Agencies Release Guide on LGBT Discrimination Protections for Federal Workers

FOR IMMEDIATE RELEASE
EMBARGOED UNTIL JUNE 3, 2015

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WASHINGTON, D.C. – Today, four Federal Government agencies with roles in ensuring fairness in the federal workplace released a guide on the rights and processes available to applicants and employees who allege sexual orientation or gender identity discrimination. The guide is being reissued after more than a decade and has been substantially revised to reflect major developments in the law.

The agencies collaborating on the guide are the U.S. Office of Personnel Management (OPM), the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Office of Special Counsel (OSC), and the U.S. Merit Systems Protection Board (MSPB).

The guide is entitled, "Addressing Sexual Orientation and Gender Identity Discrimination in Federal Civilian Employment: A Guide to Employment Rights, Protections, and Responsibilities." It can be found at: www.opm.gov/LGBTGuide

Civil service laws have been interpreted to ban sexual orientation discrimination since 1980. Recently, OSC found that these laws also prohibit gender identity discrimination, as reflected in its August 2014 **prohibited personnel practice report**, concluding that a transgender woman was unlawfully harassed by agency officials. The EEOC has also issued several decisions in recent years holding that lesbian, gay, bisexual, and transgender (LGBT) individuals may bring valid Equal Employment Opportunity claims in the federal sector, including ***Macy v. Holder*** (April 2012) (finding that discrimination based on gender identity is unlawful sex discrimination) and ***Complainant v. Dep't of Homeland Sec.*** (August 2014) (reaffirming that sexual orientation discrimination based on gender stereotypes is unlawful sex discrimination).

The guide provides federal workers with a description of employee rights and agency responsibilities under Title VII of the Civil Rights Act of 1964, the Civil Service Reform Act of 1978, and other agency and union procedures. It also offers a comparison table showing differences between procedures available at the EEOC and OSC. The goal of the publication is to assist LGBT employees make more informed choices about how best to pursue their individual claims when they believe they have suffered from discrimination.

“One of my highest priorities as Director of OPM is to make sure we are recruiting and supporting top talent that draws from the rich diversity of the American people. We need all of our employees to be focused on making the most of their skills and their ingenuity, rather than worrying about losing their job or not getting promoted due to discrimination,” said **OPM Director Katherine Archuleta**. “This guide is an important resource for the lesbian, gay, bisexual, and transgender members of our Federal family.”

“Reissuing this guide is critical given the developments that have occurred in this area over the last 10 years,” said **Chair Jenny Yang of the EEOC**. “It illustrates, in plain terms, the breadth of protections available to victims of LGBT discrimination in federal employment and should serve as an invaluable resource to all federal employees.”

“OSC’s recent enforcement activity highlights how LGBT-related discrimination violates the letter of our civil service laws and the spirit of our merit system principles,” said **Special Counsel Carolyn Lerner**. “We are proud to partner with our sister agencies to help federal workers better understand their rights and remedies regarding sexual orientation and gender identity discrimination.”

"The Merit Systems Protection Board’s research indicates that there is some confusion among federal employees and supervisors with respect to the state of protections from sexual orientation discrimination in the workplace,” said **MSPB Chairman Susan Tsui Grundmann**. “Since the MSPB’s mission is to safeguard, protect and promote the merit principles, which includes fair and equitable treatment in all aspects of personnel management without regard to discrimination, we support this guide as a helpful tool that will better educate and inform the federal workforce and applicants about the full range of options under current law.”

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The U.S. Office of Personnel Management’s (OPM) mission is to recruit, retain, and honor a world-class workforce to serve the American people. OPM supports U.S. agencies with personnel services and policy leadership including staffing tools, guidance on labor-management relations and programs to improve work force performance. For more information, please visit www.opm.gov.

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws prohibiting employment discrimination. For more information, please visit www.eeoc.gov.

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA).OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit www.osc.gov.

The U.S. Merit Systems Protection Board (MSPB) is a bi-partisan, independent, quasi-judicial agency whose mission is to protect the Merit System Principles and promote an effective Federal workforce free of Prohibited Personnel Practices. For more information, please visit www.mspb.gov.