

From: [Fillichio, Carl - OPA](#)
To: [Maxwell, Mary Beth - OSEC](#); [Mehta, Parag V - OFCCP](#); [Lenhoff, Donna R - OFCCP](#); [Shiu, Patricia A - OFCCP](#); [Bishop, Jeremy - OSEC](#); [McGinnis, Laura K - OPA](#)
Cc: [Norris, Ronetta - OSEC](#); [Johnson, Alfreda - OSEC](#)
Subject: RE: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Friday, July 19, 2013 5:26:44 PM

EXEMPTION 5

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From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 5:05 PM
To: Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Shiu, Patricia A - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA
Cc: Norris, Ronetta - OSEC; Johnson, Alfreda - OSEC
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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From: Raghavan, Gautam [[mailto:\(b\) \(7\)\(D\) \[Redacted\]](mailto:(b) (7)(D) [Redacted])]
Sent: Friday, July 19, 2013 4:56 PM
To: Maxwell, Mary Beth - OSEC
Subject: Fw: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

From: Gautam Raghavan [<mailto:gaurag@gmail.com>]
Sent: Friday, July 19, 2013 04:51 PM
To: Raghavan, Gautam
Subject: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

<http://www.buzzfeed.com/chrisgeidner/white-house-forbid-labor-department-action-on-lgbt-workers-r>

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at 4:34pm EDT



[Chris Geidner](#) BuzzFeed Staff

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Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Friday, July 19, 2013 7:19:05 PM

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To: Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Shiu, Patricia A - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA
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Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Friday, July 19, 2013 8:53:37 PM

EXEMPTION 5
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From: Shiu, Patricia A - OFCCP
Sent: Friday, July 19, 2013 07:19 PM
To: Maxwell, Mary Beth - OSEC; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA
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Sent: Friday, July 19, 2013 4:56 PM
To: Maxwell, Mary Beth - OSEC
Subject: Fw: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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From: [Lenhoff, Donna R - OFCCP](#)
To: [Shiu, Patricia A - OFCCP](#); [Mehta, Parag V - OFCCP](#)
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Saturday, July 20, 2013 5:14:29 AM

EXEMPTION 5

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From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 8:54 PM
To: Shiu, Patricia A - OFCCP; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA; Alexander, Elizabeth N - OPA
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To: [Lenhoff, Donna R - OFCCP](#); [Shiu, Patricia A - OFCCP](#)
Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Saturday, July 20, 2013 8:32:22 AM

EXE

From: Lenhoff, Donna R - OFCCP
Sent: Saturday, July 20, 2013 05:19 AM
To: Shiu, Patricia A - OFCCP; Mehta, Parag V - OFCCP
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

EXEMPTION 5
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From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 8:54 PM
To: Shiu, Patricia A - OFCCP; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA; Alexander, Elizabeth N - OPA
Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

EXEMPTION 5
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 [Redacted]

From: Shiu, Patricia A - OFCCP
Sent: Friday, July 19, 2013 07:19 PM
To: Maxwell, Mary Beth - OSEC; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA
Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 05:05 PM

To: Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Shiu, Patricia A - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA
Cc: Norris, Ronetta - OSEC; Johnson, Alfreda - OSEC
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

EXE
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[Redacted]

[Redacted]

[Redacted]

From: Raghavan, Gautam [mailto:(b) (7)(D)]
Sent: Friday, July 19, 2013 4:56 PM
To: Maxwell, Mary Beth - OSEC
Subject: Fw: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

From: Gautam Raghavan [mailto:gaurag@gmail.com]
Sent: Friday, July 19, 2013 04:51 PM
To: Raghavan, Gautam
Subject: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

<http://www.buzzfeed.com/chrisgeidner/white-house-forbid-labor-department-action-on-lgbt-workers-r>

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at 4:34pm EDT



[Chris Geidner](#) BuzzFeed Staff

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To: [Shiu, Patricia A - OFCCP](#); [Mehta, Parag V - OFCCP](#)
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Saturday, July 20, 2013 5:19:07 AM

EXEMPTION 5
 [Redacted]
 [Redacted]
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From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 8:54 PM
To: Shiu, Patricia A - OFCCP; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA; Alexander, Elizabeth N - OPA
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Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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Sent: Friday, July 19, 2013 05:05 PM
To: Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Shiu, Patricia A - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA
Cc: Norris, Ronetta - OSEC; Johnson, Alfreda - OSEC
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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EXEMPTION 5
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From: Raghavan, Gautam [mailto:(b) (7)(D)]
Sent: Friday, July 19, 2013 4:56 PM
To: Maxwell, Mary Beth - OSEC
Subject: Fw: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

From: Gautam Raghavan [mailto:gaurag@gmail.com]
Sent: Friday, July 19, 2013 04:51 PM
To: Raghavan, Gautam
Subject: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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From: [Lenhoff, Donna R - OFCCP](#)
To: [Shiu, Patricia A - OFCCP](#); [Mehta, Parag V - OFCCP](#)
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Saturday, July 20, 2013 10:35:25 PM

EXEMPTION 5

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From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 8:54 PM
To: Shiu, Patricia A - OFCCP; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA; Alexander, Elizabeth N - OPA
Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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Cc: Norris, Ronetta - OSEC; Johnson, Alfreda - OSEC
Subject: FW: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

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[REDACTED]

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From: Raghavan, Gautam [mailto:(b) (7)(D)]
Sent: Friday, July 19, 2013 4:56 PM
To: Maxwell, Mary Beth - OSEC
Subject: Fw: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

From: Gautam Raghavan [mailto:gaurag@gmail.com]
Sent: Friday, July 19, 2013 04:51 PM
To: Raghavan, Gautam
Subject: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

[action-on-lgbt-workers-r](#)

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From: [Bishop, Jeremy - OSEC](#)
To: [Shiu, Patricia A - OFCCP](#); [Maxwell, Mary Beth - OSEC](#); [Mehta, Parag V - OFCCP](#); [Lenhoff, Donna R - OFCCP](#); [Filichio, Carl - OPA](#); [McGinnis, Laura K - OPA](#); [Alexander, Elizabeth N - OPA](#)
Subject: RE: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says
Date: Monday, July 22, 2013 8:42:05 AM

EXEMPTION 5



http://www.huffingtonpost.com/2013/07/18/mia-macy-transgender_n_3612874.html

Mia Macy, Transgender Woman Denied Employment By ATF, Wins Major Victory In Discrimination Case

By Aaron Sankin Posted: 07/18/2013 11:47 am EDT

Department Of Alcohol Tobacco And Firearms, Department Of Justice Mia Macy, Mia Macy ATF Lawsuit, Mia Macy Lawsuit, Mia Macy Trangender, Mia Macy Trans Lawsuit, Mia Macy Transgender Discrimination, Mis Macy, Gay Voices News

Transgender advocates were handed a victory earlier this week when the Department of Justice ruled that the Bureau of Alcohol, Tobacco and Firearms (ATF) broke the law in not offering a job to a ballistics expert after discovering that she was transgender.

In June of 2011, Mia Macy, a military veteran who had worked as a detective on the Phoenix, Ariz. police force, filed suit against the ATF. In it, she claimed that her transgender status was the reason she was not selected for a position as a ballistics forensics technician at an agency field office in the San Francisco suburb of Walnut Creek.

When Macy began the application process, she identified as male. By the time the final hiring decision was made, Macy had changed her name and now identifies as a woman.

The decision requires that ATF offer Macy the position, provide back pay and benefits with interest, as well as cover her legal costs. In addition, the agency will be forced to implement anti-discrimination policies for that particular facility.

"It's a victory for all transgender people to know that we have a voice, that we have recourse, and that when it comes to workplace protections we deserve to make a living," said Macy in a statement. "I couldn't be happier."

According to the DoJ's 51-page report, Macy applied for a position where she would use a computer program to match digital images of the markings on bullet casings from crime scenes with those stored in an ATF database. Macy has said she is one of about 40 people in the United States certified by the agency to use the software, and insisted that she was never informed that she "lacked any qualifications for the job."

During the agency's standard comprehensive background check process, Macy informed her

prospective employers that she had been previously diagnosed with gender identity disorder and, a few weeks prior, had undergone feminine facial surgery.

The following week, she received an email from ATF saying that the position she was applying for had been eliminated due to budget cuts. She later said she was "stunned" to learn that, despite its claim of poverty, the agency had hired someone else for the role.

According to interviews with an ATF staff member, an initial internal decision had been made to hire Macy, on the provision that she passed a background check. However, Macy was never explicitly informed of said decision. Even so, the staffer insisted that two positions had been combined into one as a money-saving measure and they simply decided to hire the other candidate, who was by then further along in the background check process. ATF officials were unable to produce any written documentation for using this line of reasoning for not hiring Macy.

Macy's suit already made history last year when it prompted the Equal Employment Opportunity Commission to rule that Title VII of the 1964 Civil Rights Act bans employers from discriminating based on an employee's gender identity. The EEOC's ruling was binding across all government agencies and set the stage for the DoJ's ultimate decision in the Macy case.

While employment discrimination is a difficulty confronted by much of the trans community, Macy told BuzzFeed that she hopes her case will blaze a trail for others in her same situation.

"What was so strange about this case is that most people file a claim, it gets investigated, it either happened or it didn't, and then there's some resolution," she explained. "The difference with my case is the findings are...based off of a decision that I had to create. There was not a system in place that protected us, so I had to first go get the protections for us and then come back and hold them to that standard."

Check out this slideshow of other transgender pioneers:

Jeremy Bishop
Special Assistant to the Secretary
Office of Public Engagement
US Department of Labor
202-693-6452
Bishop.jeremy@dol.gov

From: Shiu, Patricia A - OFCCP

Sent: Friday, July 19, 2013 9:34 PM

To: Maxwell, Mary Beth - OSEC; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA; Alexander, Elizabeth N - OPA

Subject: Re: White House "Forbid" Labor Department Action On LGBT Workers' Rights, Advocate Says

EXEMPTION 5



Sent using BlackBerry

From: Maxwell, Mary Beth - OSEC
Sent: Friday, July 19, 2013 08:53 PM
To: Shiu, Patricia A - OFCCP; Mehta, Parag V - OFCCP; Lenhoff, Donna R - OFCCP; Fillichio, Carl - OPA; Bishop, Jeremy - OSEC; McGinnis, Laura K - OPA; Alexander, Elizabeth N - OPA
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EXEMPTION 5
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Beyer told BuzzFeed, "I am hopeful Secretary Perez will move the Department of Labor into active support of last year's EEOC decision in the *Macy* case, which brought trans persons protection under Title VII, and break the 15-month silence of the Labor Department, a silence which has mirrored that of our national LGBT organizations since the April 20, 2012 ruling."

Almeida mentioned Ma specifically, saying, "With all of the progressive and openly LGBT appointees that have worked in senior positions at the Labor Department — from Mary Beth Maxwell to Ana Ma — it has been conspicuous and disappointing that the agency has stalled for well over a year and not yet officially adopted the historic *Macy* decision of the EEOC as governing law for the federal contractor executive order."

He added, however, "But I don't fault Mary Beth or Ana because I am told that the Labor Department leadership has been severely controlled by the senior White House staff, which I'm told has forbidden Labor officials from formally adopting the *Macy* decision. I believe that the Labor Department's leadership did everything they could to push for the correct outcome."

Almeida said he has been told by high-level employees in multiple agencies, multiple LGBT organizations, and House and Senate offices that the roadblock is at the senior level of White House staff. “Everyone in Washington, D.C. is pointing their finger in the exact same direction,” he said.

An HRC spokesman did not respond to a request for information about whether it asked Ma about the Labor Department’s enforcement of Executive Order 11246 beyond pointing to [the news release](#) announcing her hire.

The question of the White House’s involvement in controlling the Labor Department’s movement on the issue follows Obama’s decision, reiterated often by administration officials, not to issue his own executive order that would explicitly prohibit federal contractors from discriminating against transgender workers — as well as lesbian, gay and bisexual workers. A White House spokesman did not respond to a request for comment on Almeida’s claim, and a Labor Department spokesperson did not respond to a request for comment on the question of whether it was enforcing transgender protections under the existing executive order. As to the proposed new executive order, the Obama administration has said in the past that it would prefer legislative action on the issue in the form of the Employment Non-Discrimination Act, which would ban most employers, including federal contractors, from discriminating against LGBT employees.

Regardless, Almeida said, “Wherever the political calculations and policy logjam may exist, the important thing is that Secretary Perez should now instruct his agency to follow the lead of the bipartisan EEOC. Based on his impressive intellect and strong commitment to LGBT freedom to work, I hope that Secretary Perez will also succeed in persuading President Obama to follow through on his five-year-old written campaign promise to sign the federal contractor executive order. I know his Civil Rights Division at DOJ was supportive of the executive order, so I am optimistic Labor Secretary Perez will be on the side of LGBT workers rather than anti-gay federal contractors like ExxonMobil.”