

Insight on the Issues

Caring Locally for Caregivers: *How State and Local Laws Protect Family Caregivers from Discrimination at Work*

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Workplace discrimination against employees who care for adult family members is an escalating problem that can disadvantage employees and put employers at legal risk. Federal law prohibits only certain types of this discrimination, but some states and local jurisdictions have passed laws that give far more protection to family caregivers.

INTRODUCTION

At some point during their careers, most employees will care for family members, and research shows that many of these employees will have their careers affected by family caregiver bias and discrimination.¹ When employers make personnel decisions based on an employee's family responsibilities, it can lead to attrition and harm employees—while also risking legal action against employers. As our population ages and the number of Americans with chronic conditions and disabilities rises, the problem is likely to intensify.

This harm is called Family Responsibilities Discrimination, also known as caregiver discrimination. Although the solution may lie ultimately in reshaping work culture and expectations, laws and litigation have an important role to play in the meantime. Existing federal laws provide only limited protection from discrimination for employees who care for children, older adults, ill spouses, or other family members with a chronic, disabling, or serious health condition. Better protection may come from a lesser-known source: state and local laws.

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This report details the ways in which state and local laws fill in the gaps left by federal law. These laws specifically prohibit employment discrimination that occurs because of family caregiving. The laws vary in their scope, with most protecting only employees who care for minor children. Others have a broader reach and protect employees who care for any family member, including parents, parents-in-law, grandparents, and adult family members with disabilities. In addition to prohibiting discrimination, many of the laws let employees sue their employers in court for monetary damages and other relief—which makes the laws more useful to employees and more dangerous for employers to ignore.

This report has six parts:

- A summary of key findings;
- A description of Family Responsibilities Discrimination (FRD), which is discrimination against employees because they care for family members;
- A legal briefing on the federal laws that protect employees from FRD;
- An examination of state and local laws, with a focus on the types of family caregiving they cover and the types of employers and employees to which they apply;
- A table that provides information on specific state and local laws that prohibit employment discrimination against family caregivers (appendix A); and
- Methodology (appendix B).

KEY FINDINGS

- Several **federal** laws prohibit employment discrimination against employees because they care for family members, but these laws provide only limited protection. They apply to only specific workplace issues, such as retaliation for taking family leave or discrimination because the employee is associated with someone who has a disability, and only certain types of family caregiving, such as being the parent of a young child.

- Some **states** provide more protection for family caregivers. Delaware passed a law that broadly prohibits discrimination against employees because they care for adult family members. Three other states have laws that are more limited in protection but could be expanded to include family caregivers.
- Of **local jurisdictions** (cities, towns, villages, or counties), 191 have passed laws prohibiting workplace discrimination against family caregivers, but only 17 percent of these laws specifically include employees who care for adult family members. An additional 26 percent of local laws are unclear about whether they include employees who care for adult family members.
- Many of the local laws that cover family caregivers allow employees to **sue their employers** in court for monetary damages and attorney's fees. Often these laws do not place a cap on the amount of damages a court or jury can award, which means that employers face a greater financial risk from lawsuits brought under these laws than under federal laws.
- Policy makers and advocates who want to **expand legal protections** for employees caring for older relatives and adult family members with disabilities may wish to focus initial efforts on state and local jurisdictions that have laws that have not defined the type of family caregiving covered or include only caring for minor children.

BACKGROUND BRIEFING

What is Family Responsibilities Discrimination?

Family Responsibilities Discrimination (FRD) is discrimination against employees because of their family caregiving responsibilities. FRD affects employees who care for aging parents or family members with disabilities or serious medical conditions, have young children, or are pregnant. It is also known as caregiver discrimination. This report will focus on FRD against family caregivers—those employees who care for older relatives or for adult family members with a chronic, disabling, or serious health condition.

Here are some examples of FRD, based on employees' reports of their workplace experiences:

- An employee was approved for intermittent family leave to care for her mother. When she told her supervisor that she needed to use the leave to take her mother to a medical appointment, she was denied the day off. The employee nevertheless took her mother to the appointment and was terminated for “voluntarily abandoning” her job.^a
- An employee’s request for a schedule change to care for his sick father was ignored. He wanted to file a hardship application to change his schedule but was told it would make him a “disgrace” and he would be transferred. He filed anyway, and after the application was approved, he was given unwarranted disciplinary complaints. When he applied for intermittent leave under the Family and Medical Leave Act (FMLA), he was given a heavier workload, treated with hostility, and given less seniority in selecting shifts.^b
- An employee who was on leave to care for her mother, who had cancer, was ordered to return to work before her leave expired and then was suspended for not working while on leave.^c
- An employee used intermittent leave to care for his parents. His father had Parkinson’s disease and his mother had Alzheimer’s disease. He arranged for coverage for when he was out, but his supervisors nevertheless told him that his use of leave was unacceptable. One supervisor asked how the employee’s parents were doing, and then asked, “How long is this going to be going on?” When the employee responded that he didn’t know, his supervisor told him that he had to get some help and that the company couldn’t continue to do business under the present arrangement. He was later pressured again to get a caretaker for his mother. He was given low scores on a performance review, which then became the basis for his selection for termination in a reduction in force.^d

^a Williams v. Wexford Health Sources, Inc., 2018 U.S. Dist. LEXIS 152861 (D. Md. 2018).

^b Hernandez v. New York City Dep’t of Sanitation, 2018 U.S. Dist. LEXIS 184906 (S.D.N.Y. 2018).

^c Vick v. Brennan, United States Postal Service, 2016 U.S. Dist. LEXIS 39850 (D. D.C. 2016).

^d Gaydos v. Sikorsky Aircraft Inc., 2016 U.S. Dist. LEXIS 117155 (D. Conn. 2016).

Why FRD Occurs

Most FRD happens when *caregiver bias* influences supervisors or others who have authority to make decisions that affect an employee. Caregiver bias is a tendency toward or against someone because they care for a family member. In the workplace, this bias arises from assumptions people have about employees who provide family care, such as the notion that the employees will prioritize their families over work, they will not be available for assignments requiring long hours or travel, they will not be dependable and will miss deadlines, they will not be committed to their work and will eventually quit, they will be absent frequently, and they will be distracted and unproductive on the job. A key feature of this bias is that it is not based

on actual performance but rather on assumptions about how a caregiver will or should behave because of their caregiving activities.

Caregiver bias influences how others perceive the employee, including performance, attitude, and competence. This in turn can influence the types of assignments and opportunities for which the caregiver is considered and whether the caregiver will get promotions, raises, and bonuses.

Crucially, caregiver bias can also influence hiring and firing. It can cause an employer to reject an applicant if they ask for a flexible schedule to care for an aging parent. It can cause a supervisor to believe that it would be better for the company if a caregiving employee were terminated, which can lead to attempts to create a justification for

termination. Similarly, a supervisor may try to force a caregiving employee to quit by making their work life miserable. Examples might include treating the employee with hostility, denying leave or flexibility so the employee cannot care for family members, or giving the employee an impossible workload or schedule.

Caregiver bias and FRD can vary based on gender, race, ethnicity, sexual orientation, and other factors.² For example, non-Hispanic White women may be given more schedule flexibility for family caregiving than Black women—and may be less punished for using it. Male employees may be denied family leave more often than female employees and may experience more unfavorable job consequences when they do take leave.

When FRD Occurs

FRD typically occurs when an employer becomes aware of an employee's caregiving role. An application for family leave, a sick day to take a parent to a medical appointment, a request for a flexible schedule, or even a casual chat about family can trigger assumptions about how family caregivers will or should act.³

Research at the Center for WorkLife Law has revealed an additional trigger: a new supervisor.⁴ People are more likely to make biased assumptions about others when they do not know them, and supervisors coming into new positions often face pressures to drive business results, which can lead to efforts to oust family caregivers. Examples of new supervisors discriminating against family caregivers include canceling all remote work or flexible schedules when most of the employees working flexibly or remotely do so for family caregiving reasons; regularly scheduling meetings in the early morning or late evening, when employed family caregivers need to be with their families; and switching caregivers to overnight shifts, when it is harder to find others to provide care.

Why FRD is a Critical Issue for Employees and Employers

About 41 million Americans provide care to an adult with limitations in daily activities such as eating, dressing, or bathing.⁵ Many of these family

caregivers are male (40 percent)⁶ and are younger than most people typically expect: 25 percent are millennials.⁷ The American population is aging rapidly, and researchers predict that by 2030, one in five US residents will be age 65 or older—a 40 percent increase in the population of seniors between 2012 and 2030.⁸ Family caregivers are increasingly providing more complex care,⁹ which increases their time commitment and stress, and depletes their energy and financial resources.¹⁰ Family caregivers themselves often fall ill.

Approximately 60 percent of family caregivers of adults work at a paying job.¹¹ Employees who experience family caregiving strain may find that it affects their ability to work. Unfortunately, many of these employees face unnecessary additional stress at work from supervisors who don't understand or support their family caregiving needs—or, worse, punish them for being family caregivers. Research suggests that intensive family caregiving (defined as providing 21 or more hours of care per week) is associated with reducing work hours, taking a less demanding job, or quitting outright.¹²

Employees with intensive family caregiving responsibilities cost employers in absenteeism, lost productivity, and attrition.¹³ Attrition is particularly costly to businesses in today's current climate of sharp competition for skilled workers, as it is harder to replace employees.¹⁴ The broader effects of mistreatment of family caregivers in the workplace can also lead to additional harms, such as the erosion of morale and productivity among employees who witnessed the mistreatment and the difficulty of recruiting for an employer with a marred reputation. Employers can also face costs from FRD lawsuits. Between 2006 and 2015, employers paid almost half a billion dollars in verdicts and settlements, and that figure does not include confidential settlements or attorney's fees.¹⁵

THE LIMITED FEDERAL LAWS THAT PROTECT FAMILY CAREGIVERS: WHY STATE AND LOCAL LAWS ARE SO IMPORTANT

Although several federal laws can protect family caregivers from discrimination at work, the protection is limited. There is no single federal law that expressly prohibits employment discrimination

against family caregivers. The three main federal statutes that provide limited protection are as follows:

- **Title VII of the Civil Rights Act of 1964:** Title VII prohibits discrimination in employment based on sex, race, color, religion, and national origin.¹⁶ Common biased beliefs about caregivers are often based on gender, such as that mothers will prioritize their families over work and that fathers who are involved caregivers are not dependable team players. Title VII prohibits discrimination based on such sex stereotypes and therefore protects some forms of family caregiving, such as parenting of minor children, that tend to be affected by sex-based stereotypes. Although Title VII is the most cited federal law in FRD cases in general, it does not play a large role in cases relating to care for older adults and adult family members with disabilities.
- **Family and Medical Leave Act:** The FMLA guarantees up to 12 weeks of job-protected *unpaid* leave annually for eligible employees to care for their own health needs or for family members who have serious medical conditions.¹⁷ The law prohibits employers from interfering with an employee's right to take leave and from retaliating against employees when they do take it. The FMLA can be a strong source of protection from FRD because much of the discrimination against family caregivers is based on the actual or anticipated use of family leave, but its usefulness is limited in several respects. First, the FMLA covers only employees whose employers have at least 50 employees within a 75-mile radius of the employee's workplace, and only employees who have worked for the employer for a year and for at least 1,250 hours in the prior 12 months. This restriction means that the law covers only about 60 percent of employees.¹⁸

Second, the FMLA has a narrow definition of the family members for whom an employee can take leave: the employee's spouse, son, daughter, or parent, with a serious health condition. This means that, with limited exceptions, employees cannot take FMLA leave to care for siblings, aunts, uncles, in-laws,

grandparents, grandchildren, or unmarried partners. It also means that an employee cannot take leave to care for a family member who has a cold or other common ailment not requiring hospitalization or continuing treatment.

Finally, the FMLA protects family caregivers against discrimination only if the employee has sought (or may seek) or has used FMLA-protected leave. Many family caregivers face discrimination that is not triggered by leave.

- **Americans with Disabilities Act (ADA):** The ADA protects employees from discrimination based on their own disabilities—but more important for family caregivers, it also protects employees from discrimination based on their association with another person, such as a family member, who has a disability.¹⁹ This *disability association* discrimination provision prohibits employers from treating an employee less well or trying to terminate an employee because they care for someone who has a disability. It is not limited to family members.

A 2008 amendment to the ADA made the law applicable to more physical and mental conditions. Now most impairments that affect a major life activity (such as eating or standing) or a major bodily system (such as the cardiovascular system or the neurological system) can be deemed disabilities. The broadened interpretation of *disability* should make the ADA applicable to most caregiving needed by older family members and adult family members with disabilities. The provision has a significant limitation that prevents it from completely benefiting family caregiving employees, however: it does not require an employer to provide an accommodation to make family caregiving possible. This means that, although an employer cannot fire an employee because they care for a parent, the employer does not have to give the employee a flexible schedule or time off (except as required by other laws) for the family caregiving.

Without a broad federal law that expressly prohibits FRD, employees who care for a family member must rely on this patchwork of laws

and the thousands of interpretive court decisions for protection from discrimination. As a result, employees have varying degrees of protection in different parts of the country that often creates confusion for employers and employees alike.

STATE AND LOCAL FRD LAWS

The gap in protection provided by federal law has been filled by some state and local laws that expressly prohibit employment discrimination against employees because they care for family members, and some of these laws cover caregivers of adult family members.

The number of state and local laws that expressly prohibit FRD has grown significantly in the past decade. In 2009, a study by Stephanie Bornstein and Robert J. Rathmell of the Center for WorkLife Law found 63 such laws, only 8 of which protect caregivers of adult family members.²⁰ Now, 10 years later, there are at least 195 state and local FRD laws, 32 of which protect family caregivers of adult family members.

State Laws

Only Delaware²¹ has a law that expressly prohibits employment discrimination against family caregivers, including those caring for adult relatives. Connecticut has a law that prohibits employers from asking employees about their family responsibilities.²² New Jersey has an administrative regulation that protects state employees from discrimination and harassment based on familial

status,²³ but it is unclear if this regulation applies to caregivers of adult family members.²⁴ Three other states— Alaska,²⁵ Minnesota,²⁶ and New York²⁷— have laws that prohibit FRD, but only as applied to employees with minor children.

Delaware's law came into being in 2016, when the state amended its Discrimination in Employment Act law to add a subsection that provides that it is unlawful for an employer to discriminate against an individual "because of the individual's family responsibilities,"²⁸ and it defines the term *family responsibilities* as "the obligations of an employee to care for any family member who would qualify as a covered family member under the [federal] Family and Medical Leave Act."²⁹ This means that the prohibition on FRD protects only those employees who care for their own spouse, child, or parent who has a serious health condition. Employees who care for parents-in-law, siblings, grandparents, and people in family-like relationships are not covered.

The law does not require an employer to accommodate an employee's family responsibilities as long as the employer's policies related to leave, scheduling, absenteeism, work performance, and benefits are applied in a nondiscriminatory manner.³⁰ Under this provision, for example, an employer would not have to allow an employee to work from home in order to administer medication to a parent, but if the employer allows others with similar jobs to work from home, then it cannot

Family caregivers who work in states other than those mentioned in this section may have some protection from FRD from the patchwork protection provided by federal laws or similar state laws. A few states have family and medical leave laws that are similar to the FMLA and its prohibition on interference with and retaliation for taking leave. A few go further and have mandatory paid sick leave laws that prohibit retaliation for requesting or using sick leave to care for certain family members. Most states also have laws that prohibit employment discrimination based on disability, but most of these state laws are less protective than federal law in one key respect: unlike the federal ADA, most state laws do not include a prohibition on disability association discrimination, which is a key protection for many family caregivers.

refuse to provide that same option to an employee because the employee's parent needs care.

Delaware's law applies to employers, both public and private, with four or more employees.³¹ Employees who believe they have been discriminated against because of their family responsibilities can file a lawsuit in court against their employer after first complying with the state's administrative process through the Office of Anti-Discrimination.³² If employees prevail in court, they can be awarded compensatory and punitive damages, but the damages are capped like damages in a lawsuit brought under the federal Title VII.³³

Local Laws

A total of 191 local jurisdictions (cities, towns, villages, or counties) have passed laws prohibiting workplace discrimination against caregivers, but only 32 of these laws (17 percent) specifically cover employees who care for adult family members. Laws in 52 of these local jurisdictions do not define the family members to whom they apply and may be interpreted to also cover employees who care for adult family members. (The laws of the 107 other local jurisdictions protect employees because they care for minor children, are pregnant, or are in the process of obtaining legal custody of a minor child; those laws are not the focus of this report.³⁴) Appendix A identifies each of these local laws.

The District of Columbia's Human Rights Act is a good example of a local FRD law that covers employees who care for adult family members. It prohibits employment discrimination based on "actual or perceived" family responsibilities.³⁵ The statute defines the term *family responsibilities* as "the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number."³⁶ This definition is broad and covers many types of employed family caregivers because it is not limited to particular family relationships or particular types of support. The definition is made broader with the words *actual or perceived*, which extend the protection to employees who are not actually providing care but whose employers believe that they are.

The breadth of the definition is underscored by the Family Responsibilities Guidelines, regulations that clarify the D.C. Human Rights Act. The guidelines say that the law's definition of *family responsibilities* means a "dependent relationship" in which a caregiver "contributes to the ongoing support and care of a child for whom the employee or applicant assumes parental responsibility,"³⁷ "contributes to the ongoing support and care of an individual who is related by blood, legal custody, or marriage,"³⁸ or "contributes to the ongoing support and care of a person with whom the employee or applicant shares a residence and maintains a domestic partnership."³⁹ Most types of family and family-like caregiving relationships are covered by this definition. Whether the statute requires accommodation of employees' family caregiving needs is an open question, but it is not likely.⁴⁰ Even if accommodation is not required by the law, an employer that gives accommodations (such as schedule changes) to its employees cannot refuse to give a similar accommodation to a particular employee because of that employee's family responsibilities.

The District of Columbia law applies to all private and public employers,⁴¹ except for the

The reason fewer laws protect employees who care for adult family members is the definition of *family*. Most often, that definition seems to be built on the idea of a nuclear family—two adults and their young children living together—but many employees do not live in such arrangements. Extended families, multigenerational families, and unrelated people forming a family-like household ("chosen families" or "functional families") are just a few of the forms *family* takes today. The laws that have the broadest definition of *family* reflect this reality and provide the most meaningful protection from employment discrimination.

federal government.⁴² Aggrieved employees of private employers may file a lawsuit in court for compensatory and punitive damages, which are not capped, and for other relief. District of Columbia government employees may file an administrative complaint. Individuals, such as supervisors, can be held liable for violating the law.⁴³

A closer look at the key features of the local FRD laws shows that they and the state FRD laws provide family caregivers with significantly more protection than do the patchwork of federal laws.

Who is a protected family caregiver?

State and local FRD laws typically protect employees from discrimination based on their *familial status*, *family status*, *family responsibilities*, or *caregiver status*. Understanding how these terms are defined is the key to understanding the scope of the laws' protection.

The definitions of these terms create three categories of protection for employees who care for family members:

- **Protection only for employees who care for minor children:** *Familial status* is the most frequently used term in state and local FRD laws and is almost always defined as living or potentially living with minor children. A common definition is as follows:
 - Familial status means one (1) or more individuals, who have not attained the age of eighteen (18) years, being domiciled with:
 - (1) A parent or another person having legal custody of such individual or individuals;
 - or (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.⁴⁴

This type of definition is common because it is based on a similar definition in the federal Fair Housing Act.⁴⁵ Many local laws combine prohibitions against discrimination

in employment, housing, and public accommodations into one law,⁴⁶ and the definition of *familial status* that has traditionally been used in the housing context has been adopted in the employment context as well.

A few laws that protect only employees who care for minor children use other terms, such as *parental status*,⁴⁷ *presence of children*,⁴⁸ and *parenthood*.⁴⁹

- **Protection for employees who provide care for a broad category of family members, including older adults and family members with disabilities:** Laws that provide greater protection for family caregivers usually use the terms *family status*, *family responsibilities*, or *caregiver status*. Unlike *familial status*, these terms are not based on federal housing law; instead, the laws that use these terms typically prohibit discrimination based on living with someone to whom the employee is related by blood or law⁵⁰ or who is supported by the family caregiver.⁵¹ A few of the laws in this category are broader still and apply to “functional” families (family-like relationships).⁵² Some laws do not require that the employee live with the family member.⁵³ All of these definitions include older family members and adult family members who have disabilities, as well as minor children, and pregnancy.

The following examples demonstrate how the definitions of *family status* and *family responsibilities* can vary:

- Adrian, Michigan, prohibits discrimination based on “family status,” which it defines as “being in a family.”⁵⁴ It defines *family* as “(a) An individual who is pregnant; or (b) Two or more individuals related by blood within three degrees of relation, marriage, adoption, in a foster care relationship or legal custody relationship.”⁵⁵ By including the provision that family means people related by blood within three degrees and by marriage, this definition covers adult family members such as parents, parents-in-law, siblings, aunts, uncles, first cousins, grandparents, and even great-grandparents. It does not, however, include people who are in

family-like relationships with the employee. Other jurisdictions in Michigan with similar definitions include Battle Creek,⁵⁶ Farmington Hills,⁵⁷ and Kalamazoo.⁵⁸

- Urbana, Illinois, prohibits discrimination based on “family responsibilities,” which it defines as “the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship, irrespective of their number, including single parents.”⁵⁹ This broad definition encompasses all family members and other individuals who are in family-like dependent relationships. It does not require that the person supported be related by blood or marriage. It puts no limits on the type of support given, thereby including financial, emotional, and medical support and assistance with daily tasks. Other jurisdictions with a similar definition include the District of Columbia;⁶⁰ Champaign, Illinois;⁶¹ Canton Charter Township, Michigan;⁶² Royal Oak, Michigan;⁶³ and Westland, Michigan.⁶⁴
- East Orange, New Jersey, prohibits discrimination against city employees based on “family status,” which it defines as “being in a family.”⁶⁵ It defines *family* as being pregnant or “[h]usband, wife, brother, sister, parent, child, or other near relative, which relative resides with the employee as part of a common household. If it shall be demonstrated to the satisfaction of the department head that an ill person not falling into the foregoing relationships nevertheless lives with and is part of the household of the employee and that, by reason of the absence of any other suitable person, the employee’s presence is essential to the care of such person, then such person may be, for the purposes of this article, deemed to be a member of the family.”⁶⁶ This definition is broad enough to include older and adult family members, and even some adults who are in family-like relationships with the employee; however, it is not a model law, as

it limits coverage to those who live with the employee.

- State College, Pennsylvania, prohibits discrimination based on “family responsibility,” which it defines as “[b]eing a provider of care, or being perceived to be a provider of care, for a family member of any age, whether in the past, present, or future.”⁶⁷ This definition is broad enough to cover older family members and adult family members who have disabilities, and it does not require that the employee live with the family member.

Two local FRD laws prohibit discrimination based on “caregiver status,” which is also broadly defined to cover a variety of family and family-like relationships. The first is San Francisco, California’s Family Friendly Workplace Ordinance, which prohibits employers from taking negative actions against employees based on their “caregiver status.”⁶⁸ The law defines *caregiver* as “an employee who is a primary contributor to the ongoing care of a child for whom the employee has parental responsibility, a person with a serious health condition⁶⁹ who is in a family relationship with the employee, or a parent of the employee age 65 or over.” The term *family relationship* is defined broadly and means “a relationship in which a Caregiver is related by blood, legal custody, marriage, or domestic partnerships [as defined by law], to another person as a spouse, domestic partner, child, parent, sibling, grandchild, or grandparent.”⁷⁰ The law thus protects employees who provide ongoing care for an adult family member with a serious health condition or for their parents, regardless of their health.

The second law is the New York City Human Rights Law, which makes it unlawful for an employer or someone acting on behalf of the employer to discriminate against an employee because of the employee’s “actual or perceived” caregiver status.⁷¹ It defines *caregiver* as “a person who provides direct and ongoing care for a minor child or care recipient.”⁷² It defines *care recipient* as a person with a disability who is a

covered relative or a person who lives with the employee and who relies on the employee for medical care or the needs of daily living. Covered relatives include spouse, partner, parent, sibling, grandparent, parents of the employee's spouse or partner, or "any other individual in a familial relationship with the employee."⁷³ This definition is very broad and should cover all family members who rely on an employee for medical care or help with everyday needs.

A few laws in this category of broader protection prohibit discrimination based on *familial status* but have defined that term differently from—and more broadly than—the majority of laws that use *familial status* as discussed above. For example, Albion, Michigan, prohibits discrimination based on "familial status," which it defines as "being in a family."⁷⁴ It defines *family* as "(a) An individual who is pregnant; or (b) Two or more individuals related by blood within three degrees of relation, marriage, adoption, in a foster care relationship or legal custody relationship."⁷⁵ This definition is broad enough to cover many older family members and adult family members who have disabilities.

- **Protection that is uncertain because the law does not define its terms:** Fifty-two local jurisdictions do not define the terms *familial status* or *family status* in their laws.⁷⁶ This leaves employers, employees, their lawyers, and the courts without clear guidance as to who is covered by the law. A first step toward determining who is covered is to consider the meaning of the words that are used in the law. Typically, that means that one should apply the normal, everyday meaning of the words. When considering *family status*, this approach may yield an answer that the law covers all family relationships. For *familial status*, this approach may not be fruitful because it leaves unanswered the question whether the meaning should be the everyday usage of the words or the traditional meaning based on the federal housing law. If this first step does not make the meaning clear, then a second step would be to look at any statements of policy in the law that might indicate how broad the lawmakers intended the protection to be. Legislative history, such as reports and debates

related to the enactment of the laws, may also yield insights. Legal advice can be helpful when trying to determine the meaning of terms in a law.

Which Employers Are Covered?

Local FRD laws usually include a definition of *employer* that states which entities are covered by the law. Most local FRD laws apply to public and private employers, and that often includes small employers that have as few as one⁷⁷ or four⁷⁸ employees. Some laws apply only to employees of the city.⁷⁹ Many also cover labor unions and employment agencies.⁸⁰ Some local FRD laws also apply to companies and individuals who contract with the city.⁸¹ Some definitions use the word *person*, as in "an employer is a person who employs one or more individuals." In such instances, it is necessary to review the law's definition of person to determine which employers are covered by the law.

Local FRD laws can also cover individual supervisors and others with the ability to affect an employee's work conditions. Typically, these laws prohibit discrimination by "a person" rather than by "an employer."⁸² Laws that prohibit retaliation and aiding and abetting, which are discussed in the next section, almost always apply to the actions of a person or individual.

Which Activities Are Prohibited?

Local FRD laws almost always define or describe the conduct that the laws consider to be discriminatory and illegal. They use broad terms that encompass virtually every aspect of an employee's employment, from hiring to working conditions and terms of employment to termination. Here is an example of a description of proscribed conduct:

It shall be unlawful for any employers or labor organizations, to engage in any of the following acts, wholly or partially for a discriminatory reason: (1) To discriminate against any individual, with respect to failure to hire, refusal to hire, discharge, compensation, terms, conditions, or privileges of employment, including promotion; . . . (2) To limit, segregate, or classify employees in any way which would deprive or tend to deprive

any employee of employment opportunities, or which would otherwise tend to adversely affect his or her status as an employee; or (3) To fail or refuse to refer for employment, or to give negative information to a potential employer of any individual, in such a manner that would deprive or limit an individual's employment opportunities or that would otherwise adversely affect an individual's status as an applicant or prospective employee.⁸³

Most local FRD laws also prohibit retaliation,⁸⁴ which happens when an employer punishes an employee for engaging in protected activity, such as making a complaint about discrimination, asserting rights under the law, or assisting other employees who have made discrimination complaints. Many local FRD laws also prohibit aiding and abetting.⁸⁵ Aiding and abetting occurs when a person assists another in carrying out a discriminatory action, such as a human resources professional assisting a supervisor who wants to terminate an employee because of family caregiving, by helping the supervisor place the employee on an unattainable performance improvement plan to justify later dismissal. Both retaliation and aiding and abetting claims can be brought against individuals as well as employer organizations.

How Are the Laws Enforced?

A few local FRD laws that protect employees who care for minor children have no provision for how to remedy discrimination that violates the law, which means that employees who feel discriminated against do not have a way to require their employers to stop discriminating or to be compensated for the harm they suffered.⁸⁶ Most laws, however, provide for an administrative enforcement process.⁸⁷ In this process, an employee files a complaint with a state or local agency such as a human relations commission. The agency may investigate the complaint and try to resolve the issue informally between employer and employee. If an informal resolution is not possible, the agency may hold a hearing to determine whether discrimination has occurred; if it finds that it has, it may direct the employer to stop discriminating, rehire the employee, and/or take other actions. Many of these laws also empower agencies to

fine employers and direct the employer to pay the employee back wages, compensatory damages, and punitive damages.⁸⁸

In addition, many local FRD laws provide that employees may file complaints in court (called a *private right of action*), either after or instead of filing an administrative complaint as described.⁸⁹ If a court finds that an employer has discriminated, it can order the employer to stop discriminating and/or take other steps, and pay the employee back wages, compensatory, and punitive damages.

Importantly, most local laws that allow employees to recover damages from their employers do not have a cap on the amount of damages an employer that violates the law can be required to pay.⁹⁰ This is different from federal laws, which limit the amount of damages an employer can be made to pay. This difference makes state and local laws more of a concern for employers and more attractive to employees.

CONCLUSION: THE NEED FOR FRD LEGISLATION

There is a growing need for legislation that expressly prohibits FRD. The lack of consistent policy around FRD across the United States leaves unprotected many employed family caregivers, particularly employees who care for adult family members. Managers and supervisors may be unaware of how family caregiving for older adults affects their employees and their companies' bottom lines. FRD laws can provide clarity for employers and employees and reduce the need for litigation to define both parties' rights and responsibilities. To protect the growing number of employees who care for older family members and adult family members with disabilities, FRD laws must include all employed family caregivers.

The jurisdictions that may be most ready to enact laws protecting all employed family caregivers are those that have an FRD law already on the books but that have not defined the caregivers they protect. As discussed above, clear definitions of protected family caregivers are key to the scope of these laws. Other jurisdictions that have narrow definitions that appear to have been adopted from the federal Fair Housing Act may be open to broadening them to cover all family caregivers. The

simple addition of a definition of *family status* that includes caregivers of adults would expand these laws to protect all families, not just those caring for young children. Other jurisdictions that may be prepared to adopt FRD protections are those that already have extensive lists of protected categories of employees but that have not yet considered adding family caregivers to them.

Protecting family caregivers is a nonpartisan issue. Protecting family caregivers means safeguarding American families. It also means protecting communities, which would be harmed by family caregivers becoming unemployed and family members being left with no one to care for them. Legislation can also protect employers from unnecessary attrition and productivity loss. Demographic trends suggest the issue will likely only garner more attention in the future—and the time for action is now.

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ABOUT THE CENTER FOR WORKLIFE LAW

The Center for WorkLife Law at the University of California Hastings College of the Law is a nonprofit research and advocacy group devoted to women's economic advancement and to eradicating employment discrimination against caregivers. The hallmark of WorkLife Law is its ability to translate research into social, organizational, and legal change. The Center takes an interdisciplinary approach that brings together a range of stakeholders, including employers and employees and their lawyers, to find solutions that work. WorkLife Law pioneered the research behind FRD and has worked with the Equal Employment Opportunity Commission, the US Department of Labor, federal and state legislators, employment lawyers (both plaintiffs' and defense), social scientists, bar associations, unions, advocacy groups, and others to identify and prevent FRD and to remove barriers to equal employment for workers with family caregiving responsibilities. WorkLife Law maintains a database of FRD cases, runs a hotline for employees who believe they may be facing such discrimination (hotline@worklifelaw.org; 415-703-8276), and provides resources for employers and HR professionals. WorkLife Law has published extensively on FRD, including the legal treatise *Family Responsibilities Discrimination* (Bloomberg BNA Books, 2014 & supp. 2016). More information about WorkLife Law can be found at www.worklifelaw.org.

ABOUT THE AARP PUBLIC POLICY INSTITUTE AND THE LONG-TERM SERVICES AND SUPPORT STATE SCORECARD

AARP's Public Policy Institute (PPI) informs and stimulates public debate on the issues we face as we age. Through research, analysis, and dialogue with the nation's leading experts, PPI promotes development of sound, creative policies to address our common need for economic security, health care, and quality of life.

The Long-Term Services and Supports State Scorecard showcases measures of state performance for creating a high-quality system of care in order to drive progress toward improvement in services for older adults and people with physical disabilities, and their family caregivers. The focus is on state-level data because our country does not have a single national system to address long-term services and supports (LTSS) needs. The AARP Foundation, The Commonwealth Fund, and The SCAN Foundation sponsored the 2020 edition of the LTSS Scorecard.

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- 2 Williams et al., *Protecting Family Caregivers from Employment Discrimination*, *supra* n. 1.
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- 4 Cynthia Thomas Calvert, *Caregivers in the Workplace: Family Responsibilities Discrimination Litigation Update 2016* (San Francisco, CA: Center for WorkLife Law, 2016), 33, <https://worklifelaw.org/publications/Caregivers-in-the-Workplace-FRD-update-2016.pdf>.
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- 16 42 U.S.C. § 2000e-2.
- 17 29 U.S.C. §§ 2601 *et seq.*
- 18 Bipartisan Policy Center, “The Family and Medical Leave Act (FMLA): The Basics” (Washington, D.C.: Bipartisan Policy Center October 11, 2019), <https://bipartisanpolicy.org/wp-content/uploads/2019/10/FMLA-The-Basics.pdf>.
- 19 42 U.S.C. §§12101 *et seq.*
- 20 Stephanie Bornstein and Robert J. Rathmell, *Caregivers as a Protected Class? The Growth of State and Local Laws Prohibiting Family Responsibilities Discrimination* (San Francisco, CA: The Center for WorkLife Law, December 2009), 1, 14–15, <https://worklifelaw.org/publications/LocalFRDLawsReport.pdf>.
- 21 19 Del. Code § 711 (k).
- 22 Conn. Gen. Stat. § 46a-60(9).
- 23 N.J. Admin. Code § 4A:7-3.1.
- 24 The terms *familial status* in the Connecticut law and *family responsibilities* in the New Jersey regulation are undefined, and research has not uncovered any cases in which a court has held whether the terms include adult family members. As discussed later in this paper, *familial status* is often limited to caregiving that involves minor children, but frequently *family responsibilities* is not so limited.
- 25 Alaska Stat. Ann. § 18.80.220.
- 26 Minn. Stat. § 363A.08.
- 27 N.Y. Exec. Law § 296.
- 28 19 Del. Code § 711(k)(1)(a).
- 29 19 Del. Code § 710(9).
- 30 19 Del. Code § 711(k)(2).
- 31 19 Del. Code § 710(7).
- 32 19 Del. Code §§ 712(c), 714.
- 33 19 Del. Code § 715.
- 34 The table in appendix A shows which states have local jurisdictions with such laws. In addition, it should be noted that many more local jurisdictions have laws that prohibit familial status discrimination in housing and/or public accommodations, but not employment.
- 35 D.C. Code Ann. § 2-1402.11.
- 36 D.C. Code Ann. § 2-1401.02(12).
- 37 D.C. Mun. Regs. tit. 4, § 508.2(a).
- 38 D.C. Mun. Regs. tit. 4, §508.2(b).
- 39 D.C. Mun. Regs. tit. 4, §508.2(c).
- 40 Siddique v. Macy’s, 2013 U.S. Dist. LEXIS 17262, at *28 (D. D.C. 2013).
- 41 D.C. Code Ann. § 2-1401.02 (10).
- 42 See *Jordan v. Evans*, 404 F. Supp. 2d 28, 31 (D. D.C. 2005) (dismissing D.C. Human Rights Act claim against federal government because there was no evidence that Congress unequivocally intended to allow federal government to be sued under that act).
- 43 *Purcell v. Thomas*, 928 A.2d 699 (D.C. 2007); *Wallace v. Skadden, Arps, Slate, Meagher & Flom*, 715 A.2d 873, 887 (D.C. 1998).
- 44 Tampa, Fla., Code of Ordinances § 12-2.
- 45 42 U.S.C. § 3602(k) (“Familial status” means one or more individuals (who have not attained the age of 18 years) being domiciled with—(1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of

familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.”).

- 46 E.g., Mission, Kan., Code of Ordinances § 615.030; Athens, Ohio, Code of Ordinances § 3.07.62.
- 47 E.g., Chicago, Ill., Municipal Code § 2-160-030; Key West, Fla., Code § 38-221.
- 48 Rockville, Md., Code of Ordinances § 11-18.
- 49 E.g., Galena, Ala., Code of Ordinances § 2.50.020.
- 50 E.g., Adrian, Mich., Code of Ordinances § 38-82.
- 51 Champaign, Ill., Code of Ordinances § 17-3(15).
- 52 E.g., Jackson, Mich., Code of Ordinances § 15-41.
- 53 E.g., Urbana, Ill., Code of Ordinances §12-39; Marquette, Mich., Code of Ordinances § 2-372.
- 54 Adrian, Mich., Code of Ordinances § 38-82.
- 55 *Id.*
- 56 Battle Creek, Mich. Code of Ordinances § 214.02.
- 57 Farmington Hills, Mich., Code of Ordinances § 13.5-2.
- 58 City of Kalamazoo, Mich., Code of Ordinances § 18-18.
- 59 Urbana, Ill., Code of Ordinances §12-39.
- 60 D.C. Code Ann. § 2-1401.02.
- 61 Champaign, Ill., Code of Ordinances §17-3(15).
- 62 Canton Charter Township, Mich., Code of Ordinances § 36-2.
- 63 City of Royal Oak, Mich., Code of Ordinances § 402-2.
- 64 Westland, Mich., Code of Ordinances § 54-2.
- 65 East Orange, N.J., Code of Ordinances § 60-126.
- 66 *Id.*
- 67 State College, Pa., Code of Ordinances § 5-903.
- 68 San Francisco, Cal., Admin. § 12Z.7.
- 69 A family member has a “serious health condition” if they have a medical condition that requires inpatient care or continuing care of a health care provider. San Francisco, Cal., Admin. Code § 12Z.3 (a serious health condition means “an illness, injury, impairment, or physical or mental condition that involves either of the following: (1) Inpatient care in a hospital, hospice, or residential health care facility. (2) Continuing treatment or continuing supervision by a health care provider.”).
- 70 *Id.*
- 71 N.Y.C. Admin. Code § 8-107.
- 72 N.Y.C. Admin. Code § 8-102.
- 73 *Id.* These family relationships are further defined by the law.
- 74 Albion, Mich., Code of Ordinances § 54-1.
- 75 *Id.*
- 76 E.g., Palo Alto, Cal., Municipal Code § 9.73.030; Waterbury, Conn., Code of Ordinances § 93-03.
- 77 E.g., Champaign, Ill., Code of Ordinances § 17-3.
- 78 E.g., Borough of State College, Pa., Code of Ordinances § 5-903.
- 79 E.g., East Orange, N.J., Code of Ordinances § 60-126.
- 80 E.g., Bangor, Me., Code of Ordinances § 195-3(F).
- 81 E.g., Mission, Kan., Code of Ordinances § 615.010; Ann Arbor, Mich., Code of Ordinances § 9:158.
- 82 E.g., Albion, Mich., Code of Ordinances § 54-26; Racine, Wis., Municipal Code § 62-27.
- 83 De Pere, Wis., Code of Ordinances § 9-1(d).
- 84 E.g., The Philadelphia Code § 9-1103(g).
- 85 E.g., The Philadelphia Code § 1103(h); City of Grinnell, Iowa, Code of Ordinances § 29-10.
- 86 E.g., Wheeling, Ill., Code of Ordinances; Charles Town, W. Va., Codified Ordinances.
- 87 E.g., Battle Creek, Mich., Code of Ordinances § 214.10 *et seq.*
- 88 E.g., Racine, Wis., Code of Ordinances § 62-39 *et seq.*; Lansing, Mich., Code of Ordinances § 297.10 *et seq.*
- 89 E.g., Lansing, Mich., Code of Ordinances § 297.16; Monroe County, Fla., Code of Ordinances § 14-46.
- 90 E.g., The Philadelphia Code § 9-1122; New York City, N.Y., Admin. Code § 8-502; Borough of State College, Pa., Code of Ordinances § 5-908.

APPENDIX A. STATE AND LOCAL LAWS EXPRESSLY PROHIBITING EMPLOYMENT DISCRIMINATION AGAINST FAMILY CAREGIVERS

All Laws Currently Effective

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
Alabama	No state law				
Alaska	It is unlawful for an employer to discriminate because of parenthood.	Alaska Stat. Ann. § 18.80.220	Parents of children	Private (1), state, political subdivisions of state	<i>Parenthood</i> is not defined.
<i>Anchorage</i>	It is unlawful for an employer to discriminate because of sex, and sex includes parenthood.	Anchorage, Alaska, Code of Ordinances § 5.20.040	Parents of children	Private (1), public	<i>Parenthood</i> is not defined.
<i>Angoon</i>	City employees and applicants cannot be discriminated against based on parenthood.	Angoon, Alaska, Code of Ordinances § 2.68.030	Parents of children	City	<i>Parenthood</i> is not defined.
<i>Galena</i>	City employees and applicants cannot be discriminated against based on parenthood.	Galena, Alaska, Code of Ordinances § 2.50.020	Parents of children	City	<i>Parenthood</i> is not defined.
<i>Juneau</i>	Employers are prohibited from discriminating because of familial status.	Juneau, Alaska, Code of Ordinances § 41.05.010	Parents of children	Private (4)	<i>Familial status</i> means parenthood.
<i>North Slope Borough</i>	City employees and applicants cannot be discriminated against based on parenthood.	North Slope Borough, Alaska, Code of Ordinances § 2.20.170(E)	Parents of children	City	<i>Parenthood</i> is not defined.
<i>Sitka</i>	Employers are prohibited from discriminating because of familial status.	Sitka, Alaska, General Code § 24.05.030	Parents of children	Private (4)	<i>Familial status</i> means parenthood.
<i>Tanana</i>	City employees cannot be discriminated against based on parenthood.	Tanana, Alaska, Code of Ordinances § 32-52	Parents of children	City	<i>Parenthood</i> is not defined.
<i>Unalakleet</i>	City employees and applicants cannot be discriminated against based on parenthood.	Unalakleet, Alaska, Code of Ordinances § 3.60.040	Parents of children	City	<i>Parenthood</i> is not defined.
Arizona	No state law				
<i>Buckeye</i>	City employees and applicants cannot be discriminated against based on familial status.	Buckeye, Ariz., Code of Ordinances § 3-3-2	Unknown	City	<i>Familial status</i> is not defined.
<i>Sedona</i>	Employers are prohibited from discriminating because of familial status.	Sedona, Ariz., Code of Ordinances § 9.30.050	Parents of children	Private (1), political subdivisions of state	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Tempe</i>	Employers are prohibited from discriminating because of familial status. In addition, the city is prohibited from discriminating against applicants and employees because of familial status.	Tempe, Ariz., Code of Ordinances §§ 2-603, 9.01	Parents of children	Private (1), political subdivisions of state, city	<i>Familial status</i> is defined as living with minor children.
<i>Tolleson</i>	City employees and applicants cannot be discriminated against based on familial status.	Tolleson, Ariz., Code of Ordinances § 2-4-2	Unknown	City	<i>Familial status</i> is not defined.
<i>Tucson</i>	Employers are prohibited from discriminating because of familial status. In addition, the city is prohibited from discriminating against employees in the civil service because of familial status.	Tucson, Ariz., Code of Ordinances §§ 17-12, 10.18	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children; employers with more than 100 employees are not covered by the ordinance.
Arkansas	No state law				The state has a law prohibiting local jurisdictions from enacting employment protections not covered by state law.
California	No state law				
<i>Diamond Bar</i>	City employees, applicants, and all other city personnel cannot be discriminated against based on familial status.	Diamond Bar, Cal., Code of Ordinances § 2.20.070	Unknown	City	<i>Familial status</i> is not defined.
<i>Palo Alto</i>	City employees cannot be discriminated against based on familial status.	Palo Alto, Cal., Municipal Code § 9.73.030	Unknown	City	<i>Familial status</i> is not defined.
<i>San Francisco</i>	Employers are prohibited from discriminating based on caregiver status.	San Francisco, Cal., Admin. Code § 12Z.7	Caregivers of own parents over age 65 and adult family members who have serious health conditions	Private (20), city	<i>Caregiver</i> is defined to include care for an employee's parent who is age 65 or over and for other adult family members who have serious health conditions; <i>family</i> is defined as related by blood or marriage, and including spouse, partner, parent, sibling, and grandparent.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
Colorado	No state law				
<i>Crested Butte</i>	Employers are prohibited from discriminating based on family responsibility.	Crested Butte, Colo., Municipal Code §§ 10-11-30, 10-11-20	Unknown	Not defined	<i>Family responsibility</i> is not defined.
<i>Denver</i>	Employers are prohibited from discriminating based on marital status.	Denver, Colo., Code of Ordinances § 28-93	Parents of children	Private (20)	<i>Marital status</i> is defined as including parenthood.
<i>Telluride</i>	Employers are prohibited from discriminating based on family responsibility.	Telluride, Colo., Municipal Code § 10-6-20	Unknown	Private (1), government agency	<i>Family responsibility</i> is not defined.
Connecticut	Employers are prohibited from inquiring about familial responsibilities.	Conn. Gen. Stat. § 46a-60(9)	Unknown	Private (3), state, state political subdivisions	<i>Familial responsibilities</i> is not defined.
<i>Waterbury</i>	Employers are prohibited from discriminating based on family status.	Waterbury, Conn., Code of Ordinances § 93-03	Unknown	Private (3); city; city departments, agencies, commissions, and officers; city department of education	<i>Family status</i> is not defined.
Delaware	Employers are prohibited from discriminating based on family responsibilities.	19 Del. Code § 711 (k)	Caregivers of own spouse and own parent, and children who have a serious health condition	Private (4), state, state political subdivisions or board, department, commission or school district	<i>Family responsibilities</i> is defined as caring for family members who would be covered under the FMLA, which includes minor children, spouse, and parent with serious health condition; siblings, in-laws, grandparents, and unmarried partners are not included.
District of Columbia	Employers are prohibited from discriminating based on family responsibilities.	D.C. Code Ann. § 2-1402.11	Caregivers of spouse, adult family members including own parent, parents of children	Private (1), city, city government agencies	<i>Family responsibilities</i> is defined as contributing to the support of a person in a dependent relationship; city regulations clarify that the person may be related by blood, legal custody, or marriage, or may be someone who shares a residence and maintains a domestic partnership.
Florida	No state law				
<i>Boynton Beach</i>	Employers are prohibited from discriminating based on family status.	Boynton Beach, Fla., Code of Ordinances § 1-12	Parents of children	Private (15); state and local governments, governmental agencies, and political subdivisions	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Delray Beach</i>	Employers are prohibited from discriminating based on family status.	Delray Beach, Fla., Code of Ordinances § 137.02	Parents of children	Private (15); state and local governments, governmental agencies, and political subdivisions	<i>Familial status</i> is defined as living with minor children.
<i>Jupiter</i>	City employees and applicants cannot be discriminated against based on familial status.	Jupiter, Fla., Code § 15-58	Unknown	City	<i>Family status</i> is not defined.
<i>Key West</i>	Employers are prohibited from discriminating based on parental status.	Key West, Fla., Code of Ordinances § 38-221	Parents of children	Private (15)	<i>Parental status</i> is defined as living with minor or disabled children.
<i>Leon County</i>	Employers are prohibited from discriminating based on familial status.	Leon County, Fla., Code of Ordinances § 9-27	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.
<i>Margate</i>	City employees and applicants cannot be asked about family status in interviews.	Margate, Fla., Code of Ordinances § 30-39	Unknown	City	<i>Family status</i> is not defined.
<i>Mascotte</i>	Employers are prohibited from discriminating based on familial status.	City of Mascotte, Fla., Code § 9-8	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.
<i>Miami Beach</i>	Employers are prohibited from discriminating based on familial status or familial situation.	Miami Beach, Fla., Code § 62-86	Parents of children (“familial status”), unclear as to the scope of “familial situation”	Private (5)	<i>Family status</i> is defined as living with minor children; the definition of <i>family situation</i> is unclear. (“Familial situation means the state of a person’s being raised by, or currently living with, a certain number of biological parents, or by a non-biological parent or parents, or without parents, or by any individual or group of individuals who is protected by this chapter.”)
<i>Miami-Dade County</i>	Employers are prohibited from discriminating based on familial status.	Miami-Dade County, Fla., Code of Ordinances § 11A-26	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Monroe County</i>	Employers are prohibited from discriminating based on familial status.	Monroe County, Fla., Code of Ordinances § 14-41	Caregivers of adult family members, including own parent, and caregivers of children, if living together	Private (15)	“Familial status means the status of living alone or in any familial relationship whatsoever, including, but not limited to, living with a partner . . . , and of living with one or more dependents, whether minor or disabled children or parents.”
<i>Mount Dora</i>	Employers are prohibited from discriminating based on familial status.	Mount Dora, Fla., Code of Ordinances § 58-120	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.
<i>North Port</i>	Employers are prohibited from discriminating based on familial status.	City Code of North Port, Fla., Code of Ordinances § 16-06	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children.
<i>Orange County</i>	Employers are prohibited from discriminating based on familial status.	Orange County, Fla., Code of Ordinances § 22-28	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.
<i>Osceola County</i>	Employers are prohibited from discriminating based on familial status.	Osceola County, Fla., Code of Ordinances § 27-8	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.
<i>Palm Beach County</i>	Employers are prohibited from discriminating based on family status.	Palm Beach County, Fla., Code of Ordinances § 2-312	Parents of children	Private (15); state and local governments, governmental agencies, and political subdivisions	<i>Familial status</i> is defined as living with minor children.
<i>Panama City Beach</i>	City employers are prohibited from asking about family status in job interviews.	Panama City Beach, Fla., Charter § 6-1	Unknown	City	<i>Family status</i> is not defined.
<i>Tampa</i>	Employers are prohibited from discriminating based on familial status.	Tampa, Fla., Code of Ordinances § 12-26	Parents of children	Private (5 if work 30 or more hours per week, 15 otherwise), city	<i>Familial status</i> is defined as living with minor children.
<i>Volusia County</i>	Employers are prohibited from discriminating based on familial status.	Volusia County, Fla., Code of Ordinances § 36-27	Parents of children	Private (5)	<i>Familial status</i> is defined as living with minor children.
<i>Wellington</i>	Employers are prohibited from discriminating based on family status.	Wellington, Fla., Code of Ordinances § 1-13	Parents of children	Private (15); state and local governments, governmental agencies, and political subdivisions	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>West Palm Beach</i>	Employers are prohibited from discriminating based on familial status.	West Palm Beach, Fla., Code of Ordinances § 42-35	Parents of children	Private (15), government, government agencies	<i>Family</i> is defined as living with minor children.
Georgia	No state law				
<i>Atlanta</i>	Employers are prohibited from discriminating based on familial status or parental status.	Atlanta, Ga., Code of Ordinances § 94-112(a)	Parents of children	Private (10)	<i>Familial status</i> and <i>parental status</i> are defined as living with minor children.
<i>Chamblee</i>	Employers are prohibited from discriminating based on familial status.	City of Chamblee, Ga., Code of Ordinances § 58-122	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children.
<i>Dunwoody</i>	Employers are prohibited from discriminating based on familial status.	City of Dunwoody, Ga., Code § 24-192	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children.
Hawaii	No state law				
Idaho	No state law				
Illinois	No state law				
<i>Bloomington</i>	Employers are prohibited from discriminating based on familial status.	Bloomington, Ill., City Code § 22.2-104	Parents of children	Private (1), city	<i>Familial status</i> is defined as living with minor children.
<i>Carbondale</i>	City employees are protected from discrimination based on familial status.	Carbondale, Ill., Code of Ordinances § 1-4-14	Unknown	City	<i>Familial status</i> is not defined.
<i>Champaign</i>	Employers are prohibited from discriminating based on family responsibilities.	Champaign, Ill., Code of Ordinances § 17-36	Caregivers of dependent family members, including own parent and adult family members	Private (1), government agencies	<i>Family responsibilities</i> is defined as contributing to the support of a person in a dependent relationship.
<i>Chicago</i>	Employers are prohibited from discriminating based on parental status.	Chicago, Ill., Municipal Code §§ 2-160-030, 2-74-080	Parents of children	Private (1), city	<i>Parental status</i> is defined as living with minor or disabled children.
<i>Cook County</i>	Employers are prohibited from discriminating based on parental status.	Cook County, Ill., Code of Ordinances § 42-35	Parents of children	Private (1)	<i>Parental status</i> is defined as living with minor or disabled children.
<i>Elgin</i>	Employers are prohibited from discriminating based on familial status.	Elgin, Ill., Code of Ordinances § 3.12.070	Parents of children	Private (5), city, city agencies	<i>Familial status</i> is defined as living with minor children.
<i>Kildeer</i>	Village employees are protected from discrimination based on familial status.	Village of Kildeer, Ill., Code of Ordinances § 1-23-1	Unknown	Village	<i>Familial status</i> is not defined.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Oak Park</i>	Village employees cannot be discriminated against based on familial status.	Oak Park, Ill., Village Code § 13-3-1	Parents of children	Village, village departments	<i>Familial status</i> is defined as living with minor children.
<i>Urbana</i>	Employers are prohibited from discriminating based on family responsibilities.	Urbana, Ill., Code of Ordinances § 12-62	Caregivers of dependent family members, including own parent and adult family members	Private (1), government agency	<i>Family responsibilities</i> is defined as contributing to the support of a person in a dependent relationship.
<i>Wheeling</i>	Employers are prohibited from discriminating based on parental status.	Wheeling, Ill., Code of Ordinances § 6.08.020	Parents of children	Private (1)	<i>Parental status</i> is defined as living with minor or disabled children.
Indiana	No state law				
<i>Kokomo</i>	Employers are prohibited from discriminating based on familial status.	Kokomo, Ind., Code of Ordinances § 33-18	Parents of children	Private (6), city, city departments	<i>Familial status</i> is defined as living with minor children.
<i>Michigan City</i>	Employers are prohibited from discriminating based on familial status.	Michigan City, Ind., Code of Ordinances § 66-110	Parents of children	Private (10), city, city subdivisions	<i>Familial status</i> is defined as living with minor children.
<i>Valparaiso</i>	Employers are prohibited from discriminating based on familial status.	Valparaiso, Ind., Code of Ordinances § 130.12	Unknown	Private (1)	<i>Familial status</i> is not defined.
<i>Zionsville</i>	Employers are prohibited from discriminating based on familial status.	Zionsville, Ind., Code of Ordinances § 103.07	Unknown	Private (6)	<i>Familial status</i> is not defined.
Iowa	No state law				
<i>Cedar Rapids</i>	Employers are prohibited from discriminating based on familial status.	Cedar Rapids, Iowa, Code of Ordinances § 69.06	Parents of children	Private (1), city, city departments	<i>Familial status</i> is defined as living with minor children.
<i>Davenport</i>	Employers are prohibited from discriminating based on familial status.	Davenport, Iowa, Municipal Code § 2.58.100	Parents of children	Private (1), city, city departments	<i>Familial status</i> is defined (in the section about housing) as living with minor children.
<i>Grinnell</i>	Employers are prohibited from discriminating based on familial status.	City of Grinnell, Iowa, Code of Ordinances § 29.05	Parents of children and caregivers of adults with disabilities who live with them	Private (1), city, city departments	<i>Familial status</i> is defined as living with minor children or living with and caring for another adult with physical or mental disabilities.
Kansas	No state law				
<i>Junction City</i>	Employers are prohibited from discriminating based on familial status.	Junction City, Kan., Code § 110.250	Unknown	Private (4), governmental subdivisions	<i>Familial status</i> is not defined.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Mission</i>	Employers are prohibited from discriminating based on familial status.	Mission, Kan., Code of Ordinances § 615.030	People who have certain family relationships, including own parent and adult family members, or who reside or have resided together	Private (4), city, city departments and agencies, city contractors	<i>Familial status</i> is defined as adults who are spouses, parents, and children, “and persons who are presently residing together or have resided together in the past.”
<i>Topeka</i>	City employees are protected from discrimination based on familial status.	Topeka, Kan., Municipal Code § 2.105.020	Unknown	City	<i>Familial status</i> is not defined.
<i>Westwood Hills</i>	Employers are prohibited from discriminating based on familial status.	Westwood Hills, Kan., Code of Ordinances § 6-803(a)	Parents of children	Private (1), city, boards and agencies of city, city contractors	<i>Familial status</i> is defined as living with minor children.
<i>Winfield</i>	Employers are prohibited from discriminating based on familial status.	Winfield, Kan., Code of Ordinances § 42-1	Parents of children	Private (4), city, political subdivisions	<i>Familial status</i> is defined as living with minor children.
Kentucky	No state law				
<i>Covington</i>	Employers are permitted to pay and treat employees differently unless it is done with the intention to discriminate based on familial status or parental status.	Covington, Ky., Code of Ordinances § 37.09	Parents of children	Private (8), city	<i>Familial status</i> is defined as living with minor children.
<i>Paducah</i>	Employers are prohibited from discriminating based on familial status.	Paducah, Ky., Code of Ordinances § 58-61	Unknown	Private (8)	<i>Familial status</i> is not defined.
Louisiana	No state law				
Maine	No state law				
<i>Bangor</i>	Employers are prohibited from discriminating based on family status.	Bangor, Me., Code of Ordinances § 195-3(F)	Unknown	Private (1), city, city agencies	<i>Family status</i> is not defined.
<i>Orono</i>	Employers are prohibited from discriminating based on family status.	Orono, Me., Code of Ordinances § 24-42(F)	Unknown	Private (1), town, town agencies	<i>Family status</i> is not defined.
Maryland	No state law				
<i>Annapolis</i>	City employees are protected from discrimination based on family status.	Annapolis, Md., Code of Ordinances § 3.16.010	Unknown	City	<i>Family status</i> is not defined.
<i>Frederick County</i>	Employers are prohibited from discriminating based on familial status.	Frederick County, Md., Code of Ordinances § 1-2-93	Parents of children	Not defined	<i>Familial status</i> is defined (in a section about the human relations commission) as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Gaithersburg</i>	City employees are protected from discrimination based on parental status.	Gaithersburg, Md., Code of Ordinances § 17-6	Parents of children	City	<i>Parental status</i> is not defined.
<i>Harford County</i>	Employers are prohibited from discriminating based on familial status.	Harford County, Md., Code of Ordinances § 95-5	Parents of children	Private (5), county, governmental agencies	<i>Familial status</i> is defined as living with minor children.
<i>Howard County</i>	Employers are prohibited from discriminating based on familial status.	Howard County, Md., Code of Ordinances § 12.208	Parents of children	Private (5), county	<i>Familial status</i> is defined as living with minor children.
<i>Rockville</i>	Employers are prohibited from discriminating based on the presence of children.	Rockville, Md., Code of Ordinances § 11-18	Parents of children	Private (1), city	<i>Presence of children</i> is defined as living with minor children.
<i>Montgomery County</i>	Employers are prohibited from discriminating based on family responsibilities.	Montgomery County, Md., Code of Ordinances § 27-19	Caregivers of others, including own parents and adult family members, if financially or legally responsible for their care	Private (1), county, county agencies	<i>Family responsibilities</i> is defined as being financially or legally responsible for the support or care of a person.
<i>Prince George's County</i>	Employers are prohibited from discriminating based on familial status.	Prince George's County, Md., Code of Ordinances § 2-222	Parents of children	Private (1), county	<i>Familial status</i> is defined as living with minor children.
Massachusetts	No state law				
<i>Boston</i>	Employers are prohibited from discriminating based on parental status.	City of Boston, Mass., Municipal Code § 12-9.3	Parents of children	Private (7), city, political subdivisions	<i>Parental status</i> is defined as living with minor or disabled children.
<i>Cambridge</i>	Employers are prohibited from discriminating based on family status.	Cambridge, Mass., Code of Ordinances § 2.76.120	Parents of children	Private (6), city, political subdivisions	<i>Family status</i> is defined as having minor children.
Michigan	No state law				The state has a policy against employment discrimination based on <i>familial status</i> (defined as living with minor children).
<i>Adrian</i>	Employers are prohibited from discriminating based on family status.	Adrian, Mich., Code of Ordinances § 38-85	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), public	<i>Family status</i> is defined as two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody, and the state of being in a family.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Albion</i>	Employers are prohibited from discriminating based on familial status.	Albion, Mich., Code of Ordinances § 54-26	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), city	<i>Familial status</i> is defined as being in a family, and <i>family</i> is defined as two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Ann Arbor</i>	Employers are prohibited from discriminating based on family status or family responsibilities.	Ann Arbor, Mich., Code of Ordinances § 9:154	Caregivers of family members, including own parents and adult family members	Private (3)	<i>Family status</i> is defined as living with minor children; <i>family responsibilities</i> is defined as being a provider of care and/or support for a family member.
<i>Battle Creek</i>	Employers are prohibited from discriminating based on family status.	Battle Creek, Mich., Code of Ordinances § 214.05	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), public	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Cadillac</i>	Employers are prohibited from discriminating based on familial status.	Cadillac, Mich., Code of Ordinances § 2-398	Unknown	Public (1), private	<i>Familial status</i> is not defined.
<i>Canton Charter Township</i>	Employers are prohibited from discriminating based on family responsibilities.	Canton Charter Township, Mich., Code of Ordinances § 36-5	Caregivers of family members, including own parents and adult family members	Private (1), governmental institutions	<i>Family responsibilities</i> is defined as contributing to the support of a person in a family relationship.
<i>Delta Charter Township</i>	Employers are prohibited from discriminating based on familial status.	Delta Charter Township, Mich., Code of Ordinances § 27-5	Parents of children	Private (1), public	<i>Familial status</i> is defined as living with minor children.
<i>Detroit</i>	Employers are prohibited from discriminating based on familial status.	Detroit, Mich., Code of Ordinances § 23-4-1	Unknown	Private (1), public	<i>Familial status</i> is not defined.
<i>Farmington Hills</i>	Employers are prohibited from discriminating based on family status.	Farmington Hills, Mich., Code of Ordinances § 13.5-5	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), governmental institutions	<i>Family status</i> is defined as two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Fenton</i>	Employers are prohibited from discriminating based on family status.	Fenton, Mich., Code of Ordinances § 15.5-22	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), governmental institutions	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Ferndale</i>	Employers are prohibited from discriminating based on familial status.	Ferndale, Mich., Code of Ordinances § 28-4	Parents of children	Private (1), government agencies	<i>Familial status</i> is defined as having custody or living with minor children.
<i>Howell</i>	Employers are prohibited from discriminating based on family status.	Howell, Mich., Code of Ordinances § 209.05	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), public	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Huntington Woods</i>	Employers are prohibited from discriminating based on familial status.	Huntington Woods, Mich., Code of Ordinances § 19-4	Parents of children	Private (1), governmental agencies	<i>Family status</i> is defined as living with minor children.
<i>Jackson</i>	Employers are prohibited from discriminating based on family status.	Jackson, Mich., Code of Ordinances § 15-44	Caregivers of family members, including own parents and adult family members, or individuals who reside together like family members	Private (1), governmental institutions	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody, and individuals who reside together like family.
<i>Kalamazoo</i>	Employers are prohibited from discriminating based on family status.	City of Kalamazoo, Mich., Code of Ordinances § 18-21	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), governmental institutions	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Lansing</i>	Employers are prohibited from discriminating based on family status.	Lansing, Mich., Code of Ordinances § 297.03	Caregivers of family members, including own parents and adult family members, or individuals who reside together like family members	Private (5), city, city agencies, city contractors, recipients of city funds	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody, and individuals who reside together like family.
<i>Lansing Charter Township</i>	Employers are prohibited from discriminating based on family status.	Lansing Charter Township, Mich., Code of Ordinances § 18-5	Parents of children	Private (1), public	<i>Family status</i> is defined as living with minor children.
<i>Linden</i>	Employers are prohibited from discriminating based on familial status.	Linden, Mich., Code of Ordinances § 93.04	Parents of children	Private (1), governmental agencies	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Marquette</i>	Employers are prohibited from discriminating based on family status.	Marquette, Mich., Code of Ordinances § 2-375	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), governmental institutions	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Meridian Charter Township</i>	Employers are prohibited from discriminating based on familial status.	Charter Township of Meridian, Mich., Code of Ordinances § 30-20	Parents of children	Private (1), governmental institutions	<i>Familial status</i> is defined as living with minor children.
<i>Mount Pleasant</i>	Employers are prohibited from discriminating based on family status.	Mount Pleasant, Mich., Code of Ordinances § 39.03	Caregivers of family members related by blood, marriage, or law, including own parents and adult family members	Private (1), city	<i>Family status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody.
<i>Nottawaseppi Huron Band of the Potawatomi</i>	Employers are prohibited from discriminating based on familial status.	Nottawaseppi Huron Band of the Potawatomi, Mich., Code of Ordinances § 5.2-5	Parents of children	Private (1), band, band agencies, band enterprises	<i>Familial status</i> is defined as living with minor children.
<i>Oshtemo Charter Township</i>	Employers are prohibited from discriminating based on familial status.	Oshtemo Charter Township, Mich., Code of Ordinances § 174.005	Caregivers of family members, including own parents and adult family members, or individuals who reside together like family members	Private (1), governmental institutions	<i>Familial status</i> is defined as the state of being in a family, which means two or more individuals related by blood within three degrees of consanguinity, marriage, adoption, foster care, or legal custody, and individuals who reside together like family.
<i>Pleasant Ridge</i>	Employers are prohibited from discriminating based on familial status.	Pleasant Ridge, Mich., Code of Ordinances § 40-4	Parents of children	Private (1), governmental entity	<i>Familial status</i> is defined as living with minor children.
<i>Portage</i>	Employers are prohibited from discriminating based on family status.	Portage, Mich., Code of Ordinances § 24-152	Caregivers of family members, including own parents and adult family members	Private (1), governmental institutions	<i>Family status</i> is defined as the state of being in a family.
<i>Royal Oak</i>	Employers are prohibited from discriminating based on family responsibilities.	City of Royal Oak, Mich., Code of Ordinances § 402-5	Caregivers of family members, including own parents and adult family members	Private (1), governmental institutions	<i>Family responsibilities</i> is defined as contributing to the support of a person in a family relationship.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Shelby Charter Township</i>	The township is prohibited from discriminating against applicants based on familial status.	Shelby Charter Township, Mich., Code of Ordinances § 2-177	Unknown	Township	<i>Familial status</i> is not defined.
<i>Southfield</i>	Employers are prohibited from discriminating based on family status.	Southfield, Mich., Code of Ordinances § 9.386	Parents of children	Private (1), city, governmental institutions	<i>Family status</i> is defined as living with minor children.
<i>Trenton</i>	Employers are prohibited from discriminating based on family responsibilities.	Trenton, Mich., Code of Ordinances § 2-705	Caregivers of family members, including own parents and adult family members	Private (1), governmental institutions	<i>Family responsibilities</i> is defined as contributing to the support of a person in a family relationship.
<i>Union Charter Township</i>	Employers are prohibited from discriminating based on familial status.	Union Charter Township, Mich., Code of Ordinances § 154.003	Parents of children	Private (1), governmental institutions	<i>Family status</i> is defined as living with minor children.
<i>Westland</i>	Employers are prohibited from discriminating based on family responsibilities.	Westland, Mich., Code of Ordinances § 54-5	Caregivers of family members, including own parents and adult family members	Private (1), city	<i>Family responsibilities</i> is defined as contributing to the support of a person in a family relationship.
<i>Ypsilanti</i>	Employers are prohibited from discriminating based on familial status.	Ypsilanti, Mich., Code of Ordinances § 58-65	Caregivers of family members, including own parents and adult family members	Private (5), city	<i>Familial status</i> is defined as the state of being related by blood or affinity to the fourth degree.
Minnesota	Employers are prohibited from discriminating based on familial status; employers may not request information about familial status.	Minn. Stat. § 363A.08	Parents of children	Private (1); state; state departments, agencies, and political subdivisions	<i>Familial status</i> is defined as living with minor children.
<i>Minneapolis</i>	Employers are prohibited from discriminating based on familial status.	Minneapolis, Minn., Code of Ordinances § 139.40	Parents of children	Private (1), city, city departments	<i>Familial status</i> is defined as living with minor children.
<i>Moorhead</i>	Adopted state law– Employers are prohibited from discriminating based on familial status; employers may not request information about familial status.	Moorhead, Minn., Code of Ordinances § 1-11-2	Parents of children	Private (1), city	<i>Familial status</i> is defined as living with minor children.
<i>St. Paul</i>	Employers are prohibited from discriminating based on familial status.	St. Paul, Minn., Code of Ordinances § 183.03(2)	Parents of children	Private (1), city, city governmental units	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
Mississippi	No state law				
Missouri	No state law				
<i>Columbia</i>	Employers are prohibited from discriminating based on familial status.	Columbia, Mo., Code of Ordinances § 12-34	Parents of children	Private (1), city, city agencies	<i>Familial status</i> is defined as living with minor children.
<i>St. Louis</i>	Employers are prohibited from discriminating based on familial status.	St. Louis, Mo., Code of Ordinances § 3.44.080	Parents of children	Private (6)	<i>Familial status</i> is defined as living with minor children.
Montana	No state law				
<i>Butte-Silver Bow County</i>	Employers are prohibited from discriminating based on familial status.	Butte-Silver Bow County, Mont., Code of Ordinances § 5.68.030	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children.
Nebraska	No state law				
Nevada	No state law				
New Hampshire	No state law				The state has a policy (but not a law) against employment discrimination based on <i>familial status</i> (defined as living with minor children).
New Jersey	No state law; discrimination against state employees based on “familial status” is prohibited by administrative regulation.	N.J. Admin. Code § 4A:7-3.1			<i>Familial status</i> is not defined.
<i>East Orange</i>	The city is prohibited from discriminating based on family status.	East Orange, N.J., Code of Ordinances § 60-123	Caregivers of family members, including own parents and adult family members, who live together	City	<i>Family status</i> is defined as being in a family, which means a spouse, sibling, parent, child, or other near relative who lives with the employee, and a nonrelative under certain circumstances.
<i>Elizabeth</i>	The city is prohibited from harassing employees based on familial status.	Elizabeth, N.J., Code of Ordinances § 2.28.070	Unknown	City	<i>Familial status</i> is not defined.
<i>Maywood</i>	The city is prohibited from discriminating against and harassing employees based on familial status.	Maywood, N.J., Code of Ordinances § 52-59	Unknown	City	<i>Familial status</i> is not defined.
<i>Newark</i>	The city is prohibited from discriminating based on familial status.	Newark, N.J., Code § 2:2-84.6	Unknown	City	<i>Familial status</i> is not defined.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Passaic</i>	The city is prohibited from harassing employees based on familial status.	Passaic, N.J., Code of Ordinances § 35-6	Unknown	City	<i>Familial status</i> is not defined.
<i>Rocky Hill</i>	The borough is prohibited from discriminating against and harassing employees based on familial status.	Borough of Rocky Hill, N.J., Code of Ordinances §§ 24-9, 24-10	Unknown	Borough	<i>Familial status</i> is not defined.
<i>Wanaque</i>	The borough is prohibited from harassing employees based on familial status.	Borough of Wanaque, N.J., Code of Ordinances § 29-22	Unknown	Borough	<i>Familial status</i> is not defined.
New Mexico	No state law				
<i>Angel Fire</i>	Harassment based on familial status will not be tolerated by the village.	Village of Angel Fire, N.M., Code of Ordinances § 2-8-5(B)	Unknown	Village	<i>Familial status</i> is not defined.
New York	Employers are prohibited from discriminating based on familial status.	N.Y. Exec. Law § 296	Parents of children	Private (4), state, political subdivisions	<i>Familial status</i> is defined as living with minor children.
<i>Cazenovia</i>	Harassment of village employees based on familial status is prohibited.	Cazenovia, N.Y., Code of Ordinances § 40-2	Unknown	Village	<i>Familial status</i> is not defined.
<i>Ithaca City</i>	Employers are prohibited from discriminating based on familial status.	Ithaca City, N.Y., Code § 215-3	Parents of children	Private (4), city	<i>Familial status</i> is defined as living with minor children.
<i>New York City</i>	Employers are prohibited from discriminating based on caregiver status.	N.Y.C. Admin. Code § 8-107	Caregivers of family members, including own parents and adult family members, and others who live with the employee and who have a disability and rely on the employee for care	Private (4), city, governmental bodies or agencies	<i>Caregiver status</i> is defined as providing direct and ongoing care for a <i>care recipient</i> , which is defined as a person with a disability who is a covered relative or who lives with the employee and relies on the employee for medical care or the needs of daily living; covered relatives include spouse, partner, parent, sibling, grandparent, parents of the employee's spouse or partner, or any other individual in a familial relationship with the employee.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Rye Brook</i>	The village is prohibited from discriminating based on parental status.	Rye Brook, N.Y., Code § 24-7	Parents of children	Village	<i>Parental status</i> is not defined.
<i>Suffolk County</i>	Employers are prohibited from discriminating based on familial status.	Suffolk County, N.Y., Code of Ordinances § 528-7	Parents of children	Private (4), county, political subdivisions of state	<i>Familial status</i> is defined as living with minor children.
<i>Westchester County</i>	Employers are prohibited from discriminating based on familial status.	Westchester County, N.Y., Code §700.03	Parents of children	Private (4)	<i>Familial status</i> is defined as living with minor children.
North Carolina	No state law				The state has passed a law prohibiting local jurisdictions from enacting anti-discrimination laws.
North Dakota	No state law				
Ohio	No state law				
<i>Akron</i>	Employers are prohibited from discriminating based on familial status.	Akron, Ohio, Code of Ordinances § 38.02	Parents of children	Private (4)	<i>Familial status</i> is defined as living with minor children.
<i>Athens</i>	Employers are prohibited from discriminating based on familial status.	Athens, Ohio, Code of Ordinances § 3.07.62	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children.
<i>Bexley</i>	Employers are prohibited from discriminating based on familial status.	Bexley, Ohio, Code of Ordinances § 637.03	Parents of children	Private (4), city, city departments	<i>Familial status</i> is defined as living with minor children.
<i>Bowling Green</i>	Employers are prohibited from discriminating based on family status.	Bowling Green, Ohio, Code of Ordinances § 39.02	Unknown	Private (5), city, city contractors	<i>Family status</i> is not defined.
<i>Cleveland Heights</i>	Employers are prohibited from discriminating based on familial status.	Cleveland Heights, Ohio, Code of Ordinances § 749.12	Parents of children	Private (4)	<i>Familial status</i> is defined as living with minor children.
<i>Columbus</i>	Employers are prohibited from discriminating based on familial status.	Columbus, Ohio, Code of Ordinances § 2331.03	Parents of children	Private (4), city, city subdivisions	<i>Familial status</i> is defined as living with minor children.
<i>Kent</i>	Employers are prohibited from discriminating based on familial status.	City of Kent, Ohio, Code of Ordinances § 555.02	Unknown	Private (4), state, political subdivisions	<i>Familial status</i> is not defined.
<i>New Carlisle</i>	The city is prohibited from harassing employees based on familial status.	New Carlisle, Ohio, Codified Ordinances § 246.02	Unknown	City	<i>Familial status</i> is not defined.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Olmsted Falls</i>	Employers are prohibited from discriminating based on family status.	Olmsted Falls, Ohio, Code of Ordinances § 623.04	Unknown	Private (1)	<i>Family status</i> is not defined.
<i>St. Clairsville</i>	The city is prohibited from discriminating based on family status.	St. Clairsville, Ohio, Code of Ordinances Article V, Civil Service Comm'n, § 11	Unknown	City	<i>Family status</i> is not defined.
<i>Xenia</i>	Employers are prohibited from discriminating based on familial status.	Xenia, Ohio, Code of Ordinances § 620.03	Parents of children	Private (4), state, political subdivisions of state	<i>Familial status</i> is defined as living with minor children.
Oklahoma	No state law				
<i>Mounds</i>	The city is prohibited from harassing its employees based on familial status.	Mounds, Okla., Code of Ordinances § 2-72	Unknown	City	<i>Familial status</i> is not defined.
<i>Norman</i>	Employers are prohibited from discriminating based on familial status.	Norman, Okla., Code of Ordinances § 7-104	Unknown	Private (1), city, city departments	<i>Familial status</i> is not defined.
<i>Okmulgee</i>	Employers are prohibited from discriminating based on family status.	Okmulgee, Okla., Code of Ordinances § 7.04.030(B)	Unknown	Private (5), city, city departments	<i>Family status</i> is not defined.
Oregon	No state law				The state has a policy against employment discrimination based on <i>familial status</i> (defined as living with minor children).
<i>Beaverton</i>	Employers are prohibited from discriminating based on familial status.	Beaverton, Or., Code § 5.16.020	Unknown	Private (1), state and local governmental bodies	<i>Familial status</i> is not defined.
<i>Benton County</i>	Employers are prohibited from discriminating based on familial status.	Benton County, Or., Code § 28.105	Unknown	Private (1), state and local governmental bodies	<i>Familial status</i> is not defined.
<i>Corvallis</i>	Employers are prohibited from discriminating based on familial status.	Corvallis, Or., Municipal Code § 1.23.050	Unknown	Private (1), state and local governmental bodies	<i>Familial status</i> is not defined.
<i>Eugene</i>	Employers are prohibited from discriminating based on familial status.	Eugene, Or., City Code § 4.620	Parents of children	Private (1); city; city boards, commissions, and authorities	<i>Familial status</i> is defined as living with minor children.
<i>Hillsboro</i>	Employers are prohibited from discriminating based on familial status.	Hillsboro, Or., Municipal Code § 7.28.020	Unknown	Not defined	<i>Familial status</i> is not defined.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Multnomah County</i>	The county is prohibited from discriminating based on familial status.	Multnomah County, Or., Code § 9.060	Unknown	County	<i>Familial status</i> is not defined.
<i>Portland</i>	Employers are prohibited from discriminating based on familial status.	Portland, Or., Code § 23.01.050	Parents of children	Private (1), state and local governmental bodies	<i>Familial status</i> is defined as living with minor children.
<i>Salem</i>	Employers are prohibited from discriminating based on familial status.	Salem, Or., Code of Ordinances § 97.020	Unknown	Private (1), local government body	<i>Familial status</i> is not defined.
<i>Springfield</i>	Employers are prohibited from discriminating based on familial status.	Springfield, Or., Municipal Code § 5.554	Unknown	Private (1); city; city boards, commissions, and authorities	<i>Familial status</i> is not defined.
Pennsylvania	No state law				The state has a policy (but no law) against employment discrimination based on <i>familial status</i> (defined as living with minor children).
<i>Abington</i>	Employers are prohibited from discriminating based on familial status.	Abington, Pa., Code of Ordinances § 99-4	Parents of children	Private (4); township; township departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.
<i>Allegheny County</i>	Employers are prohibited from discriminating based on familial status.	Allegheny County, Pa., Code of Ordinances § 215-32	Parents of children	Private (4); county; county boards, commissions, authorities, and other governmental agencies	<i>Familial status</i> is defined as living with minor children.
<i>Bridgeport</i>	Employers are prohibited from discriminating based on familial status.	Bridgeport, Pa., Code of Ordinances § 40-3	Parents of children	Private (1); borough; borough departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.
<i>Churchill</i>	Employers are prohibited from discriminating based on familial status.	Churchill, Pa., Code of Ordinances § 52-3	Parents of children	Private (1); borough; borough departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.
<i>Conshohocken</i>	Employers are prohibited from discriminating based on familial status.	Conshohocken, Pa., Municipal Code § 6-704	Parents of children	Private (4); borough; borough departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.
<i>Doylestown</i>	Employers are prohibited from discriminating based on familial status.	Doylestown, Pa., Municipal Code § 359	Parents of children	Private (1); borough; borough departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Easton</i>	Employers are prohibited from discriminating based on familial status.	Easton, Pa., Code of Ordinances § 79-3	Unknown	Private (1); city; city departments, boards, and commissions	<i>Familial status</i> is not defined.
<i>Folcroft</i>	Discrimination in employment based on familial status is prohibited.	Folcroft, Pa., Code of Ordinances § 25-21	Unknown	Not defined	<i>Familial status</i> is not defined.
<i>Harrisburg</i>	Employers are prohibited from discriminating based on familial status.	City of Harrisburg, Pa., Code of Ordinances § 4-105.1	Parents of children and caregivers of groups of individuals with disabilities	Private (4); city; city departments, boards and commissions, authorities, school districts, and contractors	<i>Familial status</i> is defined as living with minor children, and includes groups of handicapped individuals who may or may not be related joined in a household unit.
<i>Kennett Square</i>	Employers are prohibited from discriminating based on familial status.	Borough of Kennett Square, Pa., Municipal Code § 26-3	Parents of children	Private (1); borough; borough departments, boards, commissions, and agencies	<i>Familial status</i> is defined as living with minor children.
<i>Lancaster</i>	Employers are prohibited from discriminating based on familial status.	City of Lancaster, Pa., Code § 125-8	Parents of children	Private (4); city; city departments, boards, commissions, and authorities	<i>Familial status</i> is defined as living with minor children.
<i>Lansdowne</i>	Employers are prohibited from discriminating based on familial status.	Borough of Lansdowne, Pa., Code § 38-3	Parents of children	Private (1); borough; borough departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.
<i>New Britain</i>	Employers are prohibited from discriminating based on familial status.	Borough of New Britain, Pa., Code of Ordinances § 27-4	Parents of children	Private (4); borough; borough departments, boards, commissions, agencies, and school districts	<i>Familial status</i> is defined as living with minor children.
<i>Newtown</i>	Employers are prohibited from discriminating based on familial status.	Borough of Newtown, Pa., Code of Ordinances § 20-3	Parents of children	Private (1); borough; borough departments, boards, and commissions	<i>Familial status</i> is defined as living with minor children.
<i>Philadelphia</i>	Employers are prohibited from discriminating based on familial status.	Philadelphia, Pa., Code § 9-1103	Caregivers of family members, including own parents and adult family members	Private (1); city; city departments, boards, and commissions; commonwealth agencies	<i>Familial status</i> is defined as providing care or support to a family member; family members include spouses, partners, parents, grandparents, siblings, and in-laws.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
<i>Phoenixville</i>	Employers are prohibited from discriminating based on familial status.	Phoenixville, Pa., Municipal Code § 6-1103	Parents of children	Private (4); borough; borough departments, boards, commissions, and government agencies	<i>Familial status</i> is defined as living with minor children.
<i>Pittston</i>	Employers are prohibited from discriminating based on familial status.	Pittston, Pa., Code of Ordinances § 49-3	Parents of children	Private (1); city; city departments, boards, commissions, and government agencies	<i>Familial status</i> is defined as living with minor children.
<i>Reading</i>	Employers are prohibited from discriminating based on familial status.	Reading, Pa., Code of Ordinances § 23-506	Parents of children	Private (5); city; city departments, boards, commissions, authorities, and government agencies	<i>Familial status</i> is defined as living with minor children.
<i>State College</i>	Employers are prohibited from discriminating based on familial status and family responsibilities.	Borough of State College, Pa., Code of Ordinances § 5-904	Caregivers of family members	Private (4); borough; political subdivisions; borough departments, boards, commissions, and government agencies	<i>Familial status</i> is defined as living with minor children; <i>family responsibilities</i> is defined as caring for a family member of any age, in the past, present, or future.
<i>Stroudsburg</i>	Employers are prohibited from discriminating based on familial status.	Borough of Stroudsburg, Pa., Code of Ordinances § 1-384	Parents of children	Private (1); borough; borough departments, boards, commissions, and government agencies	<i>Familial status</i> is defined as living with minor children.
<i>West Chester</i>	Employers are prohibited from discriminating based on familial status.	Borough of West Chester, Pa., Code § 37A-3	Parents of children	Private (1); borough; borough departments, boards, commissions, and government agencies	<i>Familial status</i> is defined as living with minor children.
<i>Wilkes-Barre</i>	Employers are prohibited from discriminating based on familial status.	City of Wilkes-Barre, Pa., Code of Ordinances § 14-3	Parents of children	Private (1); city; city departments, boards, commissions, and government agencies	<i>Familial status</i> is defined as living with minor children.
Rhode Island	No state law				
South Carolina	No state law				

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
South Dakota	No state law				
<i>Brookings</i>	Employers are prohibited from discriminating based on familial status.	Brookings, S.D., Code of Ordinances § 2-143	Parents of children	Private (1), state, state political subdivisions and agencies, public bodies	<i>Familial status</i> is defined as living with minor children.
<i>Vermillion</i>	Employers are prohibited from discriminating based on familial status.	Vermillion, S.D., Code of Ordinances § 32.49	Parents of children	Private (1), state, state political subdivisions and agencies, public bodies	<i>Familial status</i> is defined as living with minor children.
Tennessee	No state law				The state has a law prohibiting local jurisdictions from enacting employment protections not covered by state law.
Texas	No state law				
<i>Fulton</i>	Employers are prohibited from discriminating based on familial status.	Fulton, Tex., Code of Ordinances § 22-21	Unknown	Private (15)	<i>Familial status</i> is not defined.
Utah	No state law				
Vermont	No state law				
Virginia	No state law				
<i>Norfolk</i>	The city is prohibited from discriminating in employment based on parental status.	Norfolk, Va., Code of Ordinances § 2.1-1.7	Parents of children	City	<i>Parental status</i> is not defined.
Washington					
<i>Spokane</i>	Employers are prohibited from discriminating based on familial status.	Spokane, Wash., Municipal Code § 18.01.010	Parents of children	Private (1); city; city boards, commissions, and authorities	<i>Familial status</i> is not defined, but <i>family</i> is defined as living with minor children.
<i>Tacoma</i>	Employers are prohibited from discriminating based on familial status.	Tacoma, Wash., Municipal Code § 1.29.050	Parents of children	Private (8), state and local agencies and instrumentalities	<i>Familial status</i> is defined as living with minor children.
West Virginia	No state law				
<i>Charles Town</i>	Employers are prohibited from discriminating based on familial status.	Charles Town, W. Va., Codified Ordinances § 154.03	Parents of children	Private (12)	<i>Familial status</i> is defined as living with minor children.
<i>Moundsville</i>	The city is prohibited from discriminating in employment based on familial status.	Moundsville, W. Va., Code of Ordinances § 155.03	Unknown	City	<i>Familial status</i> is not defined.

State/Local Jurisdiction	Summary of Law ^a	Citation	Caregiver Coverage ^b	Employer Coverage ^c	Comments
Wisconsin	No state law				
<i>De Pere</i>	Employers are prohibited from discriminating based on family status.	De Pere, Wis., Code of Ordinances § 9-1(d)	Caregivers of adult relatives, including own parents, who live together	Private (5)	<i>Family status</i> is defined as a household containing one or more minor or adult relatives (note: this definition may apply to housing, but no other definition is provided for employment).
<i>Madison</i>	Employers are prohibited from discriminating based on familial status.	Madison, Wis., Code of Ordinances § 39.03(8)	Parents of children	Private (1), city	<i>Familial status</i> is defined as living with minor children.
<i>Milwaukee</i>	Employers are prohibited from discriminating based on familial status.	Milwaukee, Wis., Code of Ordinances § 109-9	Parents of children	Private (1)	<i>Familial status</i> is defined as living with minor children.
<i>Mount Horeb</i>	The village is prohibited from discriminating against applicants based on family responsibilities.	Mount Horeb, Wis., Code of Ordinances § 1.08	Unknown	Village	<i>Family responsibilities</i> is not defined.
<i>Racine</i>	Employers are prohibited from discriminating based on familial status.	Racine, Wis., Municipal Code § 62-27	Caregivers of adult relatives, including own parents and adult family members, who live together	Private (1), state, county, town, city, village, districts	<i>Family status</i> is defined as a household containing one or more minor or adult relatives (note: this definition may apply to housing, but no other definition is provided for employment).
Wyoming	No state law				

^aThese summaries of the laws are very brief and focus on only prohibitions that involve employment actions by an employer. The full laws often contain additional parts that may include actions by labor unions and employment agencies, and may also prohibit retaliation, aiding and abetting, advertising activities, and refusal to admit to a training program. The full laws may also detail specific discriminatory activities that employers may not engage in (for example, failure to hire and termination). When taken together, the list of specific activities typically is so broad as to constitute employment discrimination in general, and thus the individual activities have not been individually listed in this summary.

^bThe phrase *parents of children* to describe caregiver coverage is shorthand for what is often a much longer definition that includes adoption, guardianship, residing with a minor with the permission of the minor's parents, being pregnant, and being in the process of adopting or securing guardianship. In addition, some definitions that are summarized in the caregiver coverage column include both actual and perceived characteristics (for example, a law might apply to an employee who lives with a minor child and an employee who is perceived as living with a minor child, even if the employee does not). Coverage that includes caregivers of older family members and adult family members who have disabilities is presented in bold type.

^cThe number after the word *private* in the employer coverage column indicates the minimum number of employees an *employer* must have to be covered by the law. Note that most laws' definitions of employer contain exclusions that are not included in this summary description of *employer* coverage (for example, most laws exclude certain social clubs and religious organizations). Some laws define *employer* to include agents of the employer, which is not included in this summary description.

APPENDIX B. METHODOLOGY

This paper is based on searches of the laws of almost 12,000 state and local jurisdictions from all 50 states and the District of Columbia. The research was conducted between June 4 and October 15, 2019. More detail is provided below.

Objectives

The goal of the research was to cast a broad net across all states, using several methods to discover state and local laws that prohibit employment discrimination against some or all types of family caregivers. Particular attention has been paid to state laws and the laws of the five largest jurisdictions by population in each state. The laws discovered by these methods were then analyzed to determine if they prohibited employment discrimination against employees who provide family care to an aging relative or to an adult family member who has a disability; these laws were then analyzed further to determine the employers covered by them. All information gathered was recorded on a spreadsheet, which informed a table summarizing the findings and a report explaining them.

Data Collection

The selection of jurisdictions was not random; rather, it was based on the availability of information, population size, and likelihood that a relevant law would exist.

Four methods were used to identify relevant state and local laws: review of laws previously identified by research conducted by the Center for WorkLife Law as prohibiting employment discrimination against caregivers; searches of nine online databases of state and local laws; review of the laws of specific jurisdictions, such as the largest cities of each state; and general searches using Google. These methods were supplemented by several communications with local agencies that administer local laws and by searches for cases decided by courts and agencies.

Analysis and Reporting

Each relevant law was analyzed to determine the type of caregiving to which it applied, the employers subject to the law, and the law's effective date. All relevant laws were in effect as of 2019, but many did not include a readily identifiable effective date. The relevant laws were reported in a table, and this paper was written to present background information about the topic and the laws, along with context for understanding the laws and suggestions for future legislation.

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