



THE LIGHT AT THE END OF THE TUNNEL

Karen Roberts, SHRM-SCP

It's been a year since all of our worlds changed due to COVID-19. For some time, it was becoming difficult to see if we would come out of this any time soon. Now that people are getting vaccinated and most have been following safety protocols by wearing masks and socially distancing, cases are slowly on the decline. We are now starting to see the light at the end of this tunnel. Finally!!

As we begin to prepare for the 'new normal', it's time to take stock in what we will continue with, even post pandemic. Over this past year, we've been presented with new opportunities to gain a better focus and appreciation for our relationships, our inspirations, and our aspirations. We've become reacquainted with our homes (spending more time in them than ever in the past year) and, in some cases, with ourselves and families. We've taken a closer look at what matters most and what we value the most out of life. We've rejuvenated old workout routines, hobbies and past interests, caught up on movies, as well as have

learned new things. We found the time to experiment with new hairstyles and grooming techniques we always wanted to try but never had the time or the nerve. We've become courageous in making major life and career changes, some by choice and some by force.

That light is getting brighter by the day! Once you exit this tunnel, what lies on the other side for you? What will you take with you and what will you leave behind? Whatever it is that you do in this new light, make it count and shine bright doing it!!

Regards,



Karen Roberts, SHRM-SCP
Tri-State HRMA President

LGBTQ EMPLOYEES PROTECTED FROM DISCRIMINATION UNDER FEDERAL LAW

Article By Julie Kinkopf, Esq., Partner and Edmund C. Celiesius, Esq., Associate, Weber Gallagher



The passage by the U.S. House of Representatives of the Equality Act this week again put a spotlight on anti-discrimination protection for LGBTQ employees. But what is the current status of the law when it comes to LGBTQ? While long protected under many state and local laws, until relatively recently, there was a question as to whether LGBTQ employees were protected under Title VII. Last summer,

we got the answer. In a landmark decision, the U.S. Supreme Court ruled that LGBTQ people are protected from discrimination in employment under Title VII of the Civil Rights Act of 1964 ("Title VII").

The Court was presented with three separate cases, two involving individuals who are homosexual and the other transgender. In the first case involving homosexuality, the employer terminated the employee, Gerald Bostock, for "unbecoming" conduct shortly after he began participating in a gay recreational softball league. In the second, the employer fired its employee, Donald Zarda, only days after he mentioned being gay. In the case involving a transgender employee, the employer, a funeral home, terminated Aimee Stephens, who presented as a male when she was hired, after informing her employer that she planned to "live and work full-time as a woman." Each of the above-mentioned employees sued alleging sex discrimination under Title VII. Sadly, during the course of the above-mentioned litigations, Mr. Zarda and Ms. Stephens passed away before they could see the historic ruling in their favor.

The majority opinion was written by Chief Justice John Roberts and Justice Neil Gorsuch. Justice Gorsuch set the tone of the opinion in the opening paragraph, when he said "[a]n employer who fires an individual for being



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CHAPTER NEWS

You can submit your articles, photos, and news items to Diane Irwin, at her email address below. Feel free to contact her with any questions about publishing in our newsletter. Your comments and suggestions are welcome.

- > **Diane Irwin**
diane@dynamicresumesofnj.com
- > **Deadlines**
 - July 30th for September Publication
 - October 1st for November Publication

Articles of interest would include but are not limited to:

- Legislative Issues
- HR News
- Best Practices
- Upcoming Events
- Community Involvement
- Awards that any of our Tri-State Members have received

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homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."

Additionally, the Court noted that homosexuality and transgender status are inextricably bound up with sex, not because homosexuality or transgender status are related to sex in some vague sense or because discrimination on these bases has some disparate impact on one sex or another, but because to discriminate on these grounds requires an employer to intentionally treat individual employees differently because of their sex. Lastly, the court recognized that in Title VII, "Congress adopted broad language making it illegal for an employer to rely on an employee's sex when deciding to fire that employee. We do not hesitate to recognize this ruling as a necessary consequence of that legislative choice: an employer who fires an individual merely for being gay or transgender defies the law."

While many states and municipalities had their own laws protecting the gay and transgender community in the workplace, this community was not protected under federal law. New Jersey and Delaware previously provided protection for the LGBTQ community with the New Jersey Law Against Discrimination ("LAD") and the Delaware Discrimination in Employment Act ("DDEA"). However, Pennsylvania's Human Relations Act ("PHRA") did not provide such protections. While the pending Equality Act, should it pass the Senate (where it is expected to face hurdles), would explicitly add LGBTQ rights to Title VII, enshrining them into the statute and expand these rights, the Court's decision allows employees within the LGBTQ community to seek redress for discrimination under both state (LAD/DDEA/PHRA) and federal law (Title VII).

Employers are encouraged to review and update all of their policies to make sure they specifically protect LGBTQ employees. Training materials and processes should also be updated accordingly. Lastly, supervisors and managers should be made aware of any updates to anti-discrimination and anti-harassment policies applying to LGBTQ employees to ensure that employers are complying with the law.

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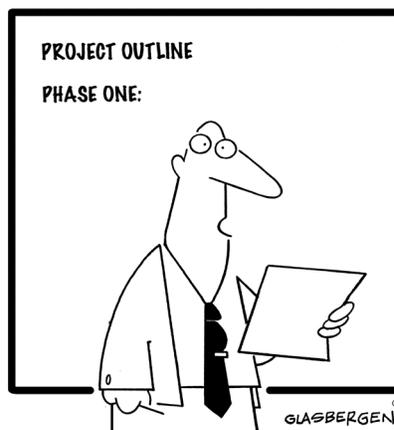
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"This undertaking will involve a great deal of time on the phone, so for project manager we chose the person with the best ringtone."