



eActionAlert

New State Mandates Prohibiting Discrimination in the Workplace

August 9, 2007

In the absence of comprehensive, uniform federal legislation, we continue to see piecemeal legislation on a state by state basis. This Alert discusses steps taken by Florida and Vermont to prohibit discrimination against employees subject to domestic violence and transgender identity respectively. Given the July 1, 2007 effective date in each case, your immediate action may be required.

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Introduction

Florida employees who have family or household members that become victims of domestic violence or who themselves are victims of that crime generally must be given up to three working days leave with or without pay. Employees requesting such leave must cite one or more of several options available to them to put their personal affairs in order, thus enabling them to return to the workplace.

Vermont employees with transgender identity now have parity with all other Vermont employees regardless of sexual orientation (the latter having been law since 1991).

General Rules

Florida

Employers of 50 or more Florida employees who receive a request from such a person employed three or more months shall permit the employee to take up to three working days leave in any 12-month period provided the employee has exhausted all vacation, personal and sick time. Such leave must be necessary for the employee to (a) attend to related legal matters including, for example, the

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seeking of a court injunction for protection against domestic violence; (b) obtain health care for family or household members or themselves to address physical and/or psychological injuries resulting from domestic violence; (c) receive aid from a victim-services organization including but not limited to a domestic violence shelter or a rape crisis center; or (d) secure their personal residences against the domestic violence perpetrator(s) or seek safe alternate housing. All of the circumstances regarding the granting of such leave must be kept confidential. The exercise of an employee's rights under this statute may not be denied or impeded in any way, such as demotion or termination.

Vermont

Employers may not discriminate against Vermont employees based on their gender identity (to include transgender). The prohibited discrimination applies not only to the workplace and the associated employee benefits, but also to public accommodations, housing, insurance in general and credit services.

Emerging State Legislation

Legislation to mandate practical means of restoring employees who are victims of domestic violence to the workplace is in flux. Similarly, a majority of states still do not prohibit employment discrimination based on either sexual orientation or gender identity.

What this Means to You and M&A's Recommended Actions

With the assistance of your M&A Health & Welfare Specialist, you should review your company's nondiscrimination policies to determine if they need to change as they relate to Florida and Vermont employees.

Even if you do not have employees in Florida or Vermont, you should keep these developments in mind as other states may enact similar legislation in the not too distant future.

M&A is an employee benefit consulting and management firm and, as such, we do not practice law. However, if you have any questions about these newly enacted state laws, please contact your Health & Welfare Specialist at (877) 564-4300.