



HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

March 5, 2014

The Honorable Thomas Perez
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Perez,

Over the past five years there has been significant progress to ensure equal protection of lesbian, gay, bisexual, and transgender (LGBT) individuals and families under the law. The federal government and agencies, including the U.S. Department of Labor (the Department) will continue to play a significant role in these legal advances. Your long career in public service has been dedicated to furthering the cause of civil rights and ending harmful discrimination, and we look forward to your continued work in this area as the U.S. Secretary of Labor.

As you are aware, the Department plays an important role in the development and protection of the United States workforce. Early in President Obama's first term the Department found the Family and Medical Leave Act (FMLA) recognized the important role of parents and the need for workplace policies to respect all families. The Department also took steps to better understand access to employer provided benefits for same-sex spouses, such as health insurance, by including relevant questions on the National Compensation Survey. Internally, the Department recognized the value of a diverse workforce and the contributions of its LGBT employees through LGBT Pride month celebrations.

Yet, there is more that the Department can do to alleviate the high rates of unemployment and discrimination faced by LGBT workers around the country. The Department has tools at its disposal to address these barriers impacting the ability of LGBT people to thrive in the American economy. As Members of Congress working towards full equality for LGBT individuals and families, we would like to know more about what the Department is doing for LGBT workers generally and in the below program areas.

- U.S. Department of Labor's implementation of *U.S. v. Windsor*, including potential revisions to expand access to FMLA leave regardless of state of residence.

- Office of Federal Contract Compliance Programs' enforcement of existing Executive Orders and how LGBT people can be better covered;
- Office of Federal Contract Compliance Programs' implementation and accompanying guidance for *Macy v. Holder*;
- Office of Federal Contract Compliance Programs' review and potential revision of sex discrimination provisions under Executive Order 11246 ;
- Employment and Training Administration's inclusion of, and guidance on, LGBT and gender non-conforming youth in Job Corps programs;
- Employment and Training Administration's inclusion of LGBT and gender non-conforming workers in One Stop Center programs;
- Bureau of Labor Statistics' work to better integrate sexual orientation and gender identity into its data collection efforts; and
- Veterans Employment Training Services inclusion of LGBT veterans in its programs and policies.

Despite the efforts of the Department, state and local governments, and advocates around the country, LGBT workers and families remain at a distinct disadvantage across the country, especially those living in states that do not recognize same-sex marriage. Before the U.S. Supreme Court's decision in *U.S. v. Windsor*, the federal government, including the Department of Labor, could not recognize legally married same-sex couples as "married" for purposes of federal benefits and protections. Whether it was fully utilizing FMLA leave to care for a spouse or being forced to pay additional taxes on employer-provided health insurance for a spouse, same-sex couples were specifically excluded under federal law.

Legal protections for LGBT workers on the bases of sexual orientation or gender identity are inconsistent and vary from state to state. Some progress has been made on this front. In November 2013 the U.S. Senate approved a fully inclusive Employment Non-Discrimination Act (ENDA) to protect LGBT workers across the country. The Obama administration has also taken concrete steps towards increasing access to protection from discrimination on the job. In 2012, in a precedent setting case the U.S. Equal Employment Opportunity Commission (EEOC) ruled that gender identity is a protected category under existing federal civil rights protections covering sex in the case *Macy v. Holder*.

Due in large part to systemic discrimination in education, housing, and employment, LGBT people are at an increased risk for poverty throughout the lifetime. Employment protections are a vital step towards ending this discrimination and increasing economic opportunity and stability for LGBT workers and their families.

We commend the Department of Labor's leadership in the past on LGBT work-related issues. At the same time, we are aware that the need for better inclusion of LGBT individuals in many of

the above programs and policies has been brought to the attention of the Department and we are eager to hear from you on where these changes stand.

Sincerely,



George Miller
Member of Congress



Jared Polis
Member of Congress



Mark Pocan
Member of Congress



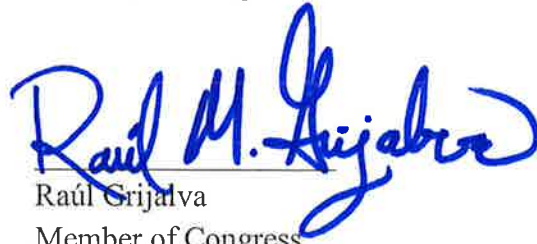
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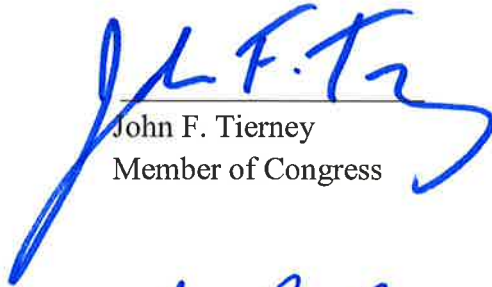
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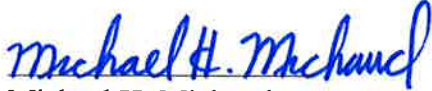
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