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Hawaii Attorney General Opposes Federal Attempt to Circumvent Civil Rights Protections

HONOLULU – Hawaii Attorney General Clare E. Connors today joined a coalition of attorneys general, led by Pennsylvania and California, in opposing a new Trump Administration rule undermining civil rights protections that prevent federal contractors from discriminating against employees. Under the proposed rule, the U.S. Department of Labor (DOL) would expand existing exemptions to allow any federal contractor who asserts a religious purpose to discriminate against current or prospective employees based on the religious or moral objections of the contractor. In a comment letter, the Attorneys General urge DOL to rescind the proposal and note, among other things, that it needlessly conflicts with protections afforded under Title VII of the Civil Rights Act of 1964.

“The expansion contemplated in the proposed rule conflicts with protections in the Civil Rights Act of 1964,” said Attorney General Connors. “The rule impermissibly results in a broad range of companies, here in Hawaii and across the country, being able to discriminate against employees based on religious beliefs.”

Under the proposed rule, DOL’s Office of Federal Contract Compliance Programs would expand its interpretation of the religious exemption contained in Executive Order 11246, which was issued one year after the Civil Rights Act of 1964 and was amended in 2014 to include landmark anti-discrimination protections for workers on the basis of sexual orientation and gender identity. Executive Order 11246 mandates equal employment opportunity in federal government contracting and prohibits all federal contractors from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin. The executive order already allows for a limited exemption that enables certain religious organizations to favor employees or job candidates of a “particular religion.” Under the new proposal, DOL seeks to loosen the standards regarding the types of organizations that can self-identify as religious.

As a result, DOL is opening the door for a broad range of employers, including for-profit corporations, to claim the exemption and discriminate against their employees based on any worker's non-adherence to specific religious beliefs or practices as understood by the contractor. For example, as a result of the proposal, a gay or transgender employee could potentially be required to adhere to the religious tenets of a for-profit corporation's owners or board or face the possibility of termination. In the comment letter, the Attorneys General highlight how this expansion of the exemption would directly conflict with existing protections afforded under Title VII of the Civil Rights Act and describe how the rule would harm the states' residents.

In submitting the comment letter, Attorney General Connors joins the Attorneys General of Pennsylvania, California, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Vermont, Washington, and the District of Columbia.

A copy of the comment letter is available [here](#).

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