

## WORKLIFE LAW'S STATE FRD LEGISLATION TRACKER

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### Existing Law

Family responsibilities discrimination (FRD) is currently prohibited under an array of theories in existing state and federal laws. To date, however, only two states and the District of Columbia, as well as a number of localities, *expressly* include family responsibilities as a protected category in their laws prohibiting employment discrimination. In addition, three other states and a federal executive order expressly prohibit some forms of FRD. These existing laws are described below. (Click citations for links to text of each.)

- Alaska includes “parenthood” in its employment discrimination protections ([Alaska Statute § 18.80.220](#)).
- The District of Columbia includes “family responsibilities” in its employment discrimination protections ([D.C. Code §§ 2-1401.01, 2-1401.02\(12\), 2-1402.11](#)).
- Employers in Minnesota are prohibited from discriminating against employees on the basis of familial status or status as a family caregiver. “Family caregiver” is defined as someone related by blood, marriage, or those in a familial relationship. ([Minn. Stat. § 363A.03 \(2012\)](#)).
- At least 67 localities (cities and counties) in 22 states include “familial status,” “family responsibilities,” “parenthood,” or “parental status” in their employment discrimination protections. (See [WorkLife Law’s report on local FRD laws](#) for details of the local laws in effect as of December 2009 and its [report on protecting family caregivers from employment discrimination](#), co-written with AARP, for local laws as of August 2012.)

Also:

- Connecticut prohibits employers from requesting or requiring information relating to “child-bearing age or plans, pregnancy, ...[or] familial responsibilities” from an applicant or employee ([Conn. General Statute 46a – 60\(a\)\(9\)](#)).
- New Jersey state employees are protected from employment discrimination on the basis of “familial status” ([New Jersey Administrative Code 4A:7-3.1](#)).
- Oregon prohibits employers from discriminating based on use of or inquiry into family leave ([ORS § 659A.183](#)).
- Federal government employees are protected from employment discrimination on the basis of “status as a parent” ([Federal Executive Order 11478, as amended by EO 13152](#)).

### Current Session Legislation

Congress and several states are currently considering or have considered legislation to explicitly prohibit FRD, as shown in the charts that follow. (Click bill numbers or status information for links to legislative web pages.)

**Current Session Legislation 2014**

State	Bill Number/ Link	Employment discrimination prohibited based on:	Status/Link	Related Bills in Prior Sessions
California	<a href="#">2013 CA S.B. 404</a> Jackson	“Familial status,” defined for employment purposes as “an individual who provides medical or supervisory care to a family member,” including a child, parent, spouse, domestic partner, parent-in-law, sibling, grandparent, or grandchild.	Active- <a href="#">Passed Senate Judiciary Committee.</a> 04/02/13  <a href="#">Held in Senate Appropriations Committee suspense file.</a> 04/15/2013	<a href="#">2011-2012 A.B. 1999</a>  <a href="#">2009-2010 A.B. 1001</a>  <a href="#">2007-2008 S.B. 836</a>
Massachusetts	<a href="#">2013 MA H. 3231</a> Coakley-Rivera	“Family caregiver status,” defined for employment purposes as “an individual who provides medical or supervisory care to a family member with a serious health condition,” including those related by “consanguinity, legal custody, marriage or a person with whom a family caregiver lives in a familial relationship.”	<a href="#">H.- Referred to the House Committee on Labor and Workforce Development.</a> 1/22/2013 <a href="#">Joint hearing scheduled for 06/25/2013</a>  <a href="#">Accompanied a Study Order</a> 06/23/2014	

State	Bill Number/Link	Employment discrimination prohibited based on:	Status/Link	Related Bills in Prior Sessions
New Jersey	<a href="#">2014 NJ A. 2666 Spencer</a> <a href="#">2014 NJ S. 1783 Greenstein</a>	"Familial status"	<a href="#">A.- Introduced, Referred to Assembly Judiciary Committee 2/20/14</a> <a href="#">S.- Introduced, Referred to Senate Judiciary Committee 3/17/14</a>	<a href="#">2012-13 NJ A. 580</a> <a href="#">2012-13 NJ S. 334</a>  <a href="#">2010-11 A.B. 684</a> <a href="#">2010-11 S.B. 2519</a>  <a href="#">2008-09 S.B. 234;</a> <a href="#">2008-09 A.B. 2292</a>  <a href="#">2006-07 S.B. 1075;</a> <a href="#">2006-07 A.B. 2255</a>  <a href="#">2005 S.B. 2252;</a> <a href="#">2005 A.B. 4157</a>
New York	<a href="#">2013 NY A.07021 Russell</a>	"Familial status."	<a href="#">A.- Referred to the Committee on Governmental Operations. 01/08/2014</a>	
	<a href="#">2013 NY A.06410 Katz</a>	Prohibits an employer from inquiring, directly or indirectly, if an employee is or plans to become pregnant and prohibits discrimination based on an employee's current or future pregnancy. Also requires reasonable accommodations due to pregnancy and related conditions.	<a href="#">A.- Referred to the Committee on Governmental Operations. 03/18/2014</a>	
	<a href="#">2013 NY S.05296 Savino</a>	Prohibits discrimination based on disability leave which includes family care leave.	<a href="#">S.- Referred to the Committee on Labor. 01/08/2014</a>	
North Carolina	<a href="#">2013 NC H.B. 99 Adams and L. Hall</a> <a href="#">2013 NC S.B. 535 Kinnaird, Parmon, Bryant</a>	Prohibits discrimination based on taking leave to care for a sibling, grandparent, grandchild, Stepchild, stepparent, or parent in law, in addition to existing protected categories under FMLA.	<a href="#">H.B.- referred to Health and Human Services, if favorable, Judiciary, if favorable, Appropriations 02/14/2013</a>  <a href="#">S.B.- referred to the committee on Rules and Operations of the Senate. 04/01/2013</a>	<a href="#">2011 NC H.B. 223</a> <a href="#">2011 NC S.B. 558</a>

State	Bill Number/Link	Employment discrimination prohibited based on:		
Washington	<a href="#">2013 WA H.B. 1457</a> Green  <a href="#">2013 WA S.B. 5292</a> Keiser	Proposal prevents retaliation under the state family leave act including expanded coverage for caring for the serious medical needs of a child, spouse, domestic partner, or parent.	<a href="#">H.B.- reintroduced and retained at present status.</a> <a href="#">01/13/2014</a>  <a href="#">S.B.- Reintroduced and retained at present status.</a> <a href="#">01/13/2014</a>	<a href="#">2011 VA H.B. 1964</a> <a href="#">2012 VA H.B. 692</a>

*Also:*

Arizona	<a href="#">2014 AZ S.B. 1024</a> Ableser	Prohibits an employer from terminating or threatening to terminate a parent, guardian, or custodian who—when notified of an emergency by a school employee, community worker, or law enforcement official—leaves work to attend to a child’s emergency.	<a href="#">Senate Second Reading</a> <a href="#">1/14/2014</a>  <a href="#">Assigned to Commerce, Energy and Military Committee</a> <a href="#">1/13/2014</a>  <a href="#">Assigned to the Rules Committee</a> <a href="#">1/13/2014</a>  <a href="#">First Reading</a> <a href="#">1/13/2014</a>	<a href="#">2013 AZ S.B. 1004</a> <a href="#">2012 AZ H.B. 2352</a> <a href="#">2010 AZ H.B. 2460</a>  <a href="#">2009 AZ H.B. 2475</a>
New York City	<a href="#">2014 NYC Int 108</a>	Actual or perceived status as a caregiver, defined as “a person who is a contributor to the ongoing care of a child or children for whom the person has assumed parental responsibility or the ongoing care of a person or persons in a dependent relationship with the caregiver who suffer(s) from a disability.”  The term “dependent relationship” means the relationship of a caregiver to a person who is related by blood, legal custody, marriage, or to his or her domestic partner, as defined in section 3-240 of the administrative code of the city of New York, or to a person with whom the caregiver lives in a familial relationship.	<a href="#">Referred to Committee by Council</a> <a href="#">2/26/2014</a>  <a href="#">Introduced by Council</a> <a href="#">2/26/2014</a>	<a href="#">2012 NYC Int 863</a>

### Prior Session Legislation Currently Inactive

State	Bill Number/Link	Employment discrimination prohibited based on:	Status/Link	Related Bills in Prior Sessions
California	<a href="#">2009 CA A.B. 1001</a> Skinner and Ma	“familial status,” defined for employment purposes as “having or providing care for” a child, domestic partner, grand-child, grandparent, parent, parent in-law, sibling, or spouse, as further defined	<a href="#">Died due to failure to pass out of the Assembly by 1/31/10</a>	Similar to, but not the same as, 2007 S.B. 836, introduced by different author (see below)
	<a href="#">2007 CA S.B. 836</a> Kuehl	“familial status,” defined for employment purposes as “being an individual who is or who will be caring for or supporting a family member,” as further defined	<a href="#">Passed through entire legislature, but vetoed by Governor 10/13/07; Veto sustained, stricken from Senate file 1/14/08</a>	
Florida	<a href="#">2009 FL S.B. 2012</a> ; Deutch	“familial status” and “pregnancy”	<a href="#">S.B. - died, in Committee on Commerce; postponed and withdrawn from consideration 5/2/09</a>	<a href="#">2008 S.B. 572</a> ; <a href="#">2008 H.B. 191</a>
	<a href="#">2009 FL H.B. 397</a> Skidmore		<a href="#">H.B. - died, reference deferred, postponed and withdrawn from consideration 5/2/09</a>	<a href="#">2007 S.B. 2628</a> ; <a href="#">2007 H.B. 639</a>
Iowa	<a href="#">2007 IA H.F. 532</a> Ford	“marital or family status”	<a href="#">Stalled after referred to Judiciary Sub-committee 2/27/07</a>	
Maine	<a href="#">2009 ME L.D. 962</a> Dill  <a href="#">2009 ME H.P. 664</a>	“family caregiver status,” defined as “a person who cares for a family member,” further defined as “a person's child, parent, spouse, domestic partner...or sibling...”	<a href="#">Died on adjournment 6/13/09</a>	
Maryland	<a href="#">2010 MD H.B. 463</a> Kaiser	“family responsibilities”	<a href="#">Unfavorable report by Health and Government Operations Committee 3/23/2010</a>	
Michigan	<a href="#">2007 MI S.B. 462</a> Cherry	“familial status”	<a href="#">Stalled after referred to Committee on Commerce and Tourism 4/26/07</a>	

Nevada	<a href="#">2013 NV S.B. 70</a> Health and Human Services	“Family caregiver status,” defined as “a person who cares for another person who is related to the person by blood, marriage, or legal custody” including domestic partners and those who live together in a familial relationship.	<a href="#">S.B.- Referred to Commerce, Labor and Energy and died in Committee. 04/13/2013</a>	
New York	<a href="#">2009 NY A.B. 6333</a> Barra	“family responsibilities,” defined as “the legal responsibility to care for a child”	<a href="#">Held for consideration in Governmental Operations Committee 5/4/10.</a>	<a href="#">2007-08 A.B. 3214</a> <a href="#">2005 A.B. 2539</a>

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<i>Also:</i> New York City	2007 NYC Int 565	“caregiver status,” defined as “a contributor to the ongoing care of a child...or of...persons in a dependent relationship with the caregiver and who suffer from a disability, irrespective of their number”; “dependent relationship” defined as “the relationship of a caregiver to a person who is related by blood, legal custody, marriage, or to his or her domestic partner,...or to a person with whom the caregiver lives in a familial relationship“	Not acted on by end of session (Sine die) 12/31/09	
Montana	<a href="#">2011 MT S.B. 196</a> Windy Boy	to add “family responsibilities” (among other categories) as a basis for a hostile work environment employment discrimination claim	<a href="#">Died in Standing Committee 4/28/11</a>	<a href="#">2007 H.B. 213</a>