

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 6, 2007 in Room 231-N of the Capitol.

All members were present except:

Senator James Barnett- excused

Committee staff present:

Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Jim Yonally, Kansas Equality Coalition
Thomas Witt, Kansas Equality Coalition
Jeff Potter
Bonnie Cuevas, Topeka PFLAG

Others attending:

See attached list.

Senator Huelskamp requested a bill introduction that would by February require the Secretary of State set a filing deadline for the Presidential primary and candidate filing deadline.

Senator Reitz moved that this request should be introduced as a committee bill. Senator Vratil seconded the motion. The motion carried.

Senator Vratil requested a bill introduction that concerns eminent domain that would define blight and would allow cities to condemn property.

Senator Vratil moved that this request should be introduced as a committee bill. Senator Reitz seconded the motion. The motion carried.

Senator Brungardt requested a bill introduction that concerns video telecommunications providers; relating to preservation of dedicated bidirectional fiber optic links.

Senator Brungardt moved that this request should be introduced as a committee bill. Senator Vratil seconded the motion. The motion carried.

Staff provided the committee an overview on **SB 163**.

SB 163 - Kansas acts against discrimination; inclusion of sexual orientation

Chairman Brungardt opened the hearing on **SB 163**.

Jim Yonally, representing Kansas Equality Coalition, appeared as a proponent of the bill. (Attachment 1) The bill adds the words "sexual orientation" to a list of discriminatory practices that are currently prohibited by law. These are known as the Kansas Act Against Discrimination, and the law now prohibits discrimination based on race, religion, color, sex, and disability, national origin or ancestry. The second change is to define the phrase "sexual orientation," which is needed to make the bill workable. The definition is on page 4, lines 6 thru 8. This bill does not grant any special privileges to any group of persons, and that banning discrimination based on sexual orientation is added to many different parts of the statutes where other kinds of discrimination are likewise prohibited, and nothing more.

Thomas Witt, Chair, Kansas Equality Coalition, spoke in favor of the bill. (Attachment 2) The coalition works for the elimination of discrimination based on sexual orientation and to amend the Kansas Act Against Discrimination to add protection for sexual orientation, as the need has been shown to protect the

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 6, 2007 in Room 231-N of the Capitol.

fundamental rights of employment, housing, and public accommodations for those who have been and still are targets of discrimination. The act was originally established in 1953, and has been amended at least nine times since then. The bill does not include any amendment to the current affirmative action statutes; there are no quotas, no mandate around benefits that must be offered, and private, fraternal, religious organizations are exempt from this bill. Additionally, this bill does not apply to private organizations such as the Boy Scouts, Elks, and others.

There are currently 27 states, plus Washington DC, that have some level of protection against discrimination based on sexual orientation. Also, there is an active Presidential Executive Order banning discrimination in Federal employment, and across the nation there are more than 200 towns, cities and counties that ban sexual orientation discrimination.

Included with the testimony is a list of Fortune 500 companies that have banned discrimination based on sexual orientation in their workplaces and a policy brief "The Extent of Sexual Orientation discrimination in Topeka, KS," Equal Justice Coalition, 2004.

Mr. Witt explained to the committee that Sandra Stenzel, who came forward to the Senate Judiciary Committee two years ago to testify against the Proposed Marriage Amendment, and her testimony was widely reported in the news media across Kansas; within months of her testimony she was fired for being gay. So coming here to exercise her First Amendment rights was too much and she emailed her apologies and Mr. Witt read part of her email. "The whole thing that happened in 2004 was very painful to me and I am still suffering repercussions today. When I sat down to write some testimony it forced me to relive the whole sorry scene again, and I chose not to deal with it. I cannot think of anything meaningful to say that would make a difference in the Kansas Legislature. Everything I try to write has the smell of anger to it, no matter how hard I try to keep it from not sounding angry but the truth of the matter is that I am indeed still angry and bitter and if you scratch deeper than the surface I guess I can not pretend to not be angry and bitter when I still am." That someone who could not come here today to exercise their First Amendment rights, because the last time that when they did, they lost their whole career, and asked that the committee protect that right.

Jeff Potter spoke in favor of the bill. ([Attachment 3](#)) As a victim of discrimination in the workplace, where he worked as a machinist in a tool and die shop, was very skilled and had a bright future, with hope of buying the company. The owner asked him if he was a homosexual, his answer was "yes"; he was terminated and took away any hope of owning the company. The owner's reason for termination was simple, he did not condone my lifestyle. The state of Kansas offered no legal recourse for him, and by sharing his story in hopes that future gay men and women can lead productive lives and excel in their respective professions without the fear of discrimination.

Bonnie Cuevas appeared in support of the bill. ([Attachment 4](#)) She has two sons, one is straight and one is gay. The young man felt threatened and outraged of the antigay picketers throughout Topeka and how the city, county and state government failed to pass laws and ordinances to protect its gay, lesbian and bisexual citizens against discrimination. After college he left Kansas; because the state does not pass laws to protect its gay and lesbian citizens it is being drained of some of its best and brightest, and it is causing unneeded and unwanted separations of loving families.

Representative Janice Pauls appeared in opposition on the bill. ([Attachment 5](#)) The bill adds a protected class that cannot be easily identified by other persons. The statutes that this bill would amend are:

- the laws on public accommodations (which includes restaurants, bowling alleys, mortuaries, etc)
- housing (single houses not covered if owner owns 3 or few houses)
- employment (for those employing four or more persons)
- employment agencies
- Realtors
- would apply to every contract with the state or cities or counties

This bill has many far reaching effects and would increase "the exercise of the police power of the state" and would urge the committee not to pass the bill.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 6, 2007 in Room 231-N of the Capitol.

Ruth Glover, Kansas Human Rights Commission, provided neutral written testimony on the bill. (Attachment 6)

Chairman Brungardt closed the hearing on **SB 163**.

The meeting was adjourned at 11:45 am. The next schedule meeting is February 7, 2007.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

GUEST LIST

DATE 2-6-07

NAME	REPRESENTING
Jeff Potter	KANSAS EQUALITY COALITION
Kari A-Rinder	Kansas NOW
THOMAS WITT	KANSAS EQUALITY COALITION
Donna Swall	PFLAG + Kansas Equality Coalition
Forrest Swall	" " " "
Sonya Feist	PFLAG " " "
Lynn Feist	PFLAG " " "
Josie Torres	SILCK
Bonnie Cuevas	PFLAG + Ks Equality Coalition
Rudy Cuevas	PFLAG + Ks Equality Coalition
Jim Yonally	Kansas Equality Coalition
Brenda Myers	KS. Human Rights Commission
Ruth Glover	✓ ✓ ✓ ✓
William Minner	KS. Human Rights Commission



www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

Testimony in support of SB 163

Mister Chairman and members of the committee, I'm Jim Yonally, and I am appearing today representing the Kansas Equality Coalition as a proponent on SB 163. I will give a brief explanation of the bill and others will address the need for the bill.

What the bill does is add the words "sexual orientation" to a list of discriminatory practices that are currently prohibited by law. These are known as the Kansas Act Against Discrimination, and the law now prohibits discrimination based on race, religion, color, sex, disability, national origin or ancestry.

The second change this bill makes is to define the phrase "sexual orientation", which is of course needed to make the bill workable. That definition is found on page 4 of the bill, starting on line 6. I'm not an attorney, so if you have any questions about what any words, or phrases in this definition mean, I will refer those to others.

The most important point that I want to make today is that this bill does not grant any special privileges to any group of persons. I know the difference between legislation that grants special privileges and laws that merely prevent discrimination. Many years ago, one of my duties as an assistant superintendent in the Shawnee Mission School District was to draft the district's first affirmative action policies. In that situation, people WERE given special privileges. If two people of equal qualifications had applied for the same job, and one of them was a member of an "affected class" (I think it was called), then the law required that you employ that person. Usually, at that time at least, "affected class" meant a person of racial minority, or a female. THAT law granted special privileges, this bill does not.

Again, you will notice that banning discrimination based on sexual orientation is added to many different parts of the statutes where other kinds of discrimination are likewise prohibited. That's what this bill does, nothing more.

Thank you for this opportunity to be heard on this important issue. I would be happy to stand for questions.



Vote For SB163 The Kansas Act Against Discrimination

www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

- ❖ ***What is the Kansas Act Against Discrimination?*** The Kansas Act Against Discrimination is current state law that prohibits discrimination on the basis of race, religion, color, sex, disability, national origin, ancestry and familial status in housing, employment, and public accommodations. This amendment would simply add sexual orientation to that list to ensure that every Kansan is able to earn a living and living in housing free from discrimination.
- ❖ ***Why Is The Kansas Act Against Discrimination Needed?*** Unfortunately, many gay and lesbian Kansans have been discriminated against in employment and housing. Currently these individuals do not have the ability to file a complaint or seek any redress. This act simply provides the ability for someone to file a complaint and have that complaint investigated if they've been discriminated against.
- ❖ ***How Many Other States Provide Similar Protections?*** 27 other states provide protections from discrimination on the basis of sexual orientation. These states include Illinois, Colorado, Minnesota, Indiana, Montana, Virginia, Nevada, New Mexico, Arizona and many others.
- ❖ ***How Many Places In Kansas Provide These Protections?*** Currently in Kansas, Lawrence provides protection from discrimination based on sexual orientation in all employment, housing, and public accommodations. Mission, KS and Topeka, KS provide protections for municipal employment based on sexual orientation. Shawnee County, KS also provides protection for county employees. In Topeka, KS an attempt to repeal these protections was placed on the March 2005 ballot. A majority of the voters voted to uphold the protections based on sexual orientation.
- ❖ ***Does This Bill Require Quotas or Affirmative Action?*** No. While employers cannot refuse to hire someone because of their sexual orientation under this law, this bill does not amend the current affirmative action measures in Kansas law to include sexual orientation. This bill only provides the ability to file a complaint if someone is discriminated against in employment, housing, or public accommodations.
- ❖ ***Does This Bill Apply To Religious Institutions?*** No. The Kansas Act Against Discrimination has an exception for religious and nonprofit fraternal or social associations. Therefore, religious institutions could not be found to have violated this Act for refusal to hire a person on the basis of their sexual orientation.
- ❖ ***Isn't This Protecting A Choice or Behavior?*** There is much evidence that a person's sexual orientation is intrinsic to them and set before they are 5 years old; however, even if you believe it is a choice the Kansas Act Against Discrimination already covers "choices" in the area of religion and familial status.
- ❖ ***Does Sexual Orientation Discrimination Really Exist?*** Opponents of nondiscrimination legislation make two conflicting claims: 1) discrimination based on sexual orientation does not exist and 2) nondiscrimination laws will lead to a flood of litigation. The General Accounting Office report in 2002 showed that both of these claims were false. Nationally the average percentage of sexual orientation claims is around 2% over the past 5 years in states where these protections exist. This is the same percentage of discrimination claims based on religion and the same percentage of discrimination claims based on color filed in Kansas.

- ❖ ***Wouldn't This Equate Sexual Orientation With Race?*** Racism and anti-gay bias are very different and the history of treatment of people of color is different from that of gay and lesbian individuals, but it does not mean that one group is “more deserving” of not being discriminated against than another. There are many people of color who are also gay and lesbian who would benefit from this nondiscrimination law.
- ❖ ***What Do Kansans Think Of These Protections?*** There is strong support across our state and country for this type of protection. Nearly nine in ten Americans support the principle of sexual orientation nondiscrimination and in the Midwest a poll found that 76.7% of voters supported anti-discrimination protections, while only 17.1% opposed it. In Topeka, KS a majority of voters (52%) vote in favor of keeping protections based on sexual orientation when it was put on the March 2005 ballot.

For more information, contact:

Thomas Witt, Chair
Kansas Equality Coalition
mobile: 316-683-1706
email: Chair@KansasEqualityCoalition.org

Jim Yonally, Lobbyist
Kansas Equality Coalition
mobile: 913-424-6349
email: jly.jcs@sbcglobal.net



Protection From Discrimination Is Needed In Kansas

www.KansasEqualityCoalition.org • 6505 E. Central #219 • Wichita, KS 67206 • (316) 260-4863 • fax (316) 858-7196

There were many individuals who were unable to join us today to testify in front of the committee. These are just a few of the many individuals with stories of discrimination in Kansas. Please support SB 163.

Angel:

Angel was employed in Topeka, KS in a career that she had been very successful at and with a company in which she was considered a top employee. She was moved from one location of the company to another. Upon her move, she quickly became subject to a hostile work environment. She was passed over for a promotion because she "was too 'out' and had worked with a local gay rights group in her spare time". She was subject to harassment by her manager including calling her a "dyke", saying derogatory statements over the communication systems, and threats to fire her. She was eventually fired and lost her health insurance. As a single mother of two children this was incredibly detrimental to them. She filed an internal grievance with her company based on discrimination because the company had a sexual orientation non discrimination policy. The company agreed to a settlement package and was looking into getting her placed at a different location; however, the company then withdrew most of the settlement offer, terminated her position and left her without any recourse. She had an attorney; however, due to the lack of protection for individuals in this situation she was forced to take a very limited offer and scramble to find ways to make ends meet while looking for another job.

Bus discrimination:

A woman, who has asked to remain anonymous due to fear of repercussions, has been having difficulty with a public transportation system. She takes the bus everyday to work because she has no other form of transportation. Some days the driver refuses to pick her up. On other days, when she does get on the bus, he comments that he doesn't want a "dyke" on the bus and allows the other riders to harass her. She has even been physically assaulted on the bus.

Vernon Jantz:

Vernon Jantz is heterosexual, married, and the father of two children. In 1987 and 1988, Jantz often substitute-taught throughout the Wichita school district, including in the Wichita North High School social studies department. When Wichita North announced an opening for a full-time teaching position, Jantz received sterling recommendations from fellow teachers, including the director of the Wichita North social studies department. But the principal's secretary remarked that Jantz reminded her of her ex-husband, who she thought was gay. As a result, the principal hired someone else. When the department director asked the principal why he had not hired Jantz, the principal explained that he had rejected Jantz because of his "homosexual tendencies." Jantz sued the principal in federal court. But lacking anti-discrimination protections covering sexual orientation, Jantz lost his case (976 F.2d 623 (10th Cir. 1992)).

Sandra Stenzel:

Sandra was the Economic Development Coordinator for Trego County, Kansas. Last year, Sandra took a vacation day to come to the Capitol to testify in front of the Senate Judiciary Committee against the Marriage Amendment. Her participation was quoted in several papers across Kansas. Two of the County Commissioners were quoted as saying things such as "No one wants a lesbian running economic development" and that they were going to find a way to

get her out of a job because she was a lesbian. The County Commissioners were opposed by a large majority of the community; however, they still chose to cut all funding to the Economic Development program so that Sandra would lose her job. They have both stated publicly that this was because she was a lesbian. Sandra has no recourse of action and is still fighting this battle.

Jon:

Jon lived in Topeka, KS and was searching for a job online when he ran across an ad for a place that was looking for a bartender. Jon had tended bar for 3 ½ years, so called regarding the job. A woman, who identified herself as the owner, answered the phone. She was very pleasant and interested, especially upon hearing the Jon had previous experience. She asked Jon where he had tended bar and would he give the name and general address of the bar, she asked if it was a gay bar. Jon replied with "Yes ma'am." The woman said, "Oh no. No! No!" And then went on to say "My beer distributor told me that when you get them people in here, they will ruin your business. Don't even bother." Jon, who was confused, went on to ask if he could come fill out an application. The woman told him no and that she did not even want him in her building. The next day, Jon went to Topeka Human Relations Commission to discuss potential options for recourse. He was told that while they wished they could help him, sexual orientation was not covered under the current law and that he could not even file a complaint.

Paul:

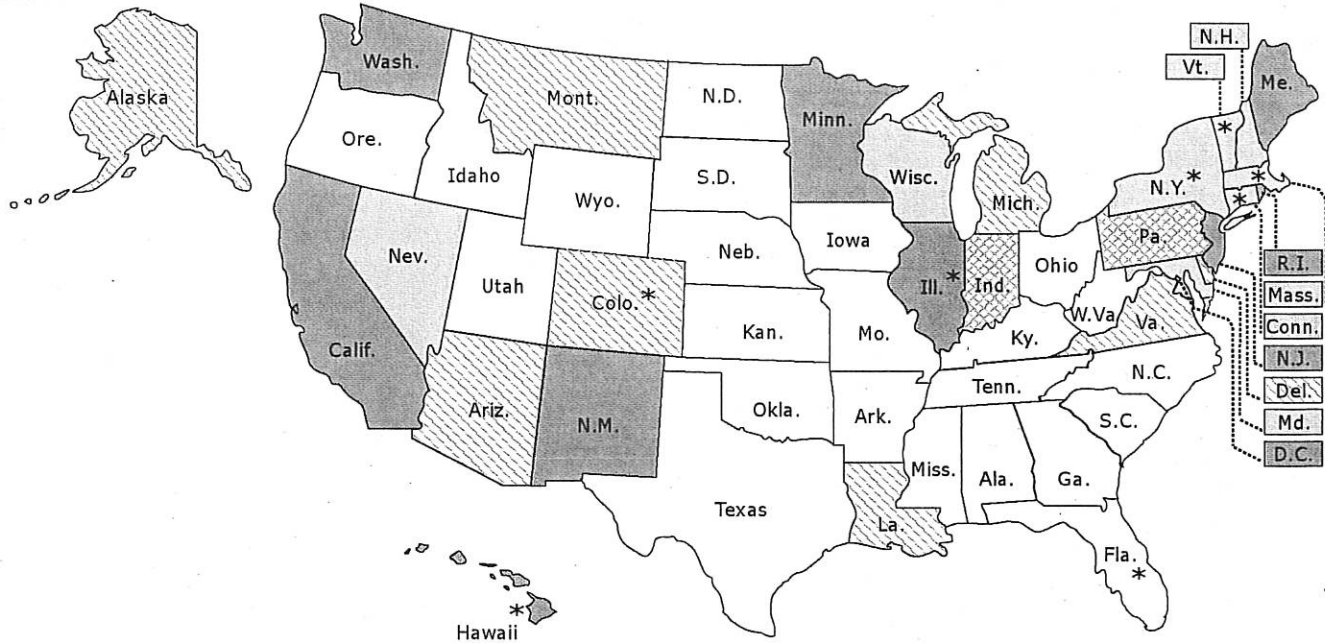
Paul worked for a large department store in Kansas as a sales manager. He had regular positive employee reviews. When his store got a new store manager things seemed fine at first, but a couple of months later Paul was called into his manager's office. She asked him if he was gay. He answered that he was, but did not understand why she was asking. She proceeded to tell him to make sure that he didn't show any signs of being gay while at the store and that she had a "problem with it" and to keep it under "control" while at work. Paul was humiliated, but continued to move on with his job. He worked hard, but began to be targeted by this manager. Over the next two weeks she wrote him up multiple times and eventually fired him. He lost his insurance and it took him six months to find another job in the tough job market.



**HUMAN
RIGHTS
CAMPAIGN®**

1640 Rhode Island Ave. NW
Washington, D.C. 20036
web: www.hrc.org
phone: 202/628-4160
fax: 202/347-5323

Statewide Anti-Discrimination Laws & Policies



States that prohibit discrimination based on sexual orientation and gender identity (9 states and the District of Columbia.) - California (gender identity 2003, sexual orientation 1992), Hawaii (housing - 2005), (public accommodations - 2006)**, Illinois (2005), Maine (2005), Minnesota (1993), New Jersey (gender identity 2006, sexual orientation 1992), New Mexico (2003), Rhode Island (gender identity 2001, sexual orientation 1995), Washington (2006), and D.C. (gender identity 2006, sexual orientation 1973).

States that prohibit discrimination based on sexual orientation (8 states) - Connecticut (1991), Maryland (2001), Massachusetts (1989), Nevada (1999), New Hampshire (1997), New York (2002), Vermont (1992), and Wisconsin (1982).

** Hawaii also prohibits discrimination in employment based on sexual orientation (1991).

States that have an executive order, administrative order or personnel regulation prohibiting discrimination against public employees based on sexual orientation (8 states) - Alaska (2002), Arizona (2003), Colorado (2002), Delaware (2001), Louisiana (2004), Michigan (2003), Montana (2000), and Virginia (2006).

States that have an executive order prohibiting discrimination against public employees based on sexual orientation and gender identity (2 states) - Indiana (2004), and Pennsylvania (2003).

* **State courts, commissions, agencies, or attorney general have interpreted the existing state law to include some protection against discrimination for transgender individuals** (8 states) - Colorado, Connecticut, Florida, Illinois, Hawaii, Massachusetts, New York, and Vermont.



HUMAN
RIGHTS
CAMPAIGN
FOUNDATION

1640 Rhode Island Avenue, N.W.
Washington, D.C. 20036
phone 202 628 4160
fax 202 347 5323

Human Rights Campaign

Date: 02/05/2007

Employers with non-discrimination policies that include sexual orientation

Business Ranking: Fortune 500

Number of Results: 431

	CEI RATING	FORTUNE RANK	ORGANIZATION	CITY	STATE
1	85	101	3M Company	St. Paul	MN
2	50	93	Abbott Laboratories	Abbott Park	IL
3	80	367	Advanced Micro Devices	Sunnyvale	CA
4		221	AES Corp., The	Arlington	VA
5	100	91	Aetna Inc.	Hartford	CT
6	75	471	Affiliated Computer Services	Dallas	TX
7		151	AFLAC Inc.	Columbus	GA
8		399	Agco	Duluth	GA
9	100	319	Agilent Technologies Inc.	Palo Alto	CA
10	75	282	Air Products & Chemicals Inc.	Allentown	PA
11	85	47	Albertson's Inc.	Boise	ID
12		79	Alcoa Inc.	New York	NY
13		376	Allied Waste Industries	Scottsdale	AZ
14	85	58	Allstate Corp., The	Northbrook	IL
15	30	251	ALLTEL Corp	Little Rock	AR
16	71	20	Altria Group, Inc.	New York	NY
17	65	272	Amazon.com, Inc.	Seattle	WA
18		88	Amerada Hess	New York	NY
19		324	Ameren Corporation	St. Louis	MO
20		185	American Electric Power Co. Inc.	Columbus	OH
21	100	69	American Express Co.	New York	NY
22	75	323	American Family Insurance Group	Madison	WI
23	30	9	American International Group Inc.	New York	NY
24		230	American Standard Companies Inc.	Piscataway	NJ
25		27	AmerisourceBergen Corp.	Chesterbrook	PA
26	85	181	Amgen Inc.	Thousand Oaks	CA
27	100	105	AMR Corp (American Airlines)	Fort Worth	TX
28	100	146	Anheuser-Busch Companies, Inc.	St. Louis	MO
29	95	237	Aon Corp.	Chicago	IL
30	100	159	Apple Inc.	Cupertino	CA
31	73	317	Applied Materials Inc.	Santa Clara	CA
32	80	215	Aramark Corp.	Philadelphia	PA
33	15	56	Archer Daniels Midland Co.	Decatur	IL
34		209	Arrow Electronics	Melville	NY

35		242	ArvinMeritor Inc.	Troy	
36		364	Asbury Automotive Group	New York	NY
37		239	Ashland Inc.	Covington	KY
38	100	39	AT&T Inc.	San Antonio	TX
39	30	271	Automatic Data Processing, Inc.	Roseland	NJ
40		115	AutoNation Inc.	Fort Lauderdale	FL
41	25	378	AutoZone Inc.	Memphis	TN
42	100	434	Avaya Inc.	Basking Ridge	NJ
43		393	Avery Dennison	Pasadena	CA
44	30	212	Avnet Inc.	Phoenix	AZ
45	30	281	Avon Products	New York	NY
46		288	B J's Wholesale Club	Natick	MA
47		310	Baker Hughes Inc.	Houston	TX
48	57	374	Ball Corporation	Broomfield	CO
49	100	12	Bank of America Corp.	Charlotte	NC
50	85	278	Bank of New York Co.	New York	NY
51	60	422	Barnes & Noble Inc.	New York	NY
52	73	240	Baxter International Inc.	Deerfield	IL
53	25	292	BB&T Corp.	Winston-Salem	NC
54		202	Bear Stearns Companies Inc., The	New York	NY
55		397	Becton, Dickinson and Company	Franklin Lakes	NJ
56		419	Bed Bath & Beyond Inc.	Union	NJ
57	100	106	BellSouth Corp.	Atlanta	GA
58		13	Berkshire Hathaway Inc.	Omaha	NE
59	100	76	Best Buy Co. Inc.	Richfield	MN
60		465	Big Lots	Columbus	OH
61		330	Black & Decker Corp., The	Towson	MD
62	60	366	Blockbuster Inc.	Dallas	TX
63		387	BlueLinx Holdings Inc.	Atlanta	GA
64		171	BNSF Railway Company	Fort Worth	TX
65	100	26	Boeing Co.	Chicago	IL
66	95	490	Borders Group Inc.	Ann Arbor	MI
67		346	Boston Scientific	Natick	MA
68	100	110	Bristol-Myers Squibb Co.	New York	NY
69		363	Brunswick Corp.	Lake Forest	IL
70		298	Burlington Resources Inc.	Houston	TX
71		379	C. H. Robinson Worldwide	Eden Prairie	MN
72		414	Cablevision Systems Corp.	Bethpage	NY
73	63	275	Calpine Corp.	San Jose	CA
74	80	302	Campbell Soup Co.	Camden	NJ
75	100	187	Capital One Financial Corp.	McLean	VA
76		19	Cardinal Health	Dublin	OH
77	55	60	Caremark RX	Nashville	TN
78		411	Carmax, Inc.	Richmond	VA
79	35	55	Caterpillar Inc.	Peoria	IL
80		149	CBS Corporation	New York	NY
81	57	343	CDW Corporation	Vernon Hills	IL
82		356	Celanese Corp.	Dallas	TX
83	75	114	Cendant Corp.	New York	NY
84		244	CenterPoint Energy Inc.	Houston	TX
85		175	Centex Corp.	Dallas	TX

86	100	418	Charles Schwab Corp., The	San Francisco	
87		413	Charter Communications	St. Louis	MO
88	100	4	Chevron Corp.	San Ramon	CA
89	100	156	Chubb Corp.	Warren	NJ
90	100	130	CIGNA Corp.	Philadelphia	PA
91	55	226	Circuit City Stores, Inc.	Richmond	VA
92	100	83	Cisco Systems Inc.	San Jose	CA
93		384	CIT Group Inc.	New York	NY
94	100	8	Citigroup Inc.	New York	NY
95	100	252	Clear Channel Communications, Inc.	San Antonio	TX
96	100	460	Clorox Company	Oakland	CA
97		344	CMS Energy Services	Jackson	MI
98		481	CNF Inc.	San Mateo	CA
99	100	89	Coca-Cola Company	Atlanta	GA
100	65	120	Coca-Cola Enterprises	Atlanta	GA
101	78	204	Colgate-Palmolive Co.	New York	NY
102	85	94	Comcast Corp.	Philadelphia	PA
103		141	Computer Sciences Corp.	El Segundo	CA
104		143	ConAgra Foods, Inc.	Omaha	NE
105	78	6	ConocoPhillips	Houston	TX
106		472	Conseco Inc.	Carmel	IN
107	100	199	Consolidated Edison Co.	New York	NY
108		125	Constellation Energy Group, Inc.	Baltimore	MD
109	75	207	Continental Airlines	Houston	TX
110	100	373	Coors Brewing Company	Denver	CO
111	100	456	Corning Inc.	Corning	NY
112	93	28	Costco Wholesale Corp.	Issaquah	WA
113	80	122	Countrywide Financial Corp.	Calabasas	CA
114		328	Coventry Health Care	Bethesda	MD
115	95	316	Cox Communications Inc.	Atlanta	GA
116		321	Crown Holdings	Philadelphia	PA
117	40	266	CSX Corp.	Jacksonville	FL
118	100	238	Cummins Inc.	Columbus	IN
119		53	CVS	Woonsocket	RI
120	35	234	Dana Corp.	Toledo	OH
121	80	409	Darden Restaurants	Orlando	FL
122	73	216	Dean Foods Co.	Dallas	TX
123	48	96	Deere & Co.	Moline	IL
124	100	25	Dell Inc.	Round Rock	TX
125	60	77	Delphi Corp.	Troy	MI
126	85	135	Delta Air Lines Inc.	Atlanta	GA
127		294	Dillard's Inc.	Little Rock	AR
128		168	DIRECTV Group, Inc., The	El Segundo	CA
129	60	365	Dole Food Co. Inc.	Westlake Village	CA
130		268	Dollar General Corp.	Goodlettsville	TN
131	95	123	Dominion Resources, Inc.	Richmond	VA
132		342	Dover Corp.	New York	NY
133	100	36	Dow Chemical Co.	Midland	MI
134	80	259	DTE Energy Co.	Detroit	MI
135	65	117	Duke Energy Corp.	Charlotte	NC
136	100	73	DuPont (E. I. du Pont de Nemours)	Wilmington	DE

137		337	Dynergy Inc.	Houston	
138	100	155	Eastman Kodak Co.	Rochester	NY
139		210	Eaton Corp.	Cleveland	OH
140		458	eBay Inc.	San Jose	CA
141		459	Ecolab Inc.	St. Paul	MN
142	35	194	Edison International	Rosemead	CA
143		455	El Paso Corp	Houston	TX
144	70	108	Electronic Data Systems Corp.	Plano	TX
145	100	148	Eli Lilly & Co.	Indianapolis	IN
146	45	249	EMC Corp.	Hopkinton	MA
147		448	EMCOR Group Inc	Norwalk	CT
148	45	126	Emerson Electric Co.	St. Louis	MO
149		335	Enbridge Energy Partners	Houston	TX
150		405	Energy East Corp.	New Gloucester	ME
151		454	Engelhard Corp	Iselin	NJ
152	13	218	Entergy Corp.	Clinton	MS
153		183	Enterprise Products Partners LP	Houston	TX
154	100	340	Estee Lauder Companies	New York	NY
155	80	144	Exelon Corp.	Chicago	IL
156		134	Express Scripts Inc.	Maryland Heights	MO
157		345	Federal-Mogul Corp.	Southfield	MI
158	80	87	Federated Department Stores	Cincinnati	OH
159	55	70	FedEx Corp.	Memphis	TN
160	65	308	Fifth Third Bancorp	Cincinnati	OH
161		284	First American Corp.	Santa Ana	CA
162		224	First Data Corp.	Greenwood Village	CO
163		184	FirstEnergy Corp.	Akron	OH
164		488	Fiserv Inc.	Brookfield	WI
165	40	389	Fisher Scientific International	Hampton	NH
166		169	Fluor	Irving	TX
167		383	Foot Locker	New York	NY
168	100	5	Ford Motor Co.	Dearborn	MI
169		305	Fortune Brands Inc.	Deerfield	IL
170		195	FPL Group Inc.	Juno Beach	FL
171		474	Franklin Resources Inc.	San Mateo	CA
172		480	Freeport-McMoRan Copper & Gold Inc	New Orleans	LA
173	100	368	Freescale Semiconductor Inc.	Austin	TX
174	80	296	Gannett Co. Inc.	McLean	VA
175	100	139	Gap Inc.	San Francisco	CA
176	55	100	General Dynamics Corp.	Falls Church	VA
177	75	7	General Electric Co.	Fairfield	CT
178	100	206	General Mills Inc.	Minneapolis	MN
179	100	3	General Motors Corp.	Detroit	MI
180	15	245	Genuine Parts Co.	Atlanta	GA
181	40	326	Golden West Financial Corp.	Oakland	CA
182	100	41	Goldman Sachs Group Inc., The	New York	NY
183		402	Goodrich Corp.	Charlotte	NC
184		112	Goodyear Tire & Rubber Co.	Akron	OH
185	100	353	Google Inc.	Mountain View	CA
186		361	Group 1 Automotive	Houston	TX
187		467	H&R Block	Kansas City	MO

188	15	262	H. J. Heinz Co.	Pittsburgh	
189		380	Harley-Davidson Inc.	Milwaukee	WI
190	95	309	Harrah's Entertainment Inc.	Las Vegas	NV
191	75	78	Hartford Financial Services Co.	Hartford	CT
192		84	HCA - Hospital Corporation of America	Nashville	TN
193	93	191	Health Net Inc.	Woodland Hills	CA
194		445	Henry Schein	Melville	NY
195	50	442	Hershey Company, The	Hershey	PA
196	100	11	Hewlett-Packard Co.	Palo Alto	CA
197	95	464	Hilton Hotels Corp.	Beverly Hills	CA
198	85	14	Home Depot, Inc.	Atlanta	GA
199	100	71	Honeywell International Inc.	Morristown	NJ
200	29	401	Hormel Foods Corp.	Austin	MN
201		403	Hovnanian Enterprises	Red Bank	NJ
202	40	150	Humana Inc.	Louisville	KY
203		469	IKON Office Solutions	Malvern	PA
204	53	173	Illinois Tool Works Inc.	Glenview	IL
205		72	Ingram Micro	Santa Ana	CA
206	100	49	Intel Corp.	Santa Clara	CA
207		313	InterActiveCorp	New York	NY
208	100	10	International Business Machines Corp.	Armonk	NY
209	85	82	International Paper Co.	Stamford	CT
210	75	348	Interpublic Group of Companies Inc.	New York	NY
211	95	291	ITT Industries Inc.	White Plains	NY
212	50	118	J. C. Penney Company, Inc.	Plano	TX
213	100	17	J.P. Morgan Chase & Co.	New York	NY
214		303	Jabil Circuit	St. Petersburg	FL
215		386	Jacobs Engineering Group Inc.	Pasadena	CA
216		478	Jefferson-Pilot	Greensboro	NC
217	100	32	Johnson & Johnson	New Brunswick	NJ
218		75	Johnson Controls Inc.	Milwaukee	WI
219		425	Jones Apparel Group, Inc.	Bristol	PA
220	15	254	KB Home	Los Angeles	CA
221	50	233	Kellogg Co.	Battle Creek	MI
222	75	325	KeyCorp	Cleveland	OH
223	100	295	Keyspan Corp	Brooklyn	NY
224	85	140	Kimberly-Clark Corporation	Irving	TX
225		498	Kindred Healthcare	Louisville	KY
226		166	Kohl's Corp.	Menomonee Falls	WI
227	35	21	Kroger Co., The	Cincinnati	OH
228	53	301	Land O'Lakes	Arden Hills	MN
229		500	LandAmerica Financial Group Inc.	Richmond	VA
230	20	127	Lear Corp.	Southfield	MI
231	100	62	Lehman Brothers Holdings	New York	NY
232		161	Lennar Corp	Miami	FL
233	100	484	Levi Strauss & Co.	San Francisco	CA
234	100	415	Lexmark International Inc.	Lexington	KY
235		277	Liberty Media Corp.	Englewood	CO
236	70	246	Limited Brands Inc.	Columbus	OH
237	95	396	Lincoln National Corp.	Philadelphia	PA
238	100	440	Liz Claiborne Inc.	New York	NY

239	80	52	Lockheed Martin Corp.	Bethesda	
240		145	Loews Corp.	New York	NY
241		450	Longs Drug Stores Corp.	Walnut Creek	CA
242		42	Lowe's Companies, Inc.	Mooresville	NC
243	100	255	Lucent Technologies Inc.	Murray Hill	NJ
244		136	Manpower Inc.	Milwaukee	WI
245		23	Marathon Oil Corp.	Houston	TX
246	75	203	Marriott International	Bethesda	MD
247	30	186	Marsh & McLennan Companies, Inc.	New York	NY
248		174	Masco Corp.	Taylor	MI
249	93	92	Massachusetts Mutual Life Insurance Company	Springfield	MA
250	88	416	Mattel Inc.	El Segundo	CA
251	85	109	McDonald's Corp.	Oak Brook	IL
252	75	359	McGraw-Hill Companies Inc., The	New York	NY
253		16	McKesson Corp.	San Francisco	CA
254		437	MDC Holdings	Denver	CO
255	80	322	MeadWestvaco Corp.	Stamford	CT
256		51	Medco Health Solutions	Franklin Lakes	NJ
257	75	235	Medtronic Inc.	Minneapolis	MN
258	100	377	Mellon Financial Corp.	Pittsburgh	PA
259	100	95	Merck & Co. Inc.	Whitehouse Station	NJ
260	100	34	Merrill Lynch & Co.	New York	NY
261	100	35	MetLife, Inc.	New York	NY
262	85	334	MGM Mirage	Las Vegas	NV
263	100	48	Microsoft Corp.	Redmond	WA
264	45	479	Mirant Corporation	Atlanta	GA
265	65	327	Mohawk Industries, Inc.	Calhoun	GA
266		336	Monsanto Co.	St. Louis	MO
267	100	30	Morgan Stanley	New York	NY
268	100	54	Motorola Inc.	Schaumburg	IL
269	75	491	Mutual of Omaha Insurance	Omaha	NE
270		457	Nash Finch	Minneapolis	MN
271	58	213	National City Corp	Cleveland	OH
272	100	98	Nationwide	Columbus	OH
273	30	201	Navistar International Corp.	Warrenville	IL
274	100	357	NCR Corp.	Dayton	OH
275	78	74	New York Life Insurance Co.	New York	NY
276	55	332	Newell Rubbermaid Inc.	Atlanta	GA
277		461	Newmont Mining Corporation	Denver	CO
278		86	News Corp.	New York	NY
279	100	163	Nike Inc.	Beaverton	OR
280		289	NiSource Inc.	Merrillville	IN
281	100	293	Nordstrom Inc.	Seattle	WA
282		270	Norfolk Southern Corp.	Norfolk	VA
283	80	304	Northeast Utilities System	Berlin	CT
284	100	67	Northrop Grumman Corp.	Los Angeles	CA
285	65	182	Northwest Airlines Corp.	Eagan	MN
286		116	Northwestern Mutual Life Insurance	Milwaukee	WI
287		177	Nucor Corp.	Charlotte	NC
288		410	NVR Inc.	Reston	VA
289		133	Occidental Petroleum	Los Angeles	CA

290	60	154	Office Depot Inc.	Delray Beach	
291		258	OfficeMax Incorporated	Naperville	IL
292		358	OGE Energy Corp	Oklahoma City	OK
293		406	Omnicare	Covington	KY
294	30	225	Omnicom Group	New York	NY
295		176	ONEOK Inc	Tulsa	OK
296	80	196	Oracle Corp.	San Mateo	CA
297	70	443	Owens & Minor	Mechanicsville	VA
298	100	341	Owens Corning	Toledo	OH
299		312	Owens-Illinois Inc.	Toledo	OH
300		157	Paccar Inc.	Bellevue	WA
301		441	Pacific Mutual Holding Co.	Newport Beach	CA
302		279	Parker Hannifin Corp.	Cleveland	OH
303	53	497	Pathmark Stores Inc.	Carteret	NJ
304		453	Peabody Energy Corporation	St. Louis	MO
305		283	Pepco Holdings	Washington	DC
306		192	Pepsi Bottling Group Inc., The	Somers	NY
307	100	61	PepsiCo Inc.	Purchase	NY
308		349	Performance Food Group Co.	Richmond	VA
309	100	31	Pfizer Inc.	New York	NY
310	100	200	PG&E Corp.	San Francisco	CA
311	93	394	Pitney Bowes Inc.	Stamford	CT
312	73	290	PNC Financial Services Group Inc.	Pittsburgh	PA
313	60	232	PPG Industries	Pittsburgh	PA
314	55	350	PPL Corp.	Allentown	PA
315	25	297	Praxair Inc.	Danbury	CT
316	85	261	Principal Financial Group	Des Moines	IA
317	65	24	Procter & Gamble Co.	Cincinnati	OH
318	53	222	Progress Energy Inc.	Raleigh	NC
319	50	153	Progressive Corp., The	Mayfield Village	OH
320	100	64	Prudential Financial Inc.	Newark	NJ
321		178	Public Service Enterprise Group	Newark	NJ
322		104	Publix Super Markets	Lakeland	FL
323		147	Pulte Homes Inc.	Bloomfield Hills	MI
324	95	381	QUALCOMM Inc.	San Diego	CA
325	80	392	Quest Diagnostics Incorporated	Lyndhurst	NJ
326	70	160	Qwest Communications International Inc.	Denver	CO
327	20	265	R.R. Donnelley & Sons Co.	Chicago	IL
328	40	423	RadioShack Corp.	Fort Worth	TX
329	100	97	Raytheon Co.	Waltham	MA
330		354	Regions Financial	Birmingham	AL
331	50	220	Reliant Energy Inc.	Houston	TX
332	90	280	Reynolds American Inc.	Winston-Salem	NC
333	70	129	Rite Aid Corp.	Camp Hill	PA
334		427	Rockwell Automation Inc.	Milwaukee	WI
335	53	286	Rohm and Haas Company	Philadelphia	PA
336		431	Ross Stores	Pleasanton	CA
337	93	375	Ryder System Inc.	Miami	FL
338		371	Ryerson, Inc.	Chicago	IL
339	75	339	SAFECO Corp.	Seattle	WA
340	70	50	Safeway Inc.	Pleasanton	CA

341		362	Saks Incorporated	Birmingham	
342		198	Sanmina-SCI	San Jose	CA
343	70	111	Sara Lee Corp.	Chicago	IL
344		447	SCANA Corp.	Columbia	SC
345	100	250	Schering-Plough Corp.	Kenilworth	NJ
346		285	Science Applications International Corp.	San Diego	CA
347		489	Sealed Air Corp	Saddle Brook	NJ
348	100	33	Sears Holdings Corporation	Hoffman Estates	IL
349	100	197	Sempra Energy	San Diego	CA
350		494	ServiceMaster	Downers Grove	IL
351		311	Sherwin-Williams Co., The	Cleveland	OH
352	75	331	SLM Corp.	Reston	VA
353		390	Smith International Inc.	Houston	TX
354		205	Smithfield Foods Inc.	Smithfield	VA
355		274	Smurfit-Stone Container Corp.	Chicago	IL
356		227	Solelectron Inc.	Milpitas	CA
357		276	Sonic Automotive Inc	Charlotte	NC
358		165	Southern Co.	Atlanta	GA
359	83	300	Southwest Airlines Co.	Dallas	TX
360	100	59	Sprint Nextel Corp	Reston	VA
361	65	85	St. Paul Travelers Companies, Inc.	St. Paul	MN
362		493	Standard Pacific Corp.	Irvine	CA
363	93	137	Staples Inc.	Framingham	MA
364	85	338	Starbucks Corp.	Seattle	WA
365	100	360	Starwood Hotels & Resorts Worldwide	White Plains	NY
366	60	22	State Farm Group	Bloomington	IL
367	100	307	State Street Corp.	Boston	MA
368		439	Stryker Corp.	Kalamazoo	MI
369	100	211	Sun Microsystems Inc.	Santa Clara	CA
370		66	Sunoco Inc.	Philadelphia	PA
371	100	217	SunTrust Banks Inc.	Atlanta	GA
372	85	113	Supervalu Inc.	Eden Prairie	MN
373		68	SYSCO Corp.	Houston	TX
374	80	29	Target Corp.	Minneapolis	MN
375		81	Teachers Insurance and Annuity Association - College Retirement Equities Fund	New York	NY
376	100	107	Tech Data Corp.	Clearwater	FL
377		433	Temple-Inland	Austin	TX
378		236	Tenet Healthcare	Dallas	TX
379		463	Tenneco Inc.	Lake Forest	IL
380		355	Terex Corporation	Westport	CT
381	80	167	Texas Instruments Inc.	Dallas	TX
382		190	Textron Inc.	Providence	RI
383	85	40	Time Warner Inc.	New York	NY
384		138	TJX Companies, Inc., The	Framingham	MA
385		370	Toll Brothers, Inc.	Horsham	PA
386	45	208	Toys 'R' Us Inc.	Wayne	NJ
387		388	Tribune Co.	Chicago	IL
388		179	TRW Automotive Holdings Corp.	Livonia	MI
389		228	TXU Corp	Dallas	TX
390		80	Tyson Foods, Inc.	Springdale	AR

391	85	131	U.S. Bancorp	Minneapolis	
392	73	124	UAL Corp. (United Airlines)	Elk Grove Township	IL
393	58	164	Union Pacific Corporation	Omaha	NE
394	90	372	Unisys Corp.	Blue Bell	PA
395		214	United Auto Group Inc.	Bloomfield Hills	MI
396	80	44	United Parcel Service, Inc.	Atlanta	GA
397		158	United States Steel Corp.	Pittsburgh	PA
398		468	United Stationers Inc.	Des Plaines	IL
399	40	43	United Technologies Corp.	Hartford	CT
400		37	UnitedHealth Group Incorporated	Minnetonka	MN
401		485	Universal Health Services	King of Prussia	PA
402	78	229	UnumProvident Corp.	Chattanooga	TN
403	100	424	US Airways Group, Inc.	Tempe	AZ
404		420	USG Corp	Chicago	IL
405		15	Valero Energy Corp.	San Antonio	TX
406	85	18	Verizon Communications Inc.	New York	NY
407		333	VF Corp.	Greensboro	NC
408	100	241	Viacom Inc.	New York	NY
409	95	128	Visteon Corp.	Van Buren Township	MI
410		391	W.W. Grainger	Lake Forest	IL
411	100	57	Wachovia Corp.	Charlotte	NC
412	65	2	Wal-Mart Stores Inc.	Bentonville	AR
413	100	45	Walgreens Co.	Deerfield	IL
414	100	63	Walt Disney Co.	Burbank	CA
415	90	99	Washington Mutual, Inc.	Seattle	WA
416	85	170	Waste Management Inc.	Houston	TX
417	80	38	WellPoint Inc.	Indianapolis	IN
418	100	46	Wells Fargo & Co.	San Francisco	CA
419	60	90	Weyerhaeuser Co.	Federal Way	WA
420	100	152	Whirlpool Corp.	Benton Harbor	MI
421	95	449	Whole Foods Market Inc.	Austin	TX
422	65	180	Williams Companies Inc.	Tulsa	OK
423		231	Winn-Dixie Stores Inc.	Jacksonville	FL
424		482	Wm. Wrigley Jr. Co.	Chicago	IL
425		318	WPS Resources Corp.	Green Bay	WI
426	65	119	Wyeth	Madison	NJ
427	75	247	Xcel Energy	Minneapolis	MN
428	100	142	Xerox Corp.	Stamford	CT
429	90	412	Yahoo! Inc.	Sunnyvale	CA
430		263	YRC Worldwide Inc.	Overland Park	KS
431		257	Yum! Brands Inc.	Louisville	KY

These data represent the best efforts of the Human Rights Campaign Foundation to track laws and policies that relate to sexual orientation and gender identity discrimination, and workplace same-sex benefits. Because of the proprietary nature of human resource information and because there is no centralized place where laws and policies must be reported, some entities that have inclusive policies for lesbian, gay, bisexual and transgender Americans may not appear. Also, while every effort is made to confirm the existence of these laws and policies, some may have been included in error. The information offered here is intended for educational purposes only. It does not constitute, and should not in any cases be regarded as or relied upon as, legal, or professional advice. If you require individualized legal advice, the Human Rights Campaign Foundation highly recommends that you consult an attorney.

We encourage readers with additions, corrections, questions or comments to contact: HRC WorkNet at:
HRCWorkNet@hrc.org.



POLICY BRIEF

The Extent of Sexual Orientation Discrimination in Topeka, KS

by Roddrick Colvin



National Gay and Lesbian Task Force Policy Institute

2-15

The Extent of Sexual Orientation Discrimination in Topeka, KS

INTRODUCTION

Ten years after a mayoral task force called for government action to stop discrimination against lesbians and gay men in Topeka, KS, a new survey of 121 gay, lesbian, and bisexual city residents conducted from October 2003 through January 2004 has documented continued widespread sexual orientation discrimination in employment, housing and government services.¹

On July 9, 1993, the Mayor's Task Force on Gay and Lesbian Concerns issued a report on lesbian and gay people in the City of Topeka and their experiences. The report noted that despite being integrated into every aspect of local life, lesbians and gay men faced pervasive harassment and discrimination in Topeka. The report recommended action by the City to help curb harassment and discrimination against lesbian and gay people. Ten years later, harassment and discrimination against gay, lesbian, and bisexual people in Topeka continues, and the city government still has not passed legislation banning discrimination on the basis of sexual orientation and gender identity.

This report is based on an analysis of 121 surveys completed by residents of Topeka from October 2003 to January 2004. This project is the result of collaboration between the Equal Justice Coalition of Topeka and the National Gay and Lesbian Task Force Policy Institute.

The conclusions of the survey are inescapable: discrimination in employment, housing, and public accommodation on the basis of sexual orientation continues to be a problem in the City of Topeka.

1. None of the 121 respondents identified as transgender. Thirty-nine percent were female, 60% male, and 1% identified their gender as "other." Thirty-one percent identified as lesbian, 58% as gay (this includes some women who identified as gay), 10% as bisexual, and 2% as "other."



RESULTS IN BRIEF

- 16% of respondents reported that they were *denied employment* because of their sexual orientation or gender identity
- 11% reported that they were *denied a promotion*, and 18% reported that they were *overlooked for additional responsibilities* at work due to their sexual orientation or gender identity
- One fifth to one third of respondents reported that they *had observed people being denied employment, denied a promotion, or overlooked for additional responsibilities at work* due to their sexual orientation or gender identity
- 15% of respondents reported that they were *fired* because of their sexual orientation or gender identity, and another 24% have observed someone being fired for those reasons
- 35% had received *harassing letters, e-mails, or faxes* at work because of their sexual orientation
- 17% of respondents reported experiencing discrimination *buying or renting a home*, and another 20% observed such discrimination
- 11% of respondents reported that they experienced discrimination *seeking police protection*, and another 27% observed such discrimination
- 29% of respondents had observed discrimination based on sexual orientation *seeking social or government services*. 9% reported experiencing such discrimination

The conclusions of the survey are inescapable: discrimination in employment, housing, and public accommodation on the basis of sexual orientation continues to be a problem in the City of Topeka. This climate has a direct impact on the lesbian, gay, bisexual and transgender community as well as the city at large. These results underscore the need for the City of Topeka to adopt and enforce an ordinance to ban discrimination based on sexual orientation and gender identity.

EMPLOYMENT DISCRIMINATION

In Topeka, sexual orientation bias in employment is pervasive. Sixteen percent of the gay, lesbian and bisexual residents surveyed reported that they were denied employment because of their sexual orientation or gender identity. Fifteen percent reported that they were fired because of their sexual orientation or gender identity. Sixteen percent of respondents reported that their workspace was vandalized, and 24% reported being teased and harassed because of their sexual orientation or gender identity. As a result of a discriminatory work environment, 47% of respondents reported that they had to conceal their sexual orientation or gender identity to protect their jobs.

Forty-seven percent of respondents reported that they had to conceal their sexual orientation or gender identity to protect their jobs.



“My job found out that I was a lesbian and my ‘friend’ that came in every night was my girlfriend. She was told not to come in anymore or I would be fired. And later because she came in I was fired.”

—A lesbian Topeka resident

“I’ve had a boss that told gay jokes about an employee he perceived to be gay. That boss gave the dirty work assignments to that man.”

—A gay Topeka resident

“As soon as my newly appointed Republican boss suspected I was gay, he harassed me until I took a job with another state agency. Prior to that I had three outstanding employee evaluations, but he couldn’t find anything I did right. There was no protection. The various state affirmative action and discrimination offices were a slow-moving joke.”

—A gay Topeka resident

JOB DISCRIMINATION	Personally Experienced	Observed
Terminated	15%	24%
Denied Employment	16%	31%
Denied Promotion	11%	18%
Overlooked for Additional Responsibilities	18%	31%

JOB HARASSMENT AND VIOLENCE	Personally Experienced	Observed
Verbal or Physical Abuse	41%	35%
Vandalized Workspace	16%	22%
Harassing Communications	35%	28%
Teased or Harassed	24%	27%

HOUSING DISCRIMINATION

According to survey respondents, living in Topeka can be a challenge. Residents face numerous difficulties getting settled in the city. The most challenging difficulty is renting an apartment or buying a home. Seventeen percent of survey respondents reported anti-gay discrimination buying a home or renting and apartment in Topeka, and 20% observed such housing discrimination. Furthermore, 20% reported having trouble getting housing and renters’ insurance because of their sexual orientation or gender identity.

HOUSING DISCRIMINATION	Personally Experienced	Observed
Buying/Renting a Home	17%	20%
Seeking Insurance	20%	19%



This discrimination did not end after the survey respondents found a place to live. In fact, 9% of respondents reported moving to a different home within the last five years as a result of harassment and discrimination. Additionally, 33% of survey respondents stopped walking together or holding hands, and 10% left a local house of worship as a result of harassment and discrimination.

PUBLIC ACCOMMODATIONS AND SERVICES

In the sphere of public accommodations, sexual orientation discrimination in Topeka is pervasive and damaging. These survey results suggest that gay, lesbian and bisexual people face hostility and discrimination when they try to access many basic services.

“My boyfriend is not allowed to see his kids anymore because he is gay, and his ex-wife thinks we will do something to the boys.”

—A gay Topeka resident

“My BF [boyfriend] at the time got violent with me. When I called the police, 911 did not seem concerned and when the officers showed up and realized it was a same-sex domestic [incident], they basically laughed, told us to work it out, and left. I did not feel secure.”

—A gay Topeka resident

“[The i]nsurance company cancelled [my] auto insurance after I put a non-related person ([my same-sex] spouse) living in [the] same residence as a principle driver of one of the vehicles I own.”

—A gay Topeka resident

“My son read a book on AIDS in 5th grade and was harassed for years, being singled out by other students and called ‘fag’ and rumors circulated about, ‘He must have AIDS and be a faggot.’ The school system must educate children more in both areas because the parents are definitely not doing their job.”

—A Topeka mother

PUBLIC ACCOMMODATION DISCRIMINATION	Personally Experienced	Observed
Seeking Medical Care	12%	15%
Seeking Police Protection	11%	27%
Applying for Bank Credit or a Loan	4%	9%
Seeking Custody or Visitation Rights	10%	25%



THE CONSEQUENCES OF DISCRIMINATION

The results of the survey reveal the effects of harassment and discrimination on lesbian, gay, and bisexual Topekans. This climate of hostility has a detrimental effect on the lesbian, gay, bisexual and transgender (LGBT) community, and on the City of Topeka as a whole. Almost half (45%) of respondents reported that discrimination had an effect on their physical or emotional health. Furthermore, respondents expressed real concern about discrimination in Topeka. Forty-three percent were “somewhat” or “very” concerned about housing discrimination and 54% were concerned about employment discrimination. Such anxieties about discrimination help to explain the high rates of physical and emotional stress.

Almost half (45%) of respondents reported that discrimination had an effect on their physical or emotional health.

THE POLICY SOLUTION: A NONDISCRIMINATION LAW

While many aspects of discrimination cannot be solved solely through nondiscrimination laws, many of the concerns raised in this report can be addressed with a local ordinance. A comprehensive nondiscrimination law that includes sexual orientation and gender identity or expression could address the pervasive forms of discrimination in employment, housing, and public accommodation documented in this study. Respondents of the survey agree with this assessment: 89 % would prefer a formal remedy to discrimination.

Despite the mayoral commission’s call to action to stop anti-gay discrimination a decade ago, no action has been taken. As this study shows, discrimination on the basis of sexual orientation or gender identity continues to be a problem and a concern of many Topeka residents. Only with corrective action and enforcement of nondiscrimination statutes by local government can Topeka decrease anti-gay harassment and discrimination in Topeka.

A comprehensive nondiscrimination law could address the pervasive forms of discrimination documented in this study.

METHODOLOGY

The findings in this report are based on 121 surveys completed and returned to the Equal Justice Coalition of Topeka. The National Gay and Lesbian Task Force Policy Institute then analyzed these survey data. Five hundred surveys were distributed, with an acceptable response rate of 24%. While not identical, the socioeconomic demographics of respondents closely resemble the Census data for the City of Topeka. This suggests that the respondents of the survey closely match the population of lesbian, gay, bisexual and transgender people in Topeka.

2. Respondents were asked what, if any, corrective action they would prefer if they experienced harassment or discrimination. Eighty-nine percent selected register a complaint, file a lawsuit, or going to a Human Rights Commission. Eleven percent preferred some other option.



SURVEY DEMOGRAPHICS

AGE	Number	Percent
18-24	30	25%
25-34	27	23%
35-44	32	27%
45-54	19	16%
55-64	10	8%
65-74	2	2%
75+	0	0%

RACE	Number	Percent
White	87	73%
Latino/a or Hispanic	12	10%
Multi-racial	10	8%
African American	6	5%
Native American	4	3%
Other	1	1%
Middle Eastern/Arab	0	0%
Asian Pacific Islander	0	0%

GENDER	Number	Percent
Male	73	60%
Female	47	39%
Transgender or Intersex	0	0%
Other	1	1%

SEXUAL ORIENTATION	Number	Percent
Gay	69	58%
Lesbian	37	31%
Bisexual	12	10%
Other	2	2%
Questioning	0	0%

EDUCATION	Number	Percent
Some High School	5	4%
High School	15	13%
Some College	51	43%
Two Year Degree	7	6%
Four Year Degree	25	21%
Post Graduate Work	8	7%
Post Graduate Degree	9	8%

EMPLOYMENT	Number	Percent
Part-time	11	9%
Full-time	69	57%
Self Employed	10	8%
Retired	6	5%
Stay Home Parent	0	0%
Unemployed	15	12%
Student	7	6%
Other	3	2%

CONTRIBUTORS

AUTHOR

Roddrick A. Colvin, Ph.D.
Research Director, National Gay & Lesbian Task Force Policy Institute

EDITORS

Sean Cahill Jason Cianciotto

EQUAL JUSTICE COALITION: DATA COLLECTION AND SUPPORT

Tom Cyphert Tiffany Muller Todd Reeves

TASK FORCE STAFF AND RESEARCH FELLOWS

Chris Chen Rodney McKenzie
Natasha Johnson-Lashley Frank Roberts Dawn Walsh

PUBLISHERS

EQUAL JUSTICE COALITION

P.O. Box 5806
Topeka, KS 66605-5806
Tel 785 221 2559
www.topekaejc.org
TopekaGLBTRights@aol.com

NATIONAL GAY AND LESBIAN TASK FORCE

New York, NY
121 West 27th Street, Suite 501
New York, NY 10001
Tel 212 604 9830
Fax 212 604 9831

Washington, DC
1325 Massachusetts Avenue NW, Suite 600
Washington, DC 20005-4171
Tel 202 393 5177
Fax 202 393 2241

Policy Institute
214 West 29th Street, 5th Floor
New York, NY 10001
Tel 212 402 1136
Fax 212 228 6414

Los Angeles, CA
5455 Wilshire Boulevard, Suite 1505
Los Angeles, CA 90036
Tel 323 954 9597
Fax 323 954 9454

Cambridge, MA
1151 Massachusetts Avenue
Cambridge, MA 02138
Tel 617 492 6393
Fax 617 492 0175

thetaskforce@thetaskforce.org
www.thetaskforce.org



3

Jeff Potter
Testimony in Support of SB163
Kansas Act Against Discrimination
Senate Federal and State Affairs Committee
February 6, 2007

Good morning Senator Brungardt and members of the committee. Thank you for the opportunity to speak to you today.

My name is Jeff Potter and I am a victim of discrimination in the workplace. Last year I was employed as a machinist in a tool and die shop and being very skilled in every aspect of my trade I became an integral part of the business. Within six months I was given a raise and many verbal commendations on my performance. My co-workers were pleased with my progress and I too felt comfortable in a job that allowed me to grow, a job with challenges and benefits that left me fulfilled and confident of my job security. Within a year I had two raises and a comprehensive insurance plan, a good working relationship with my co-workers and an overall feeling of satisfaction.

The opportunity to purchase the business was talked about and I was courted as a future co-owner of the business. The owner opened his books and allowed us to see how he ran his business in hopes that we would purchase it from him. This alone led me to believe that my services were above par and that my integrity and loyalty to the business were taken seriously.

My skills as a machinist and my willingness to learn how to operate a business such as this held for me a bright future and I put all that I had into it. My sexual orientation was never brought up in the workplace as I am a very private person and believe that my personal life should be just that, personal. I was well into my second year and learning more about the operations of the business while still being groomed to buy it when the owner asked me if I was a homosexual. My answer was "yes." He then terminated my employment and took away any hope of purchasing his business. His reason for my termination was simple, he did not condone my lifestyle. His personal feelings towards my sexual orientation left me without a job, without insurance and without a way to support myself. I was very disappointed to find the state of Kansas offered no legal recourse for me.

Never before have I felt so alone, abandoned and vulnerable. My livelihood was taken away from me because of discrimination. The state of Kansas is my birthplace and I was raised here, my family and friends are here and I have always been proud to call Kansas my home. When I looked to the state for help in this matter I learned how alone I really was.

I did not ask to be born this way and it certainly was not a conscious choice, however I am proud to be who I am and should not be judged or discriminated against for something I cannot change. I am sharing with you my trials in the hopes that future gay men and women can lead productive lives and excel in their respective professions without the fear of discrimination. Thank you for your time.

Jeff Potter
205 E.9th
Horton, Ks.66439
785-486-2816

Sen Fed & State

Attachment 3
2-6-07

Bonnie Cuevas
Testimony in Support of SB163
Kansas Act Against Discrimination
Senate Federal and State Affairs Committee
February 6, 2007

Good morning Senator Brungardt and members of the committee. Thank you for the opportunity to speak to you today.

My name is Bonnie Cuevas. My husband Rudy and I have been married for 38 years and have two sons. One is heterosexual and one is gay.

Our younger son first told us he was gay when he was only 11 years old. At the time my husband and I did not believe such a young boy knew what he was talking about so we dismissed it and remained in denial for 7 years. At the age of 18, just before leaving for college, he had another conversation with his dad and me confirming to us that he was indeed gay. He is now 30 years old and we have had many conversations since his coming out. He told us the horror he felt as a young man when he saw the threatening signs carried by antigay picketers throughout Topeka and how outraged he was that the city, county and state governments failed to lift a hand in response by passing laws and ordinances to protect its gay, lesbian and bisexual citizens against discrimination.

Through his college years he would come home to Topeka for the summer to work at various local businesses. He would come home from work and tell us that it was common for management and employees at some of these businesses to tell derogatory jokes about gay people and how he feared being fired if anyone ever found out he was gay. He spoke often of the fact of how difficult it was for gay and lesbian people to live and work in Kansas because there were no laws to protect them from being fired from their jobs and refused public accommodations simply because of their sexual orientation. Our son concluded that after college he would leave Kansas and never return here to live or work and that is exactly what he did. He has lived out of state for several years now and we miss him desperately and grieve that we do not have him here with us to share weekly family dinners, birthdays and landmark family celebrations. He became an uncle for the first time five months ago when his brother and his wife had a baby. We all find it extremely painful that he cannot be here more often than once or twice a year to be part of his nephew's life.

My husband and I have met scores of families throughout the state of Kansas who have gay, lesbian and bisexual children and the commonality among us is that most of our children have moved out of Kansas. All of our gay children are well educated and have taken their educations and talents to other states that offer them the basic human rights and protections that our heterosexual children have always enjoyed. Because Kansas does not pass laws to protect its gay and lesbian citizens it is being drained of some of its best and brightest and it is causing unneeded and unwanted separations of loving families. We desperately miss our children and want them to come back to Kansas but

more importantly we want them to be safe and enjoy the full equality they deserve. We do not want them to live in a state where they go to work every day wondering if this will be the day they get fired because their employer found out they are gay or go home at night wondering if this is the day they will be evicted from their apartment because their landlord found out they are gay. No human being should have to live under that kind of fear and anguish especially in the United States of America. It does not make sense that we are now fighting a war in Iraq to establish democracy and freedom for its citizens while in the United States our gay and lesbian citizens have not yet been granted full equality under the law. Please make equality in Kansas a reality for all of its citizens by passing this law now and making it possible for us to welcome our children back to Kansas where all of our family members both gay and straight, can enjoy fairness, freedom from discrimination and equality under the law.

Thank you for your time.

Bonnie Cuevas
Topeka, Kansas

STATE OF KANSAS



TOPEKA

HOUSE OF REPRESENTATIVES

JANICE L. PAULS

REPRESENTATIVE, DISTRICT 102

TOPEKA ADDRESS:

STATE CAPITOL, SUITE 420 SOUTH

TOPEKA, KANSAS 66612-1504

(785) 296-7657

HUTCHINSON ADDRESS:

1634 N. BAKER

HUTCHINSON, KANSAS 67501-5621

(620) 663-8961

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER:

JUDICIARY

MEMBER:

HOUSE RULES AND JOURNAL

COMMERCE AND LABOR COMMITTEE

JOINT HOUSE AND SENATE COMMITTEE

ON JUVENILE JUSTICE AND CORRECTIONS

OVERSIGHT

JOINT HOUSE AND SENATE COMMITTEE

ON ADMINISTRATIVE RULES AND

REGULATIONS

MEMBER OF KANSAS SENTENCING COMMISSION

CHAIR:

NATIONAL CONFERENCE OF STATE

LEGISLATORS COMMITTEE ON LAW AND

CRIMINAL JUSTICE

Testimony before the Senate Committee on Federal and State Affairs on SB 163 February 6, 2007

Chairman Brungardt, and committee members, thank you for the opportunity to appear before your committee today to oppose the provisions of SB 163.

Kansas has followed the Federal Law against discrimination, and has not added the term "sexual orientation" to our protective classes. The Kansas Act Against Discrimination prevents discrimination against its citizens on the basis of race, religion, color, sex, disability, national origin and ancestry. Also we have an additional act that prevents discrimination on the basis of age. SB 163 would add "sexual orientation" to the protected groups. The bill states "sexual orientation" means "male or female heterosexuality, homosexuality or bisexuality by inclination, practice or expression; or having a self image or identity not traditionally associated with one's gender." I'm not sure why heterosexuals need to be added to a protective class, as having sexual desires toward the opposite sex seems to place one in the mainstream of society. The way this is worded almost all of society would fall into this new protected class. The term "self image" is another term that could be difficult to apply. We really don't know what someone's self image is unless that person expressed the image either verbally or in some action. Perhaps this defense gets to the heart of the problem with this bill. It adds a protected class that cannot be easily identified by other persons.

A couple of years ago a black man testified in the house committee on "sexual orientation". He said, "I don't get up in the morning and decide if I'm black or not." He pointed out that he has no choice as to whether he is black. Those of a different sexual orientation are not visible in our society unless they choose to be so. The last phrase in the new definition says "...having a self-image or identity not traditionally associated with one's gender." There is a man in Hutchinson who is often seen on his bike about town wearing a skirt, (not a kilt.) Perhaps that is a clear situation that would match this new definition. However, a woman dressing in a somewhat masculine way, would possibly fit or not fit under this definition causing further uncertainty in this law.

The statutes that this bill would amend are:

- (1) the laws on public accommodations, (which include restaurants, bowling alleys, mortuaries, etc.)
- (2) housing (single houses not covered if owner owns 3 or fewer houses).
- (3) employment (for those employing four or more persons)
- (4) employment agencies

(5) realtors

(6) would apply to every contract with the state or cities or countries.

This bill would increase “the exercise of the police power of the state” as stated in the current law. The commission can investigate complaints filed by individuals or their attorneys, or by the attorney general. Religious groups are not covered in the section on public accommodation, but are covered under employment practices. Schools, labor unions and all businesses employing more than four individuals are covered.

All advertising (even for housing not covered) must not advertise in a discriminatory matter.

The law requires that commission to work with the state department of Education to set up an educational program to discourage discrimination against covered groups. The commission is also required to do publications and set up councils to prevent discrimination.

Those who fail to follow this act can be fined up to \$2000.00 and be required to hire the individual, pay back pay, and other remedies. It also makes this a crime.

This bill has many far reaching effects and I would urge the committee not to pass it. The majority of individuals in the state do not want to give more rights to a certain class that does not need to be protected by the state. If an individual does not want to hire or rent to someone who doesn't reflect their own beliefs, why do we want to force this new set of standards on our citizens. If a store owners believe that hiring a man who cross-dresses would effect their business adversely, why would the state interfere. If an employer doesn't hire someone who they did not know was homosexual, why give them another cause to sue?

6

ERROL V. WILLIAMS, Chairman
 TOPEKA
 BETH M. BRADRICK, Ph.D.
 PITTSBURG
 DAVID A. HANSON
 TOPEKA
 CLYDE HOWARD
 MANHATTAN
 LOU ANN THOMS
 TOPEKA
 ANTHONY VILLEGAS, SR.
 KANSAS CITY
 JEROME WILLIAMS
 WICHITA

TTY (785) 296-0245
 FAX (785) 296-0589
 800# 1-888-793-6874



K A N S A S

KANSAS HUMAN RIGHTS COMMISSION

**LANDON STATE OFFICE BLDG. - 5TH FLOOR
 900 S.W. JACKSON - SUITE 568 S.
 TOPEKA, KANSAS 66612-1258
 (785) 296-3206
 www.khrc.net**

KATHLEEN SEBELIUS, GOVERNOR

WILLIAM V. MINNER
 EXECUTIVE DIRECTOR
 RUTH GLOVER
 ASSISTANT DIRECTOR
 BRANDON L. MYERS
 CHIEF LEGAL COUNSEL
 JUDY FOWLER
 SENIOR LEGAL COUNSEL
 CATHERINE A. WALTER
 STAFF ATTORNEY
 BILL WRIGHT
 TOPEKA INVESTIGATIVE
 ADMINISTRATOR
 ORIE KIRKSEY
 TOPEKA INVESTIGATIVE
 ADMINISTRATOR
 JANE L. NEAVE
 WICHITA INVESTIGATIVE
 ADMINISTRATOR
 RICK FISCHLI
 RACIAL AND OTHER PROFILING
 ADMINISTRATOR
 BETH MONTGOMERY
 OFFICE MANAGER

**TESTIMONY OF THE KANSAS HUMAN RIGHTS COMMISSION
 REGARDING
 S.B. 163
 FEBRUARY 6, 2007.**

Staff Attending Hearing: William V. Minner, Executive Director
 Brandon L. Myers, Chief Legal Counsel
 Ruth Glover, Assistant Director

S.B. 163 proposes to amend the Kansas Act Against Discrimination (K.S.A. 44-1001, et seq., hereinafter referred to as "KAAD") to add provisions prohibiting discrimination on the basis of "sexual orientation" with regard to employment, housing and public accommodations. "Sexual orientation" is defined in section 2 of the bill as "male or female heterosexuality, homosexuality, or bisexuality by inclination, practice or expression; or having a self-image or identity not traditionally associated with one's gender". As such, the proposal would protect individuals based upon what is commonly referred to as sexual orientation and/or gender identity.

The Kansas Human Rights Commission (hereinafter referred to as "KHRC") is responsible for administering and enforcing the provisions of the KAAD. KHRC is committed to its mission of preventing and eliminating discrimination and segregation in the State of Kansas and opposes discrimination which prevents individuals from obtaining employment for which they qualify, or that prevents persons from obtaining housing and the services of public accommodations which they can afford. KAAD sets forth several impermissible considerations (for example, race, sex, color, ancestry, national origin, religion, disability, genetic screening/testing results, retaliation and age, per the Kansas Age Discrimination in Employment Act) which generally cannot form the basis for adverse employment decisions. Similar prohibitions exist as to decisions regarding housing or provision of goods and services of a place of public accommodation, although age and genetic testing/screening prohibitions only apply to employment and there are additional prohibitions against discrimination in housing on the basis of familial status. The current bill would expand the list of impermissible considerations from which individuals would be protected in this regard.

Sen Fed & State

Attachment 6

2-06-07

Federal employment laws, specifically Title VII of the Civil Rights Act of 1964, and the federal Fair Housing Act, do not prohibit discrimination based on sexual orientation. Federal civil rights laws do not protect against discrimination based upon sexual orientation in regard to public accommodations.

The City of Lawrence, Kansas, currently prohibits discrimination based upon sexual orientation. We are not aware of any other Kansas municipalities that provide such protection. The City of Topeka considered prohibiting discrimination based upon sexual orientation as part of their local ordinance in the recent past, but opted to limit the prohibition to internal City hiring practices.

Other local governmental entities and businesses may have ordinances or policies prohibiting sexual orientation discrimination in their own employment practices.

The neighboring states of Colorado, Missouri, Nebraska, and Oklahoma do not have statutory provisions prohibiting discrimination based on sexual orientation. The Iowa Civil Rights Commission, as of January 31, 2007, reports that proposed legislation prohibiting discrimination based on sexual orientation is at the subcommittee level and is being actively lobbied both pro and con in their currently ongoing legislative session.

Although we were unable to survey all states due to time constraints, we were able to identify fourteen states (California, Connecticut, Hawaii, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Wisconsin) and the District of Columbia that have some type of statutory prohibition or accept complaints of discrimination based upon sexual orientation and/or gender identification in the areas of employment, public accommodation, and/or housing.

The KAAD, as currently composed, constitutes a statement of the public policy of Kansas which disfavors discriminatory conduct. Should the Legislature and Governor choose to expand the public policy of the State of Kansas as proposed by S.B. 163, the Commission stands ready to enforce the provisions of the bill, subject to the proviso that there is an expansion of budget and personnel resources provided to KHRC to handle anticipated increases in the number of complaints filed with KHRC, as more fully set out in the Fiscal Note accompanying S.B. 163. Although KHRC did not seek the introduction of the bill, KHRC would not oppose its adoption in light of the above.

As an unbiased, fact-finding, investigative body, the KHRC has taken a neutral stance on the proposed legislation. It is vital that "Probable Cause" or "No Probable Cause" determinations made in regards to complaints filed with this agency be accepted with credibility. Therefore, we have not taken a stance on this bill in order to avoid presumptions that we may favor one side or the other if this legislation is adopted.

With fairly minimum expansion of resources, KHRC believes it could implement the provisions of S.B. 163 without significant concerns that the new provisions would return the agency to the days of an extensive backlog of cases. However, it is impossible to predict with absolute certainty, the number of complaints that might be filed based upon these new provisions in the law, so that would have to be monitored and addressed through the budget process as appropriate in the future. As with any expansion to the KAAD, we can be fairly certain that complaints testing the legislation will be filed and will need to be processed, placing demands on agency resources and personnel.

We queried several states about the number of complaints they received alleging discrimination based upon sexual orientation and/or gender identity. Based on the number of complaints they received for their

population, we expect to receive approximately 50 additional complaints per year and 440 additional inquiries should the proposed legislation be enacted.

The projected receipt of 50 sexual orientation complaints and 440 inquiries represents an increase of five percent over the Fiscal Year 2006 level of 1,076 complaints received and a five percent increase over the 9,509 public contacts made. Given that Special Investigators currently have annual quotas of 36-72 completed complaints, based on various criteria, and we expect to receive 50 additional complaints per year and 440 additional inquiries, the additional workload cannot be absorbed within current funding and personnel levels. We anticipate that two additional FTE at a cost of \$101,882 in State General Fund will be needed in Fiscal Year 2008 to implement the provisions of SB 163.

We will be glad to answer any questions that you might have.