LEGAL BRIEF:

Discrimination Laws: A 50 State Survey

JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
FEDERAL	Employers with 15 or more employees (Title VII and ADA) or more than 20 employees (ADEA). Employers with 50 or more employees in 20 or more work weeks (FMLA).	Equal Employment Opportunity Commission 1801 L Street, NW Washington, DC 20507 (202) 663-4900 National Contact Center P.O. Box 7033 Lawrence, KS 66044 (800) 669-4000 info@ask.eeoc.gov www.eeoc.gov	Race, Color, National Origin, Religion, Sex (including pregnancy and childbirth), or genetic information (effective November 2009). Also prohibits the collection, use and disclosure of genetic information, with some limited exception (effective November 2009). Title VII, 42 U.S.C. §§ 2000e et seq., The Pregnancy Discrimination Act; (amending Title VII). Age (40+) Age Discrimination in Employment Act, 29 U.S.C. §§ 621 et seq. Physical and Mental Disabilities Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq. Military leave. 38 U.S.C. §§ 4301 et seq; 29 U.S.C. § 2615; 29 C.F.R. § 825.220. Family and medical leave: 29 C.F.R. §§ 825.104 to 825.109.
Alabama	Employers with 20 or more employees; employment agencies and labor organizations (age) Age (40+) and handicap. State service, political subdivisions of the state, public schools and other employment supported in whole or in part by public funds (handicap).	EEOC's Birmingham District Office Ridge Park Place 1130 22nd Street Suite 2000 Birmingham, AL 32205 (205) 212-2100 or (800) 669-4000 www.eeoc.gov/offices. html	No state agency was assigned to enforce the age discrimination law and because employees are not required to pursue an administrative remedy first (ALA. CODE § 25-1-29; Robinson v. Regions Fin. Corp., 242 F. Supp. 2d 1070, 1078 (D. Ala. 2003)), the courts are employees' only recourse. To the extent employees have a parallel federal claim, they must file their charges of discrimination with their local EEOC: ALA. CODE §§ 21-7-8, 25-1-20 through 25-1-28.
Alaska	All public and private employers, employment agencies, labor organizations and communications media other than social clubs and nonprofit religious, fraternal, charitable, or educational organizations.	Alaska State Commission for Human Rights 800 A St., Ste 204 Anchorage, AK 99501-3669 (907) 274-4692 or (800) 478-4692	Race, religion, color, national origin, ancestry, age, physical or mental disability, sex, martial status (and changes thereto), pregnancy and parenthood. ALASKA STAT. §§ 18.80.220, 18.80.300(10).
Arizona	The state and its agencies, private employers with 15 or more employees, employment agencies and labor organizations, but not the United States, Indian tribes, bona fide tax-exempt private membership clubs, religious corporations, associations or educational institutions. For sexual harassment actions, employer means a person who has one or more employees in the current or preceding calendar year.	Arizona Attorney General, Civil Rights Division 1275 W. Washington, Phoenix, AZ 85007 (602) 542-5263 or (877) 491-5742	Race, color, religion, sex, age (40+), disability, national origin, and genetic test results. AIDS/HIV status and testing ARIZ. REV. STAT. ANN. §§ 41-1461 through 41-1465, 36-661 et seq. AIDS/HIV status or testing is also prohibited. ALASKA STAT. §§ 18.80.220, 18.80.300(10).
Arkansas	Applies to all public and private employers that employ nine (9) plus employees in the state, but does not apply to employment by religious entities.	No state agency. EEOC's Little Rock Area Office 820 Louisiana Street Little Rock, AR 72201 (800) 669-4000	Race, religion, national origin, ancestry, gender (including pregnancy, childbirth or related medical conditions), or the presence of any sensory, mental or physical disability, genetic testing. ARK. CODE ANN. §§ 11-4-601, 11-5-403, 16-123-102, 16-123-103, 16-123-107.

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DISCRIMINATION LAWS: 50 STATE SURVEY

JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
California	The discrimination and harassment provisions of the Fair Employment and Housing Act (FEHA) apply to all public and private employers with five or more employees within the state, employment agencies and labor organizations, but not nonprofit religious organizations. For sexual harassment actions, employer means a person who had one or more employees or a person providing services pursuant to a contract.	Dept. of Fair Employment & Housing 2000 "O" St., Ste 120 Sacramento, CA 95814 (916) 445-5523 (800)884-1684	Race, religious creed, color, national origin, ancestry, physical disability (including HIV and AIDS), mental disability, medical condition (cancer and genetic characteristics), genetic information, marital status (including domestic partnershiop), sex (including pregnancy, childbirth or related medical conditions), age (40+), sexual orientation, gender (including gender-identity or the perception that the person has any of these characteristics); denial of family and medical care leave; alcohol and drug abuse, political affiliation. CAL.GOV'T CODE §§ 12926, 12940, 12949; CAL.LAB.CODE §§ 1025, 1101 et seq.
Colorado	All public and private employers employing persons within the state, employment agencies and labor organizations, other than religious organizations not supported in whole or part by taxation or public borrowing.	Colorado Civil Rights Division	Employers with 25 or more employees (marriage to/plans to marry coworker). This does not apply to religious corporation, association, educational institution or society with respect to employment of individuals of a particular religion to carry out the work of the entity.
	Race, color, creed, sex (including marital status, pregnancy, childbirth and related medical conditions), age (40-70), national origin, ancestry, physical disability (including HIV/AIDS), mental disability, religion and sexual orientation (including transgender individuals) or employer's perception thereof, and lawful activity off employer premises during nonworking hours. Marriage to or plans to marry coworker (exceptions apply).	1560 Broadway Suite. 1050 Denver, CO 80202 (303) 894-2997	COLO. REV. STAT. ANN. §§ 24-34-301, 24-34-401, 24-34-402, 24-34-402.5, 24-34-402(h)(II); 3 COLO. CODE REGS. § 708-1, rules 70.3, 80.4, 80.8. Phelps v. Field Real Estate Co., 793 F. Supp. 1535 (D. Colo. 1991) (AIDS as disability).
Connecticut	The state and political subdivisions of the state, private employers with three or more employees, employment agencies, and labor organizations. The antidiscrimination law against sexual orientation does not apply to a religious corporation, entity, association, educational institution or society carrying out the work of the entity. Race, color, religious creed, age, marital status (including civil unions), national origin, sex464 (including pregnancy, childbearing capacity, sterilization, fertility and related medical conditions), ancestry, present or past history of mental disability, mental retardation, pregnancy, sexual orientation (actual or perceived), genetic information, learning or physical disabilities, and tobacco use.	Connecticut Commission on Human Rights and Opportunities 21 Grand St. Hartford, CT 06106 (860) 541-3400 (800) 477-5737	CONN. GEN. STAT. ANN. §§ 46a-51, 46a-60, 46a-81c,46a-81p, 46b-3800. Dwyer v. Yale Univ., Memorandum of Decision Case No. 0130315; 0230323; EEOC No. 16aa200644 (Nov. 29, 2005).
Delaware	The state or any political subdivision or board, department , commission, or school district, private employers with four or more employees within the state at the time of the alleged violation, employment agencies, and labor organizations, but not a school, college, university or other educational institution or institution of learning owned in whole or part or managed by a particular religion or by a particular religious corporation, association or society. The handicap discrimination statute only applies to employers with 15 or more employees within the state.	Delaware Department of Labor, Division of Industrial Affairs Office of Labor Law Enforcement 4425 North Market St Wilmington, DE 19802 (302) 761-8200	Race, color, religion, creed, sex, (including pregnancy, childbirth, and related medical conditions), national origin, ancestry, age (40+), disability, handicap, marital status, and genetic information. DEL. CODE ANN. tit. 19 §§ 710-717, 721-724.

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DISCRIMINATION LAWS: 50 STATE SURVEY

JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
District of Columbia	All public and private employers, professional associations, employment agencies, and labor organizations. Employers with more than five employees must make a reasonable accommodation for an employee's religious observance, unless undue hardship. Religious, political, charitable or educational organizations may limit employment, or admission to or give preference to persons of the same religion or political persuasion to promote the religious or political principles for which the organization is established.	Office of Human Rights 441 4th St. NW Suite 570 N. Washington, D.C. 20001 (202) 727-4559	For every classification, the status may be actual or perceived: race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (18+), disability, marital status (including domestic partnership), personal appearance, sexual orientation, gender identity and expression, genetic information, family status, family responsibilities, matriculation, or political affiliation and tobacco use. D.C. CODE ANN. §§ 2-1401.02, 2-1401.03, 2-1401.05, 2-1402.11.
Florida	All public and private employers with 15 or more employees, employment agencies, and labor organizations. All employers regardless of size regarding sickle-cell trait or testing. Religious, political, charitable or educational organizations may limit employment, or admission to or give preference to persons of the same religious or political principles for which it is established.	Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, FL 32301 (850) 488-7082	FLA. STAT. ANN. §§ 448.075, 760.02, 760.10, 760.40, 760.50(2); City of North Miami v. Kurtz, 653 So. 2d 1025 (Fla. 1995). Compare Jolley v. Phillips Educ. Group of Cent. Fla., Inc., 1996 U.S. Dist. LEXIS 19832, at **17-18 (M.D. Fla. July 3, 1996) (finding that, because the FCRA is based on Title VII, the FCRA permits a claim for pregnancy-based discrimination) (citing Brand v. Florida Power Corp., 633 So. 2d 504, 507 09 (Fla. Dist. Ct. App. 1994)), with Dragotto v. Savings Oil Co., 2004 U.S. Dist. LEXIS 30069 (M.D. Fla. June 25, 2004) (citing O'Loughlin v. Pinchback, 579 So. 2d 788, 791 (Fla. Dist. Ct. App. 1991)). Smith v. City of Jacksonville,Corr. Inst., 1991 Fla. Div. Adm. Hear. LEXIS 5990 (Oct. 15, 1991) (gender dysphoria as disability).
Georgia	The State and its agencies that employ at least 15 employees (race, color, religion, national origin, sex, disability, age). Public and private employers with at least one employee (age). Employers with 15 or more employees, employment agency, placement service, training school or center, or labor organization (disability). For sex discrimination in wages only: public and private employers with 10 or more employees.	Georgia Commissioner on Equal Opportunity, Employment Division 229 Peachtree St NE Suite 710 International Tower Atlanta, GA 30303-1605 (404) 656-1736 (800) 493-OPEN Private employees should contact local EEOC: EEOC's Atlanta District Office Sam Nunn Atlanta Federal Center 100 Alabama Street, SW Suite 4R30 Atlanta, GA 30303 (800) 669-4000 www.eeoc.gov/offices.html	Race, color, religion, national origin, sex, disability (physical or mental impairment), and age (40-70). GA. CODE ANN. §§ 34-1-2, 34-5-3, 34-6A-2, 34-6A-4, 45-19-20 et seq.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Hawaii	All public and private employers, employment agencies, and labor organizations other than the United States with one or more employees. Religious or denominational institution or organization, or any organization operated for charitable or educational purposes may give preference to individuals of the same religion or denomination or make a selection calculated to promote the religious for which the organization is established or maintained.	Hawaii Civil Rights Commission, 830 Punchbowl Street Room 411 Honolulu, HI 96813 (808) 586-8636	Race, color, religion, sex (including pregnancy, childbirth, and related medical conditions), national origin, ancestry, age, disability (including genetics) sexual orientation (actual or perceived), age, marital status (including marriage to coworkers), politics and arrest and court records. (Note: Gender identity may also be protected under sex by Hawaii's Civil Rights law. See Final Decision and Order Granting Petition for Declaratory Relief, D.R. No. 02- 0015, June 28, 2002. http://hawaii.gov/labor/hcrc/decisions_drp.shtml. The Supreme Court ruled that the commission lacked jurisdiction over the case, but for now left the substance of the ruling intact.) HAW. REV. STAT. ANN. §§ 378-1, 378-2, 378-3. Ross v. Stouffer Hotel Co., 879 P.2d 1037 (Haw. 1994) (marriage to coworkers).
Idaho	All public and private employers who hire five employees for each working day in 20 or more calendar weeks in the current or preceding year, employment agencies, and labor organizations. Does not include household servants. Religious corporations, associations, societies or education institutions may give preference to individuals of the same religion for work in carrying out religious activities.	Idaho Commission on Human Rights 1109 Main St., Suite 400 Boise, ID 83720-0040 (208) 334-2873 or (888) 249-7025	Race, color, religion, creed, sex (including pregnancy, childbirth and related medical conditions), national origin, ancestry, age (40+), and disability. IDAHO CODE §§ 67-5902, 67-5909, 67-5910; IDAHO ADMIN. CODE r. 45.01.01.010. Genetic information and testing is also prohibited. IDAHO CODE §§ 39-8301, 39-8303.
Illinois	Public and private employers with at least 15 employees within the state, any party to a public contract, employment agencies, and labor organizations, but not elected public officials and members of their immediate personal staff and not nonprofit religious organizations. However, in cases of handicap discrimination or sexual harassment, only one or more employee is required. Religious corporation, association, educational institution, society, or nonprofit nursing institution may give preference to individuals of the same religion for work in carrying out religious activities.	Illinois Department of Human Rights 100 West Randolph Street Suite 10-100 Chicago, IL 60601 (312) 814-6200	Race, color, religion, creed, sex (including pregnancy, childbirth and related medical conditions), sexual orientation (including gender related identity), citizenship status, national origin, ancestry, age (40+), marital status, physical or mental handicap, military status or unfavorable discharge from military service, arrest and criminal history records information, off duty use of lawful products, and genetic information. It is also unlawful for employer to impose restrictions that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to work duties. 775 Ill. COMP. STAT. ANN. 5/1-101 et seq., 5/2-102, 5/1-103, 5/1-104; ILL. ADMIN. CODE TIT. 56, § 5210.110. 410 Ill. COMP. STAT. ANN. 513/2. Note: Unfavorable military discharge includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable." 775 ILL. COMP. STAT. ANN. 5/1-103(P). But cf. 775 ILL. COMP. STAT. ANN. 5/2-104(3).

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DISCRIMINATION LAWS: 50 STATE SURVEY

JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Indiana	Public and private employers that employ six or more persons, employment agencies, and labor organizations, but not nonprofit religious or fraternal organizations or social clubs, corporations or associations or religious social clubs, school, educational or charitable institutions. For purposes of age discrimination, only one or more employee is required. For purposes of disability discrimination, employers with 15 or more employees, but not the U.S., and Indian tribe or tax exempt 501(c) club.	Indiana Civil Rights Commission, 100 N. Senate Ave., Room N103 Indianapolis, IN 46204 (317) 232-2600 or (800) 628-2909	Race, religion, color, sex, disability, national origin, ancestry, and age (40-70), tobacco use. IND. CODE ANN. §§ 22-9-1-1 et seq., 22-9-2-1 et seq., 22-9-5-1 et seq.
Iowa	Public and private employers employing four or more employees within the state, employment agencies, and labor organizations. Does not apply to religious institutions or its educational facility, association, corporation, or society with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose.	Iowa Civil Rights Commission, Grimes State Office Building, 400 E. 14th Street, Des Moines IA 50319 (515) 281-4121 or (800) 457-4416	Age (18 or more, or otherwise considered an adult), race, color, creed, national origin, religion, sex, pregnancy (including childbirth and related medical conditions), physical or mental disability (including AIDS and positive HIV test), sexual orientation (actual or perceived), and gender identity. IOWA CODE §§ 216.2, 216.6. Genetic testing is also prohibited. IOWA CODE § 729.6.
Kansas	Public and private employers with at least four employees, employment agencies, labor organizations, and organizations engaged in social service work, nonsectarian organizations, but not nonprofit fraternal or social organizations.	Kansas Human Rights Commission, 900 SW Jackson, Suite 568-S Topeka, KS 66612-1258 (785) 296-3206 or (888) 793-6874	Race, religion, color, sex (including pregnancy, childbirth and related medical conditions), military status, disability, national origin or ancestry, age (40+), and HIV infection. KAN. STAT. ANN. §§ 44.1001 et seq.; KAN. STAT. ANN. § 65-6002. In addition, the law also prohibits discrimination based on an employee's, or prospective employee's, genetic screening or testing information. KAN. STAT. ANN. §§ 44-1009, 44-1111 et seq.
Kentucky	Private employers with at least eight employees within the state, in each of 20 (or more) calendar weeks in the current or preceding calendar year, employment agencies, and labor organizations. For purposes of disability discrimination, employer means employing 15 or more employees and shall not include the U.S. government, Indian tribes or bona fide private membership clubs. A religious corporation, association, society, school, college, university, or other educational institution may give preference to individuals of the same religion for work in carrying out religious activities.	The Heyburn Bldg. Suite 700, 332 West Broadway Louisville, KY 40202 (502) 595-4024 or (800) 292-5566	Age (40+) race, color, national origin, religion, sex (including pregnancy, childbirth and related medical conditions), mental or physical disability, familial status, HIV status, smokers/nonsmokers (as long as the person complies with any workplace policy concerning smoking), Sabbath observance. KY. REV. STAT. §§ 207.130, 207.135, 344.010, 344.030, 344.040; 344.050, 344.060, 344.090, 436.165.
Louisiana	Employers of 20 or more employees within the state, labor organizations, joint labor-management committees, apprenticeship and training programs, and agencies of state and local governments. For the purposes of pregnancy, childbirth and related medical condition discrimination, employers with more than 25 employees. Does not apply to private educational or religious institution or any nonprofit corporation, or a religious school, college, university or other educational institution of learning.	Louisiana Commission on Human Rights, 1001, N. 23rd Street, Suite 262, Baton Rouge, LA 70802 (225) 342-6969	Race, color, religion, sex, disability, age (40+), sickle cell trait, pregnancy, national origin, genetic information, childbirth and related medical conditions and smoking. LA. REV. STAT. §§ 23:301, 23:302, 23:311, 23:312, 23:322, 23:323, 23:332, 23:341, 23:342, 23:352, 23:368, 51:2231 et seq.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Maine	All public and private employers and their agents, employment agencies, and labor organizations. Except for purposes of disability discrimination, does not include nonprofit religious or fraternal corporations or associations, with respect to its members of the same religion, sect or fraternity.	Maine Human Rights Commission, 51 State House Station Augusta, ME 04333-0051 (207) 624-6050	Race, color, religion, national origin, ancestry, physical or mental disability, age, sex (including pregnancy and related medical conditions), sexual orientation (actual or perceived, including gender identity or expression), and genetic information. ME. REV. STAT. ANN. tit. 5, §§ 4553, 4571, 4572, 4572-A. AIDS/HIV testing, and genetic testing are prohibited. Id. §§ 19201, 19204-B, 19301,19302.
Maryland	All public and private employers and their agents, employment agencies, and labor organizations. Except for purposes of disability discrimination, does not include nonprofit religious or fraternal corporations or associations, with respect to its members of the same religion, sect or fraternity.	Maryland Commission on Human Relations Suite 900 Schaefer Towers 6 Saint Paul Street Baltimore, MD 21202 (410) 767-8600 or (800) 637-6247	Race, color, religion, sex (including pregnancy, childbirth and related medical conditions), age, national origin, marital status, sexual orientation, genetic information, disability (mental and physical impairment, including HIV/AIDS), genetic testing and information, and Sabbath observance.
Massachusetts	Public and private employers with six or more employees, employment agencies, and labor organizations, but not nonprofit private social clubs, associations and fraternal organizations. A religious or denominational institution, organization, charitable or educational entity may give preference in hiring or employment to members of the same religion or take any action with respect to matters of employment, discipline, faith, internal organization, or ecclesiastical rule, custom, or law which are calculated to promote the religious principles for which it is established or maintained.	Massachusetts Commission Against Discrimination, One Ashburton Place Room 601 Boston, MA 02108 (617) 994-6000	Age (40+), race, color, religious creed, national origin, ancestry, sex (including pregnancy childbirth and related conditions), sexual orientation (except pedophilia), military status, genetic information, mental illness, AIDS/HIV testing, genetic information, arrest records, and handicap (disability). MASS. GEN. LAWS ch. 93, §§ 102 et seq.; ch. 149, § 105A; ch. 151B, §§ 1, 4; ch. 111 § 70F. Lie v. Sky Publ'g Corp., 15 Mass. L. Rptr. 412 (Mass. Super. 2002); Doe v. Yuntis, 15 Mass. L. Rep. 278 (Mass. Super. 2001); Jette v. Honey Farms Mini Market, 2001 Mass. Comm. Discrim. LEXIS 50 (Mass. Commission Against Discrimination Oct 10, 2001) (gender identity can be under disability discrimination).
		One Ashburton Place	MASS. GEN. LAWS ch. 93, §§ 102 et seq.; ch. 149, § 105A; ch. 151B, §§ 1, 4; ch. 111 § 70F. Lie v. Sky Publ'g Corp., 15 Mass. L. Rptr. 412 (Mass. Super. 2002); Doe v. Yuntis, 15 Mass. L. Rep. 278 (Mass. Super. 2001); Jette v. Honey Farms Mini Market, 2001 Mass. Comm. Discrim. LEXIS 50 (Mass. Commission Against Discrimination Oct 10, 2001) (gender identity can be under disability discrimination).
Michigan	All public and private employers employing one or more employees, employment agencies, and labor organizations.	Michigan Department of Civil Rights Lansing Executive Office Capitol Tower Bldg., Suite 800 Lansing, MI 48933 (517) 335-3165	Religion, race, color, national origin, sex, disability, age, marital status, familial status, pregnancy, childbirth and related conditions except non-therapeutic abortions not intended to save the life of the mother, height and weight, genetic information, and arrest records. MICH. COMP. LAWS §§ 37.1102 et seq., §§ 37. 1201 through 37. 1204; 37.2201 through 37.2205a.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Minnesota	Public and private employers with one or more employees, employment agencies, and labor organizations. Employers, employment agencies and labor organizations with 15 or more employees must make a reasonable accommodation for employees with a disability. Nonprofit religious association, corporation, or society or any religious institution organized for educational purposes may hire and employ employees of a particular religion or sexual orientation to perform work carrying out its activities.	Minnesota Department of Human Rights, Army Corps of Engineers Centre 190 East 5th Street Suite 700 St. Paul, MN 55101 (651) 296-5663 or (800) 657-3704	Race, color, creed, religion, national origin, sex, (including pregnancy, childbirth and related disabilities) marital status (including identity, actions, beliefs of spouse/former spouse), status with regard to public assistance, membership or activity in a local commission, disability (physical, mental or sensory impairment), sexual orientation (actual or perceived, including gender identity, except pedophilia) age (25-70), and us of genetic information and testing. MINN. STAT. ANN. §§ 181.81, 181.974, 363A.03, 363A.08, 363A.20, 263A.26.
Mississippi	All public and private employers. All public employers are subject to non-discrimination on the basis of race, color, religion, sex, national origin, age or handicap.	For public employees: Mississippi Department of Employment Security P.O. Box 1699 Jackson, MS 39215-1699 (601) 321-6021 Private employees: EEOC Jackson Area Office Dr. A.H. McCoy Federal Building 100 W. Capital St., Suite 207, Jackson, MS 39269 (800) 669-4000	Corporate employees' social, civil or political rights, smoking during non-working hours, membership or non-membership in labor union as condition of employment, and breast feeding, race, color, religion, sex, national origin, age or handicap. MISS. CONST. ANN. art. 7, § 191, 198A, 71-7-33, 71-1-47, 25-9-149.
Missouri	Employers with at least six employees within the state, employment agencies, and labor organizations, but not corporations and associations owned and operated by religious or sectarian groups.	Missouri Commission on Human Rights 3315 W. Truman Blvd. Jefferson City, MO 651020-1129 (573) 751-3325	Race, color, religion, national origin, sex (including pregnancy, childbirth and related medical conditions), ancestry, age (40-70), disability, AIDS, genetic testing, and off-duty tobacco and alcohol use. The public employment and government contractor executive order prohibits discrimination by government contractors based on race, color, religion, national origin, sex, handicap, age and disabled or Vietnam-era veteran's status. Mo. Exec. Order 87-6, art XIII, § 4.
Montana	All public and private employers ,with one or more employees, employment agencies, labor organizations, and training committees, but not non-profit fraternal, charitable or religious association or corporation.	Montana Human Rights Bureau 1625 11th Ave., P.O. Box 1728 Helena, MT 59624-1728 (406) 444-2884 or (800) 542-0807	Race, creed, religion, color, sex (including pregnancy, childbirth and related medical conditions), physical or mental disability, age, national origin, ancestry, marital status, and off-duty use of lawful products. (The off-duty use of lawful products does not apply to nonprofit organizations whose primary purpose includes discouraging the use of one or more lawful products by the general public). Montana Human Rights Act §§ 49-2-101, 49-2-303(1)(a), 49-2-310, 49-4-101, 49-1-102; MONT. CODE ANN. § 39-2-313.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Nebraska	Private and non profit employers with at least 15 employees, and any party whose business is financed in whole or in part under the Nebraska Investment Finance Authority Act regardless of the number of employees, including the State of Nebraska, governmental agencies, and political subdivisions, regardless of the number of employees; employment agencies; labor organizations; government contractors; and joint labor management committees, but not the United States, Indian tribes, or bona fide tax-exempt private membership clubs. For age discrimination, employers with 20 or more employees. Shall not apply to religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with carrying on religious activities. A school, college, university, or other educational institution or institution of learning may hire and employ employees of a particular religion if learning is directed toward the propagation of a particular religion.	Nebraska Equal Opportunity Commission, 301 Centennial Mall South, 5th Floor, Lincoln, NE 68509-4934 (402) 471-2024 or (800) 642-6112	Race, color, national origin, religion, sex (including pregnancy, childbirth and related medical conditions), disability, marital status, age (40-70) HIV/AIDS and genetic testing. NEB. REV. STAT. §§ 20-168(1), 48-236, 48-1002, 48-1004, 48-1108, 20-168. Government contractors are covered by the above provisions, except for age and HIV/AIDS, and additionally, there is an executive order for government contractors which reiterates the same protected classes. Neb. Exec. Order No. 1-78.
Nevada	Public and private employers with 15 or more employees, employment agencies, labor organizations, joint labor management committees and government contractors, but not the United States, Indian tribes, or tax-exempt private membership clubs. Does not apply to religious corporation, association or society with respect to the employment of individuals of a particular religion to carry out its religious activities. Religious school, college, university or other educational institution or institution of learning may hire employees of a particular religion if the school is directed toward the propagation of a particular religion. With respect to unlawful employment discrimination based on sexual orientation, the law does not apply to an organization that is exempt from taxation under 26 U.S.C. 501(c)(3).	Nevada Equal Rights Commission 1515 East Tropicana Suite 590 Las Vegas, NV 89119-6522 (702) 486-7161	Race, color, religion, national origin, sex, pregnancy, age (40+), disability (physical or mental impairment and HIV), sexual orientation (actual or perceived), gender identity or expression, genetic information or testing, and lawful use of a product during nonworking hours.
New Hampshire	Employers with six or more employees, the state and its subdivisions, employment agencies, and labor organizations, but not nonprofit religious organizations or nonprofit social, fraternal, or charitable clubs and associations. Religious or denominational institution or organization, or any organization operated for charitable or educational purposes may give preference to persons of same religion to promote religion for which it was established. The definition of sexual orientation also does not impose any duty on a religious organization.	New Hampshire Commission for Human Rights 2 Chenell Drive Concord, NH 03301-8501 (603) 271-2767	Age, sex (including pregnancy and pregnancy-related medical conditions), sexual orientation (actual or perceived), race, religious creed, color, marital status, , physical or mental disability, national origin (including ancestry), genetic information, and tobacco use. N.H. REV. STAT. §§ 275:37-a, 354:A-2, 354:A-7, 141-H:1, 141-H:3.

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DISCRIMINATION LAWS: 50 STATE SURVEY

JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
New Jersey	All public and private employers with one or more employees, state and municipal contractors, employment agencies, and labor organizations. Race, color, national origin, ancestry, religion, sex (including pregnancy, childbirth and related medical conditions), age (40+), physical or mental handicap, serious medical condition, genetic information, HIV testing and tobacco use. Spousal affiliation, sexual orientation and gender identity (actual or perceived) as noted in the covered entity column.	New Jersey Dept. of the Attorney General Division on Civil Rights 140 East Front Street, 6th Floor, PO Box 090 Trenton, NJ 08625-0090 (609) 292-4605	N.J. STAT. §§ 10:5-5, 10:5-12, McConnell v. State Farm Mut. Ins. Co., 61 F. Supp. 2d 356 (D.N.J. 1999); Leahey v. Singer Sewing Co., 302 N.J. Super. 68 (Law Div. 1997) (pregnancy and related conditions as sex discrimination). There are two separate statutes which can apply to government contractors, the Government Contractor Discrimination Statute which applies to all government contractors with respect to race, color, creed, national origin, ancestry, marital status, affectional or sexual orientation and sex. N.J. STAT. § 10: 2-1. In addition, the defense contractor statute applies to defense contractors and covers the same protected classes, except for affectional or sexual orientation. N.J. STAT. § 10:1-10.
New Mexico	Employers with four or more employees, the state and all its political subdivisions, employment agencies, government contractors and labor organizations. Employers with 15 or more employees, sexual orientation and gender identity are protected. Employers with 50 or more employees, spousal affiliation is protected. Religious or denominational institution or organization may impose discriminatory employment practices based upon sexual orientation or gender identity; provided, that the law with respect to sexual orientation and gender identity will apply regarding for-profit activities or nonprofit activities of a religious or denominational institution or religious organization subject to the provisions of section 501(c)(3) of the Internal Revenue Code of 1986, as amended. Government contractors are only covered under the public employment sexual preference executive order. N.M. Exec. Order No. 85-15.	New Mexico Human Rights Division 1596 Pacheco Street Aspen Plaza, Suite 103 Santa Fe, NM 87502 (800) 566-9471	N.M. STAT. §§ 24-21-1, 24-21-4, 28-1-2, 28-1-7, 28-1-9, 28-10A-1, 50-11-3; N.M. CODE R. § 9.1.1.7 (HH) (2), Cates v. Regents of the N.M. Inst. of Mining & Tech., 954 P.2d 65 (N.M. 1998) (age discrimination). Race, color, national origin, ancestry, religion, sex (including pregnancy, childbirth and related medical conditions), age (40+), physical or mental handicap, serious medical condition, genetic information, HIV testing and tobacco use. Spousal affiliation, sexual orientation and gender identity (actual or perceived) as noted in the covered entity column. N.M. STAT. §§ 24-21-1, 24-21-4, 28-1-2, 28-1-7, 28-1-9, 28-10A-1, 50-11-3; N.M. CODE R. § 9.1.1.7 (HH) (2), Cates v. Regents of the N.M. Inst. of Mining & Tech., 954 P.2d 65 (N.M. 1998) (age discrimination). Government contractors are only covered under the public employment sexual preference executive order. N.M. Exec. Order No. 85-15.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
New York	Employers with four or more employees, licensing agencies, employment agencies, and labor organizations. Any religious or denominational institution or organization, or any religious organization operated for charitable or educational purposes, may give preference to persons of the same religion or denomination or take such action to promote the religious principles for which it is established.	New York State Division of Human Rights One Fordham Plaza 4th Floor Bronx, NY 10458 (718) 741-8400	Age (18+), race, creed, color, national origin, ancestry, sex, pregnancy, disability, sexual orientation (actual or perceived), genetic predisposition or carrier status, arrest or conviction, military status, lawful off-duty activities, genetic information or testing, and marital status. N.Y. Consol. Laws, ch. 18, art. 15, §§ 292, 296. Rentos v. OCE-Office Sys., 1996 U.S. Dist. LEXIS 19060 (S.D.N.Y. 1996); Buffong v. Castle on the Hudson, 2005 N.Y. Misc. LEXIS 3194 (N.Y. Sup. Ct. 2005) (transsexuals can pursue sex discrimination claims). There is a separate law for government contractors which prohibits discrimination based upon race, creed, color, national origin, sex, age, disability or marital status. N.Y. EXEC. LAW § 312.
North Carolina	Employers with at least 15 employees, the state and its agencies, and local government entities.	North Carolina Human Relations Commission 1318 Mail Service Center Raleigh, NC 27699 (919) 733-7996	Age, sex, race, color, national origin, religion, creed, disability/handicap, sickle cell or hemoglobin C trait, genetic testing and AIDS virus/HIV infection or results of AIDS test. N.C. GEN. STAT. §§ 95-28.1, 95-28.1A, 130A-148, 143-422.2, 168.A-1, 168A-3, 168A-5.
North Dakota	Private employers with one or more employees, the state and its agencies, employment agencies and labor organizations.	North Dakota Department of Labor Human Rights Division 600 E. Boulevard Ave., Dept. 406 Bismarck, ND 58505-0340 (701) 328-2660 or (800) 582-8032	Race, color, religion, sex (including pregnancy, childbirth, and related disabilities), national origin, age (40+), mental or physical disability, status with regard to marriage or public assistance, participation in lawful activities during nonwork hours off the employers premises and exercising rights under the smoking statute. N.D. CENT. CODE § 14-02.4-02 through 14-02.4-06.
Ohio	The state and its agencies, employers with four or more employees, employment agencies, joint labor management committees, labor organizations.	Ohio Civil Rights Commission 30 E. Broad Street 5th Floor Columbus, OH 43215 (614) 466- 6715 or (888) 278-7101	OHIO REV. CODE §§ 4112.01, 4112.02, 4112.14
Oklahoma	Public and private employers with at least 15 employees, employment agencies, labor organizations and government contractors, but not Indian tribes or bona fide nonprofit membership clubs. Does not apply to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with its religious activities. A religious school, college, university, or other educational institution may hire and employ an employee of a particular religion if the educational institution is directed toward the propagation of a particular religion.	Oklahoma Human Rights Commission, Jim Thorpe Building 2101 North Lincoln Boulevard Room 480 Oklahoma City, OK 73105 (405) 521-2360 or (888) 456-2558	Race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40+), tobacco use, genetic testing or information, and handicap (mental or physical impairment). OKLA. STAT. tit. 25, §§ 1201, 1301 through 1308; OKLA. STAT. tit. 36, § 3614.2. OKLA. ADMIN. CODE § 335:15-3-9.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Oregon	All public and private employers with one or more employees, employment agencies and labor organizations. For disability discrimination, employers with six or more employees. Church or sectarian religious institution, including a school, hospital or church camp may prefer employee of same religion if employment is closely connected with or related to the primary purposes of the church.	Oregon Bureau of Labor & Industries Civil Rights Division 800 N.E. Oregon Street, #32 Portland, OR 97232 (971) 673-0761	Race, color, national origin, ancestry, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation (actual or perceived, including gender identity—effective 1/1/08), religion, age (18+), physical or mental disability (employers with 6 or more employees), genetic screening, expunged juvenile records, personal associations and marital status and family status (family members employed by employer). Effective 1/1/08, employees who have made wage claims or reported violations of the minimum wage law, consulted with an attorney about a wage claim, have or is about to testify in any proceedings will be protected under Oregon's fair employment law. OR. REV. STAT. §§ 174.100, 659A.001, 659A.006, 659A.029, 659A.030, 659A.100, 659A142, 659A.303, 659A.309, 695A.318, 695A.030. OR. REV. STAT. §§ 652.335, 653.060.
Pennsylvania	Employers with at least four employees in Pennsylvania, the Commonwealth and any political subdivisions, employment agencies, labor organizations and government contractors. Does not include religious, fraternal, charitable or sectarian corporations or associations (unless supported by government appropriations), except with respect to claims related to race, color, age, sex or handicap discrimination.	Pennsylvania Human Relations Commission Central Office 301 Chestnut Street, Suite 300 Harrisburg, PA 17101 (717) 787-4410	Race, color, religious creed, ancestry, age (40+), sex, (including pregnancy, childbirth and related medical conditions), national origin, non-job related handicap or disability (physical or mental impairment), use of a guide or support animal, willingness or refusal to perform or participate in abortion (hospital employer's staff and physicians), and persons who hold general education development certificates rather than high school diplomas. 43 PA. STAT. §§ 951, 954, 955, 955.2; 16 PA. STAT. § 41.102 Government contractors are covered by the Human Relations Commission's contract compliance regulations. Discrimination based on race, color, national origin, ancestry, religious creed, age and sex is prohibited. 16 PA. CODE §§ 49.2, 49.101.
Rhode Island	The state and its political subdivisions, employers with at least four employees, employment agencies, labor organizations, licensing agencies and government contractors. Does not apply to a religious corporation, association, educational institution or society with respect to employment of individuals of its religion to perform work to carry out its activities. No duty is imposed on a religious organization on the basis of sexual orientation.	Rhode Island Commission for Human Rights 180 Westminster St., 3rd Floor Providence, RI 02903, (401) 222-2661	Race, color, sex, pregnancy (including childbirth or related medical conditions), ancestral origin, disability (physical or mental impairment), age (40+), sexual orientation (actual or perceived), gender identity or expression (actual or perceived), religion, AIDS testing, genetic testing and tobacco use outside of employment. R.I. GEN. LAWS, §§ 23-6-22, 28-5-1 et. seq., 28-5-5, 28-5-7, 28-6.7-1. State Fair Employment Practices Act. Employers, employment agencies and licensing agencies are prohibited from discriminating against victims of domestic violence. R.I. GEN. LAWS § 12-28-10.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
	The public employment and government contractor law prohibits discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age or handicap by government contractors. R.I. GEN. LAWS § 28-5.1-10.		
South Carolina	Employers with at least 15 employees, employment agencies, labor organizations and joint labor-management committees, but not Indian tribes and bona fide private membership clubs other than labor organizations. A business or enterprise on or near an Indian reservation may give preferential treatment to individuals because they are Indians living on or near a reservation. A religious corporation, association, educational institution, or society may employ individuals of a particular religion for carrying out work connected to its activities. A religious school, college, university or other educational institution of learning may employ employees of a particular religion if the curriculum of the educational institution is directed toward the propagation of a particular religion.	South Carolina Human Affairs Commission P.O. Box 4490 2611 Forest Drive, Suite 200 Columbia, SC 29204 (803) 737-7800 or (800) 521-0725	Race, religion, color, sex (including pregnancy, child birth and pregnancy related medical conditions) age (40+), national origin, ancestry, disability (physical or mental impairment), and tobacco use outside the work place. S.C. CODE §§ 1-13-10 et seq., 1-13-80, 41-1-85.
South Dakota	Public and private employers, employment agencies and labor organizations.	South Dakota Division of Human Rights 700 Governors Dr. Pierre, SD 57501 (605) 773-4493	Race, color, creed, religion, sex (including pregnancy, childbirth and related medical conditions), disability (physical or mental impairments), blindness and partial blindness, ancestry, national origin, genetic testing and use of genetic information, and tobacco use during nonwork hours. S.D. CODIFIED LAWS §§ 20-13-1 et seq., 60-4-11, 60-2-20.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Tennessee	The state and its political subdivisions, employers with at least eight employees within the state, employment agencies, labor organizations and joint labor-management training committees. Does not apply to religious corporations, associations, educational institutions, or societies, with respect to the employment of individuals of a particular religion to perform work connected with carrying out its activities.	Tennessee Human Rights Commission 530 Church Street, Cornerstone Square Bldg., Suite 305 Nashville, TN 3724-0745 (615) 741-5825 or (800) 251-3589	Race, creed, color, religion, sex, national origin, and ancestry are prohibited discriminatory classifications for all employers under the Human Rights Act. All employers, excluding joint labormanagement training committees, are prohibited from discriminating based on age (40+). TENN. CODE ANN. §§ 4-21-102, 4-21-401 through 4-21-407. Discrimination by all employers against people who use legal agricultural products (tobacco) during nonwork hours or in compliance with the employer's policy on use of such product is prohibited. TENN. CODE § 50-1-304 (e). Discrimination against the handicapped is prohibited by public and private employers. TENN. CODE § 8-50-103.
	Discrimination against the handicapped is prohibited by public and private employers. TENN. CODE § 8-50-103.		
Texas	State and local government entities, employers with at least 15 employees, employment agencies, labor organizations and joint labor management committees. A religious corporation, association, society, or educational institution may give preference to members of the same religion.	Texas Commission on Human Rights, P.O. Box 13006 6330 Highway 290 East, Suite 250 Austin, TX 78711 (512) 437-3450	Race, color, disability, religion, sex (including pregnancy, childbirth or related medical conditions), national origin (including ancestry), age (40+) use of genetic test results or employees' refusal to submit to such tests and HIV/AIDS status and testing. TEX. LABOR CODE ANN. §§ 21-001 et seq.; TEX. HEALTH & SAFETY CODE ANN. §§ 81.101, 81.102.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
Utah	The state and its political subdivisions (within state), employers with at least 15 employees, employment agencies, labor organizations, joint labor-management committees and government contractors, but not religious organizations, corporations or associations. A religious school, college, university, or other educational institution may hire and employ employees of a particular religion if the curriculum is directed toward a particular religion. Does not apply to any business or enterprise on or near an Indian reservation that gives preferential treatment to a native American Indian living on or near an Indian reservation.	Utah Labor Commission, Antidiscrimination & Labor Division, 160 East 300 South 3rd Floor, Salt Lake City, UT 84111 (801) 530-6801 or (800) 222-1238	Race, color, sex, pregnancy (including childbirth and pregnancy-related conditions), age (40+), religion, national origin (including ancestry), and disability and use of genetic information and testing. UTAH CODE tit. 34A, ch. 5; UTAH CODE ANN. tit. 34A, §§ 26-45-102, 26-45-103, 34A-5-101, 34A-5-102, 34A-5-106. The Governor's Fair Practices for State Government Employment and Contracts requires the inclusion of a nondiscrimination clause in state contracts. Utah Exec. Order July 25, 1986.
Vermont	Public and private employers with one or more employees, employment agencies, labor organizations that represent at least five employees and government contractors and subcontractors. Any religious or denominational institution or organization, or any organization operated for charitable or educational purposes may give preference to persons of the same religion or denomination, and with respect to discrimination on the basis of sexual orientation or gender identity may take any action in employment matters to promote the religious principles for which it is established.	Vermont Human Rights Commission, 135 State Street Drawer 33, Montpelier, VT 05633-6301 (802) 828-2480 or (800) 416-2010	Race, color, religion, sex(including pregnancy), sexual orientation, gender identity (actual or perceived),national origin, ancestry, place of birth, age (18+), HIV status or testing, genetic testing and information and physical/mental condition. 21 VT. STAT. ANN. §§ 494, 495, 495d; 18 VT. STAT. ANN. §§ 9331, 9333. Lavalley v. E.C. & A.C. Whiting Co., 692 A.2d 367 (Vt. 1997).
Virginia	Public and private employers, employment agencies, labor organizations, joint labor management committees.	Virginia Council on Human Rights 202 North 9th Street, 11th Floor, Richmond, VA 23219 (804) 225-2292	Race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions (including lactation), age (40+), marital status, disability (mental or physical impairments), genetic testing, former members of armed services or in reserve forces of armed services, the National Guard and election officers. VA. CODE § 2.2-3900, 2.2-3901, 2.2-2639, 51.5-41. VA. CODE ANN. § 24.2-118.1, § 40.1-28.7.1.
Washington	Employers with at least eight employees, employment agencies, labor organizations and government contractors, but not nonprofit religious or sectarian organizations.	Washington State Human Rights Commission 711 South Capitol Way, #402 P.O. Box 42490 Olympia, WA 98504-2490 (360) 753-6770 or (800) 233-3247	Age (40+), sex (including pregnancy), sexual orientation, marital status, race, creed, color, national origin, ancestry, the presence of any sensory, mental or physical disability, use of a trained dog guide or service animal by a disabled person, the results of a HIV or Hepatitis C test, genetic information and testing, and using sick leave to care for a child or family member. WASH. REV. CODE §§ 49.12.175, 49.44.090, 49.60.010, 49.60.030, 49.60.172, 49.60.180; WASH. ADMIN. CODE 296-130-035. Government contractors are covered by an executive order that prohibits discrimination based on race, color, national origin, ancestry and religion. Wash. Exec. Order, Art. III, Aug. 22, 1966.

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JURISDICTION	COVERED EMPLOYERS	AGENCY	CATEGORIES PROTECTED/RELEVANT STATUTE
West Virginia	The state and its political subdivisions, employers with at least 12 persons within the state, employment agencies, training committees and labor organizations, but not private clubs.	West Virginia Human Rights Commission 1321 Plaza East, Room 108A Charleston, WV 25301-1400 (304) 558-2616 or (888) 676-5546	Age (40+), sex (including pregnancy), sexual orientation, marital status, race, creed, color, national origin, ancestry, the presence of any sensory, mental or physical disability, use of a trained dog guide or service animal by a disabled person, the results of a HIV or Hepatitis C test, genetic information and testing, and using sick leave to care for a child or family member. WASH. REV. CODE §§ 49.12.175, 49.44.090, 49.60.010, 49.60.030, 49.60.172, 49.60.180; WASH. ADMIN. CODE 296-130-035. Government contractors are covered by an executive order that prohibits discrimination based on race, color, national origin, ancestry and religion. Wash. Exec. Order, Art. III, Aug. 22, 1966.
Wisconsin	The state and its agencies, private employers and their agents, employment agencies, labor organizations, licensing agencies and government contractors and subcontractors, but not social clubs or fraternal societies with respect to a particular job for which the club or society seeks to employ or employs a member. A nonprofit religious association, organization or corporation may give preference to an applicant or employee who is a member of the same or a similar religious denomination.	Division, 201 E. Washington Ave., Room A300 P.O. Box 8928 Madison, WI 53708 (608) 266-6860	Age (40+), race, creed, color, disability, marital status, sex (including pregnancy, childbirth, maternity leave or related medical condition), HIV testing (applies only to employers and agents of employers), genetic testing, national origin, ancestry, sexual orientation, arrest or conviction record, membership in the national guard or military service, use/ nonuse of lawful products off the employers premises during nonworking hours and lie detector testing. WIS. STAT. §§ 103.15, 111.31-111.36, 111-335, 111.395 Government contractors are covered under a separate statute which prohibits discrimination on the basis of age, race, religion, color, sex, sexual orientation, national origin and physical and mental handicaps. WIS. STAT. § 16.765.
Wyoming	The state and its political subdivisions, employers with at least two or more employees, employment agencies, labor organizations and government contractors, but not religious organizations or associations.	Wyoming Dep't of Employment, Labor Standards Office 1510 E. Pershing Blvd., West Wing Cheyenne, WY 82002 (307) 777-7261	Age (40+), sex, race, creed, color, national origin, ancestry, disability and use/ nonuse of tobacco products outside course of employment. WYO. STAT. §§ 27-4-302, 27-9-102, 27-9-105. Government contractors are also covered, but there is no protection for age, disability or tobacco use under the government contractor executive order. Wyo. Exec. Order 1976-6, § 2-3.

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