

VT Attorney General's Civil Rights Unit

As the civil rights movement gained momentum in the early 1960s, Vermont's legislature responded in 1963 by passing the Fair Employment Practices Act (FEPA), banning employment discrimination based on race, color, religion, national origin, and ancestry. It also banned pay discrimination based on sex. (Sex was added as a co-equal protected category in 1971). Note that this law was passed a year before the federal employment discrimination law, Title VII of the Civil Rights Act of 1964.

In the mid-70s, the law was revamped and updated, and the Attorney General (AG) was given responsibility for enforcing it. At that point, the AG's office contracted with the federal EEOC as a "deferral agency." This means that anyone who files an employment discrimination complaint with the AG is also filing a complaint with the federal EEOC, and therefore has the right to sue under both state and federal law. (Federal claims must be filed within 300 days of the discrimination). FEPA covers every employer in the state, regardless of number of employees, unlike most other state anti-discrimination statutes and the federal laws.

In 1981, the AG's office again successfully advocated for significant amendments to FEPA, adding "handicap" (now disability) and age (over age 18) as protected categories. Note that Vermont's state law prohibited disability based discrimination nine years prior to the passage of the ADA in 1990. Also, the state law prohibits age discrimination of any kind, including discrimination based on youth (as long as the complainant is age 18 or older), while federal law prohibits only age discrimination against those aged 40 or older.

The AG's office played a leading role in amending FEPA in 1992 to add sexual orientation as a protected category (we were among the first states to do so, and are still one of only twelve states to provide this protection). Finally, the AG led the successful effort to amend the Hate Crimes Act in 1999 to add effective civil remedies, including the right to meaningful protective orders for hate crime victims.

The Civil Rights Unit of the AG's office enforces Vermont's laws against employment discrimination, including the laws that prohibit discrimination based on sexual orientation and HIV positive status. The Unit also enforces the law that protects anyone who complains about discrimination from retaliation for making a complaint.

To make a complaint to the Civil Rights Unit, you should call the office at (888) 745-9195 (toll free in Vermont) or (802) 828-3657. An intake worker will briefly interview you and then will send you a detailed questionnaire to fill out. In the alternative, at the AG's website at www.state.vt.us/atg, you can go to the civil rights section, read about the unit's program and download a questionnaire directly.

Once a complaint is filed with the Civil Rights Unit, it is reviewed by the staff investigators and attorneys, who make the decision whether to bring a formal charge of discrimination. If there is enough evidence, a charge is drafted, outlining the alleged discriminatory acts. The charge is then sent to you to review and sign. When you send back the signed charge, a copy is sent to the employer and the employer is given an opportunity to respond in writing.

The AG's investigation usually involves requests for documents from the employer, and interviews of all relevant witnesses, including the employee filing the complaint. No formal hearing is held. At the end of the investigation, the Civil Rights Unit writes a summary of the evidence and the law, and makes a determination as to whether, in the opinion of the AG's Office, there has been any violation of law. This determination is not binding on the employee or on the employer. However, in any case in which the AG's Office finds that there has been a violation of law, the AG may choose to go to Superior Court to seek appropriate remedies for the State, the employee, and others who were affected. Remedies may include hiring, reinstatement, back pay, damages, training, assurances that the law will be complied with, attorney's fees, investigative costs and civil penalties.

The AG's Civil Rights Unit also assists the victims of hate crimes. Under Vermont law, a hate crime is any crime that is maliciously motivated by the victim's actual or perceived race, color, religion, national origin, sex, ancestry, age, service in the armed forces of the United States, disability, sexual orientation, or gender identity. The most common hate crimes are assaults (hitting, pushing, spitting, threats of immediate violence and the like), unlawful mischief (damage or destruction of property), telephone harassment (which can include repeated hang-ups), and disorderly conduct (by loud and public threats and abuse). Almost any crime can be a hate crime.

Vermont hate crime victims are protected under the Hate Crimes Act (13 V.S.A. §§1455-1466). The act provides the following remedies and/or penalties. In criminal court (District Court), the State's Attorney can seek increased penalties for hate crimes, including longer jail sentences and higher fines. In civil court (Superior Court), the victim, or the AG on behalf of a victim, can seek a hate crime injunction (protective order) against the offender(s). The victim can also seek compensation and attorney's fees.

A hate crime injunction (protective order) orders the offender not to harass or contact the victim and not to commit any further hate crimes against the victim or anyone else, and can include other requirements for the victim's protection. If the offender violates a hate crime injunction, it is a crime, and the offender can be arrested and jailed immediately.

You can reach the Civil Rights Unit at:

Office of the Attorney General
Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
(802) 828-3657
(802) 828-3665 (TTY)
(888) 745-9195 (toll free in Vermont).

Practice limited
to male clientele



THERAPEUTIC MASSAGE

William Coil, NCMT



802-658-2390
800-830-5025

OTTER CREEK ASSOCIATES
MATRIX HEALTH SYSTEMS
Psychiatric and Psychological
Services for Adults, Children and Families

Edward R. Langlois, LICSW

Licensed Clinical Social Worker
Diplomate in Clinical Social Work

86 Lake Street
Burlington, Vermont 05401

Tel. (802) 865-3450
Fax. (802) 860-5011

OTTER CREEK ASSOCIATES
MATRIX HEALTH SYSTEMS
Psychiatric and Psychological
Services for Adults, Children and Families

Robert L. Keith, Ph.D.

Director of Training
Licensed Psychologist - Doctorate
Licensed Marriage and Family Therapist

789 Pine Street
Burlington, Vermont 05401

Tel. (802) 951-2089
Fax. (802) 951-2093

P.O. Box 875
90 Main Street

BLACKWOOD
ASSOCIATES, PC
attorneys

Burlington, VT 05402
802-863-2517

blackwood@verizon.net

fax: 802-863-0262

Concentrating in Employment, Special
Education and Civil Rights Law. Also Wills,
LGBT Issues, Estate Planning, Personal
Injury, other litigation and mediation.



Laurie S. Rosenzweig

Attorney at Law

18 South Main Street, P.O. Box 1455,
Rutland, VT 05701

802-786-2251

e-mail: Sabu234@AOL.com



Real Estate, Wills & Trusts, General Practice

Rebecca Sherlock M.S.W., L.I.C.S.W.

Diplomate in Clinical Social Work

Gender Specialist

Montpelier, Vermont

Phone: 802-229-2946

Individual, couple, group and family psychotherapy.
Evaluations for hormone and surgical therapies and
referrals to medical services for gender variant individuals.

Lisa Grigg, D.O.

Simply
Medicine

149 North Main Street • Wallingford, VT 05773
802/446-2430 fax: 802/446-6182
www.simply-medicine.com • Email: guitan12@aol.com

Shop online and support MPM.
www.mountainpridemedia.org