

Increasing Discrimination Obligations Coming From State And Municipal Levels

April 1, 2013 | [Employment Discrimination, Labor And Employment](#)



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In [this recent *Metropreneur Columbus*](#) article, I talked about the long term trend for forms of discrimination to only increase. Rarely since the passage of Title VII in 1964 has a cause of action for discrimination been taken away. As discussed more in the article, current manifestations of this long term trend include laws at various levels to protect employees against discrimination on the basis of their sexual orientation or identity, or on the basis of their unemployed status. Many of these particular initiatives are on the local or federal levels. For example, New York City's Council has passed an unemployment discrimination measure, though Mayor Bloomberg is fighting that measure.

This highlights what seems to be another trend – more employment law initiatives on the state and local level. Certain issues such as noncompete agreements and substance abuse testing have historically been addressed at the state level, but the level of activity below the federal level seems particularly high in recent years. New York City is also reported to be considering a paid sick leave measure. (Mayor Bloomberg has promised to veto that as well.) Seattle passed such a measure earlier this year.

As [noted here last week](#), at least one state has sought to limit municipal legislation, with uncertain implications. Regardless, the interplay between federal, state, and local employment laws promises to be especially interesting in the next few years.

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