



Governor prohibits discrimination in state employment on the basis of gender identity and expression

by Todd A. Heywood

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As many Michigan citizens prepared for the Thanksgiving holiday, Michigan Gov. Jennifer Granholm gave transgender employees a holiday gift. She signed an executive order that prohibits discrimination on the basis of gender identity and expression.

The five-page order, signed Nov. 21, states, "To build a more inclusive Michigan our state government must be a model of tolerance, accessibility, equal opportunity -- reaching out to people, knocking down barriers, and dispelling prejudices which hold Michigan back."

The order covers an estimated 95 percent of the nearly 50,000 state employees and directs the Civil Service Commission to adopt rules to address discrimination issues around gender identity or expression. The category is designed to address not only transgender individuals, who are persons who believe their biologic genders are different from their psychologic gender, but also those who do not necessarily fit into traditional gender roles. For instance, a heterosexual male who is effeminate and who is not promoted because he is perceived as not manly enough would now have a way to file a grievance.

The governor signed an executive order in 2003 prohibited discrimination on the basis of sexual orientation. Sexual orientation defines whether a person is homosexual, heterosexual or bisexual, while gender identity or expression refers to the gender, male or female, with which a person feels most comfortable identifying.

Megan Brown, a spokeswoman for the governor, said there were no specific examples of discrimination that prompted the executive order. "We have had some concerns expressed and we wanted to address those concerns," Brown said. "We wanted to be proactive."

The executive order is being broadly praised by lesbian, gay, bisexual and transgender organizations and leaders.

"Michigan Equality applauds the governor's action," said Derek Smietka, executive director of Michigan Equality. "We hope the Legislature follows suit."

"Governor Granholm's Executive Directive 2007-24 is a strong step in the right direction for civil rights in Michigan," said Julie Nemecek. Nemecek was fired from Spring Arbor University, a conservative Christian university south of Jackson, earlier this year when she came out as a transgender person. After her firing, her case drew national attention. She filed an Equal Employment Opportunity Commission complaint and settled out of court for an undisclosed cash sum. "This non-discrimination protection is the right thing to do fiscally, legally and morally. The only question left is whether our state legislators will lead in getting comprehensive and inclusive state laws or come on board kicking and screaming."

"We applaud Governor Granholm for her integrity and leadership in sending a message that discrimination will not be tolerated. With this move the governor is setting an example for all employers that people should be judged by their ability to do the job," said Triangle Foundation Director of Policy Sean Kosofsky. Triangle Foundation is a Detroit-based organization that

monitors hate crimes and works on legislation for the LGBT community. "We can only hope that our national leaders, who are currently debating whether or not to protect transgender workers in federal law, will share our governor's vision."

The order was signed following the passage of the federal Employment Non-discrimination Act (ENDA) in the U.S. House of Representatives. The bill passed did not include protections based on gender identity and expression. The state government joins Michigan State University, the University of Michigan and the city of Lansing in prohibiting discrimination on the basis of gender identity or expression.

"This just shows that the state of Michigan is moving in the right direction in regards to state employees," said Michelle Fox-Phillips, executive director of Transgender Detroit.

"We applaud Governor Granholm's executive directive prohibiting discrimination in state employment on the basis of gender identity/expression," said Kara S. Suffredini, state legislative director for the National Gay and Lesbian Task Force. "During her second inaugural address, the governor spoke about the 'Next Michigan,' one of 'transformation and opportunity.' Today's directive brings Michigan one step closer to that vision."

But not all Michigan residents are happy with the decision. James Muffet, president of the Citizens for Traditional Values, told the Associated Press he doubts there is an issue with discrimination on the basis of gender identity or expression in the state, but felt the decision to sign the executive order was a matter of political paybacks. Muffet told the AP the governor was paying back the LGBT community for its support in her 2006 election.

Replying to Muffet's criticisms, Granholm spokesperson Brown said: "The bottom line is that the governor did this because she believes discrimination is wrong."