

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 one state 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](#)).
- 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 2013

State	Bill Number/Link	Employment discrimination prohibited based on:	Status/Link	Related Bills in Prior Sessions
California	2013 CA S.B. 404 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- Passed Senate Judiciary Committee. 04/02/13 Held in Senate Appropriations Committee suspense file. 04/15/2013	2011-2012 A.B. 1999 2009-2010 A.B. 1001 2007-2008 S.B. 836
Massachusetts	2013 MA H. 3231 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."	H.- Referred to the House Committee on Labor and Workforce Development. 1/22/2013 Joint hearing scheduled for 06/25/2013	
Michigan	2013 MI H.B. 4706 Hobbs	Prohibits discrimination based on exercise of the right to paid leave including to care for a family member. Family member is defined as a child, stepchild, child of a domestic partner, parent, stepparent, parent of spouse or domestic partner, spouse, grandparent or spouse or domestic partner of a grandparent, grandchild, sibling or spouse or domestic partner of a sibling, or any other individual whose relationship to the employee is the equivalent of a familial relationship.	H.B.- referred to the committee on commerce. 05/08/2013	
Nevada	2013 NV S.B. 70 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.	S.B.- Referred to Commerce, Labor and Energy and died in Committee. 04/13/2013	

State	Bill Number/Link	Employment discrimination prohibited based on:	Status/Link	Related Bills in Prior Sessions
New Jersey	2013 NJ A. 580 Spencer 2013 NJ S. 334 Greenstein	“Familial status;” mandates reasonable accommodations for pregnancy or pregnancy-related conditions, “unless to do so would impose an undue hardship on the employer.”	A.- Introduced, Referred to Assembly Judiciary Committee 1/10/12 S.- Introduced, Referred to Senate Judiciary Committee 1/10/12	2010-11 A.B. 684 2010-11 S.B. 2519 2008-09 S.B. 234; 2008-09 A.B. 2292 2006-07 S.B. 1075; 2006-07 A.B. 2255 2005 S.B. 2252; 2005 A.B. 4157
New York	2013 NY A.07021 Russell	“Familial status.”	A.- Referred to the Committee on Governmental Operations. 04/29/2013	
	2013 NY A.06410 Katz	Prohibits an employer from inquiring, directly or indirectly, if an employee is or plans to become pregnant and prohibits discrimination based an employee’s current or future pregnancy. Also requires reasonable accommodations due to pregnancy and related conditions.	A.- Referred to the Committee on Governmental Operations. 03/26/2013	
	2013 NY S.05296 Savino	Prohibits discrimination based on disability leave which includes family care leave.	S.- Referred to the Committee on Labor. 05/16/2013	
North Carolina	2013 NC H.B. 99 Adams and L. Hall 2013 NC S.B. 535 Kinnaird, Parmon, Bryant	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.	H.B.- referred to Health and Human Services, if favorable, Judiciary, if favorable, Appropriations 02/14/2013 S.B.- referred to the committee on Rules and Operations of the Senate. 04/01/2013	2011 NC H.B. 223 2011 NC S.B. 558

State	Bill Number/Link	Employment discrimination prohibited based on:		
Washington	2013 WA H.B. 1457 Green 2013 WA S.B. 5292 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.	H.B.- reintroduced and retained at present status. 05/13/2013 S.B.- Reintroduced and retained at present status. 05/13/2013	2011 VA H.B. 1964 2012 VA H.B. 692

Also:

Arizona	2013 AZ S.B. 1004 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.	Referred to Senate Committee on Commerce, Energy, and Military and Senate Rules Committee 1/14/2013	2012 AZ H.B. 2352 2010 AZ H.B. 2460 2009 AZ H.B. 2475
New York City	2012 NYC Int 863	<p>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.”</p> <p>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.</p>	Referred to Committee on Civil Rights 5/31/12	

Prior Session Legislation Currently Inactive

State	Bill Number/Link	Employment discrimination prohibited based on:	Status/Link	Related Bills in Prior Sessions
California	2009 CA A.B. 1001 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	Died due to failure to pass out of the Assembly by 1/31/10	Similar to, but not the same as, 2007 S.B. 836, introduced by different author (see below)
	2007 CA S.B. 836 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	Passed through entire legislature, but vetoed by Governor 10/13/07; Veto sustained, stricken from Senate file 1/14/08	
Florida	2009 FL S.B. 2012 ; Deutch	“familial status” and “pregnancy”	S.B. - died, in Committee on Commerce; postponed and withdrawn from consideration 5/2/09	2008 S.B. 572 ; 2008 H.B. 191
	2009 FL H.B. 397 Skidmore		H.B.- died, reference deferred, postponed and withdrawn from consideration 5/2/09	2007 S.B. 2628 ; 2007 H.B. 639
Iowa	2007 IA H.F. 532 Ford	“marital or family status”	Stalled after referred to Judiciary Sub-committee 2/27/07	
Maine	2009 ME L.D. 962 Dill	“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...”	Died on adjournment 6/13/09	
	2009 ME H.P. 664			
Maryland	2010 MD H.B. 463 Kaiser	“family responsibilities”	Unfavorable report by Health and Government Operations Committee 3/23/2010	
Michigan	2007 MI S.B. 462 Cherry	“familial status”	Stalled after referred to Committee on Commerce and Tourism 4/26/07	
New York	2009 NY A.B. 6333 Barra	“family responsibilities,” defined as “the legal responsibility to care for a child”	Held for consideration in Governmental Operations Committee 5/4/10.	2007-08 A.B. 3214 2005 A.B. 2539

State	Bill Number/Link	Employment discrimination based on:	Status/Link	Related Bills in Prior Sessions
<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	2011 MT S.B. 196 Windy Boy	to add “family responsibilities” (among other categories) as a basis for a hostile work environment employment discrimination claim	Died in Standing Committee 4/28/11	2007 H.B. 213