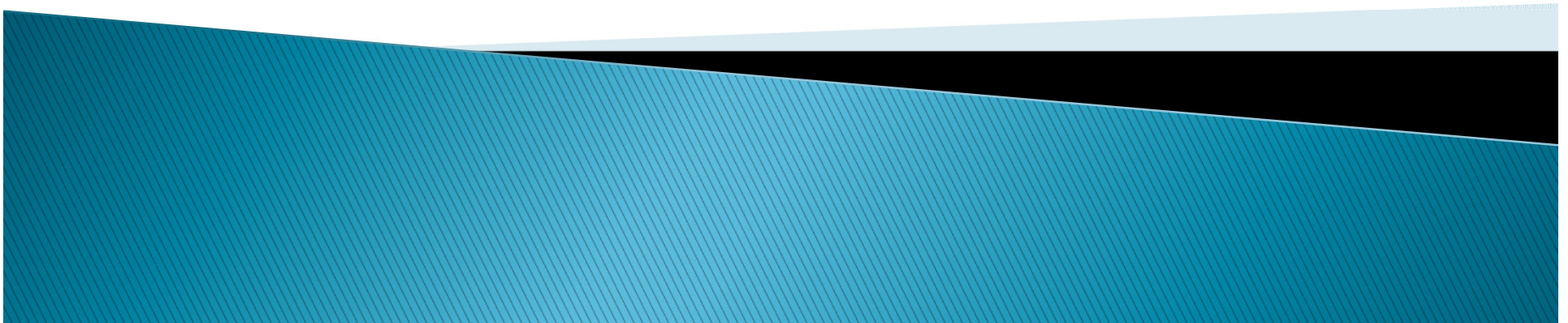


# Walking the Talk: Do Public Systems Have the Infrastructure Necessary to Implement and Enforce LGBT and Gender Identity Rights?

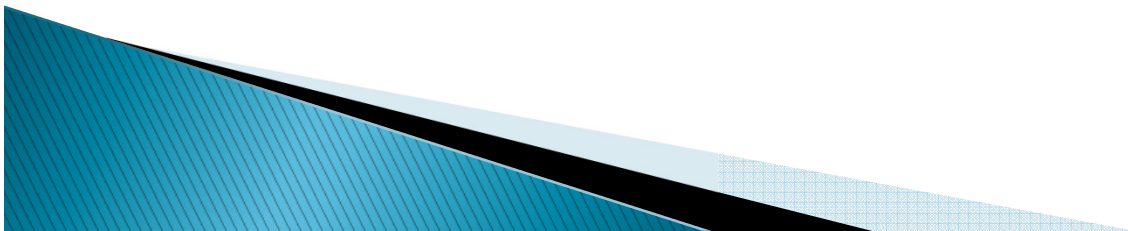
Journal of Public Management and Social Policy symposium:  
Has Public Administration Grown Up? A Case for Sexual Orientation/Gender  
Identity and the Intersection of Public Administration in the 21<sup>st</sup> Century  
Volume 19, Issue 1/Spring 2013

Kristen Norman–Major, Professor  
Carol Becker, Instructor  
Hamline University School of Business



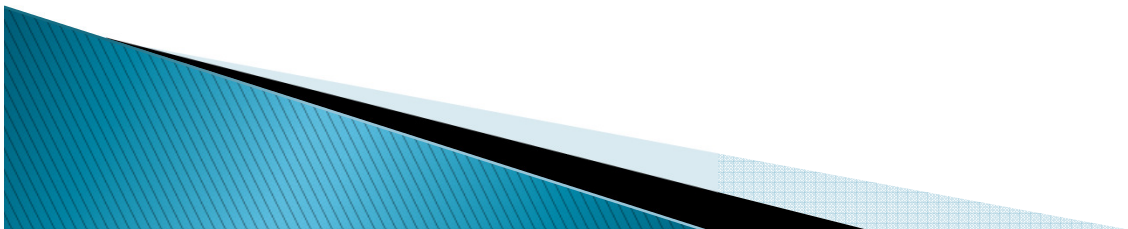
# The Issue and Question

- ▶ Public policies need public administration infrastructure in place to implement them.
- ▶ Are the necessary systems in place to support and enforce LGBT rights as policies evolve?



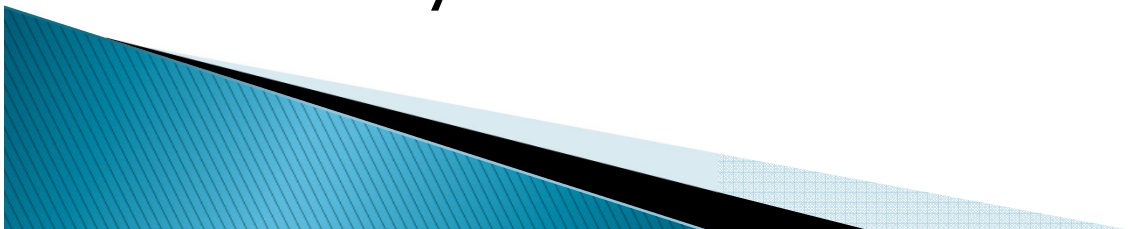
# Challenges

- ▶ Remaining value-free while working in cultures that are diverse and often still highly discriminatory;
- ▶ Lack of overarching federal policy that leaves action up to states and localities that often have conflicting policies;
- ▶ How can public administrators be democratically responsive in a society that is profoundly split on its perspectives on gays and lesbians in our society



# LGBT Rights in the U.S.

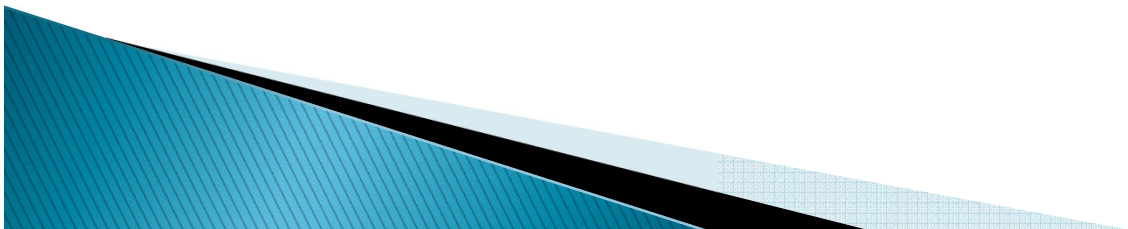
- ▶ Federal Law prohibits discrimination based on:
  - Race
  - Sex
  - Religion
  - National Origin
  - Age
  - (Dis) ability
- ▶ There is no corresponding national protection based on sexual orientation or gender identity



# Limited Federal Protections

- ▶ EEOC Enforcement of Title VII of 1964 Civil rights Act
  - *Veretto v. Donahoe*, July 2011 expands Title VII to sexual orientation
  - *Macy v. Holder*, 2012 expands Title VII to Gender Identity

Rulings only apply to employment discrimination, not other forums such as housing, public accommodation, lending, health care or employee benefits



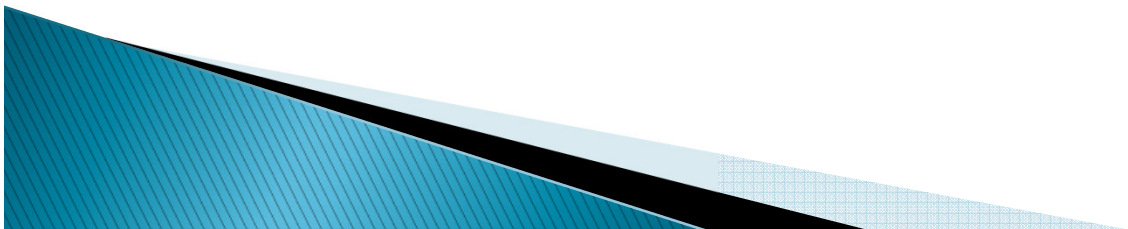
# State and Local Policies

- ▶ Inconsistencies
- ▶ Lack of “full faith and credit”
- ▶ Economy, Efficiency, Effectiveness, Equity



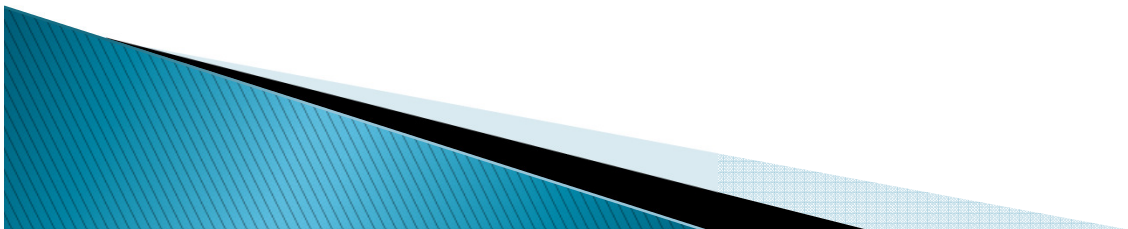
# Regional Differences

- ▶ <http://www.guardian.co.uk/world/interactive/2012/may/08/gay-rights-united-states>
- ▶ Marriage Equality helps but not complete rights
- ▶ Discrimination cases 2–5% of all cases
- ▶ Many states without LGBT protections
- ▶ Lack of Enforcement?



# Policy Challenges

- ▶ Family Status—state v. federal v. local/employer
- ▶ Nepotism policies
- ▶ Health care





# Conclusions

- ▶ Core of Public Administration is serving the “public”
  - Non-excludability
- ▶ Jurisdictional differences prohibit effective, efficient, economical and equitable policy implementation
- ▶ Parallel to 1964 Civil Rights

