

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE RESOLUTION 466**

Introduced by Pansing Brooks, 28; Blood, 3; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Morfeld, 46; Quick, 35; Scheer, 19; Stinner, 48; Vargas, 7; Wayne, 13; Williams, 36; Wishart, 27; Bolz, 29.

WHEREAS, on June 15, 2020, the United States Supreme Court ruled in *Bostock v. Clayton County*; *Altitude Express, Inc. v. Zarda*; and *R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission*, that an employer who fires an individual merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964; and

WHEREAS, Justice Neil Gorsuch, writing for the majority in the *Bostock* decision, said, "An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."; and

WHEREAS, Justice Gorsuch further explained that "it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex"; and

WHEREAS, the Nebraska Chamber of Commerce, local chambers of commerce across the state, employers, and policy leaders throughout Nebraska have repeatedly declared that workforce development is an important challenge and top concern for business leaders and entrepreneurs; and

WHEREAS, Nebraska continually has one of the lowest unemployment rates in the nation, which presents unique challenges for Nebraska businesses looking to attract and retain skilled, qualified, and ambitious workers; and

WHEREAS, in order to attract and recruit a workforce for the needs of our employers and for the benefit of Nebraska, legislators and policymakers need to look thoughtfully at our state laws to make sure they are welcoming to all

potential qualified applicants and employees; and

WHEREAS, the motto of our state was adopted in 1867 as "Equality Before the Law" and this motto is proudly displayed on the official state flag and state seal. There has been an increasing recognition that this commitment to equality should be extended to all, including members of the LGBTQ+ community, and that no one should be denied the benefits of our state, such as equal employment or housing, for who they are or whom they love. The Bostock decision is consistent with our state's pledge of equality and equal treatment under the law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature affirms the United States Supreme Court decision in *Bostock v. Clayton County*.

2. That the Legislature is committed to the ongoing training, recruitment, and retention of all skilled workers in Nebraska to meet the workforce development needs of our employers.

3. That the Nebraska Legislature sends a strong message to current and prospective employers and workers that Nebraska is committed to being a welcoming and inclusive state for all, including LGBTQ+ families and individuals, and that Nebraska is open for business.