — Anyone who believes he or she has been discriminated against by an employer, employment agency or labor organization on any of the grounds listed above may file a complaint with the enforcement agency, within 6 months after the alleged discriminatory or unfair employment practice occurred. After the filing of a complaint, the agency's staff must notify the respondent of the charges, and if both the complainant and the respondent agree to the process, proceed to alternative dispute resolution. If alternative dispute resolution is declined or is unsuccessful, the agency must undertake an investigation of the charge and will issue a finding of either "probable cause" or "no probable cause," which is then either confirmed or scheduled for appeal by the Colorado Civil Rights Commission. Remedies may include, among others, hiring, reinstatement or upgrading, with or without back pay.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Colorado Civil Rights Division, Colorado Department of Regulatory Agencies, Denver, Colorado 80202 (303-894-2997; toll-free 800-262-4845).* The Civil Rights Division is responsible for receiving, investigating and deciding the merits of charges alleging unfair or discriminatory employment practices in violation of these provisions. Depending on the circumstances of the case, an employer found to have violated these provisions may be liable for the payment of back pay, compensatory and punitive damages, attorney's fees and court costs.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — If a complaint is dismissed by the Division, the agency must so notify the worker; within 90 days thereafter, the worker may file a private suit to enforce compliance, using a private attorney or public legal service provider. In most cases, no such private civil action may be filed without first exhausting the proceedings and remedies available through the Civil Rights Division.

Connecticut

● STATE HUMAN RIGHTS LAWS

STATUTORY CITATION: Conn. Gen. Stat. §§ 46a-51 – 46a-125

GENERAL SUMMARY: The state human rights laws describe certain discriminatory employment practices which are declared unlawful, and establish administrative and judicial procedures for reporting and resolving complaints of discriminatory practices. The fair employment provisions apply to all employers in the state — including farm operators and other agricultural establishments — that employ 3 or more workers.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED EMPLOYMENT PRACTICES — Except in the case of a bona fide occupational qualification or need, it is unlawful for any employer with 3 or more employees to, among other acts, refuse to hire or employ an individual, to bar or discharge an individual from employment, or to discriminate against an individual in compensation or in terms or conditions of employment, because of the individual's race, color, religious creed, age, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, or physical disability. Among many other prohibited acts, employers are barred from terminating a woman's employment because of her pregnancy, or refusing to grant her a reasonable leave of absence for disability due to her pregnancy. Employment opportunities generally may not be restrictively advertised so as to discriminate against potential applicants on any of the above-mentioned grounds. Comparable acts of employment discrimination on these grounds by employment agencies and labor organizations are also forbidden.

COMPLAINT PROCEDURE — Anyone claiming to be aggrieved by an alleged discriminatory employment practice may file a written complaint with the enforcement agency. Any such complaint must be filed within 180 days after the alleged act of discrimination occurred. Complaints may be dismissed without investigation by the state agency, but if the agency investigates and finds reasonable cause to believe that a discriminatory practice has been or is being committed, steps must be taken to eliminate the practice through conference, conciliation and persuasion. A formal hearing will be held when such efforts fail, culminating in either (1) a cease-and-desist order and compensatory relief, such as back pay and compensatory damages, or (2) dismissal. A formal hearing will also be held on complaints processed through the agency's early legal intervention program.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for a subject employer, or for an employment agency or labor organization, to discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Commission on Human Rights and Opportunities, Hartford, Connecticut 06106 (860-541-3400)*. The Commission is responsible for receiving and responding to discriminatory practice complaints, and consequently may investigate, hold hearings, subpoena witnesses and documents, and issue compliance orders. Workers who have been adversely affected by a violation of these provisions may file an employment discrimination complaint by contacting the nearest regional office of the Commission.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker may obtain a release from the Commission and take legal action against the employer in state court directly if (1) a complaint has been filed with the Commission and is still pending 180 or more days after filing, (2) the worker and employer agree to the release, even if the complaint has been pending less than 180 days, or (3) the worker requests and the Commission completes an expedited case review. The civil action must be filed within 90 days after receipt of the release and generally brought within 2 years after the date the complaint was filed.

Delaware

○ DISCRIMINATION IN EMPLOYMENT ACT

STATUTORY CITATION: Del. Code Title 19, §§ 710–719A

GENERAL SUMMARY: Delaware's Discrimination in Employment Act makes it unlawful for an employer who is subject to the Act to refuse to hire, to discharge, or to otherwise discriminate against a person with respect to wages or the terms and conditions of employment, because of the person's race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identify, or national origin.

Similar prohibitions against employment discrimination apply to employment agencies and labor organizations.

PROVISIONS APPLICABLE TO AGRICULTURE: The Discrimination in Employment Act **does not apply** to individuals employed in agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Labor Law Enforcement, Division of Industrial Affairs, Delaware Department of Labor, Wilmington, Delaware 19802 (302-761-8200).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Florida

● FLORIDA CIVIL RIGHTS ACT OF 1992

STATUTORY CITATION: Fla. Stat. §§ 760.01–760.11 and § 509.092

GENERAL SUMMARY: The Florida Civil Rights Act is intended to eliminate discrimination on grounds of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Among other provisions, the Act lists certain employment practices which are declared unlawful for employers that employ 15 or more workers in each of 20 or more calendar weeks during the current or preceding calendar year.

PROVISIONS APPLICABLE TO AGRICULTURE

To the same extent as in non-agricultural industries, farm operators and other agricultural establishments that employ 15 or more workers for each working day in each of 20 or more calendar weeks in the current or preceding calendar year are generally prohibited from engaging in discriminatory employment practices, including, among others, the following:

- (1) Firing an employee, or failing or refusing to hire a job applicant, because of the individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.
- (2) Discriminating on such grounds against an employee or job applicant with respect to compensation or the terms, conditions or privileges of employment.
- (3) Limiting, segregating or classifying employees or job applicants on the same grounds in any way which would tend to deprive them of employment opportunities or adversely affect their employment status.
- (4) Publishing or distributing any advertisement or notice relating to employment which indicates any preference, limitation, specification or discrimination based on race, color, religion, sex, pregnancy, national origin, age, absence of handicap, or marital status.

The law prohibits similar practices by employment agencies and labor organizations.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is unlawful for an employer, employment agency or labor organization to discharge, discipline or discriminate in any manner against a person because the person has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Florida Commission on Human Relations, Tallahassee, Florida 32399 (850-488-7082; toll-free 800-342-8170).* The Commission is responsible for receiving and acting on complaints by workers alleging any discriminatory employment practice defined in the Act. The Commission may investigate and hold hearings on any such complaint to determine the facts, may subpoena witnesses and records, and may provide affirmative relief, including reinstatement, back pay and attorney's fees, to victims of discriminatory employment practices. Any person aggrieved by an unlawful employment practice under the Act may file a complaint with the Commission within 365 days of the alleged violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Upon investigation of a complaint, if the Commission determines that there is reasonable cause to believe that a violation of the Act has occurred, the complainant may bring civil action against the employer or other entity directly, using a private attorney or public legal service provider.

Georgia

● GEORGIA EQUAL EMPLOYMENT FOR PERSONS WITH DISABILITIES CODE

STATUTORY CITATION: Ga. Code §§ 34-6A-1 – 34-6A-6

GENERAL SUMMARY: This law generally prohibits employers with 15 or more employees from refusing to hire, from firing, or from otherwise discriminating against a person with a disability, with respect to wages, rates of pay, hours or other terms and conditions of employment because of the person's disability. An employer may, however, make job-related inquiries about the existence of the disability of an applicant and may reject the applicant if the disability would interfere with the person's ability to adequately perform assigned job duties.

PROVISIONS APPLICABLE TO AGRICULTURE: The Georgia Equal Employment for Persons with Disabilities Code applies to employers with 15 or more employees, without distinction between agricultural and non-agricultural occupations and workplaces.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *None.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — An individual with a disability who has been subjected to employment discrimination on account of his or her disability may file a complaint in civil court against the employer, using a private attorney or public legal service provider. Any such complaint must be filed within 180 days after the alleged incident occurred.

Hawaii

● STATE LABOR LAWS (*DISCRIMINATORY PRACTICES*)

STATUTORY CITATION: Haw. Rev. Stat. §§ 378-1 – 378-10

GENERAL SUMMARY: Part I of the employment practice provisions in the state labor laws prohibits employment discrimination on the basis of race, sex (including gender identity or expression), sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or domestic or sexual violence victim status, and establishes a process for the receipt and resolution of discrimination complaints by aggrieved employees. These provisions apply to virtually all employers in Hawaii, including farm or plantation operators and other agricultural establishments.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL PRACTICES — Employers are prohibited from refusing to hire, discharging from employment, or otherwise discriminating against anyone in compensation or in the terms, conditions or privileges of employment, because of race, sex (including gender identity or expression), sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, or domestic or sexual violence victim status. Comparable acts of discrimination by employment agencies and labor organizations are also illegal. Employers and employment agencies are forbidden from printing or circulating any statement or advertisement, and from using any form of job application, which expresses or implies any limitation, specification or discrimination on these same grounds.

EQUAL PAY — Employers are prohibited from discriminating between employees because of sex, by paying wages to employees in an establishment at a rate less than the rate at which the same employer pays employees of the opposite sex for equal work on jobs requiring equal skill, effort and responsibility and performed under similar working conditions. Among very few other exceptions, payment differentials resulting from a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a bona fide occupational qualification do not violate this prohibition.

COMPLAINTS — Anyone claiming to be aggrieved by an alleged unlawful discriminatory practice may file a written complaint with the state enforcement agency. The complaint must be filed within 180 days after the alleged practice occurred and must contain the name and address of the employer or other entity alleged to have committed the practice complained of, details of the grievance, and other information prescribed by the state agency. If, after investigation, there is reasonable cause to believe there has been a violation of the law, the agency must attempt to eliminate the alleged practice by informal methods. If the respondent fails or refuses to agree to conciliation, the agency may issue an appropriate order, including hiring, reinstatement, upgrading or other measures, with or without back pay. The state may also exercise its authority to take legal action against the offending party in civil court.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is unlawful for an employer, employment agency or labor organization to discharge, expel or otherwise discriminate or retaliate against a person because the person has filed a complaint, testified or assisted in any proceeding under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Hawaii Civil Rights Commission, Honolulu, Hawaii 96813 (808-586-8636)*. The Commission has authority to receive, investigate and conciliate complaints of unlawful employment discrimination, and to examine records, documents and other material evidence and take other steps relevant to determining whether or not a violation has occurred. The Commission may order appropriate legal action when a violation is found.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — On request to the Commission, any worker who has been subjected to employment discrimination contrary to these provisions has the right to sue the employer or other party alleged to be responsible for the violation in a private civil action.

Idaho

● HUMAN RIGHTS LAW

STATUTORY CITATION: Idaho Code §§ 67-5901 – 67-5912

RELATED REGULATIONS: Idaho Admin. Code R. 45.01.01

GENERAL SUMMARY: The state human rights law outlaws, among other practices, certain specified acts of employment discrimination based on race, color, religion, sex, national origin, age or disability. The law also authorizes creation of the Idaho Commission on Human Rights and establishes procedures for reporting and resolving discrimination complaints.

PROVISIONS APPLICABLE TO AGRICULTURE

PROHIBITED ACTS — As in any other industry in Idaho, an agricultural employer who has 5 or more employees for each working day in 20 or more calendar weeks in the current or preceding calendar year is forbidden from discriminating in employment against anyone on the basis of race, color, religion, sex, national origin, age or disability. Employment discrimination on these grounds includes (1) failing or refusing to hire a job applicant, (2) firing an employee, and (3) discriminating against an individual with respect to compensation or the terms, conditions or privileges of employment. Comparable acts of discrimination by employment agencies and labor organizations are also prohibited.

LIMITATIONS — It is not regarded as a discriminatory practice for an employer, employment agency or labor organization to distinguish between employees, job applicants or members on the basis of religion, sex, national origin, or age if religion, sex, national origin or age is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise. Similarly, an employer, employment agency or labor organization may observe the terms of a bona fide seniority system or employee benefit plan as long as the system or plan is not a subterfuge to evade the law's anti-discrimination purposes. Likewise, the prohibition against discrimination because of disability does not apply if the particular disability prevents the performance of the work required in that job. Too, the age discrimination protection applies only to individuals who are at least 40 years of age.

COMPLAINT PROCEDURES — Anyone who believes he or she has been subjected to unlawful discrimination under these provisions may file a complaint with the state enforcement agency within one year of the alleged unlawful discrimination. Agency staff must attempt to resolve the complaint informally prior to determining if there are reasonable grounds to believe a discriminatory act has occurred. Failing informal resolution, the agency must continue its investigation, and on a finding of reasonable grounds to believe an unlawful practice has occurred which cannot be eliminated by further informal methods, the agency may bring civil action seeking appropriate relief. Any civil action taken by the state agency must commence no later than one year after the complaint is filed.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Idaho Commission on Human Rights, Boise, Idaho 83735 (208-334-2664)*. The Commission is responsible for accepting and acting on complaints filed by persons alleging employment discrimination, as outlined above. In a civil action brought by the Commission on behalf of a complainant, a finding by the court that unlawful discrimination has occurred may result in one or more appropriate remedies, including a cease-and-desist order, an order to employ, reinstate or promote the victim of the act, an order for actual damages such as lost wages and benefits, or an order for punitive damages.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A person who alleges unlawful employment discrimination under the human rights law may, through private legal counsel or a public legal service provider, file an action in state district court on his or her own behalf, provided that the complaint is first filed with the Human Rights Commission and that the Commission issues a formal notice of dismissal of the complaint. A civil action by the complainant may not be filed any later than 90 days after the Commission's dismissal notice.

Illinois

● ILLINOIS HUMAN RIGHTS ACT

STATUTORY CITATION: 775 Ill. Comp. Stat. §§ 5/1-101 – 5/10-104

GENERAL SUMMARY: Among numerous other protections, the Illinois Human Rights Act forbids employment discrimination on the basis of race, color, religion, national origin, ancestry, age, sex, marital status, order-of-protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. The Act establishes procedures under which aggrieved individuals may file charges and procedures to process such charges.

PROVISIONS APPLICABLE TO AGRICULTURE: To the same extent as their counterparts in non-agricultural sectors, agricultural employers who have 15 or more employees in Illinois during 20 or more calendar weeks within the current or preceding calendar year are subject to the employment provisions of the Human Rights Act. With respect to an alleged violation based on a worker's physical or mental disability, the Act applies to any employer with one or more employees for any length of time.

CIVIL RIGHTS VIOLATIONS — It is a civil rights violation for any covered employer to refuse to hire a job applicant, to segregate an employee, or to otherwise discriminate with respect to terms and conditions of employment on the basis of an applicant's or employee's race, color, religion, national origin, ancestry, age, sex, marital status, order-of-protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. Comparable acts committed by employment agencies and labor organizations are also unlawful.

LANGUAGE — It is also considered a civil rights violation for an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.

SEXUAL HARASSMENT — It is a civil rights violation for any covered employer (1) to engage in sexual harassment against an employee, or (2) to permit sexual harassment of an employee by any non-employee or by a non-managerial or non-supervisory employee without taking reasonable corrective measures.

APPLICANT'S ARREST RECORD — In general, it is a civil rights violation for an employer to inquire on a written job application whether an applicant has ever been arrested.

EXCEPTIONS — Among other exceptions, the Act does not prohibit employers from hiring or selecting between persons on the basis of bona fide occupational qualifications, or from applying different standards of compensation or different employment conditions pursuant to a merit or retirement system, provided the system is not used to evade the anti-discrimination purposes of the law.

COMPLAINTS — An individual who has been subjected to employment discrimination under the Act has 180 days to file charges with the Department. After the party alleged to have committed the violation has been notified, the Department must conduct a full investigation of the charges. If the report of findings reveals substantial evidence of a violation, the Department must attempt to resolve the charges through conciliation. If the Department does not act within 365 days from the time charges are filed by a complainant, the complainant has 90 days thereafter to file a complaint with the Illinois Human Rights Commission or commence civil action in circuit court.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is a civil rights violation for an employer or anyone else to retaliate against a person because the person has opposed unlawful discrimination or sexual harassment, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Illinois Department of Human Rights, Chicago, Illinois 60601 (312-814-6200)*. The Department has exclusive jurisdiction to investigate complaints under the Illinois Human Rights Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Illinois Human Rights Commission, Chicago, Illinois 60601 (312-814-6269)*. In addition to other functions under the Act, the Commission is responsible for hearing all complaints formally filed by the Department of Human Rights. The Commission is empowered to grant such relief and impose such penalties as are authorized in the Act, including back pay, reinstatement, attorney's fees, actual damages and other measures. Decisions by the Commission are enforceable in the state courts.

Indiana

● INDIANA CIVIL RIGHTS LAW

STATUTORY CITATION: Ind. Code §§ 22-9-1-1 – 22-9-1-18

GENERAL SUMMARY: The Indiana Civil Rights Law forbids, among other practices, employment discrimination based on race, religion, color, sex, disability, national origin, ancestry, or veteran status. The law generally applies to any employer in the state — including an agricultural establishment — that has 6 or more employees.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL ACTS — Employers are prohibited from practicing employment discrimination by (1) excluding a person from equal employment opportunities because of race, religion, color, sex, disability, national origin, ancestry, or veteran status, (2) failing to employ an applicant on the basis of the applicant's race, religion, color, sex, disability, national origin, ancestry, or veteran status, (3) failing to reasonably accommodate an employee with a disability, (4) failing to accommodate an employee for bona fide religious practices, or (5) creating or failing to take corrective action to address a hostile work environment or quid-pro-quo sexual harassment. Comparable acts of employment discrimination by employment agencies and labor organizations are also forbidden.

EXCEPTIONS — It is not unlawful for an employer to hire employees, for an employment agency to classify or refer job applicants, or for a labor organization to classify its membership or refer any member for employment, on the basis of sex in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise involved.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Indiana Civil Rights Commission, Indianapolis, Indiana 46204 (317-232-2600; toll-free 800-628-2909).* The Commission may receive written complaints of violations of the Civil Rights Law and will conduct a full investigation of the facts surrounding the complaint. At the completion of the investigation, a determination is issued indicating whether or not there is cause to believe discrimination has occurred. The complaint must be filed within 180 days from the date of the occurrence of the alleged discriminatory practice. The Commission may hold hearings, subpoena witnesses and documents, and take testimony. If the Commission finds that a person has engaged in unlawful discrimination, it may take appropriate remedial action, including issuance of an order that the offending party cease and desist from the discriminatory practice and restore the complainant's losses.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Workers have the right to enforce the Civil Rights Law in court rather than through administrative action by the Civil Rights Commission. However, both the employee and the employer involved in the complaint must agree in writing to have the matter decided in court.

● EMPLOYMENT DISCRIMINATION AGAINST DISABLED PERSONS LAW

STATUTORY CITATION: Ind. Code §§ 22-9-5-1 – 22-9-5-27

RELATED REGULATIONS: 910 Ind. Admin. Code §§ 3-3-1 – 3-3-18

GENERAL SUMMARY: Chapter 5 of the state civil rights laws makes it unlawful for an employer with at least 15 employees for each working day in 20 or more calendar weeks this year or last to discriminate against a qualified individual with a disability, on the basis of the individual's disability, in regard to job application procedures, hiring, advancement, firing, training, or other terms and conditions of employment. Similar prohibitions apply to employment agencies and labor organizations.

PROVISIONS APPLICABLE TO AGRICULTURE: This law applies to agricultural employers and protects agricultural workers to the same extent as employers and employees in other industries.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is unlawful to discriminate against a person for having made a complaint, testified, participated in an investigation, or exercised any other right provided by this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Indiana Civil Rights Commission, Indianapolis, Indiana 46204 (317-232-2600; toll-free 800-628-2909).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Iowa

● IOWA CIVIL RIGHTS ACT OF 1965

STATUTORY CITATION: Iowa Code §§ 216.1 – 216.21

RELATED REGULATIONS: Iowa Admin. Code 161.1.1 – 161.15.3

GENERAL SUMMARY: The Iowa Civil Rights Act defines certain unfair employment practices which, among other forms of discriminatory activity, are declared unlawful. The Act's employment discrimination provisions generally apply to all employers who regularly employ 4 or more individuals, without regard to industry or occupation.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Among other discriminatory practices, it is illegal for any employer who regularly employs 4 or more workers to refuse to hire a job applicant, to discharge an employee, or to otherwise discriminate in employment because of the age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability of the applicant or employee, unless such action is based on the nature of the occupation. Comparable acts of discrimination by employment agencies and labor organizations are also prohibited.

Employers, employment agencies and labor organizations may not, through advertising or in any other manner, indicate that individuals of any particular age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion or disability are unwelcome, objectionable, not acceptable or not solicited for employment or membership, unless such qualification is based on the nature of the occupation.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful discriminatory employment practice may file a written complaint with the state agency, no later than 300 days after the alleged practice occurred. After notifying the respondent, the state agency staff must make a prompt investigation and issue a recommendation on the case to an agency hearing officer. If the hearing officer concurs that probable cause exists regarding the allegation, the staff must try to eliminate the discrimination or unfair practice informally. Failure to resolve the matter within 30 days thereafter will lead to a formal hearing by the state agency, which may order binding remedial action by the employer if it finds that a violation has in fact occurred.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Iowa Civil Rights Commission, Des Moines, Iowa 50319 (515-281-4121; toll-free 800-457-4416).* The Commission is charged with receiving, investigating and determining the merits of complaints alleging unfair or discriminatory practices.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — After 60 days following the timely filing of a complaint, the complainant may request a right-to-sue letter from the Commission and file a private civil suit for relief in state district court, using a private attorney or a public legal service provider. However, the Commission is barred from issuing a right-to-sue letter if, on the date of the request, (1) the Commission has issued a finding of "no probable cause," (2) a conciliation agreement has been entered into, (3) the Commission has served a notice of hearing on the respondent, or (4) the complaint has been administratively closed and 2 years have elapsed since the date of closure. In all cases, private civil action must commence within 90 days after the right-to-sue letter is mailed, and once a letter is issued, the Commission is barred from further action on the complaint.

Kansas

● KANSAS ACT AGAINST DISCRIMINATION

STATUTORY CITATION: Kan. Stat. §§ 44-1001 – 44-1044

GENERAL SUMMARY: The Kansas Act Against Discrimination is intended, in part, to eliminate and prevent discrimination in employment relations, by declaring various employment practices unlawful and establishing a state commission to investigate and resolve discrimination complaints. The Act generally applies to individuals and for-profit businesses with 4 or more employees, regardless of industry.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — It is illegal for a farm operator or any other employer with 4 or more workers to refuse to hire a job applicant, to discharge an employee, to segregate or make other distinctions between applicants or employees, or to discriminate in any other manner against such individuals on the basis of race, religion, color, sex, disability, national origin, or ancestry, without a valid business motive. Furthermore, it is unlawful for an employer to circulate any advertisement or statement, or to use any form of job application, which expresses any limitation, specification or discrimination as to race, religion, color, sex, disability, national origin, or ancestry. Any comparable practice engaged in by an employment agency or labor organization is also prohibited.

COMPLAINTS — Anyone claiming to have suffered discriminatory treatment outlawed under the Act may file a written complaint with the state enforcement agency, provided the complaint is filed within 6 months of the alleged violation. The agency must notify the alleged violator of the charges within 7 days and investigate the charges thereafter. If probable cause exists for crediting the allegations of the complaint, the agency has 45 days from the date of such a determination to eliminate the unlawful practice by informal conciliation. A formal hearing will be held in the event a conciliation agreement is not reached within that timeframe. Upon consideration of the evidence presented at the hearing, the agency may issue a cease-and-desist order if the charges are proven and may award compensation for any wage losses suffered by the complainant. An order for restitution may include hiring, reinstatement or upgrading, with or without back pay, as well as an award of up to \$2,000 as damages for pain, suffering and humiliation.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Kansas Human Rights Commission, Topeka, Kansas 66612 (785-296-3206)*. The Commission must respond to any properly filed complaint of discrimination and may also pursue charges on its own initiative. Representatives of this agency are authorized to inspect written employment documentation, interview employers and employees, subpoena documents and witnesses, hold hearings and take testimony. The Commission or, at the Commission's request, the state attorney general or a county or district attorney may secure enforcement of any final order of the Commission in state court. Any employer, or any agent of an employment agency or labor organization, who violates a Commission order is subject to fine and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Whenever the Commission closes a case and the complainant is not satisfied with the outcome, the complainant may take civil action against the employer or other respondent involved directly, using a private attorney or a public legal service provider.

Kentucky

● CIVIL RIGHTS LAW

STATUTORY CITATION: Ky. Rev. Stat. §§ 344.010 – 344.990

GENERAL SUMMARY: The Kentucky civil rights law seeks to safeguard individuals in the state against discrimination because of race, color, religion, national origin, sex, age, disability, and smoking status. The law's anti-discrimination provisions apply to both agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — It is illegal for any employer who has 8 or more employees in Kentucky in each of 20 or more calendar weeks in the current or preceding calendar year, to refuse to hire a job applicant, to discharge an employee, or to otherwise discriminate against an individual with respect to compensation or other terms, conditions or privileges of employment, because of the individual's race, color, religion, national origin, sex, or age (over 40), or because the individual is a smoker or non-smoker.

Similar discriminatory practices against a worker based on the worker's disability are unlawful when committed by an employer who is engaged in any industry affecting commerce and who has 15 or more employees for each working day in 20 or more calendar weeks in the current or preceding calendar year.

Comparable discriminatory acts by employment agencies and labor organizations are likewise prohibited.

EXCEPTIONS — The law does not preclude certain job referral, hiring, employment or membership practices by employers, employment agencies or labor organizations which make distinctions on the basis of religion or national origin in those certain instances where religion or national origin is a bona fide occupational qualification necessary to the normal operation of the particular business or enterprise. Similarly, it is not unlawful to apply different standards of compensation, or different terms or conditions of employment, pursuant to a bona fide seniority or merit system, or any other personnel system, as long as such differences are not intended to discriminate on the basis of race, color, religion, national origin, sex, age or disability.

COMPLAINTS — Anyone claiming to have been subjected to a discriminatory employment practice may file a written complaint with the state enforcement agency, at any time within 180 days after the occurrence of the alleged unlawful practice. If the state agency staff finds probable cause to believe the complaint is valid, the staff must attempt to reach an agreement with the offending party to eliminate the practice through conciliation. If no such agreement is reached within 60 days of the filing of the complaint, the state agency may summon the respondent to a hearing to answer the allegation, and if the hearing confirms a violation of the civil rights law, the agency may issue an order for corrective action. The agency's order may include restitution, in the form of hiring, reinstatement or promotion, with or without back pay, as well as payment of damages to the complainant.

SPECIAL NOTES OR ADVISORIES

PREEMPTION OF JURISDICTION — The Commission is barred from taking jurisdiction over any claim of discrimination under the state civil rights law while a claim by the same person seeking relief for the same grievance is pending in state circuit court. Conversely, a state court may not consider any claim of an unlawful practice under the civil rights law while a claim by the same person seeking relief for the same grievance is pending before the Commission. A final determination by a state court or the Commission precludes any other action or proceeding brought by the same person based on the same grievance.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Enforcement Branch, Kentucky Commission on Human Rights, Louisville, Kentucky 40202 (502-595-4024; toll-free 800-292-5566).* For the purpose of enforcing compliance with the state civil rights law, representatives of the Commission have authority to enter places of employment, review personnel records, interview employees, hold hearings, and take sworn testimony.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Except as limited by the preemption provision noted above, a worker aggrieved by an unlawful act of employment discrimination by an employer subject to these provisions may take civil court action against the alleged violator directly, by consulting a private attorney or public legal service provider.

Louisiana

● LOUISIANA EMPLOYMENT DISCRIMINATION LAW

STATUTORY CITATION: La. Rev. Stat. §§ 23:301 – 23:369

GENERAL SUMMARY: Chapter 3-A of the state labor laws contains, among other provisions, prohibitions against employment discrimination on the basis of race, color, religion, sex, national origin, age (over 40), disability, sickle cell trait, or protected genetic information. In general, it is illegal for an employer in Louisiana to refuse to hire, to fire, or to intentionally discriminate against an individual with respect to wages or the terms and conditions of employment on any of the grounds listed above. Likewise, no employer may discipline or fire a veteran for taking time away from work to attend medical appointments required to receive veterans benefits.

These provisions apply to all employers in the state who employ 20 or more workers for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

In addition to the protected categories listed above, Chapter 3-A also generally prohibits employers with more than 25 employees for each working day in 20 or more calendar weeks from refusing to promote a female employee because of pregnancy or childbirth, or from denying such an employee the same benefits and employment privileges granted other employees.

PROVISIONS APPLICABLE TO AGRICULTURE: These provisions apply to agricultural workers to the same extent as they do to workers in non-agricultural workplaces.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Louisiana Commission on Human Rights, Office of the Governor, Baton Rouge, Louisiana 94094 (225-342-6969).* Among other functions, the Commission is charged with receiving, investigating, seeking to conciliate, and deciding on complaints of employment discrimination under these provisions. A worker who believes he or she has been subjected to a prohibited act may file a complaint with the Commission within 180 days after the alleged unlawful practice occurred.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Any parish or municipality, or one or more parishes and municipalities acting jointly, may create a local human rights commission, and as such may receive and process complaints of employment discrimination prohibited by these provisions. Within their respective jurisdictions, local commissions have enforcement authority comparable to the state Commission on Human Rights. Likewise, the state Commission may enter into a cooperative agreement with any local commission that has professional staff and enforceable ordinances, orders, or resolutions. Currently, the cities of New Orleans and Alexandria are the only local commissions in that category.

PRIVATE CIVIL ACTION — A worker who has been subjected to unlawful employment discrimination may file suit in the district court for the parish in which the alleged discrimination occurred, seeking general or special compensatory damages, back pay, related benefits, reinstatement, reasonable attorney's fees and court costs. In general, a civil action cannot be filed any earlier than one year after the discrimination occurred, and the worker must give the employer involved at least 30 days' notice before filing.

Maine

● MAINE HUMAN RIGHTS ACT

STATUTORY CITATION: Me. Rev. Stat. Title 5, §§ 4551 – 4634

GENERAL SUMMARY: The Maine Human Rights Act contains fair employment provisions which generally guarantee each individual's opportunity to secure employment without discrimination because of race, color, sex (including pregnancy), sexual orientation, physical or mental disability, religion, age, ancestry, or national origin. The Act applies to virtually all employment in the state, other than services performed for nonprofit religious and fraternal organizations.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT DISCRIMINATION — Except where based on a bona fide occupational qualification, it is regarded as unlawful discrimination for an employer to refuse to hire or to otherwise discriminate against any job applicant because of the applicant's race, color, sex (including pregnancy), sexual orientation, physical or mental disability, religion, age, ancestry, national origin, or previous assertion of a workers' compensation claim or exercise of a right under the Workers' Compensation Act. Likewise, an employer may not discharge an employee or discriminate against an employee with respect to hire, tenure, promotion, transfer, compensation, privileges of employment, or any other matter directly or indirectly related to employment, on grounds of race, color, sex (including pregnancy), sexual orientation, physical or mental disability, religion, age, ancestry, or national origin. The use of an employment agency which the employer knows or has reason to believe discriminates against individuals on these grounds is also illegal.

Employment agencies and labor organizations are prohibited from engaging in similar acts of discrimination on these same grounds.

COMPLAINTS — Any person who has been subjected to unlawful employment discrimination may file a complaint with the state enforcement agency. To be considered timely, the complaint must be filed within 300 days after the alleged act took place. If a preliminary investigation of the matter finds reasonable grounds to believe unlawful discrimination has occurred, the state agency normally must take steps to try to eliminate the violation through conference, conciliation and persuasion. The agency may file a civil action in superior court if informal efforts do not result in a conciliation agreement signed by the parties to the complaint.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal to discriminate in any way against an individual because the person has opposed an act or practice that is unlawful under this law, or because the person filed a complaint, testified, or participated in an investigation, proceeding or hearing under the law. Likewise, an employer is prohibited from coercing, intimidating or threatening an employee for exercising the employee's rights under this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Maine Human Rights Commission, Augusta, Maine 04333 (207-624-6290)*. The Commission is charged with enforcement of all provisions of the Human Rights Act, and in that role may hold hearings, subpoena witnesses and records, and take other appropriate measures to investigate and resolve reported or suspected illegal discrimination. The Commission is empowered to seek court-ordered money penalties and other relief for any violation of the Act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If, within 180 days of filing a complaint with the Human Rights Commission, the Commission has not filed a civil action or entered into a conciliation agreement in the case, the complainant may request a right-to-sue letter and take legal action against the alleged offender directly, using a private attorney or a public legal service provider. However, civil action must be commenced not more than 2 years after the discriminatory act occurred, and no monetary damages or attorney's fees may be awarded to the plaintiff unless the complaint is first filed with the state Human Rights Commission and the agency either dismisses the case or fails, within 90 days after a finding of reasonable grounds, to enter into a conciliation agreement.

Maryland

● HUMAN RELATIONS LAW

STATUTORY CITATION: Md. Code, State Gov. §§ 20-101 – 20-1203

GENERAL SUMMARY: Title 20 of the State Government Code outlaws, among other practices, discrimination in employment and establishes a state civil rights commission to enforce compliance. The employment discrimination provisions generally apply to all employers in the state — agricultural and non-agricultural — who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Subject employers are prohibited from engaging in any of the following unlawful employment practices, among others:

(1) Refusing to hire a job applicant, discharging an employee, or otherwise discriminating against any individual with respect to compensation or the terms, conditions or privileges of employment, because of the individual's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or disability unrelated in nature or extent so as to reasonably preclude performance of the job.

(2) Limiting, segregating or classifying employees or job applicants, on the same grounds, in any way which would tend to deprive them of employment opportunities or otherwise adversely affect their status as employees.

(3) Publishing any employment notice or advertisement indicating any preference, limitation, specification or discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability (except where religion, sex, age, national origin, marital status, or disability is a bona fide occupational qualification for employment).

Comparable discriminatory acts by employment agencies and labor organizations are also illegal.

COMPLAINTS — Anyone claiming to be aggrieved by an act of employment discrimination may file a complaint with the state enforcement agency, within 6 months from the date of occurrence; the complaint must be in writing and signed by the complainant. The state agency staff must promptly investigate the facts of the case, and when there is probable cause to believe a discriminatory act has been committed, the staff is required to attempt an informal resolution of the violation through conciliation.

If the agency finds probable cause and conciliation efforts fail, either party may elect to have the case heard by an administrative law judge or in civil court. If the complaint is sustained, the state agency or court may issue an order requiring the respondent to cease and desist from the discriminatory practice and to take affirmative corrective action, which may include reinstatement or hiring, with or without back pay. Victims of employment discrimination are also eligible for monetary damages.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for an employer subject to the Act, or for an employment agency or labor organization, to discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Maryland Commission on Civil Rights, Baltimore, Maryland 21202 (410-767-8600; toll-free 800-637-6247).* In its enforcement role under the human relations law, the Commission may examine employers' personnel records, question employees, subpoena documents and witnesses, and take sworn testimony.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — If a worker has filed a timely administrative charge or complaint alleging an unlawful employment practice and at least 180 days have elapsed since the complaint was filed, the worker may take action against the employer involved in civil court, using a private attorney or public legal service provider. Any such civil action, however, must be filed no later than 2 years after the unlawful employment practice occurred.

Massachusetts

● STATE CIVIL RIGHTS LAW

STATUTORY CITATION: Mass. Gen. Laws Ch. 151B, §§ 1 – 10

GENERAL SUMMARY: The state's primary civil rights law prohibits, among other unlawful activities, employment discrimination on the basis of race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, ancestry, age, or military service. The law is generally applicable to for-profit employers with 6 or more employees, without regard to their agricultural or non-agricultural status.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — Employers are forbidden, on the grounds of an individual's race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, or ancestry, from discharging from employment or refusing to hire the individual, or from discriminating against the individual in compensation or in the terms, conditions or privileges of employment, unless such treatment is based on a bona fide occupational qualification. Moreover, it is unlawful for any employer in the private sector to fire, refuse to hire, or otherwise discriminate against a person who is at least 40 years old, because of the person's age. Similar discriminatory acts based on a worker's military service are also prohibited.

Any statement, advertisement, publication or job application printed, circulated or used by an employer or employment agency which directly or indirectly expresses any limitations, specification or discrimination as to race, color, religious creed, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, or the handicap of a qualified handicapped person is likewise illegal, unless based on a bona fide occupational qualification.

COMPLAINTS — Anyone claiming to have suffered from an act of employment discrimination outlawed by these provisions may file a complaint with the state enforcement agency at any time within 300 days after the act occurred. If the state agency, after prompt investigation, finds probable cause for crediting the allegations, the agency must try to eliminate the unlawful practice involved through conference, conciliation and persuasion. A formal hearing must be called whenever efforts at informal resolution are unsuccessful, and the agency may order the violating party to cease and desist if evidence presented at the hearing sustains the belief that a violation has, in fact, occurred. The law also authorizes the state agency to order affirmative relief (including hiring, reinstatement, promotion or similar action, with or without back pay) upon a finding that a respondent has engaged in an unlawful practice.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal to intimidate, threaten, coerce, interfere with, or discriminate against an individual because he or she has filed a complaint under this law, testified or participated in any other way in a related investigation or hearing, or exercised any other right granted by this law.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Massachusetts Commission Against Discrimination, Boston, Massachusetts 02108 (617-994-6000)*. The Commission is responsible for investigating and resolving unlawful employment practice charges under these provisions, as described above.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Any person aggrieved by an unlawful employment practice may, at the expiration of 90 days after filing a complaint with the Commission, file a civil lawsuit for damages, injunctive relief, or both. The petitioner must notify the Commission of any such action, and any complaint before the Commission will be dismissed, barring any future complaint before the Commission on the same matter. No private civil action may be filed later than 3 years after the alleged unlawful practice occurred.

Michigan

● ELLIOTT-LARSEN CIVIL RIGHTS ACT

STATUTORY CITATION: Mich. Comp. Laws §§ 37.2101 – 37.2804

GENERAL SUMMARY: Among other proscriptions, the Elliott-Larsen Civil Rights Act prohibits discrimination on the job because of religion, race, color, national origin, age, sex, height, weight, or marital status. The employment discrimination provisions apply to every agricultural and non-agricultural employer with one or more employees.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — It is illegal for an employer to engage in any of the following practices:

- (1) To refuse to recruit or hire, to discharge, or to discriminate in any other manner against an individual with respect to employment, compensation, or a term, condition or privilege of employment, on the basis of religion, race, color, national origin, age, sex, height, weight, or marital status.
- (2) To limit, segregate or classify an employee or job applicant on any such grounds in a way which tends to deprive the person of a job opportunity or otherwise adversely affect employment.
- (3) To segregate, classify or otherwise discriminate against a person on the basis of sex with respect to a term, condition or privilege of employment, including an employee benefit plan.
- (4) To publish or circulate any advertisement or other employment-related notice, or use any job application form, which indicates a preference, limitation or specification based on religion, race, color, national origin, age, sex, height, weight, or marital status.

Employers are also forbidden from requesting information, or making any record, regarding the arrest or detention of a job applicant or employee which did not result in a conviction.

Comparable discriminatory acts committed by employment agencies and labor organizations are similarly prohibited.

EXCEPTION — Where religion, national origin, age, height, weight or sex is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise, an employer, employment agency or labor organization may use such a qualification, but if an exemption is not obtained in advance from the state enforcement agency, the burden of establishing the necessity of the qualification is on the employer, employment agency or labor organization which uses it.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Michigan Department of Civil Rights, Lansing, Michigan 48933 (517-335-3165; toll-free 800-482-3604)*. The Act places the Department in charge of receiving, investigating, holding hearings on, and resolving complaints alleging violations. Upon the filing of a complaint, the Department must conduct an initial investigation, then either dismiss the complaint or attempt to eliminate the discriminatory practice or act determined to have been committed.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Michigan Civil Rights Commission, Lansing, Michigan 48933 (517-335-3165; toll-free 800-482-3604)*. Failure by the Department of Civil Rights to resolve a violation through conciliation will lead to a formal charge by the Department against the violator. The Civil Rights Commission, after a hearing on the charge, must either dismiss it or issue a final order requiring the respondent to cease and desist and to take appropriate corrective action.

PRIVATE CIVIL ACTION — Concurrently with any administrative enforcement action, a worker may bring suit against the alleged violator directly, through legal counsel of the complainant's own choosing. Civil action for injunctive relief and damages may be brought in the circuit court for the county where the alleged violation occurred, or where the person or firm against whom the complaint is filed resides or has its primary place of business.

Minnesota

● MINNESOTA HUMAN RIGHTS ACT

STATUTORY CITATION: Minn. Stat. §§ 363A.01 – 363A.44

GENERAL SUMMARY: The Minnesota Human Rights Act prohibits unfair discriminatory practices in employment, as well as in other settings, and creates a state agency to receive and resolve complaints of violations. In general, the Act's employment provisions apply to every agricultural and non-agricultural employer with one or more employees.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Except when based on a bona fide occupational qualification, it is unlawful:

(1) For an employer, because of race, color, creed, religion, national origin, sex, marital status, public assistance status, familial status, disability, sexual orientation, age, or membership or activity in a local human rights commission, (a) to refuse to hire a job applicant, (b) to maintain an employment system which excludes a person seeking employment, (c) to discharge an employee, or (d) to discriminate against a person with respect to hiring, tenure, compensation, or the terms, conditions, facilities or privileges of employment.

(2) For an employer, before a person is hired, (a) to require the person to furnish information pertaining to race, color, creed, religion, national origin, sex, marital status, public assistance status, familial status, disability, sexual orientation, or age, except for national security or affirmative action purposes, or (b) to print or publish an employment-related notice or advertisement that discloses a preference, limitation, specification or discrimination based on race, color, creed, religion, national origin, sex, marital status, public assistance status, familial status, disability, sexual orientation, or age.

Comparable acts committed by employment agencies and labor organizations are also illegal.

COMPLAINTS — Anyone aggrieved by an apparently illegal act of employment discrimination may file a charge with the state enforcement agency, but to be considered timely, a charge must be filed within one year after the occurrence of the alleged violation. After the charge is sent to the respondent, the state agency may contact the parties to arrange for voluntary mediation, and if the matter is not settled through mediation, the agency will conduct a neutral investigation of the charge. The state agency generally has one year in which to determine whether or not there is probable cause to credit the allegation.

In the event the agency finds no probable cause, the complainant may appeal the decision within 10 calendar days. If the process results in a finding of probable cause, the agency will attempt to settle the matter through conciliation, but if the parties cannot agree on a settlement, the state attorney general may argue the case before an administrative law judge. A decision by the ALJ in favor of the complainant may result in an order against the employer for corrective action and civil money penalties, plus compensatory and punitive damages.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Minnesota Department of Human Rights, St. Paul, Minnesota 55155 (651-539-1100; toll-free 800-657-3704).* Among other functions, the Department is designated to receive and investigate charges alleging unfair discriminatory practices, and to attempt to resolve cases of confirmed discrimination.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – In lieu of action through the state agency but subject to the same one-year time limitation, a charge of unlawful employment discrimination may be filed with a county, city or other local human rights commission created pursuant to law. Importantly, however, exercise of the worker's option to file a charge with one agency precludes filing the same charge with the other.

PRIVATE CIVIL ACTION — A worker who has suffered from an unlawful employment practice under the Act may bring suit seeking redress directly to district court, using a private attorney or public legal service provider. If the worker has filed a charge with the Department of Human Rights, private civil action may be filed only (a) within 45 days after receipt of a notice from the Department that the complaint has been dismissed, or (b) after 45 days from the filing of a charge if a hearing on the charge has not been held or a conciliation agreement has not been reached between the Department and the respondent.

Missouri

● HUMAN RIGHTS LAW

STATUTORY CITATION: Mo. Rev. Stat. §§ 213.010 – 213.137

GENERAL SUMMARY: The state human rights law includes provisions which forbid employment discrimination on the basis of race, color, religion, national origin, sex, ancestry, age or disability, and establishes a state-administered mechanism for resolving related complaints. The law generally applies to all employers, both agricultural and non-agricultural, who have 6 or more employees.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — It is illegal for a subject employer to commit any of the following discriminatory acts, among others:

- (1) To refuse to hire a job applicant, to fire an employee, or to discriminate against an employee with respect to compensation or the terms or privileges of employment, because of the applicant's or employee's race, color, religion, national origin, sex, ancestry, disability or age (where the individual is 40 years old or older, but under 70).
- (2) To limit, segregate or classify employees or job applicants, on any of these same grounds, in a way which would tend to deprive an individual of job opportunities or otherwise adversely affect the individual's status as an employee.
- (3) To publish or circulate any advertisement or statement, or use any form of job application, which directly or indirectly expresses any limitation, preference or specification related to race, color, religion, national origin, sex, ancestry, disability or age, unless such distinction is based on a bona fide occupational qualification.

Similar acts committed by employment agencies and labor organizations are also prohibited.

COMPLAINTS — Within 180 days of the alleged discriminatory act, a party claiming to be the victim of employment discrimination may file a complaint with the state enforcement agency. If the ensuing investigation finds probable cause for crediting the allegations of the complaint, the state agency must attempt to eliminate the unlawful practice through conference, conciliation and persuasion. In the event of failure to reach an informal settlement, the charges may be heard formally and an order may be issued against the employer or other entity at fault if the evidence presented at the hearing confirms a violation. A formal order may include appropriate affirmative action (such as hiring, reinstatement, upgrading, or back pay) and damages.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Missouri Commission on Human Rights, Missouri Department of Labor and Industrial Relations, Jefferson City, Missouri 65102 (573-751-3325; toll-free 877-781-4236)*. In enforcing the human rights provisions, the Commission may receive and investigate complaints, hold hearings, compel the attendance of witnesses, subpoena documents, and issue orders for corrective action, as outlined above.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker whose complaint to the Commission on Human Rights has not been processed to completion within 180 days after filing may bring a civil suit against the employer or other offending party, after requesting written notice of the right to do so from the state agency. The complainant has 90 days from the date of such notice to commence court action, but in no event may suit be filed any later than 2 years after the alleged discriminatory act or practice occurred. Once the state agency has terminated proceedings in favor of a private suit, no one may file or reinstate a complaint relating to the same act or practice.

Montana

● HUMAN RIGHTS LAWS (*ILLEGAL DISCRIMINATION*)

STATUTORY CITATION: Mont. Code §§ 49-2-101 – 49-2-602

GENERAL SUMMARY: Chapter 2 of the state human rights laws includes provisions prohibiting employment discrimination and other civil rights violations. These provisions are generally applicable to all agricultural and non-agricultural employers in Montana.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — It is unlawful for an employer to refuse to employ an individual, or to discriminate against an individual with respect to compensation, job conditions or privileges of employment, because of the individual's race, creed, religion, color, or national origin. Likewise, an employer may not discriminate on the basis of age, physical or mental disability, marital status or sex when the reasonable demands of the job do not require an age, physical or mental disability, marital status or sex distinction.

The publication or circulation of any employment advertisement or notice, or the use of a job application form, which expresses a preference, limitation or specification as to sex, marital status, age, physical or mental disability, race, creed, religion, color, or national origin is prohibited, unless such a preference, limitation or specification is based on a bona fide occupational qualification.

Employment agencies and labor organizations are also forbidden from engaging in comparable discriminatory acts.

COMPLAINTS — A complaint charging unlawful employment discrimination may be filed with the state enforcement agency by or on behalf of any aggrieved party, but a complaint may be processed only if filed within 180 days after the alleged act or practice occurred. If the state agency's staff investigation determines that the allegations are supported by substantial evidence, the staff must try to eliminate the discriminatory practice by mediation or conciliation. A formal hearing is required whenever such informal methods to resolve the matter are unsuccessful. A finding in favor of the complainant may result in an administrative order requiring the offending employer or other entity to compensate the complainant for any damages suffered, monetary or otherwise.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Human Rights Bureau, Montana Department of Labor and Industry, Helena, Montana 59624 (406-444-2884; toll-free 800-542-0807)*. The Bureau is authorized to investigate discrimination complaints, subpoena witnesses and documents, and issue remedial orders, as described above. The Bureau has authority to petition the courts to temporarily restrain a discriminatory practice or interference with the Bureau's work, or to enforce a final order. In addition to civil liability, anyone who violates the job discrimination provisions is subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Montana Human Rights Commission, Helena, Montana 59624*. The Commission's role in discrimination complaints is limited largely to conducting hearings on dismissals of claims and appeals of final agency decisions issued by the Human Rights Bureau.

PRIVATE CIVIL ACTION — A worker is entitled to file a discrimination complaint in state district court only if the worker has first filed an administrative complaint with the Human Rights Bureau, and the Bureau (1) has been unable to resolve the matter within 180 days of filing and (2) concedes in a letter of release to the complainant that it will be unable to hold a hearing on the case within 12 months of the date of filing. The Bureau may also dismiss a complaint and allow the worker to take the matter to court if the staff determines that the Bureau lacks jurisdiction over the complaint, that the complaint is not supported by substantial evidence, or that the complainant has failed to cooperate with the Bureau. In no event, however, may district court take action on a suit filed later than 90 days from the time the complainant receives the letter of release from the state agency.

Nebraska

● NEBRASKA FAIR EMPLOYMENT PRACTICE ACT

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-1101 – 48-1126

GENERAL SUMMARY: The Nebraska Fair Employment Practice Act seeks to foster the employment of all employable persons in the state on the basis of merit, regardless of their race, color, religion, sex, disability, marital status, or national origin, and to safeguard their right to obtain and hold employment without such discrimination. The Act generally applies to all agricultural and non-agricultural employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — Among related illegal practices, it is unlawful for a subject employer (1) to refuse to hire a job applicant, to discharge an employee, or to discriminate in any other manner against an individual with respect to compensation or other employment conditions because of the individual's race, color, religion, sex, disability, marital status, or national origin, or (2) to limit, segregate or classify employees on any of these grounds in any way which tends to deprive a person of employment opportunities or otherwise adversely affect the person's status as an employee.

Furthermore, it is unlawful to publish or circulate any employment-related notice or advertisement which indicates a preference, limitation, specification or discrimination based on race, color, religion, sex, disability, marital status, or national origin, except where religion, sex, disability, marital status, or national origin is a bona fide occupational qualification for employment. Job application and hiring procedures that discriminate against a person with a disability, or against a woman who is pregnant or has given birth, are also prohibited.

Comparable acts of discrimination by employment agencies and labor organizations are similarly unlawful.

COMPLAINTS — A person who has suffered from an apparent discriminatory employment practice or act may file a complaint with the state enforcement agency at any time within 300 days after the alleged practice or act occurred. If preliminary investigation reveals reasonable evidence that the allegations have merit, the state agency must try to eliminate the illegal practice through conciliation. The agency may hold a public hearing in the event informal efforts to resolve the complaint are unsuccessful. An appropriate order by the state agency against an employer, employment agency or labor organization found to have committed unlawful employment discrimination may include reinstatement or hiring of the complainant, with or without back pay.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; toll-free 800-642-6112).* The Commission is authorized to receive, investigate and adjudicate charges of unlawful employment practices anywhere in the state. In that capacity, the Commission may hold hearings, subpoena witnesses, and inspect payroll records and other documentation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Nevada

● EQUAL EMPLOYMENT OPPORTUNITIES LAW

STATUTORY CITATION: Nev. Rev. Stat. §§ 613.310 – 613.435

GENERAL SUMMARY: Chapter 613 of the Nevada statutes contains provisions outlawing discriminatory employment practices on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, or national origin. The anti-discrimination provisions generally apply to all agricultural and non-agricultural employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS: Among other prohibited acts, it is illegal for a covered employer (1) to refuse to hire a job applicant, to discharge an employee, or to discriminate in any other way against an individual with respect to compensation or terms of employment because of the individual's race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, or national origin, (2) to limit, segregate or classify employees, on any of these same grounds, in a way which would tend to deprive a person of employment opportunities or otherwise adversely affect the person's status as an employee, or (3) to print or publish any employment notice or advertisement which indicates a preference or limitation based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, or national origin, except where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition, or national origin is a bona fide occupational qualification for employment. Similar discriminatory acts by employment agencies and labor organizations are likewise unlawful.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Nevada Equal Rights Commission, Nevada Department of Employment, Training and Rehabilitation, Las Vegas, Nevada 89104 (702-486-7161)*. Any person aggrieved by an unlawful employment practice such as those described above may file a complaint with the Commission.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If the Equal Rights Commission does not conclude, after investigation of a complaint and opportunity for hearing, that an illegal practice or act of employment discrimination has occurred, the complainant may apply to district court for relief, provided civil action is commenced no later than 180 days after the alleged practice or act occurred. In applying the 180-day limitation, the time during which the complaint was pending before the Commission is disregarded.

New Hampshire

● LAW AGAINST DISCRIMINATION

STATUTORY CITATION: N.H. Rev. Stat. §§ 354-A:1 – 354-A:26

GENERAL SUMMARY: The Law Against Discrimination declares, in part, that the opportunity to obtain employment without discrimination because of age, sex, race, creed, color, marital status, physical or mental disability, national origin, or sexual orientation is a civil right. The employment provisions in the Act, which are applicable to most agricultural and non-agricultural employers with 6 or more employees, defines certain unlawful employment practices and establishes an administrative framework for resolving discrimination charges lodged by job applicants and employees.

SPECIFIC TERMS AND CONDITIONS

DISCRIMINATORY PRACTICES — Among other unlawful acts described in the statute, it is generally illegal for an employer:

(1) To refuse to hire a job applicant, to discharge an employee, or to discriminate against an applicant or employee in the terms, conditions or privileges of employment because of the individual's age, sex, race, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation, unless such distinction is based on a bona fide occupational qualification.

(2) To print or circulate any employment-related statement or advertisement, or to use any type of job application form, which directly or indirectly expresses any limitation, preference or discrimination on grounds of age, sex, race, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation, unless based on a bona fide occupational qualification.

Similar or comparable acts committed by a labor organization or employment agency are also forbidden.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful discriminatory practice may file a written complaint with the state enforcement agency within 180 days after the alleged act occurred. If the agency's initial investigation finds sufficient evidence of a violation, the agency must try to eliminate the practice complained of by conference, conciliation and persuasion, but whenever informal efforts are unsuccessful or other circumstances warrant, the agency must call a hearing to allow the employer or other respondent to answer the charges formally. A finding that the respondent did, in fact, engage in unlawful discrimination will result in an order requiring the employer to halt the illegal practice and take appropriate affirmative action to correct any damage suffered by the complainant.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Commission for Human Rights, Concord, New Hampshire 03301 (603-271-2767)*. In monitoring compliance with the Law Against Discrimination, the Commission is authorized to receive, investigate and rule on complaints alleging violations. This authority includes the power to hold hearings, subpoena documents and witnesses, and take sworn testimony. Besides being subject to administrative orders for affirmative corrective action (which may involve such measures as hiring, reinstatement and back pay), employers and other entities that violate these provisions are subject to criminal prosecution. Under New Hampshire state law, individuals can be held personally liable for aiding and abetting discriminatory conduct.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *U.S. Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000)*. A worker who files a discrimination complaint with the state Commission on Human Rights against a New Hampshire employer who has 15 or more employees preserves his or her rights under the federal law enforced by EEOC (*see entry, U.S. — Civil Rights — Fair Employment Practices*).

New Jersey

● LAW AGAINST DISCRIMINATION

STATUTORY CITATION: N.J. Rev. Stat. §§ 10:5-1 – 10:5-42

GENERAL SUMMARY: The Law Against Discrimination, in part, affirms as a civil right that all persons in New Jersey have the opportunity to obtain employment without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, or gender identity or expression. The statute, which is applicable to most agricultural and non-agricultural employment other than domestic service, defines various prohibited discriminatory employment practices and establishes an administrative procedure for filing and resolving related complaints.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — With certain very narrow exceptions, it is illegal for an employer, because of an individual's race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, nationality, gender identity or expression, disability, atypical hereditary cellular or blood trait, liability for U.S. military service, or refusal to submit to a genetic test or reveal the results of a genetic test:

- (1) To refuse to hire the individual.
- (2) To fire the individual.
- (3) To require the individual to retire, unless justified by legitimate factors other than age.
- (4) To discriminate against the individual in compensation or in the terms, conditions or privileges of employment.
- (5) To print or circulate any employment-related statement or advertisement, or use any form of job application, which expresses a limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, nationality, pregnancy, sex, or liability of a job applicant for U.S. military service, unless such distinction is a bona fide occupational qualification.

Similar discriminatory acts by employment agencies and labor organizations are likewise prohibited.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful employment practice may file a complaint with the state enforcement agency, which is obligated to investigate the charges. If investigation finds probable cause to believe the allegations are true, the agency has 45 days from the date of such finding to eliminate the illegal practice informally. A formal hearing will be convened, however, to allow the employer or other respondent to answer the charges formally whenever conciliation is unsuccessful, and if evidence presented at the hearing confirms the occurrence of a violation, an order will be issued requiring appropriate corrective action by the respondent.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division on Civil Rights, Department of Law and Public Safety, Trenton, New Jersey 08625 (609-292-4605)*. In enforcing compliance with the Law Against Discrimination, the Department may receive complaints, conduct investigations, hold hearings, subpoena witnesses and documents, and take sworn testimony. In addition to affirmative action and other relief that may be granted a complainant under an administrative order or court judgment, the Department is authorized to assess money penalties of from \$2,000 to \$5,000 against anyone who violates any of these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – If the state attorney general deems it in the public interest, the power to investigate complaints, conduct conciliation conferences, hold hearings and take testimony may be delegated to county or municipal civil rights offices where such agencies have been locally established. The findings and conclusions of local civil rights authorities are subject to review by the Division on Civil Rights.

PRIVATE CIVIL ACTION — As an alternative to the administrative complaint procedure outlined above, a worker may file a lawsuit in superior court for relief from alleged employment discrimination, utilizing a private attorney or public legal service provider. Court action automatically bars the filing of a complaint with the state agency while the suit is pending.

New Mexico

● HUMAN RIGHTS ACT

STATUTORY CITATION: N.M. Stat. §§ 28-1-1 – 28-1-14

GENERAL SUMMARY: The Human Rights Act defines numerous unlawful practices, including certain forms of employment discrimination, and creates a state administrative framework to receive, investigate and resolve grievances alleging such discriminatory practices. The Act applies to employers and employees in New Mexico without regard to industry or occupation.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — It is illegal under most circumstances for an employer with 4 or more workers to refuse to hire a job applicant, to discharge, promote or demote an employee, or to discriminate against anyone otherwise qualified in matters relating to the terms, conditions or privileges of employment, because of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, or serious medical condition, unless such distinction is based on a bona fide occupational qualification or other statutory exception.

Similar acts (1) committed by an employer with 50 or more employees and against an employee because of his or her marital status, and (2) committed by an employer with 15 or more employees and against an employee because of the employee's sexual orientation or gender identity, are also generally illegal.

Employment agencies and labor organizations are barred from comparable discriminatory practices.

A person, employer, employment agency, or organization cannot use the provisions of the Human Rights Act to adopt or implement a quota on the basis of sexual orientation or gender identity.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful employment practice may file a complaint with the enforcement agency within 300 days after the alleged act was committed. If the agency's initial investigation yields evidence of a violation of the Act, the staff must attempt to resolve the complaint through persuasion and conciliation. A formal written complaint against the employer or other respondent involved will be issued if informal efforts at conciliation are unsuccessful, followed by a hearing to allow the respondent to answer the allegations. Upon conclusion of the hearing, a finding that a discriminatory practice has, in fact, occurred will lead to an order requiring appropriate affirmative action by the respondent to eliminate the discrimination and compensate the complainant for actual damages.

APPEAL — Anyone claiming to be aggrieved by an unlawful employment practice may file an appeal in the district court of the county where the discriminatory practice occurred or where the respondent does business. The notice of appeal must be filed within 90 days of service of the commissioner's order.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Investigation and Compliance Unit, Human Rights Bureau, New Mexico Department of Workforce Solutions, Santa Fe, New Mexico 87505 (505-827-6856; toll-free 800-566-9471).* In fulfilling the functions outlined above, the Bureau may subpoena witnesses, take sworn testimony, require the production of personnel records and related documentation, and perform other investigative duties. Through local district attorneys or the state attorney general, the Bureau is also empowered to seek court-ordered enforcement of orders issued by the Human Rights Commission, which is the authority designated to hear and adjudicate complaints.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New York

● HUMAN RIGHTS LAW

STATUTORY CITATION: N.Y. Executive Law §§ 290 – 301

GENERAL SUMMARY: The Human Rights Law, in part, declares as a civil right the opportunity to obtain employment without discrimination because of age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, or disability. The statute outlaws certain discriminatory practices by employers of 4 or more employees in all pursuits other than domestic service.

SPECIFIC TERMS AND CONDITIONS

DISCRIMINATORY EMPLOYMENT PRACTICES — It is unlawful for an employer of 4 or more workers in the state, because of an individual's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or status as a victim of domestic violence, to refuse to hire the individual, to discharge the individual from employment, or to discriminate against the individual in compensation or in the terms, conditions or privileges of employment. The use of any form of job application, or circulation of any employment notice or advertisement, which suggests a preference, specification or similar discrimination with respect to age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, or marital status, unless such distinction is based on a bona fide occupational qualification, is generally prohibited. The term "age" in these provisions of the Human Rights Law applies to and is intended to protect workers 18 years of age and older.

COMPLAINTS — At any time within one year after an alleged act of employment discrimination, a person aggrieved by such an act may file a complaint with the state enforcement agency, which has 180 days to determine if it has jurisdiction and, if so, whether there is probable cause to believe the employer or other respondent charged in the complaint has engaged in an unlawful practice. When the agency finds probable cause, it must try to negotiate a conciliation agreement between the complainant and the respondent, but if informal efforts are still unsuccessful 270 days after the complaint is filed, the agency is required to call a public hearing to present formal charges. A final order in the case must be issued no later than 180 days after start of the hearing. If the agency rules in favor of the complainant, the order may require the respondent to take affirmative corrective action (such as hiring, reinstatement or upgrading of the employee or employees involved) and pay compensatory damages to the aggrieved parties.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or opposed any practice forbidden under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Human Rights, New York Executive Department, Bronx, New York 10458 (718-741-8402).* Division personnel are authorized to investigate charges alleging a violation of the Human Rights Law and to bring such charges on their own initiative. The agency may hold hearings, subpoena witnesses, take sworn testimony, subpoena documents and records, and issue compliance orders, which are enforceable in court. Apart from civil liability, persons found to have willfully violated an order under the Human Rights Law are subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — In lieu of filing an administrative complaint with the Human Rights Division, or if a complaint filed with the Division has been dismissed on certain grounds, a person claiming to have been subjected to unlawful employment discrimination may seek damages and other relief in civil court, using private legal counsel or a public legal service provider. The exercise of the right to private civil action, however, precludes filing a complaint with the administrative agency with respect to the same grievance.

North Carolina

● EQUAL EMPLOYMENT PRACTICES ACT

STATUTORY CITATION: N.C. Gen. Stat. §§ 143-422.1 – 143-422.3

GENERAL SUMMARY: The Equal Employment Practices Act declares it a matter of public policy to protect and safeguard the right and opportunity of all persons in North Carolina to seek, obtain and hold employment without discrimination on account of race, religion, color, national origin, age, sex or handicap. The Act authorizes the state human relations council to receive, investigate and conciliate charges of discrimination by employers who regularly employ 15 or more employees.

PROVISIONS APPLICABLE TO AGRICULTURE: To the same extent as their counterparts in non-agricultural industries, farm employers who regularly employ 15 or more workers are prohibited from discriminating against job applicants and employees with respect to employment when such discrimination is based on race, religion, color, national origin, age, sex or handicap.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – North Carolina Human Relations Commission, North Carolina Department of Administration, Raleigh, North Carolina 27699 (919-807-4420). The Commission may receive and investigate any complaint charging unlawful employment discrimination, including complaints referred by the U.S. Equal Employment Opportunity Commission. The Act directs the Commission to use its good offices to effect an amicable resolution of all such charges.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

North Dakota

● HUMAN RIGHTS LAW

STATUTORY CITATION: N.D. Cent. Code §§ 14-02.4-01 – 14-02.4-23

GENERAL SUMMARY: Chapter 14-02.4 of the North Dakota statutes declares it state policy to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, mental or physical disability, marital status, public assistance status, or the employee's participation in lawful activity off the employer's premises during non-working hours. To effectuate this policy in the area of employment, the law defines certain discriminatory practices forbidden of employers who have one or more employees for more than one quarter of the year, without regard to industry or occupation.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — Among other prohibited acts, it is generally unlawful for a subject employer (1) to refuse to hire a job applicant, (2) to discharge an employee, or (3) to accord adverse or unequal treatment to a person with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff or other condition of employment, because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in a lawful activity off the employer's premises during non-working hours. Advertising, publishing or otherwise indicating that individuals of a particular race, color, religion, sex, national origin, age, physical or mental disability, marital status, public assistance status, or who participate in lawful activity off the employer's premises during non-working hours are unwelcome, objectionable, not acceptable or not solicited is also illegal.

EXCEPTION — It is generally not discriminatory for an employer to refuse to hire a person, or to discharge an employee, on the basis of religion, sex, national origin, physical or mental disability, or marital status, in situations where religion, sex, national origin, physical or mental disability, or marital status is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Human Rights Division, North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505 (701-328-2660; toll-free 800-582-8032).* The Department may receive and act on a complaint charging discriminatory employment practices at any time within 300 days of the alleged violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to enforcement by the Department, anyone claiming to be aggrieved by an act of employment discrimination may bring civil action in state district court against the employer or other entity alleged to be responsible, using private legal counsel or a public legal service provider. Any such action must be filed within 300 days of the alleged violation, but if a complaint is first filed with the Department, court action must commence no later than 90 days after the Department dismisses the complaint or issues a written determination.

Ohio

● CIVIL RIGHTS LAW

STATUTORY CITATION: Ohio Rev. Code §§ 4112.01 – 4112.99

GENERAL SUMMARY: The state civil rights law defines certain unlawful discriminatory practices in employment and other settings, and establishes an administrative mechanism for reporting and resolving discrimination charges. The employment provisions of the civil rights law apply to employers that have 4 or more employees working in Ohio, in all industries and occupations other than domestic service and work connected with religious activities.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — It is illegal for a covered employer, because of the race, color, religion, sex, military status, national origin, disability, age or ancestry of any person, to discharge without just cause, to refuse to hire, or to otherwise discriminate against that person with respect to hire, tenure, the terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.

Except when based on a bona fide occupational qualification certified in advance by the state enforcement agency, employers may not elicit information concerning a job applicant's race, color, religion, sex, military status, national origin, disability, age or ancestry, use any form of job application eliciting such information, publish any advertisement or notice indicating a preference for or bias against applicants on any of these grounds, or make any record of such characteristics prior to employment.

Comparable acts by employment agencies and labor organizations are also prohibited.

COMPLAINTS — Within 6 months after the occurrence of an alleged discriminatory employment practice, a person may lodge a complaint of a violation with the state enforcement agency. If the initial investigation suggests that the allegations are true, the agency must attempt to eliminate the unlawful practice by conference, conciliation and persuasion. Formal charges will be brought against the offending employer or other responsible party in the event informal efforts to obtain compliance are unsuccessful. If evidence presented in the ensuing hearing confirms that the respondent has, in fact, engaged in illegal discrimination, the agency will issue an order requiring cessation of the practice and appropriate affirmative action, which may include hiring, reinstatement, or upgrading of the job applicant or employee involved, with or without back pay.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Ohio Civil Rights Commission, Columbus, Ohio 43215 (toll-free 888-278-7101)*. In processing complaints under the civil rights law, the Commission has the authority to examine personnel records and question the employer and employees at any workplace in the state, to hold hearings, to subpoena witnesses and documents, and to issue compliance orders, enforceable in the courts.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — Workers subjected to an unlawful employment practice have a right to institute private civil action against the employer involved, using a private attorney or public legal service provider. Such a suit must be commenced within 180 days after the alleged practice occurred. With respect to discrimination on the basis of age, however, court action under the civil rights law automatically bars the complainant from filing an administrative charge with the Civil Rights Commission and from filing suit under the state's age discrimination in employment law (*see next entry*) with respect to the same complaint.

Oklahoma

● OKLAHOMA ANTI-DISCRIMINATION ACT

STATUTORY CITATION: Okla. Stat. Title 25, §§ 1101 – 1706

GENERAL SUMMARY: Along with protections related to housing and public accommodations, the Oklahoma Anti-Discrimination Act defines certain illegal employment practices and prescribes procedures for reporting and resolving charges of employment discrimination. With few exceptions, the Act applies to agricultural and non-agricultural employers who have one or more employees.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — It is an unlawful employment practice for an employer to refuse to hire a job applicant, to discharge an employee, or to otherwise discriminate against an individual with respect to the terms, conditions, privileges or responsibilities of employment, because of race, color, religion, sex, national origin, age (40 and over), genetic information or disability, unless the employer can demonstrate that accommodation for the disability would impose an undue hardship on the employer's business. The limitation, segregation or classification of an employee or applicant in any way which would deprive the individual of employment opportunities or otherwise adversely affect employment status on any such grounds is also illegal. Employment agencies and labor organizations are subject to comparable restrictions against discrimination.

No employer, employment agency or labor organization may circulate any employment notice or advertisement which indicates a preference or bias based on race, color, religion, sex, national origin, age, genetic information or disability, although religion, sex and national origin may under certain circumstances constitute bona fide occupational qualifications not necessarily indicative of unlawful discrimination.

COMPLAINTS — A person who has a grievance related to discrimination in employment may file a complaint with the state enforcement agency at any time up to 180 days after the alleged discriminatory act or practice occurred. If investigation of the complaint yields reasonable cause to believe the charges are valid and the state agency staff is unable to reach a mutually agreeable settlement between the complainant and the respondent, a hearing will be called to allow the respondent to answer the charges formally. If the agency finds from its review of all the evidence that the respondent has engaged in a discriminatory practice, an attempt must be made to reach a written conciliation agreement with the respondent, but if such measures fail, the agency will issue a formal order requiring compliance with the law and appropriate affirmative action to compensate for the violation. Affirmative action may include, among other remedies, hiring or reinstatement of the complainant, with or without back pay.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Civil Rights Enforcement, Oklahoma Office of the Attorney General, Oklahoma City, Oklahoma 73105 (405-521-3921)*. In connection with investigation of a complaint, representatives of this agency have the right to enter public and private property, inspect records and documents relevant to the complaint, and examine and copy other evidence. The agency may also subpoena witnesses and take sworn testimony in fact-finding and adjudicatory proceedings, as outlined above. Final orders of the agency are enforceable in state district court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The Attorney General may refer a complaint alleging employment discrimination to any local human relations commission created for such purposes by one or more political subdivisions in the state. Local commissions are authorized to investigate, determine reasonable cause, attempt to informally eliminate discriminatory practices, and recommend compliance action to the Attorney General.

PRIVATE CIVIL ACTION — An employee aggrieved by an alleged violation of the Anti-Discrimination Act may take private legal action against the employer involved, but only after first filing a charge of employment discrimination with the administrative enforcement agency. If the matter is not resolved to the employee's satisfaction within 180 days after the charge is filed, the agency may issue a notice of a right to sue, allowing the employee to proceed with court action, using a private attorney or public legal service provider. Court action must commence no later than 90 days after the worker receives the right-to-sue notice.

Oregon

● CIVIL RIGHTS LAWS

STATUTORY CITATION: Or. Rev. Stat. §§ 659A.001 – 659A.990

GENERAL SUMMARY: Chapter 659A of the Oregon statutes outlaws certain forms of discrimination, including a multitude of unlawful employment practices. In general, the ban against employment discrimination applies to all agricultural and non-agricultural pursuits in the state except domestic service and employment by a parent, spouse or child.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — Among numerous other offenses defined in the civil rights laws, it is generally illegal for an employer to refuse to hire a job applicant, or to discharge a worker from employment, because of the individual's race, color, religion, sex, sexual orientation, national origin, marital status, age (if 18 or older), or legally expunged juvenile record. Employers are also prohibited from discriminating against an individual because of the race, color, religion, sex, sexual orientation, national origin, marital status, or age of any other person the individual associates with.

Likewise, an employer may not discriminate against an individual in compensation, or in the terms, conditions or privileges of employment, on any of these same grounds, or print or circulate any employment-related statement or advertisement, or use any form of job application, which expresses a preference or bias related to any such factor.

Other prohibited acts include discrimination against a person because of the person's on-the-job injury or use of workers' compensation rights, the person's military service status, or a disability which does not prevent performance of the work involved.

EXCEPTIONS — Discrimination is not an unlawful employment practice if such discrimination is based on a bona fide occupational requirement reasonably necessary to the normal operation of the employer's business. Also, the prohibition on discrimination against injured workers and workers with a disability applies only to employers with 6 or more employees.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful employment practice may file a complaint with the state enforcement agency, generally within one year after the alleged practice occurred. The state agency must attempt to settle the complaint and eliminate the effects of the unlawful practice through conference, conciliation and persuasion whenever the initial investigation yields substantial evidence supporting the allegations of the complaint. In the event such informal efforts are unsuccessful, the agency may hold a hearing to allow the employer or other party named in the complaint to answer the charges. A formal ruling on the evidence presented in the hearing that the respondent has, in fact, engaged in unlawful discrimination may result in an order for affirmative action compliance, which may include employment or rehiring, back pay, compensatory damages, or other appropriate measures.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Division, Oregon Bureau of Labor and Industries, Portland, Oregon 97232 (971-673-0764)*. In their investigatory and adjudicatory roles under the state civil rights laws, authorized representatives of the Bureau may enter places of employment, view personnel files, question employees, subpoena witnesses or documents, take statements, report findings, issue administrative determinations, and issue compliance orders, enforceable in civil court.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If, within one year after the filing of a complaint, the Bureau has been unable to reach a conciliation agreement with the respondent, has not brought formal charges against the respondent, or has made no administrative determination in the case, the complainant may file a civil suit in circuit court for relief within 90 days, using a private attorney or public legal service provider. Likewise, a worker may take civil action directly, without first filing a complaint with the Bureau, provided the suit is commenced within one year of the occurrence of the alleged discriminatory practice. In either case, court action on the complainant's part bars any further involvement in the matter by the Bureau.

Pennsylvania

○ PENNSYLVANIA HUMAN RELATIONS ACT

STATUTORY CITATION: 43 Pa. Stat. §§ 951 – 963

GENERAL SUMMARY: The Pennsylvania Human Relations Act is intended, in part, to safeguard the right of individuals in the state to obtain and hold employment regardless of race, color, familial status, religious creed, ancestry, handicap or disability, age, sex, national origin, or the use of a guide or support animal because of blindness, deafness or physical handicap. In pursuit of that objective, the Act establishes a state-administered mechanism for reporting and resolving complaints involving employment discrimination on any such grounds. The law generally applies to any individual, firm or other entity with 4 or more employees.

PROVISIONS APPLICABLE TO AGRICULTURE: While the Human Relations Act's protections against discrimination in housing and public accommodations apply without regard to a person's occupational or industrial classification, the fair employment provisions **do not apply** to anyone employed in agriculture.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Pennsylvania Human Relations Commission, Harrisburg, Pennsylvania 17101.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Puerto Rico

● EMPLOYMENT DISCRIMINATION LAW

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 146 – 151

GENERAL SUMMARY: Chapter 7 of the Puerto Rico labor laws contains provisions outlawing certain forms of discrimination in employment, applicable to all trades and industries without exception.

SPECIFIC TERMS AND CONDITIONS

EMPLOYMENT DECISIONS — It is illegal for any employer to use a person's age, race, color, sex, social or national origin, social condition, political affiliation, or political or religious ideology as the basis for (1) refusing to hire or rehire the person, (2) discharging or laying off the person, (3) discriminating against the person regarding salary, wages, or the terms, rank, conditions or privileges of work, or (4) limiting or classifying the person in a way that tends to deprive the person of opportunities or affect his or her employment status. Employment discrimination against a person for being a victim or perceived as a victim of domestic violence, sexual aggression or stalking is similarly illegal.

ADVERTISING OR SOLICITATIONS — Employers and labor organizations are generally prohibited from publishing or circulating any announcement denying employment opportunities on grounds of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology, or for being a victim or perceived as a victim of domestic violence, sexual aggression or stalking.

POSTING — Every employer and labor union must post a summary of the anti-discrimination provisions in a conspicuous location at the workplace.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Antidiscrimination Unit, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100)*. In response to a complaint, the Department is authorized to investigate possible violations of the employment discrimination law. Representatives of the Department may inspect all records, documents and files maintained by an employer or labor organization relative to any such investigation, and the agency may hold hearings and take testimony as part of the fact-finding process. Violators are subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — A worker may take legal action against an employer for an act of employment discrimination by filing a civil suit, using counsel of the worker's own choosing. In a judgment in the plaintiff's favor, the employer is generally liable for a sum equal to twice the amount of actual damages sustained, plus court costs and attorney's fees. The court may also order the worker's reinstatement on the job or other equitable relief.

Rhode Island

● STATE FAIR EMPLOYMENT PRACTICES ACT

STATUTORY CITATION: 28 R.I. Gen. Laws §§ 28-5-1 – 28-5-43

GENERAL SUMMARY: The State Fair Employment Practices Act affirms the right of most individuals in Rhode Island to equal employment opportunities, regardless of race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin. More specifically, the Act outlaws certain specified practices that are contrary to this policy, and establishes an administrative mechanism for resolving worker complaints charging any such violation.

The law generally applies to employers with 4 or more employees, and protects workers in all areas of employment other than domestic service.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — Employers with 4 or more employees are prohibited from engaging in any of the following practices, among others:

- (1) Refusing to hire a job applicant because of the applicant's race, color, religion, sex, sexual orientation, gender identity or expression, disability, age (40 or over), or country of ancestral origin.
- (2) Discharging or discriminating against an employee, on any of the same grounds, with respect to tenure, compensation, terms or privileges of employment, or any other matter related to employment.
- (3) Utilizing for recruitment or hiring purposes any employment agency, placement service, training provider, labor organization, or any other source of job applicants that the employer has reasonable cause to know discriminates against individuals because of their race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin.
- (4) Using any form of job application containing questions or entries directly or indirectly pertaining to race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, unless any such factor is a bona fide occupational qualification for the job involved.
- (5) Publishing or circulating any employment advertisement or notice indicating a preference, limitation or bias based on race, color, religion, sex, disability, age, or country of ancestral origin.
- (6) Refusing to reasonably accommodate a worker's or prospective worker's disability, unless the employer can demonstrate that the accommodation would impose a hardship on the employer's business.

Employment agencies and labor organizations are subject to comparable proscriptions against discrimination.

COMPLAINTS — Any individual who has been subjected to discriminatory treatment or suffered from a discriminatory practice outlawed by the Fair Employment Practices Act may file a complaint with the state enforcement agency. When preliminary investigation of the allegations yields probable cause to believe a violation has occurred, the agency must attempt to negotiate a conciliation agreement under which the employer or other respondent named in the complaint pledges to refrain from further unlawful employment discrimination. Failure to reach an informal accord will generally lead to formal written charges against the respondent and a subsequent hearing to allow the respondent to answer them. If the hearing record supports a conclusion that a violation of the Act was committed by the respondent, the agency may issue an order requiring cessation of the illegal employment practice and appropriate corrective action, including such affirmative measures as hiring, reinstatement, or job upgrading, with or without back pay.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Rhode Island Commission for Human Rights, Providence, Rhode Island 02903 (401-222-2661).* The Commission has explicit authority to hold hearings, subpoena witnesses, take testimony, examine personnel records and related documents, and issue enforceable orders for compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — If, not less than 120 days and no more than 2 years after the filing of a charge, the Commission has not been able to reach a settlement or conciliation agreement and has not commenced the hearing process, a worker may request a "notice of right to sue" from the Commission, which must provide the notice within 30 days of the request. The issuance of the right to sue terminates all proceedings before the Commission and allows the worker to file suit against the violator directly, using a private attorney or public legal service provider. Any such suit, however, must be filed within 90 days after the right to sue is issued.

● CIVIL RIGHTS OF PEOPLE WITH DISABILITIES LAW

STATUTORY CITATION: 42 R.I. Gen. Laws §§ 42-87-1 – 42-87-5

GENERAL SUMMARY: Chapter 42-87 of the state statutes prohibits discrimination by any person or entity doing business in Rhode Island against any otherwise qualified individual with a disability, solely because of the individual's disability. More specifically, no otherwise qualified person with a disability who, with reasonable accommodation and with no major cost can perform the essential functions of the job in question, may be subjected to employment discrimination solely on the basis of the person's disability. Among other aspects of employment, this proscription applies to recruitment, hiring, promotion or demotion, layoff, termination, compensation and benefits.

Civil Rights — Fair Employment Practices — Rhode Island

PROVISIONS APPLICABLE TO AGRICULTURE: The employment protections provided by these provisions apply without regard to occupational or industrial classification.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY - *Rhode Island Commission for Human Rights, Providence, Rhode Island 02903 (401-222-2661).*

Any individual with a disability who has been subjected to discriminatory treatment or suffered from a discriminatory practice outlawed by these provisions may file a complaint with the Commission. Before instituting a formal hearing, the agency must attempt to resolve the matter by informal methods of conference, persuasion and conciliation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *None.*

PRIVATE CIVIL ACTION — Any person with a disability who is the victim of discrimination prohibited by these provisions may take legal action in state court against the person or firm responsible for the violation, using a private attorney or public legal service provider. However, if the alleged violation is within the jurisdiction of the Commission for Human Rights, civil action cannot be commenced unless the Commission has failed to act on the person's complaint within 60 days of filing, or the Commission has issued a final order on the complaint.

South Carolina

● SOUTH CAROLINA HUMAN AFFAIRS LAW

STATUTORY CITATION: S.C. Code §§ 1-13-10 – 1-13-110

GENERAL SUMMARY: The South Carolina Human Affairs Law declares unlawful the practice of discrimination against individuals because of race, religion, color, sex, age, national origin, or disability, and defines specific employment-related acts that are prohibited as unlawfully discriminatory. The Human Affairs Law, which generally applies to all agricultural and non-agricultural employers who have 15 or more employees for each working day in each of 20 or more different calendar weeks in the current or preceding calendar year, creates a state commission whose purpose it is to prevent and eliminate such practices.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL ACTS — With numerous but very narrow exceptions, it is forbidden for an employer subject to the law to engage in any of the following practices, among others:

- (1) To refuse to hire a job applicant, to dismiss an employee from the job, or in any other manner to discriminate against a person with respect to compensation or the terms, conditions or privileges of employment, because of the person's race, religion, color, sex, age (over 40), national origin, or disability.
- (2) To limit, segregate or classify employees or job applicants in any way which would tend to deprive an individual of employment opportunities or otherwise affect employment status on the grounds of race, religion, color, sex, age, or national origin.
- (3) To publish or circulate a job notice or employment advertisement indicating a preference, limitation, specification or discrimination based on race, color, religion, sex, national origin or disability.

Employment agencies and labor organizations are bound by comparable anti-discrimination provisions.

COMPLAINTS — Within 180 days after the occurrence of an act perceived to be illegal under the Human Affairs Law, an individual aggrieved by the incident may file a complaint with the state enforcement agency. The agency must respond with an investigation of the facts relating to the allegations in the complaint, and if the evidence gathered indicates the employer or other respondent named in the complaint has, in fact, committed a violation, the agency must issue such a finding and attempt to negotiate a conciliation agreement with the respondent. In the event an informal agreement is not reached within 30 days of its finding, the agency may file suit against the respondent in circuit court. A determination by the court that the respondent intentionally engaged in an unlawful employment practice charged in the complaint is grounds for issuance of an order that the respondent cease such practice and take prescribed corrective action, including reinstatement or hiring of the complainant, with or without back pay, as the court deems appropriate.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *South Carolina Human Affairs Commission, Columbia, South Carolina 29201 (803-737-7800; toll-free 800-521-0725).* As outlined above, the Commission has the power to investigate any complaint of employment discrimination under the Human Affairs Law, and to bring legal action against the respondent when investigation reveals evidence of a violation.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — If the Commission has not commenced action against or entered into a conciliation agreement with the respondent within 180 days from the filing of a complaint by a worker, or if the Commission has dismissed the charges, the worker may bring suit against the respondent in circuit court, using a private attorney or public legal service provider. Civil action generally must be filed no later than one year after the date of the alleged violation, or within 120 days of the date of dismissal of the complaint, whichever is earlier. Court action brought by a worker automatically bars court action by the Commission on the same charge. Likewise, once the Commission files suit in a case, the worker may not take legal action against the respondent with respect to the same violation.

South Dakota

● SOUTH DAKOTA HUMAN RELATIONS ACT OF 1972

STATUTORY CITATION: S.D. Codified Laws §§ 20-13-1 – 20-13-56

GENERAL SUMMARY: Among other offenses defined in the South Dakota Human Relations Act, it is an unfair or discriminatory practice for any person, because of race, color, creed, religion, sex, ancestry, disability or national origin, to fail or refuse to hire a job applicant, to discharge an employee, or to accord adverse or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment. The Act also prohibits employers from advertising or otherwise indicating that individuals of any particular race, color, creed, religion, sex, ancestry, disability or national origin are unwelcome, objectionable, not acceptable, or not solicited for employment. Provided they are administered without discrimination, ability tests, seniority systems, merit increase plans, job descriptions, or training systems used by employers to make hiring, promotion, pay and other personnel decisions are generally not regarded as unlawful.

PROVISIONS APPLICABLE TO AGRICULTURE: The employment provisions of the Human Relations Act apply equally to both agricultural and non-agricultural employers with one or more employees.

SPECIAL NOTES OR ADVISORIES

RETALIATION — It is illegal for anyone to engage in any reprisal, economic or otherwise, against an individual because the individual has filed a charge, testified, or helped anyone exercise rights under the Human Relations Act.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Human Rights, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681)*. It is the role of this agency to receive, investigate and attempt to settle informally all complaints charging an unfair or discriminatory practice. A worker has up to 180 days after an alleged unlawful act to file a complaint with the Division.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Human Rights Commission, Division of Human Rights, South Dakota Department of Labor and Regulation, Pierre, South Dakota 57501 (605-773-3681)*. Whenever the efforts of the Division of Human Rights to resolve a complaint by conference or conciliation are unsuccessful, the Commission may call a hearing to permit the party named in the complaint to answer the charges. A finding by the Commission that the respondent has, in fact, engaged in an unfair or discriminatory practice will result in an order requiring the respondent to cease and desist from such practice and to take affirmative action to remedy the damage suffered by the complainant.

Tennessee

● HUMAN RIGHTS LAW (*EMPLOYMENT DISCRIMINATION*)

STATUTORY CITATION: Tenn. Code §§ 4-21-101 – 4-21-408

GENERAL SUMMARY: Title 4, Chapter 21 of the Tennessee statutes establishes a state commission on human rights and grants that agency responsibility for, among other matters, enforcing the law's provisions against employment discrimination on grounds of race, creed, color, religion, sex, age, and national origin. The employment provisions of the human rights law apply to both agricultural and non-agricultural employers with 8 or more employees.

SPECIFIC TERMS AND CONDITIONS

DISCRIMINATORY EMPLOYMENT PRACTICES — In general, it is unlawful for a subject employer to refuse to hire a job applicant, to fire an employee, or to discriminate against an individual with respect to compensation or the terms, conditions or privileges of employment, because of the individual's race, creed, color, religion, sex, age (40 and over), or national origin. It is also illegal to limit, segregate or classify employees or job applicants on the basis of any of these same factors in a way which would tend to deprive an individual of employment opportunities or otherwise adversely affect employment status.

Exception — In those instances where religion, sex or age is a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business, the human rights law does not bar an employer from using an applicant's religion, sex or age in hiring decisions.

COMPLAINTS — A worker claiming to be aggrieved by a discriminatory employment practice may file a complaint with the state enforcement agency at any time within 180 days after the alleged practice occurred. The agency's staff must promptly investigate the complaint and, if there is reasonable cause to believe that the employer or other respondent named in the complaint has engaged in a discriminatory practice, must attempt to reach a conciliation agreement under which the employer agrees to eliminate the unlawful practice. Unless the case is dismissed or a conciliation agreement is reached within 90 days after a finding of reasonable cause, the agency must call a hearing and require the respondent to answer the allegations of the complaint formally. After evidence is heard, a determination by the agency that the respondent has engaged in a discriminatory practice will result in issuance of an order for cessation of the violation and appropriate corrective action, which may include hiring, reinstatement or upgrading of the complainant, with or without back pay.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Tennessee Human Rights Commission, Nashville, Tennessee 37243 (615-741-5825; toll-free 800-251-3589).* The Commission is authorized to receive, investigate, seek to conciliate, hold hearings on, and issue findings of fact and related orders in response to complaints alleging violations of the human rights law.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker who is subjected to unlawful employment discrimination under these provisions may, through a private attorney or public legal service provider, bring civil action in chancery court to recover damages, as well as court costs and attorney's fees, and to enjoin further violations. Suit must be filed within one year after the alleged discriminatory practice ceased.

● TENNESSEE DISABILITY ACT

STATUTORY CITATION: Tenn. Code §§ 8-50-103 – 8-50-104

GENERAL SUMMARY: The Tennessee Disability Act bars any employer with 8 or more employees in the state from discriminating against a person with respect to hiring, firing and other terms and conditions of employment, based solely on the person's physical, mental or visual disability, unless the disability to some degree prevents the person from performing the duties required or impairs the performance of the work involved. Likewise, no blind person may be discriminated against in any such employment practices because he or she uses a guide dog.

PROVISIONS APPLICABLE TO AGRICULTURE: The Act applies without regard to the industrial classification of the employer or occupational classification of the worker.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against a job applicant because he or she has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Tennessee Human Rights Commission, Nashville, Tennessee 37243 (615-741-5825; toll-free 800-251-3589).* The Commission is authorized to receive written sworn complaints filed by individuals aggrieved by discriminatory practices prohibited by the Tennessee Disability Act, and the agency must follow the procedure prescribed in the state human rights law (*see previous entry*) to try to resolve them.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker who is subjected to unlawful discrimination under the Tennessee Disability Act may, through a private attorney or public legal service provider, bring civil action in chancery court to recover damages, as well as court costs and attorney's fees, and to enjoin further violations. Suit must be filed within one year after the alleged discriminatory practice ceased.

Texas

● EMPLOYMENT DISCRIMINATION LAW

STATUTORY CITATION: Tex. Labor Code §§ 21.001 – 21.556

GENERAL SUMMARY: Chapter 21 of the state labor statutes outlaws certain forms of employment discrimination in Texas and designates a state agency to receive, investigate, conciliate, and judge complaints alleging violations. The law generally applies to all agricultural and non-agricultural employers who have 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL EMPLOYMENT PRACTICES — With some exceptions, it is illegal for a subject employer to engage in any of the following acts, among others:

- (1) To fail or refuse to hire a job applicant, to discharge an employee, or to otherwise discriminate against an individual with respect to compensation or the terms, conditions or privileges of employment, because of race, color, disability, religion, sex, national origin, or age (40 and older).
- (2) To limit, segregate or classify a job applicant or employee on any of the same grounds in a way that would tend to deprive a person of employment opportunities or otherwise adversely affect employment status.
- (3) To publish or circulate an employment notice or advertisement indicating a preference or specification based on race, color, disability, religion, sex, national origin, or age.

Employment agencies and labor organizations are barred from comparable discriminatory practices.

Exceptions — The law does not prevent employers from applying different standards of compensation, or different terms, conditions or privileges of employment, under a bona fide seniority system, merit system, employee benefit plan, or a system which measures earnings by quantity or quality or production, provided such differences do not discriminate on the basis of race, color, disability, religion, sex, national origin, or age.

COMPLAINTS — Any employee or job applicant who is aggrieved by a discriminatory practice prohibited under these provisions, or the representative of any such worker, may file a complaint with the state enforcement agency at any time within 180 days after the alleged practice occurred. The complaint must be promptly investigated by the agency's staff to determine if there is reasonable cause to believe that the employer or other respondent named in the complaint has, in fact, committed a violation. A determination that reasonable cause exists requires the agency to attempt to eliminate the unlawful practice informally, but if a conciliation agreement cannot be reached within a reasonable time, the agency or the complainant may bring civil action against the respondent to enforce compliance.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Division, Texas Workforce Commission, Austin, Texas 78778 (512-463-2642; toll-free 888-452-4778)*. In performing its investigatory functions under the employment discrimination law, the Commission is authorized to compel the attendance of witnesses and subpoena personnel records and other documents.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Under certain circumstances, the Commission may refer a complaint, or defer jurisdiction over the subject matter of a complaint, to any local commission created by one or more political subdivisions in the state to promote the law's anti-discrimination purposes. In any such case, the local commission must investigate the violation alleged in the complaint and take remedial action, but if the local body fails to act on the complaint within 60 days, the state may assume or reassert jurisdiction over the case.

PRIVATE CIVIL ACTION — Whenever a complaint is dismissed by the Commission, or if the Commission has not successfully negotiated a conciliation agreement or brought suit to enforce compliance within 180 days after the complaint is filed, the complainant may take legal action against the respondent directly, using a private attorney or public legal service provider. Whether brought by the complainant or by the Commission, civil action may not be commenced later than 2 years after the date the complaint was originally filed with the agency.

Utah

● UTAH ANTIDISCRIMINATION ACT

STATUTORY CITATION: Utah Code §§ 34A-5-101 – 34A-5-112

GENERAL SUMMARY: The Utah Antidiscrimination Act outlaws certain defined unfair employment practices and designates a state agency to receive, investigate and rule on complaints alleging violations. The Act generally applies to all employers, agricultural and non-agricultural alike, that employ 15 or more individuals for each working day in 20 or more different calendar weeks during the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICES — With some exceptions, it is unlawful for a subject employer to engage in any of the following practices, among others:

- (1) To refuse to hire or promote an individual, who is otherwise qualified, because of race, color, sex, pregnancy or childbirth, age (40 or older), religion, national origin, disability, sexual orientation, or gender identity.
- (2) To discharge, demote, or discriminate in matters of compensation or the terms, privileges and conditions of employment, against a person who is otherwise qualified, on any of the above-mentioned grounds.
- (3) To print or circulate any statement or advertisement, or use any form of job application, which directly or indirectly expresses any limitation, preference or discrimination as to race, color, religion, sex, pregnancy or childbirth, national origin, age, disability, sexual orientation, or gender identity, unless based on a bona fide occupational qualification.

Employment agencies and labor organizations are subject to similar prohibitions.

EXCEPTIONS — Among other exceptions, nothing in the Act prevents employers from hiring on the basis of religion, sex, pregnancy, childbirth, age, national origin, disability, sexual orientation, or gender identity in those instances where any such characteristic is a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business.

COMPLAINTS — Anyone aggrieved by a discriminatory or unfair employment practice may file with the state enforcement agency a request for agency action, at any time within 180 days after the alleged practice occurred. When the investigation of a complaint yields evidence of a violation, the staff must attempt to eliminate the prohibited practice by conciliation or persuasion. Failure to reach an informal settlement may result in a formal order by the agency, compelling the respondent to cease any discriminatory practice and to provide relief to the complainant.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Antidiscrimination and Labor Division, Utah Labor Commission, Salt Lake City, Utah 84114 (801-530-6801; toll-free 800-222-1238)*. The Division is charged with receiving and investigating complaints under the Act, and with attempting to resolve informally those complaints determined to have merit. Separate units within the agency are responsible for hearing and adjudicating complaints which cannot be resolved by Division staff.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Vermont

● FAIR EMPLOYMENT PRACTICES LAW

STATUTORY CITATION: Vt. Stat. Title 21, §§ 495 – 496a

GENERAL SUMMARY: Chapter 5, Subchapter 6 of the state labor statutes defines certain unlawful practices involving discrimination in employment, applicable to virtually all agricultural and non-agricultural trades and industries in Vermont.

SPECIFIC TERMS AND CONDITIONS: Among other offenses described in the fair employment practices law, it is illegal for an employer to do either of the following:

(1) To discriminate against an employee or job applicant because of the individual's race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, or age (18 or over), or to discriminate against a qualified individual with a disability.

(2) To publish or circulate a job notice or advertisement indicating a preference, limitation or discrimination based on race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, age, or disability.

These prohibitions generally do not apply where a bona fide occupational qualification requires an employee of a particular race, color, religion, national origin, sex, sexual orientation, gender identity, ancestry, place of birth, age, or physical or mental condition. Similarly, the law does not bar an employer from observing the terms of a bona fide seniority system or employee benefit plan which may result in distinctions on the basis of age or disability, provided the system or plan is not a subterfuge to evade the law's anti-discrimination purposes.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Unit, Vermont Attorney General's Office, Montpelier, Vermont 05609 (802-828-3657, toll-free 888-745-9195).* Representatives of the attorney general's office are authorized to conduct investigations of employment discrimination charges, and to take action through the courts to restrain prohibited acts and seek civil penalties. The agency also has authority to obtain orders for reinstatement, restitution of wages, and other appropriate relief on behalf of employees who have been subjected to unlawful discrimination.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any person aggrieved by a violation of these provisions may bring suit in superior court for damages, restitution of wages and benefits, reinstatement, and other appropriate relief.

Virginia

● VIRGINIA HUMAN RIGHTS ACT

STATUTORY CITATION: Va. Code §§ 2.2-3900 – 2.2-3903

GENERAL SUMMARY: Among other provisions, the Virginia Human Rights Act (1) prohibits certain acts of employment discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, and age, and (2) prescribes procedures for resolving complaints of employment discrimination on those grounds. The law applies to employers in certain size categories, but protects employees without regard to their industry or occupation.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED ACTS — It is generally unlawful for an employer with more than 5 but fewer than 15 employees to discharge any such employee on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions (including lactation).

Likewise, no employer with more than 5 but fewer than 20 employees may discharge any such employee on the basis of age, if the employee is 40 years old or older.

COMPLAINTS — A worker aggrieved by an apparent act of employment discrimination may submit a complaint to the state enforcement agency, which is authorized to investigate it, determine if there is reasonable cause to believe discrimination occurred, and render a final disposition of the complaint.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Human Rights and Fair Housing, Virginia Office of the Attorney General, Richmond, Virginia 23219 (804-225-2292).* This agency investigates complaints alleging discrimination in violation of the state Human Rights Act or corresponding federal laws.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — As an alternative to filing an administrative complaint with the Division of Human Rights, a worker may take civil action against an employer who violates the Act's employment discrimination provision, using a private attorney or public legal service provider. Such action must be filed no later than 300 days after the worker was unlawfully discharged; if the worker filed the complaint with the Division of Human Rights first, civil action must commence no later than 90 days after the date the Division has rendered a final disposition of the complaint. The court may award up to 12 months' back pay, with interest, plus attorney's fees.

Washington

● LAW AGAINST DISCRIMINATION

STATUTORY CITATION: Wash. Rev. Code §§ 49.60.010 – 49.60.505

GENERAL SUMMARY: The Law Against Discrimination prohibits certain forms of discrimination in employment and other settings, and creates a state agency with the power to prevent and eliminate such practices. The employment provisions apply to most agricultural and non-agricultural establishments with 8 or more employees.

SPECIFIC TERMS AND CONDITIONS

UNFAIR EMPLOYMENT PRACTICES — Among other prohibited acts, it is generally unlawful for any employer subject to these provisions to engage in any of the following practices:

(1) To refuse to hire a person because of age (40 and over), sex, marital status, sexual orientation (including gender identity), race, creed, color, national origin, veteran or military status, or any sensory, mental or physical disability (including use of a service animal), unless such refusal is based on a bona fide occupational qualification.

(2) To discharge a person from employment because of age, sex, marital status, sexual orientation (including gender identity), race, creed, color, national origin, veteran or military status, or any sensory, mental or physical disability (including use of a service animal).

(3) To discriminate against a person in compensation or in other terms or conditions of employment on any of the above-mentioned grounds.

(4) To print or circulate any statement or advertisement, use any form of job application, or make any inquiry in connection with employment, which expresses any preference, limitation or discrimination as to age, sex, marital status, sexual orientation (including gender identity), race, creed, color, national origin, veteran or military status, or any sensory, mental or physical disability (including use of a service animal).

Employment agencies and labor unions are subject to similar prohibitions.

COMPLAINTS — Anyone claiming to be aggrieved by an unfair employment practice may file a complaint with the state enforcement agency within 6 months after the alleged discriminatory act. If staff investigation finds reasonable cause to believe an unfair practice has been or is being committed by the employer or other respondent named in the complaint, the staff must attempt to eliminate the violation through conference, conciliation and persuasion. Failure to informally arrive at a conciliation agreement will normally lead to a formal hearing of the complaint by an administrative law judge, and if evidence presented at the hearing supports the validity of the charges, the judge will issue an order requiring the respondent to cease the unlawful practice and to take appropriate corrective action.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Washington State Human Rights Commission, Olympia, Washington 98504 (toll-free 800-233-3247)*. In investigating complaints of violations under the Law Against Discrimination, the Commission may hold hearings, subpoena witnesses and documents, and compel testimony. In addition to other forms of relief, the Commission has authority to award damages of up to \$20,000 for humiliation and mental suffering caused by a prohibited act.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

West Virginia

● WEST VIRGINIA HUMAN RIGHTS ACT

STATUTORY CITATION: W. Va. Code §§ 5-11-1 – 5-11-20

GENERAL SUMMARY: The West Virginia Human Rights Act declares, in part, that equal opportunity in employment is a human and civil right of all persons, without regard to race, religion, color, national origin, ancestry, sex, age, blindness or disability. The Act defines certain unlawful discriminatory employment practices and establishes a state-administered framework for investigating and resolving related complaints.

With few exceptions, the law applies to all establishments — agricultural and non-agricultural alike — employing 12 or more workers in West Virginia for 20 or more calendar weeks in the current or preceding calendar year.

SPECIFIC TERMS AND CONDITIONS

UNLAWFUL PRACTICES — Employers subject to the law are generally prohibited from engaging in any of the following acts, among others:

- (1) Discriminating against an individual with respect to compensation, hire, tenure, or the terms or conditions of employment, when the individual is able and competent to perform the required services and when such discrimination is on grounds of race, religion, color, national origin, ancestry, sex, age (40 or over), blindness, or disability.
- (2) Eliciting pre-employment information, using any form of job application, or circulating any employment notice, concerning or indicating any preference or discrimination with respect to race, religion, color, national origin, ancestry, sex or age.

Employment agencies and labor organizations are subject to comparable prohibitions against discrimination.

Exceptions — Bona fide pension, retirement, insurance or welfare benefit plans are not regarded as discriminatory as long as they are not used as a subterfuge to evade the Act's anti-discrimination intent. Likewise, hiring or any other employment decision that recognizes a person's race, religion, color, national origin, ancestry, sex, age, blindness, or disability does not necessarily violate the law, provided such a decision is based on a bona fide occupational qualification.

COMPLAINTS — Anyone claiming to be aggrieved by an unlawful discriminatory practice may file a complaint with the state enforcement agency at any time within 365 days after the alleged act occurred. If the state agency's investigation finds probable cause for believing that the employer or other respondent named in the complaint has violated the Act, the staff must attempt to eliminate the unlawful practice informally. Failure to reach an informal compliance agreement will normally result in a formal hearing to allow the respondent to answer the charges, and if the evidence presented in the hearing sustains the allegations of the complaint, the agency will issue an order requiring the respondent to cease the unlawful practice and take affirmative action to compensate the complainant. Affirmative action may include hiring, reinstatement or promotion, with or without back pay, or other appropriate relief.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *West Virginia Human Rights Commission, Charleston, West Virginia 25301 (304-558-2616; toll-free 888-676-5546)*. It is the Commission's responsibility to receive, investigate and attempt to resolve complaints of employment discrimination under the Human Rights Act. For that purpose, the Commission is authorized to hold public and private hearings, subpoena witnesses and documents, take sworn testimony, and pursue related investigatory action. In addition to civil liability to the worker or workers affected by an act of discrimination, an employer who fails to comply with a lawful final order of the Commission is subject to a criminal fine and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If the Commission fails to take certain action on a complaint within specified timeframes, or if a complaint is not resolved to the complainant's satisfaction, the complainant may request a right-to-sue letter from the Commission, permitting private legal action against the respondent within 90 days of issuance of the letter, or within 2 years after the alleged act occurred, whichever is later. As an alternative to filing a complaint with the Commission, a person who has been subjected to unlawful employment discrimination may take legal action against the employer or other party involved immediately, using a private attorney or public legal service provider.

● PREGNANT WORKERS' FAIRNESS ACT

STATUTORY CITATION: W. Va. Code §§ 5-11B-1 – 5-11B-7

GENERAL SUMMARY: The Pregnant Workers' Fairness Act declares employment discrimination against workers who are affected by pregnancy, childbirth or related medical conditions unlawful, and requires employers to make reasonable accommodations for such workers. Furthermore, an employer may not require a job applicant or employee affected by pregnancy, childbirth or a related medical condition to accept an accommodation that the applicant or employee chooses not to accept, and may not require an employee to take leave if another reasonable accommodation can be provided.

PROVISIONS APPLICABLE TO AGRICULTURE: With few exceptions, the law applies to all establishments — agricultural and non-agricultural alike — employing 12 or more workers in West Virginia for 20 or more calendar weeks in the current or preceding calendar year.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the

Civil Rights — Fair Employment Practices — West Virginia

employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *West Virginia Human Rights Commission, Charleston, West Virginia 25301 (304-558-2616; toll-free 888-676-5546)*. Complaints, investigations and administrative adjudication under the Pregnant Workers' Fairness Act are handled by the Commission in the same manner as prescribed under the West Virginia Human Rights Act (*see previous entry*).

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

PRIVATE CIVIL ACTION — If the Commission fails to take certain action on a complaint within specified timeframes, or if a complaint is not resolved to the complainant's satisfaction, the complainant may request a right-to-sue letter from the Commission, permitting private legal action against the respondent within 90 days of issuance of the letter, or within 2 years after the alleged act occurred, whichever is later. As an alternative to filing a complaint with the Commission, a person who has been subjected to unlawful employment discrimination may take legal action against the employer or other party involved immediately, using a private attorney or public legal service provider.

Wisconsin

● WISCONSIN FAIR EMPLOYMENT ACT

STATUTORY CITATION: Wis. Stat. §§ 111.31 – 111.395

GENERAL SUMMARY: The Wisconsin Fair Employment Act outlaws, among other practices, unfair discrimination in employment against properly qualified individuals, and establishes state-administered procedures for resolving related complaints. The Act applies to employers and employees in virtually all trades and industries in the state.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — With certain narrow, explicitly defined exceptions, no employer may engage in any of the following acts of employment discrimination:

(1) Refusing to hire a job applicant, discharging an employee, or discriminating against an individual with respect to promotion, compensation, or the terms, conditions or privileges of employment, because of the individual's age (40 or over), race, creed, color, disability, marital status, sex, sexual orientation, pregnancy or childbirth, national origin, ancestry, arrest record, conviction record, military service, use or non-use of lawful products off the employer's premises during non-working hours, or declining to attend a meeting or to participate in any communication about religious or political matters.

(2) Printing or circulating any statement, advertisement or notice, using any form of job application, or making any inquiry in connection with prospective employment, which implies or expresses any preference, limitation or discrimination on any of the above-cited grounds.

(3) Discharging or otherwise discriminating against an individual because he or she has opposed any discriminatory practice, or because he or she has made a complaint, testified or assisted in any proceeding under this law.

Comparable prohibitions apply to employment agencies and labor organizations.

COMPLAINTS — Anyone aggrieved by a discriminatory employment practice may file a complaint with the state enforcement agency at any time within 300 days after the alleged practice occurred. Once a complaint is filed, the agency will notify the employer involved, undertake an impartial investigation, and attempt to settle the problem by informal means. If the investigation finds probable cause to believe discrimination has occurred, the matter will be heard by an administrative law judge in a formal hearing. If evidence presented at the hearing confirms an unlawful act of discrimination, the ALJ may order back pay to the complainant, reinstatement to the job, lost benefits or other appropriate relief, as well as attorney's fees (if any) and costs. Such an order is enforceable in court.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Civil Rights Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53708 (414-227-4396)*. In enforcing the Fair Employment Act, the Equal Rights Division has authority to conduct investigations, hold hearings, subpoena witnesses, take testimony.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Wyoming

● WYOMING FAIR EMPLOYMENT PRACTICES ACT OF 1965

STATUTORY CITATION: Wyo. Stat. §§ 27-9-101 – 27-9-108

GENERAL SUMMARY: The Wyoming Fair Employment Practices Act defines certain acts which constitute discriminatory and unfair employment practices, and establishes procedures for processing and resolving related complaints. The Act applies to all agricultural and non-agricultural employers (other than religious organizations) with 2 or more employees.

SPECIFIC TERMS AND CONDITIONS

PROHIBITED PRACTICES — In general, it is illegal for a subject employer to refuse to hire a job applicant, to discharge, promote or demote an employee, or to discriminate against an applicant or employee in matters of compensation or the terms, conditions or privileges of employment, because of age (40 and above), sex, race, creed, color, national origin, ancestry, disability, or pregnancy, when the applicant or employee is otherwise qualified to perform the job.

COMPLAINTS — Anyone claiming to have been subjected to a discriminatory or unfair employment practice may file a complaint with the state enforcement agency within 6 months of the alleged violation. If the agency determines that the complaint has merit, the employer involved may request a hearing. If the allegations of the complaint are sustained by the evidence presented at the hearing, the agency may issue an order within 14 days thereafter, requiring the respondent to cease the illegal practice and to take corrective action, which may include hiring, reinstating or upgrading the complainant, with or without back pay.

SPECIAL NOTES OR ADVISORIES

CORRECTIVE ACTION — It is unlawful for an employer to reduce the wage rate of any employee as a means of eliminating illegal wage discrimination under these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. In investigating reported or suspected violations of the Fair Employment Practices Act, the Department is authorized to subpoena payroll and personnel records, subpoena witnesses, take sworn testimony, and hold hearings.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.