

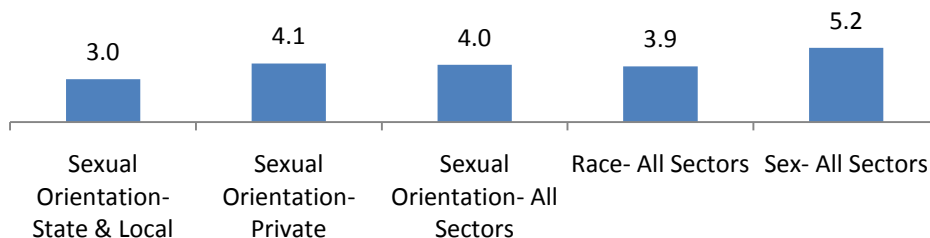
Evidence of Employment Discrimination on the Basis of Sexual Orientation in State and Local Government: Complaints Filed with State Enforcement Agencies 2003-2007

Introduction

Previous studies have analyzed discrimination complaints filed with administrative agencies in those states that prohibit sexual orientation discrimination.¹ These studies have shown that when adjusted for population size, sexual orientation discrimination laws are used at similar frequencies by Lesbian, Gay, and Bisexual (LGB) workers as sex discrimination laws by female workers, and that race complaints are filed at slightly higher rates. The results of these studies, when combined with other research documenting discrimination against LGB people, support that there is both a need for laws that prohibit discrimination on the basis of sexual orientation, and that prohibiting this form of discrimination will not overwhelm administrative enforcement agencies.

This report uses a similar methodology to compare sexual orientation discrimination complaints filed by employees in the private sector with those filed by state and local government employees. Overall, we find that sexual orientation filings are slightly lower, but similar, for employees in the public sector when compared to the private sector. The filing rate for state and local employees is 3 for every 10,000 LGB employees compared to 4 for every 10,000 LGB employees in the private sector. Currently, there are not enough data to do a similar analysis of gender identity discrimination complaints and federal employees are not covered by these state anti-discrimination statutes.²

Figure 1. National Population Adjusted Complaint Rates Per 10,000



When comparing sexual orientation discrimination filings by state employees with those of local employees, the rates are similar, but slightly higher for local employees: 2.8 complaints for every 10,000 state LGB employees and 3.2 for every 10,000 local LGB employees. In addition, in 6 out of the 8 states where we can compare state and local filings, the local filings outnumber the state filings. This data is very limited, but may suggest slightly higher rates of discrimination in local employment than in state employment.

Although we do not have a breakdown of race and sex discrimination complaints by employment sector, we can compare the filing rates of sexual orientation, race, and sex complaints in all sectors. When looking at all employment sectors, the rates are similar, with 4 race discrimination complaints filed for every 10,000 people of color employees, 4 sexual orientation complaints for every 10,000 LGB employees and 5 sex discrimination complaints for every 10,000 female employees.

These findings of a similar pattern of sexual orientation discrimination in state and local government when compared to the private sector are consistent with prior research analyzing data from surveys of LGB employees and other research.³

Methodology

In 2008-2009, following the methodology of an earlier study by Norma M. Riccucci and Charles W. Gossett⁴, we contacted state agencies in charge of enforcing anti-discrimination statutes to collect data on discrimination complaints. We contacted the agencies responsible for enforcing anti-discrimination statutes in 20 of the 21 states which currently offer statutory protection for sexual orientation and/or gender identity. We did not contact Delaware because its statutory protection had not gone into effect at the time the study was conducted, and excluded data from Oregon for the same reason.

Upon contact with these state agencies by phone, the agency was asked for the number of employment discrimination complaints filed on the basis of sexual orientation and/or gender identity by state or local government employees for each year since protection went into effect or, alternatively, as far back as the agency had a record. If the agency provided the data, the agency was asked if it would release redacted copies of the actual complaints filed and/or a record of case dispositions. If the agency refused to provide the data, the reason for refusal was logged. If the agency did not follow through on a request that was made by phone or failed to return a voicemail message, approximately four follow up contacts were made, either via phone calls, e-mails, or written inquiries. If the agency had not produced the data after these additional contacts, a formal public records request was sent to the agency. If the agency refused to provide data in response to the public records request, the reason for refusal was logged.

Of the 20 states we contacted, 13 provided data about sexual orientation complaints, 2 failed to respond to the request in any manner, and 5 provided an explanation for why they could not provide any data. For those 5 states, all but one, Hawai'i, explained that they were unable to collect and report the requested data. Hawai'i did not provide data because of a confidentiality requirement in its state anti-discrimination law (Table 1).

Table 1. Responses from States that Provided No Complaint Data

State	Reason for not providing data
Colorado	At time of request, protection too recently enacted to have compiled and maintained data in a way that made release feasible
Connecticut	Limited data provided that did not indicate complaints by state and local employees
Hawai'i	Could not provide data because of confidentiality requirement in anti-discrimination law (Haw. Rev. Stat. § 368-4)
Illinois	Unable to provide data because Commission does not create or maintain the information requested
Iowa	Information cannot be generated
Massachusetts	No response
Maryland	Office of the General Counsel of the Maryland Commission on Human Relations would not provide the information because it would require them to look up every case. When caller asked if there was a formal request procedure, the Office of the General Counsel told caller to write a letter to the Executive Director of the Maryland Commission on Human Relations. Executive Director did not respond to the request.
Nevada	Information not available
New Hampshire	No response

Although gender identity complaints were requested, we did not receive a report of any single gender identity discrimination complaint filed by a state or local employee. Only one state, New Mexico, reported a total of two complaints of gender identity discrimination by employees in the private sector. Three states, Maine, Minnesota, and Washington, indicated that gender identity complaints, if any, were included in their sexual orientation complaint data, and they could not separate out any such complaints. Due to this limited data, we focused the rest of our analysis only on sexual orientation complaints.

We did not collect data on the basis of race and sex discrimination complaints by employment sector. Based on our experience with collecting sexual orientation complaints by sector, this would have been difficult to do. In most cases, staff at the state administrative agencies we contacted had to review individual complaints one by one to identify those filed by state and local employees. Given the limited responsiveness to our request for the sexual orientation data, it is likely that asking them to review a much larger number of race and sex complaints in order to identify those filed by state and local employees would have been met with even less success.

In total, 460 complaints of sexual orientation and gender identity discrimination by state and local employees were filed with administrative agencies in 13 states from 1999-2007 (Table 2).

Table 2. Administrative Complaints Filed with State Enforcement Agencies on the Basis of Sexual Orientation by Employees of State and Local Governments, 1999-2007

State	1999	2000	2001	2002	2003	2004	2005	2006	2007	Total
California	+	16 ^x	22 ^x	23 ^x	27 ^x	24 ^x	22 ^x	26 ^x	23 ^x	183 ^x
Iowa	*	*	*	*	*	*	*	*	3	3
Maine	*	*	*	*	*	*	0	5	7	12
Minnesota	4	5	2	4	8	3	4	0	2	32
New Jersey	2	1	1	2	1	1	4	5	1	18
New Mexico	*	*	*	*	4	7	8	8	4	31
Nevada	0	2	4	3	3	3	3	4	5	27
New York	*	*	*	*	18	24	21	26	10 ^x	99
Oregon	*	*	*	*	*	*	*	*	2	2
Rhode Island	0	1	0	0	0	0	2	2	0	5
Vermont	+	+	+	1	2	2	0	3	2	10
Washington	*	*	*	*	*	*	*	3	4	7
Wisconsin	+	+	+	3	11	3	5	5	4	31
Total	6	25	29	36	74	67	69	87	67	460

* No statutory protection in the given year

+ Data not available

* State complaints only

Although not every state provided a break down between state and local employees, at least 265 of these complaints were by state employees (Table 3). California only provided us with complaints by state employees, and New York did the same for one year of data, 2007.

Table 3. Sexual Orientation Complaints by State and Local Employees filed with State Administrative Agencies

State	1999	2000	2001	2002	2003	2004	2005	2006	2007
	State Local	State Local	State Local	State Local	State Local	State Local	State Local	State Local	State Local
CA	+ +	16 +	22 +	23 +	27 +	24 +	22 +	26 +	23 +
ME	* *	* *	* *	* *	* *	* *	0 0	2 3	2 5
MN	2 2	1 4	0 2	1 3	3 5	1 2	0 4	0 0	1 1
NJ	2 0	0 1	0 1	0 2	1 0	0 1	2 2	2 3	0 1
NM	* *	* *	* *	* *	1 3	3 4	4 4	5 3	1 3
NY	* *	* *	* *	* *	2 16	5 19	5 16	2 24	10 +
OR	* *	* *	* *	* *	* *	* *	* *	* *	1 1
VT	+ +	+ +	+ +	1 +	2 +	2 0	0 0	2 1	0 2
WA	* *	* *	* *	* *	* *	* *	* *	1 2	2 2
WI	+ +	+ +	+ +	1 2	5 6	1 2	2 3	3 2	2 2

* No statutory protection in the given year
+ Data not available

To compare these filings with those in the private sector, we used data collected for a study previously published by the Williams Institute.⁵ For that study, the Williams Institute contacted the administrative agencies responsible for investigating employment discrimination complaints in all twenty-one states that currently prohibit sexual orientation or gender identity discrimination in the workplace. These agencies were contacted directly to acquire the most complete and updated data on sexual orientation, gender identity, race, sex, and other forms of prohibited discrimination.

For our analysis, we then included only those states that had at least one year of data between 2003-2007 for complaints filed by state and local employees and for complaints filed by employees in all sectors. We only included data for years during which a state's sexual orientation anti-discrimination statute had been in effect for the full year; for this reason, no data from Iowa was included. For each state, we then calculated an average annual number of complaints per protected group for 2003 to 2007 (Appendix I). State agencies were unable to separate local employee complaints from total complaints filed in California in years 2003-2007

and in New York in 2007, but did separate those filed by state employees. We include all non-state employee discrimination complaints as private complaints for California because the small number of local government employees compared to private sector employees (local employees are only 12% of private employees) suggests that it would be unlikely that the rate of local employee complaints would have a significant impact on the complaint rate for private employees. For year 2007 in New York, we reported the number of state employee complaints provided by the agency for that year, and used the average number of local employee complaints filed in the previous four years to estimate the number of complaints filed by local employees in 2007. We subtracted these two figures from the total number of complaints filed to estimate the number of complaints filed by private sector employees that year.

To calculate the population-adjusted rates for each state, we then divided the annual average number of complaints filed on each basis of discrimination by the number of people most likely to file these types of claims in the relevant sector of the state's workforce. For example, when examining sex discrimination complaints, we look at the number of sex complaints filed and the number of women in the workforce. We used an average of annual figures from the 2005-2007 American Community Survey (ACS) data to find the workforce population totals for women and for people of color (Appendices II and III). For the underlying population for race discrimination complaints, we included all non-whites and all Hispanics in the workforce.

While no existing surveys provide precise estimates of the size of the LGBT workforce in the public and private sectors, estimates of employment patterns of the LGBT population can be derived by extrapolating information from nationally representative data sources. Analyzing data from several population-based surveys, Gary J. Gates estimated that 3.5% of adults in the U.S. identify as LGB.⁶ Applying this 3.5% figure to all adults implies that there are approximately 8.2 million LGB adults in the United States. Data from the US Census Bureau provides employment information about same-sex "unmarried partners," and we use that data to estimate the number of LGB adults in each employment sector. These are same-sex couples who identified one partner as either a "husband/wife" or an "unmarried partner." Data from the American Community Survey (2005-2007) provides a state-level distribution of individuals in same-sex couples who are employed by their type of employment: private or public (local, state, and federal). Assuming that LGBT adults have the same employment patterns and state locations as same-sex couples, then we can estimate the size of the LGBT workforce employed in the private sector along with those in local, state, and federal government employment. The results of these analyses are presented in Appendix IV.

We then divide the average annual complaints for each group (LGB, women, and people of color) by that group's workforce population and multiply that figure by 10,000 to generate a population-adjusted complaint rate. The adjusted rate represents the number of discrimination complaints per 10,000 workers in each protected class. For California, we included private and local employees in the underlying population used to calculate the adjusted complaint rate for the private sector because that data could potentially include complaints by local employees. To determine a national rate, we combine the rates of all the states, weighting each state's population-adjusted rates by the proportion of the relevant workforce in that state. The proportion of the relevant workforce in a given state is calculated by dividing the number of employees in the relevant workforce of that state by the total number of employees in the relevant workforce of all states included in this report.

Findings

The rate of discrimination complaints filed by LGB state and local employees was slightly lower but similar to that of filings by LGB employees in the private sector, 3.0 per 10,000 LGB public employees compared with 4.1 per 10,000 LGB private employees. Two states with smaller populations stood out in having a pattern that was significantly different, with higher population-adjusted rates for state and local employees. However, those high rates might reflect the limited data available for Maine (only two years) and that Vermont was the only state, for which we received data, that had a separate agency to enforce complaints by public employees. Possibly, differences in the effectiveness, outreach, and education efforts of the separate agencies in Vermont may have contributed to its different complaint rates.

Table 4. Population-Adjusted Complaint Rates (per 10,000) for Sexual Orientation Discrimination Complaints Filed by State & Local Employees and Private Sector Employees, 2003-2007

State	Sexual Orientation - State & Local	Sexual Orientation - Private
California	4.3 (state only)	5.9 (private and local)
Maine	14.9	3.4
Minnesota	1.7	1.8
Nevada	6.5	5.4
New Jersey	.9	.9
New Mexico	5.1	6.0
New York	2.8	2.7
Rhode Island	2.0	1.2
Vermont	10.6	.8
Washington	1.2	.3
Wisconsin	2.4	6.7
All	3	4.1

For eight of the eleven states, we were able to compare complaints filed by state employees with those filed by local employees. The rates were similar, with 2.8 sexual orientation complaints filed for every 10,000 state LGB employees and 3.2 filed for every 10,000 local LGB employees. Although the data is limited, this pattern of fewer complaints filed by state employees was also seen when comparing the data in six out of those eight states, with Vermont being the only state with a sizeable departure from this pattern. Vermont, the one state with two different enforcement agencies for public and private employees, was again one of the states that did not follow the overall pattern.

Table 5. Population-Adjusted Complaint Rates (per 10,000) for Sexual Orientation Discrimination Complaints Filed by State Employees and Local Employees, 2003-2007

State	Sexual Orientation – State	Sexual Orientation - Local
California	4.3	NA
Maine	8.2	25.1
Minnesota	1.1	2.2
Nevada	NA	NA
New Jersey	.8	.9
New Mexico	6.2	4.3
New York	1.5	3.6
Rhode Island	NA	NA
Vermont	15	6.7
Washington	1.1	1.5
Wisconsin	1.9	3.3
All	2.8	3.2

By using data from an earlier study⁷ for nine of the eleven states, we are to compare complaints filed by LGB employees in all sectors with those filed on the basis of race and sex. When comparing sexual orientation complaints in all states with those based on race and sex, the population-adjusted rates for all three groups were similar; with 4.0 for every 10,000 LGB employees; 3.9 for every 10,000 people of color employees, and 5.2 for every 10,000 female employees.

Table 6. Population-Adjusted Complaint Rates (per 10,000) for Complaints Filed by All Employees Based on Sexual Orientation, Race, or Sex, 2003-2007

State	Sexual Orientation - All Sectors	Race – All Sectors	Sex – All Sectors
California	5.9	3.5	8.8
Maine	4.1	20.8	7.2
Minnesota	1.8	5.0	1.9
Nevada	5.5	NA	NA
New Jersey	.9	1.0	.5
New Mexico	5.8	NA	NA
New York	2.7	4.4	2.9
Rhode Island	1.3	3.9	2.8
Vermont	1.6	1.6	.3
Washington	.4	1.4	1.4
Wisconsin	5.8	25.9	6.8
All	4.0	3.9	5.2

Conclusion

When comparing population-adjusted rates for filing discrimination complaints with state enforcement agencies, we find similar rates for LGB employees in state and local governments as for LGB employees in the private sector. This finding is consistent with earlier research that concluded that patterns of workplace discrimination in state and local governments on the basis of sexual orientation were similar to that in the private sector after looking at a number of different kinds of research, including surveys of LGB employees, surveys of heterosexual co-workers, wage disparity studies, and representation in the workforce studies.⁸ This study also confirms earlier research⁹ that finds that the filing rates in all sectors by LGB employees are similar to filling rates on the basis of race and sex.

Table 7. Population-Adjusted Complaint Rates (per 10,000) for Complaints Filed on the Basis of Sexual Orientation, Race, or Sex, by Employment Sector, 2003-2007

State	Sexual Orientation - State	Sexual Orientation - Local	Sexual Orientation - State & Local	Sexual Orientation - Private	Sexual Orientation - All Sectors	Race - All Sectors	Sex - All Sectors
CA	4.3	NA	4.3 (state only)	5.9 (private and local)	5.9	3.5	8.8
ME	8.2	25.1	14.9	3.4	4.1	20.8	7.2
MN	1.1	2.2	1.7	1.8	1.8	5.0	1.9
NV	NA	NA	6.5	5.4	5.5	NA	NA
NJ	.8	.9	.9	.9	.9	1.0	.5
NM	6.2	4.3	5.1	6.0	5.8	NA	NA
NY	1.5	3.6	2.8	2.7	2.7	4.4	2.9
RI	NA	NA	2.0	1.2	1.3	3.9	2.8
VT	15	6.7	10.6	.8	1.6	1.6	.3
WA	1.1	1.5	1.2	.3	.4	1.4	1.4
WI	1.9	3.3	2.4	6.7	5.8	25.9	6.8
All	2.8	3.2	3	4.1	4.0	3.9	5.2

Appendix I

Administrative Enforcement Agency Discrimination Complaint Data by State, 2003-2007

California	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	695	614	694	716	722	688.2	5.9
Sexual Orientation – State & Local	NA	NA	NA	NA	NA	NA	NA
Sexual Orientation – State	27	24	22	26	23	24.4	4.3
Sexual Orientation – Local	NA	NA	NA	NA	NA	NA	NA
Sexual Orientation – Private	668	590	672	690	699	663.8	5.9
Race – All Sectors	4911	3849	3531	3531	3503	3865	3.5
Sex – All Sectors	7627	6291	6289	6111	5767	6417	8.8

Source: California Department of Fair Employment and Housing

Maine	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	NA	NA	NA	13	33	23	4.1
Sexual Orientation – State & Local	NA	NA	NA	5	7	6	14.9
Sexual Orientation – State	NA	NA	NA	2	2	2	8.2
Sexual Orientation – Local	NA	NA	NA	3	5	4	25.1
Sexual Orientation – Private	NA	NA	NA	8	28	18	3.4
Race – All Sectors	NA	NA	NA	64	88	76	20.8
Sex – All Sectors	NA	NA	NA	236	207	221.5	7.2

Source: Maine Human Rights Commission

Minnesota	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	27	22	25	27	21	24.4	1.8
Sexual Orientation – State & Local	8	3	4	0	2	3.4	1.7
Sexual Orientation – State	3	1	0	0	1	1	1.1
Sexual Orientation – Local	5	2	4	0	1	2.4	2.2
Sexual Orientation – Private	19	19	21	27	19	21	1.8
Race – All Sectors	214	242	200	165	164	197	5.0
Sex – All Sectors	284	305	241	190	165	237	1.9

Source: Minnesota Department of Human Rights

Nevada	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	46	42	26	23	30	33.4	5.5
Sexual Orientation – State & Local	3	3	3	4	5	3.6	6.5
Sexual Orientation – State	NA	NA	NA	NA	NA	NA	NA
Sexual Orientation – Local	NA	NA	NA	NA	NA	NA	NA
Sexual Orientation – Private	43	39	23	19	25	29.8	5.4
Race – All Sectors	NA	NA	NA	NA	NA	NA	NA
Sex – All Sectors	NA	NA	NA	NA	NA	NA	NA

Source: Nevada Equal Rights Commission

New Jersey	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	20	18	20	13	16	17.4	0.9
Sexual Orientation – State & Local	1	1	4	5	1	2.4	0.9
Sexual Orientation – State	1	0	2	2	0	1	0.8
Sexual Orientation – Local	0	1	2	3	1	1.4	0.9
Sexual Orientation – Private	19	17	16	8	15	15	0.9
Race – All Sectors	203	207	169	157	220	191.2	1
Sex – All Sectors	109	99	98	74	94	94.8	0.5

Source: New Jersey Division on Civil Rights

New Mexico	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	39	32	45	44	40	39	5.8
Sexual Orientation – State & Local	7	8	8	4	6.8	7	5.1
Sexual Orientation – State		3	4	5	1	3.3	6.2
Sexual Orientation – Local		4	4	3	3	3.5	4.3
Sexual Orientation – Private		32	24	37	40	33.3	6.0
Race – All Sectors	NA	NA	NA	NA	NA	NA	NA
Sex – All Sectors	NA	NA	NA	NA	NA	NA	NA

Source: New Mexico Human Rights Division

New York	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	118	163	152	159	152	148.8	2.7
Sexual Orientation – State & Local	18	24	21	26	29 (est.)	23.7	2.8
Sexual Orientation – State	2	5	5	2	10	3.5	1.5
Sexual Orientation – Local	16	19	16	24	19 (est.)	18.8	3.6
Sexual Orientation – Private	100	139	131	133	123 (est.)	125.8	2.7
Race – All Sectors	1885	1884	1796	1581	1786.5	1885	4.4
Sex – All Sectors	1448	1209	1171	1114	1235.5	1448	2.9

Source: New York Division of Human Rights

Rhode Island	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	3	3	7	2	5	4	1.3
Sexual Orientation – State & Local	0	0	2	2	0	0.8	2.0
Sexual Orientation – State	NA	NA	NA	NA	NA	NA	NA
Sexual Orientation – Local	NA	NA	NA	NA	NA	NA	NA
Sexual Orientation – Private	3	3	5	0	5	3.2	1.2
Race – All Sectors	42	38	43	51	52	45.2	3.9
Sex – All Sectors	96	106	73	82	0	71.4	2.8

Source: Rhode Island Commission for Human Rights

Vermont	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	4	4	0	7	2	3.4	1.6
Sexual Orientation – State & Local	2	2	0	3	2	1.8	10.6
Sexual Orientation – State	2	2	0	2	0	1.2	15.0
Sexual Orientation – Local	0	0	0	1	2	0.6	6.7
Sexual Orientation – Private	2	2	0	4	0	1.6	0.8
Race – All Sectors	2	2	2	3	4	2.6	1.6
Sex – All Sectors	0	5	2	10	3	4	0.3

Source: Vermont Human Rights Commission; Vermont Attorney General's Office

Washington	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	NA	NA	NA	NA	9	9	0.4
Sexual Orientation – State & Local	NA	NA	NA	NA	4	4	1.2
Sexual Orientation – State	NA	NA	NA	NA	2	2	1.1
Sexual Orientation – Local	NA	NA	NA	NA	2	2	1.5
Sexual Orientation – Private	NA	NA	NA	NA	5	5	0.3
Race – All Sectors	NA	NA	NA	NA	113	113	1.4
Sex – All Sectors	NA	NA	NA	NA	191	191	1.4

Source: Washington Human Rights Commission

Wisconsin	2003	2004	2005	2006	2007	Annual Average	Population-Adjusted (per 10,000)
Sexual Orientation – All Sectors	71	76	58	51	60	63.2	5.8
Sexual Orientation – State & Local	11	3	5	5	4	5.6	2.4
Sexual Orientation – State	5	1	2	3	2	2.6	1.9
Sexual Orientation – Local	6	2	3	2	2	3	3.3
Sexual Orientation – Private	60	73	53	46	56	57.6	6.7
Race – All Sectors	1110	1136	1127	1004	995	1074.4	25.9
Sex – All Sectors	1091	987	911	811	727	905.4	6.8

Source: Wisconsin Civil Rights Bureau

Appendix II

Estimated Women in the Workforce by State and Sector, ACS 2005-2007

State	All	Private	Local	State	State & Local
California	7,505,607	6,330,681	828,076	346,850	1,174,926
Maine	317,060	270,852	30,829	15,379	46,208
Minnesota	1,323,735	1,151,770	120,253	51,712	171,965
Nevada	546,166	480,518	47,468	18,180	65,648
New Jersey	2,059,155	1,758,048	209,090	92,017	301,107
New Mexico	402,545	320,462	45,742	36,341	82,083
New York	4,523,979	3,781,901	553,991	188,087	742,078
Rhode Island	262,586	228,314	23,208	11,064	34,272
Vermont	160,236	135,314	16,318	8,604	24,922
Washington	1,414,571	1,183,691	129,967	100,913	230,880
Wisconsin	1,396,160	1,215,575	121,689	58,896	180,585
All	19,911,800	16,857,126	2,126,631	928,043	3,054,674

Appendix III

Estimated People of Color in the Workforce by State and Sector, ACS 2005-2007

State	All	Private	Local	State	State & Local
California	10,943,080	9,825,354	778,431	339,314	1,117,726
Maine	36,485	33,180	1,822	1,483	3,305
Minnesota	395,144	356,934	25,082	13,128	38,210
Nevada	557,367	521,526	24,695	11,146	35,841
New Jersey	1,852,289	1,657,013	111,923	83,353	195,276
New Mexico	573,520	469,051	60,094	44,375	104,469
New York	4,091,459	3,540,355	426,849	124,255	551,104
Rhode Island	117,322	109,882	3,800	3,640	7,440
Vermont	15,985	13,915	1,009	1,061	2,070
Washington	816,399	733,906	40,584	41,909	82,493
Wisconsin	415,181	368,797	29,698	415,181	46,384
All	19,814,231	17,629,913	1,503,987	1,078,845	2,184,318

Appendix IV

Estimated LGB Workforce, by State and Sector, ACS 2005-2007

State	All	Private	Local	State	State & Local
California	1,172,887	998,481	117,658	56,747	174,406
Maine	56,362	52,335	1,595	2,431	4,026
Minnesota	134,107	114,480	10,752	8,875	19,626
Nevada	61,202	55,622	3,408	2,172	5,580
New Jersey	203,761	175,885	14,879	12,997	27,876
New Mexico	68,593	55,243	8,100	5,251	13,350
New York	549,543	465,634	52,439	31,470	83,909
Rhode Island	31,105	27,069	2,695	1,342	4,036
Vermont	21,753	20,052	901	801	1,701
Washington	220,380	188,338	13,056	18,986	32,042
Wisconsin	108,598	85,701	9,100	13,797	22,897
All	2,628,291	2,238,840	234,583	154,869	389,449

Endnotes

¹ CHRISTOPHER RAMOS, M.V. LEE BADGETT & BRAD SEARS, THE WILLIAMS INSTITUTE, EVIDENCE OF EMPLOYMENT DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY COMPLAINTS FILED WITH STATE ENFORCEMENT AGENCIES 1999-2007 (Nov. 2008), *available at* <http://www3.law.ucla.edu/williamsinstitute/pdf/PACR.pdf>; William B. Rubenstein, *Do Gay Rights Laws Matter?* 75 S. CAL. L. REV. 65 (2007).

² Anti-discrimination laws in the 21 states that currently prohibit employment discrimination based on sexual orientation and/or gender identity by statute define covered “employer” as private businesses with a few limited exceptions, and state and local governments. *See* BRAD SEARS, NAN D. HUNTER & CHRISTY MALLORY, DOCUMENTING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY IN STATE EMPLOYMENT 15-1 – 15-86 (2009), *available at*

http://www3.law.ucla.edu/williamsinstitute/programs/EmploymentReports_ENDA.htm.

³ BRAD SEARS, NAN D. HUNTER & CHRISTY MALLORY, DOCUMENTING DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION AND GENDER IDENTITY IN STATE EMPLOYMENT (2009), *available at*

http://www3.law.ucla.edu/williamsinstitute/programs/EmploymentReports_ENDA.htm.

⁴ Norma M. Riccucci & Charles W. Gossett, *Employment Discrimination in State and Local Government: The Lesbian and Gay Male Experience*, 26 AM. REV. OF PUBLIC ADMIN. 175 (1996).

⁵ RAMOS, *supra* note 1.

⁶ GARY J. GATES, THE WILLIAMS INSTITUTE, HOW MANY PEOPLE ARE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER? (Apr. 2011), *available at* <http://www3.law.ucla.edu/williamsinstitute/pdf/How-many-people-are-LGBT-Final.pdf>.

⁷ RAMOS ET AL., *supra* note 1.

⁸ SEARS ET AL., *supra* note 3.

⁹ RAMOS ET AL., *supra* note 1; Rubenstein, *supra* note 1.