

**HB**

**42**

<TARGET><BILL>HB 42</BILL><SUBJECT>HB  
42</SUBJECT><COMM>HSTA29</COMM></TARGET>



REPRESENTATIVE CATHY MUÑOZ  
REPRESENTATIVE BENJAMIN NAGEAK

## MEMORANDUM

To: Honorable Bob Lynn, Chair  
Nancy Manly, Aide  
State Affairs Committee

From: Rep. Cathy Muñoz

Date: March 4, 2015

Re: Request for a hearing on HB 42, Sexual Orientation Discrimination

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I respectfully request a hearing on House Bill 42, relating to "An Act adding to the powers and duties of the State Commission for Human Rights; and relating to and prohibiting discrimination based on sexual orientation or gender identity or expression" at your earliest convenience.

Attached is a bill packet that contains:

- HB 42, Sexual Orientation Discrimination
- A sponsor statement
- A sectional analysis
- Letters of support
- Research studies
- Various back-up documents

The contact for the bill is Maily Miramontes, 465-3744.

Thank you.



REPRESENTATIVE CATHY MUÑOZ  
REPRESENTATIVE BENJAMIN NAGEAK

## SPONSOR STATEMENT HOUSE BILL 42

**"An Act adding to the powers and duties of the State Commission for Human Rights; and relating to and prohibiting discrimination based on sexual orientation or gender identity or expression."**

In 1963, the State Commission for Human Rights was established to seek out and eradicate discrimination in employment, credit and financing practices, places of public accommodations, and the sale, lease or rental of real property. Over the years, the legislature has amended these statutes to prohibit discrimination based on race, religion, color, national origin, physical or mental disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood. House Bill 42 will add language to the Alaska Human Rights Law to include protections against discrimination based on sexual orientation and gender identity.

Twenty one states and the District of Columbia prohibit employment discrimination based on sexual orientation, as of January 2014. Of those states, 10 states and D.C. also prohibit employment discrimination based on gender identity. Five states and D.C. prohibit employment discrimination on either gender identity or gender expression.

Historically, Alaska has been at the forefront of civil rights legislation. The Territorial Legislature awarded women the right to vote in 1913, well before it was passed at the national level. In 1945, the Alaska Legislature passed landmark anti-discriminatory legislation protecting Alaska Natives.

House Bill 42 is one more opportunity for the legislature to ensure Alaska is promoting civil rights.

Thank you for your support of House Bill 42.

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Representative Muñoz  
Alaska State Capitol, Room 501

Juneau, Alaska 99801

(907) 465-3744

Representative Nageak  
Alaska State Capitol, Room 126

Juneau, Alaska 99801

(907) 465-3473



P. O. Box 210874 Anchorage, AK 99521-0874  
E-Mail: [PFLAG-Anchorage@gci.net](mailto:PFLAG-Anchorage@gci.net)  
Voice Mail: (907) 566-1813  
[www.identityinc.org/pflag](http://www.identityinc.org/pflag)

February 19, 2015

Maily Miramontes  
Intern to Representative Cathy Muñoz  
Alaska State Capitol, Room 501  
Juneau, Alaska 99801

Reference: House Bill 42

Dear Representative Muñoz:

On behalf of the Anchorage Chapter of Parents, Families and Friends of Lesbians and Gays (PFLAG), I write to endorse HB42 as it is currently being considered by the Alaska State Legislature.

Members of our Chapter are very aware of the negative effects of discrimination based on sexual orientation, gender identity or expression. We have witnessed family members and friends suffering from or fearing unequal treatment in many areas of their lives, for instance, when they seek employment or housing, or apply for financial credit or other services.

We join with you and the other sponsors of this bill in recommending adoption of HB42, modifying current protections against discrimination in the state of Alaska to include sexual orientation, gender identity or expression.

Thank you for your support of this important legislation.

Sincerely,

Jane Schlittler, President  
PFLAG Anchorage Chapter



**P.O. Box 82290**  
**Fairbanks, AK 99708**  
(907) 45-PFLAG

February 23, 2015

Representative Cathy Muñoz  
Alaska State Capitol, Room 501  
Juneau, AK 99801

Dear Representative Muñoz:

The Fairbanks chapter of PFLAG heartily endorses the intent language and sees the necessity for HB42, which adds protections based on sexual orientation and gender identity.

The time for action is now to effectively deal with discrimination that harms many people for simply being who they are. While we have come a long way in addressing the inequality that people have experienced in housing, public services, and education, we are not done. I've talked with many brave kids who have been ostracized in the work place and in school, who have not been supported by those who could help but, because they felt they were powerless in their situation, did not.

We believe it is important for all to feel they are included in the community as a rightful member, to know we support them as individuals and fully contributing members. HB42 addresses these issues in a positive way. PFLAG urges passage of this bill.

If you have any questions, please feel free to contact me via email at [pinney@alaska.com](mailto:pinney@alaska.com) or (907) 452-1253. Thank you for your consideration of this request.

Sincerely,

Peter Pinney  
Treasurer, PFLAG Fairbanks

[www.fairbankspflag.org](http://www.fairbankspflag.org)

February 16, 2015

Dear Representative Muñoz:

I am writing to express my strong support of House Bill No. 42, “An Act adding to the powers and duties of the State Commission for Human Rights; and relating to and prohibiting discrimination based on sexual orientation or gender identity or expression.” I am an Assistant Professor of Sociology in the Department of Social Science at the University of Alaska Southeast. As a sociologist, my education, teaching, and research emphasize the importance of examining social inequalities and the disproportionate impacts minority and vulnerable populations may experience through both individual prejudices and structural discrimination. Some of my gay, lesbian, and transgender students have shared their experiences with discrimination with me. To this extent, sexual orientation and gender identity and expression warrant the same protection under state law as one’s race, religion, color, national ancestry, physical or mental disability, age, sex, marital status, changes in marital status, pregnancy, or parenthood.

The research is clear that members of the lesbian, gay, bisexual, and transgender (LGBT) community experience discrimination and social disparities at greater rates than members of the heterosexual community. The implications of this discrimination and various forms of inequality have individual, social, and public health consequences. For example, LGBT youth are more likely to experience homelessness (Keuroghlian, Shtase, and Bassuk 2014). A strong body of research indicates that lesbian, gay, and bisexual individuals report mental health disorders at greater rates than heterosexuals, findings that are linked to experiences with interpersonal and institutional discrimination (see Bostwick et al. 2014). In their study, “Discrimination and Mental Health Among Lesbian, Gay, and Bisexual Adults in the United States,” Bostwick et al. (2014), found that gay men were more likely to report discrimination related to treatment in a health care setting, discrimination in public (on the street, in stores, or restaurants), being called names, and being made fun of, including being threatened with harm (p. 38). Further, in terms of racial discrimination, bisexual and lesbian women of color were significantly more likely than their white counterparts to report experiences related to discrimination in public (p. 38). Other researchers have documented the barriers to care for LGBT elders and long-term couples (Kimmel 2014).

Katz-Wise and Hyde (2012) conducted a quantitative meta-analysis, compiling the results of studies from 1992 to 2009 to determine the prevalence and types of victimization experienced by LGB individuals on a broad range of measures, including, but not limited to physical assault, school victimization, verbal harassment, workplace victimization, housing discrimination, and health care discrimination, finding rates of victimization higher among LGB individuals than their heterosexual counterparts. On those measures where the rates of victimization appear similar, the researchers caution that limited data may be the issue, rather than a lack of actual victimization. Moreover, they sampled for all age ranges and found that while the type of

discrimination may vary by age, the experience of sexual orientation-based victimization affects individuals of all ages. Importantly, some types of victimization experiences have *increased* since the early 1990s.

Many people often confuse “sex” and “gender.” Social scientists recognize difference between the two. Sex is used to describe the biological differences that distinguish males from females, whereas gender is learned; it includes the psychological, social, and cultural differences between males and females. Understanding gender involves recognition that what we conceive of as masculine or feminine are social constructions. As I explain to my students, biology dictates that women (not men) are the breast feeders, gender helps to explain which parent in a heterosexual couple is more likely to do more housework or childcare. These behaviors are not innate. To this extent, all of us “do” gender, whether as women we are more likely than men to wear skirts or as men, we are more likely to mow the lawn or take care of the car. When individuals or social institutions discriminate because a person has crossed someone else’s line of comfort regarding gender variance, it is incumbent upon the law to protect the person of a minority status in the same way the law protects other vulnerable groups.

In its efforts to protect all citizens of Alaska from discrimination, the state must add sexual orientation and gender identity or expression to its list of protected categories, as a growing number of states (including our northwest neighbors to the south) have done. Representative Muñoz, I strongly support your efforts to add the prohibition of discrimination for sexual orientation and gender identity and expression to the current statute.

Sincerely,

Lora Vess, Ph.D.  
Assistant Professor of Sociology  
11120 Glacier Highway  
Juneau, Alaska 99801

350 Irwin Street  
Apt. 103  
Juneau, Alaska 99801

Citations:

- Bostwick, Wendy B., Carol J. Boyd, Tonda L. Hughes, Brady T. West, Sean Esteban McCabe. 2014. “Discrimination and Mental Health Among Lesbian, Gay, and Bisexual Adults in the United States.” *American Journal of Orthopsychiatry* 84(1):35-45.
- Katz-Wise, Sabra L. and Janet S. Hyde. 2012. “Victimization Experiences of Lesbian, Gay, and Bisexual Individuals: A Meta-Analysis.” *Journal of Sex Research*. 49(2/3):142-167.
- Keuroghlian, Alex S., Derri Shtasel, Ellen L. Bassu. 2014. “Out on the Street: A Public Health and Policy Agenda for Lesbian, Gay, Bisexual, and Transgender Youth Who Are Homeless.” *American Journal of Orthopsychiatry* 84(1):66-72.
- Kimmel, Douglas. 2014. “Lesbian, Gay, Bisexual, and Transgender Aging Concerns.” *Clinical Gerontologist* 37(1):49-63.



**DATE:** February 13, 2015 **Student Services**  
**TO:** House State Affairs Committee Members  
**FROM:** Margie Thomson, LCSW and Becky Iverson, LCSW  
University of Alaska Southeast Counseling Services  
**RE:** House Bill No. 42

This letter is intended to show support for House Bill No. 42. We at the UAS Counseling Center see students representing all orientations and genders and we strongly support adopting language that promotes inclusivity and acceptance. We support House Bill No. 42 which prohibits discrimination based on sexual orientation or gender identity or expression.

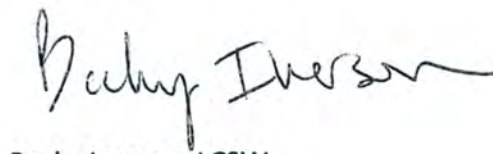
Discrimination in any form for any reason hurts those who are discriminated against as well as hurts those who are the perpetrators of the discrimination. As many of you are aware, the State Commission for Human Rights currently ignores discrimination because of sexual orientation, gender identity, or expression. Adding the amendment to include gender identity and sexual orientation is a positive move for everyone.

As the UAS Safe Zone Coordinator, I can speak firsthand about the harmful effects discrimination has had on many of our students, faculty and staff. (story you can share)

Many of you were elected because you wanted to bring about great change to our great state this piece of legislation while the amendments may seem small and trivial have the potential to bring about big change to our state. With your support, we can shape Alaska's future in a positive direction and end discrimination in the state.

Thank you.

  
Margie Thomson, LCSW

  
Becky Iverson, LCSW



Dear Representative Muñoz,

I am a Juneau resident and Planned Parenthood Votes Northwest volunteer. On behalf of PPVNW and all Alaskans, I would like to express my sincere thanks to you for your sponsorship of House Bill 42, which would amend Alaska's non-discrimination statutes to include "sexual orientation and gender identity or expression." As long as LGBT Alaskans are not protected from discrimination in housing and workplace situations, our state has not met its constitutional commitment to equal protection for all citizens. I would also like to thank you for your sponsorship of House Bill 23 (Erin's Law). Enacting HB 23 would be a strong first step in combating sexual violence, a culturally pervasive problem in Alaska. Your work supporting these pieces of legislation is critical--thank you for all that you do!

As a young Alaskan, I greatly value the reproductive care available to me--the family planning resources provided at clinics like the Planned Parenthood health center in Juneau have allowed me to make responsible choices regarding my personal wellbeing. I hope to ensure that all Alaskan women, regardless of economic status or occupation, have access to the care they need in order to make safe, private decisions about family planning. This is why I volunteer.

In the past year, I've seen legislative attacks on women's reproductive rights travel through the house, senate, and finally to the Governor's desk. When issues like abortion, contraception, and sexual education become highly politicized, Alaskans lose out on critical care. It is my hope that lawmakers like you can work to implement smart initiatives--like comprehensive sex education in high schools and increased funding for STI screenings--to improve reproductive outcomes in Alaska.

HB 42 and HB 23 are both excellent steps towards combatting discrimination and sexual violence in Alaska, but we can do more. Alaska has the highest rate of chlamydia infection, nearly double the national average, and in 2013, *forty percent* of Alaska high school students reported that they did not use a condom the last time they had sexual intercourse. We can combat these troubling statistics through comprehensive sex education and accessible preventative care, but we need strong advocates in the state legislature to push for these measures--will you join us?

Thank you for all your hard work, and especially for your leadership on HB 23 and HB 42.

Sincerely,



Ann Robertson  
730 Gold St #2  
Juneau, AK

Thank you so much for hearing the merits of HB 42 which would prohibit discrimination on the basis of sexual orientation and gender identity. These protections are an easy, no cost way to ensure that we have talented Alaskans of all ages to help us solve the technology, engineering, IT and service issues our state faces. For 15 years I worked for the Department of Labor and Workforce Development at the Juneau Job Center. I often met job seekers who shared stories of being fired or not hired because they appeared lesbian, gay, bisexual or transgender. There is pervasive job discrimination against the Alaskan LGBTQ community. I know of a highly skilled range 3 state worker who was not considered for a promotion because staff close to the commissioner said they thought she might be a lesbian. As a straight woman who was in a long-term marriage to a man, all it took was the whisper of "lesbian" to cut her out of consideration, and she left the state.

At the job center, I often saw talented young job seekers, with college degrees in fields that Alaska needs, who were bravely trying to be their authentic LGBTQ selves, and they experienced great difficulties in getting or retaining quality work in their areas of training. Many left the state to apply their skills with companies that welcome diversity and in states with LGBTQ employment protections.

This is a very powerful time for HB 42 to move forward. With the Windsor case and 36 states plus DC gaining marriage equality, the whole country is rising into a larger understanding of LGBTQ issues. Additionally, a Juneau writer has a new book coming out about the "Juneau Blue Tickets of 1960's" when 40-60 men who were perceived to be gay were given one-way tickets out of town and warned to never return. And in December 2014, a three-volume encyclopedia **Proud Heritage** was published with chapters detailing the LGBTQ history of each of our states. Powerful details from each state show how our LGBTQ community has been legally and socially harmed by government structures of discrimination. Several of us LGBTQ activists and allies here in Juneau contributed to the chapter on the hard struggle for equality in Alaska.

Thank you for answering the call for increased LGBTQ civil rights and equal protection. This is one for the Alaskan history books. HB 42 will signal that all Alaskans are worthy of an equal chance to work, apply for housing, get financial services that they need, and be treated with dignity and respect. HB 42 shows that we value all Alaskans. Finally. Thank you for helping reach a new Alaskan milestone.

Lin G. Davis  
3099 Nowell Ave  
Juneau, AK 99801  
907-586-4111

## Maily Miramontes

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**From:** Crystal Koeneman  
**Sent:** Friday, February 27, 2015 4:14 PM  
**To:** Maily Miramontes  
**Subject:** FW: HB 42

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**From:** Rep. Cathy Munoz  
**Sent:** Tuesday, February 10, 2015 12:32 PM  
**To:** Lynne Stevens  
**Cc:** Crystal Koeneman  
**Subject:** RE: HB 42

Thank you Lynne. I will make sure that your comments are added to the bill file. With appreciation, Cathy Muñoz

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**From:** Lynne Stevens [<mailto:svwildflower@yahoo.com>]  
**Sent:** Monday, February 09, 2015 9:33 PM  
**To:** Rep. Cathy Munoz; Rep. Benjamin Nageak  
**Subject:** HB 42

Dear Representatives Munoz and Nageak.

I want to thank you and express my 100% support for this bill you are sponsoring that would prohibit discrimination on the basis of sexual orientation and gender identity.

I have a transgender son who has been an activist in the State of Washington for many years. He grew up in Juneau and has often expressed dismay that there has been so little done for trans people in Alaska.

It would appear that this is at long last beginning to change, and I sincerely appreciate what you are doing.

Lynne Stevens

## Maily Miramontes

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**From:** Crystal Koeneman  
**Sent:** Friday, February 27, 2015 4:14 PM  
**To:** Maily Miramontes  
**Subject:** FW: HP 23 & HB 42

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**From:** Rep. Cathy Munoz  
**Sent:** Saturday, February 07, 2015 11:48 AM  
**To:** Crystal Koeneman  
**Subject:** FW: HP 23 & HB 42

Please add to file.

**From:** laura powers [<mailto:powers.lauralee@gmail.com>]  
**Sent:** Saturday, February 07, 2015 11:05 AM  
**To:** Rep. Cathy Munoz  
**Subject:** HP 23 & HB 42

Dear Rep. Munoz,

As a longtime Juneau resident and parent, I am thrilled you have sponsored House Bill 42. Discrimination is something that should not be taken lightly and all Alaskan should be protected by law.

Also, I would like to sincerely express my thanks to you for your sponsorship of House Bill 23 (Erin's Law). Sexual Violence as you know is very high in Alaska and this is the first step in creating legislation that will combat sexual violence. It is with strong leadership such as yours, persistence, and dialogue that may someday eradicate such behavior in our state.

I am very impressed with your actions and hope the legislative body sees your commitment to equal rights and sexual assault as a wake up call and passes legislation that actually makes a difference in Alaskans lives.

Best,

Laura Powers  
Don't worry be happy!

Postage has been paid

TO: Rep. Muñoz  
THANK YOU SO MUCH!!

FROM: James Hoagland,  
2180 Lawson Creek Rd  
Douglas, AK 99824

Roses are Red,  
Violets are Blue,  
Help expand equality  
and support

**HB42!**

TO: Representative  
Cathy Muñoz

FROM:

cell + 1 1 1

Roses are Red,  
Violets are Blue,  
Help expand equality  
and support

**TO:**

Rep. Cathy Muñoz

Postage has been paid

**FROM:**

David Summers  
2 Marine Way STE 114  
Juneau, AK 99801

Roses are Red,  
Violets are Blue,  
Help expand equality  
and support

**HB42!**



# LEGISLATIVE RESEARCH SERVICES

Alaska State Legislature  
Division of Legal and Research Services  
State Capitol, Juneau, AK 99801

(907) 465-3991 phone  
(907) 465-3908 fax  
research@akleg.gov

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## Research Brief

TO: Representative Cathy Muñoz  
FROM: Tim Spengler, Legislative Analyst  
DATE: February 26, 2015  
RE: Discrimination Based on Sexual Preference  
*LRS Report 15.227*

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***You asked how other states have addressed discrimination based on sexual orientation, gender equality, or gender expression, particularly as it relates to employment. Additionally, you asked for information regarding Alaska's Lesbian, Gay, Bisexual, Trans-Gender, Questioning (LGBTQ) community.***

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A number of states have adopted employment-related anti-discrimination laws based on sexual orientation, gender identity, or gender expression. At least twenty states prohibit employment discrimination based on sexual orientation;<sup>1</sup> ten of those states also prohibit such discrimination based on gender identity;<sup>2</sup> and five of the 20 also prohibit employment discrimination based on either gender identity or gender expression.<sup>3</sup>

We include as Attachment A, a January 31, 2014, report from the National Conference of State Legislatures (NCSL) that lists the states with such anti-discrimination laws. The attachment includes copies of the relevant statutes from these states. Additionally, below we list links to four studies on employment discrimination related to sexual orientation that you may find of interest.

- Stanford University - [http://web.stanford.edu/group/scspi/\\_media/pdf/key\\_issues/sexual\\_policy.pdf](http://web.stanford.edu/group/scspi/_media/pdf/key_issues/sexual_policy.pdf).
- Center for American Progress - [http://cdn.americanprogress.org/wp-content/uploads/issues/2011/06/pdf/workplace\\_discrimination.pdf](http://cdn.americanprogress.org/wp-content/uploads/issues/2011/06/pdf/workplace_discrimination.pdf).<sup>4</sup>
- American Psychological Association - <http://www.apa.org/about/gr/issues/lgbt/non-discrimination-facts.pdf>.
- Williams Institute - <http://williamsinstitute.law.ucla.edu/wp-content/uploads/GeorgiaNDRReport-October-2014.pdf>.<sup>5</sup>

The American Civil Liberties Union (ACLU) and the Transgender Law and Policy Institute both have resources on this topic that may be of interest to you. The ACLU's report on transgender discrimination in the states is available at <https://www.aclu.org/translaw>. The report includes a map that lists state laws on the topic (<https://www.aclu.org/maps/non-discrimination-laws-state-state-information-map>). By clicking on a state you can access further information regarding the areas to which the non-discrimination laws extend. Furthermore, the Transgender Law and Policy Institute lists state and local ordinances that offer transgender non-discrimination laws at <http://www.transgenderlaw.org/ndlaws/index.htm>.

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<sup>1</sup> California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.

<sup>2</sup> California, Delaware, Hawaii, Iowa, Massachusetts, Nevada, New Jersey, New Mexico, Rhode Island, and Vermont.

<sup>3</sup> California, Hawaii, Nevada, New Jersey, and Rhode Island.

<sup>4</sup> The Center for American Progress is an independent nonpartisan educational institute that attempts to improve the lives of Americans through progressive ideas and action (<https://www.americanprogress.org/about/mission/>).

<sup>5</sup> A think tank based at UCLA law school, the Williams Institute conducts research on sexual orientation and gender identity law and public policy (<http://williamsinstitute.law.ucla.edu/>).

### **Alaska LGBTQ Groups**

We identified three LGBTQ organizations in the state that we highlight below.<sup>6</sup>

- Alaskans Together for Equality (ATE) is a statewide educational and advocacy organization for lesbian, gay, bisexual, and transgender Alaskans. ATE is a non-profit that lobbies at the local, state, and federal level for equal rights for LGBTQ Alaskans. This entity partners with Alaskans Together Foundation, Inc. (ATF), an educational non-profit that educates the Alaska public on the need for equal treatment and civil rights for LGBTQ Alaskans. More information on ATE and ATF can be found at <http://www.alaskanstogether.org/>.
- The Southeast Alaska Gay and Lesbian Alliance (SEAGLA) works to provide a supporting social network for gay, lesbian, bisexual, and transgender people in Southeast Alaska. SEAGLA attempts to foster personal and public acceptance of these persons as members of society with full economic, social, legal, and political rights. More information on SEAGLA can be accessed at <http://www.seagla.org/>.
- Based in Anchorage, Identity is a non-profit entity whose mission is to advance Alaska's LGBTQ community through advocacy, education, and connectivity (<http://identityinc.org/>).

We hope this is helpful. If you have questions or need additional information, please let us know.

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<sup>6</sup> It is entirely possible that more LGBTQ groups exist in Alaska.



NATIONAL CONFERENCE of STATE LEGISLATURES

*The Forum for America's Ideas*

**State Statutes Prohibiting Employment Discrimination  
Based on Sexual orientation or Gender identity**

**January 2014**

Summary: 21 states and D.C. prohibit employment discrimination based on sexual orientation. Of those states, 10 states and D.C. also prohibit employment discrimination based on gender identity. Five states and D.C. prohibit employment discrimination on either gender identity or gender expression.

State	Sexual Orientation	Gender Identity	Gender Expression
California	✓	✓	✓
Colorado	✓		
Connecticut	✓		
Delaware	✓	✓	
District of Columbia	✓	✓	✓
Hawaii	✓	✓	✓
Iowa	✓	✓	
Maine	✓		
Maryland	✓		
Massachusetts	✓	✓	
Minnesota	✓		
Nevada	✓	✓	✓
New Hampshire	✓		
New Jersey	✓	✓	✓
New Mexico	✓	✓	
New York	✓		
Oregon	✓		
Rhode Island	✓	✓	✓
Vermont	✓	✓	
Washington	✓		
Wisconsin	✓		

Copies of the statutes prohibiting employment discrimination based on sexual orientation, gender identity or gender expression are found on the following pages.

## California

Government Code

Title 2. Government of the State of California

Division 3. Executive Department

Part 2.8. Department of Fair Employment and Housing

Chapter 3. Findings and Declarations of Policy

West's Ann.Cal.Gov.Code § 12921

§ 12921. Civil rights; employment and housing without discrimination

Effective: January 1, 2014

(a) The opportunity to seek, obtain, and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, **gender identity**, **gender expression**, age, **sexual orientation**, or military and veteran status is hereby recognized as and declared to be a civil right.

(b) The opportunity to seek, obtain, and hold housing without discrimination because of race, color, religion, sex, gender, **gender identity**, **gender expression**, **sexual orientation**, marital status, national origin, ancestry, familial status, source of income, disability, genetic information, or any other basis prohibited by Section 51 of the Civil Code is hereby recognized as and declared to be a civil right.

## Colorado

Title 26. Human Services Code

Article 1. Department of Human Services

Part 1. General Provisions

C.R.S.A. § 26-1-120

§ 26-1-120. Merit system

Effective: March 25, 2009

(1) On January 1, 2001, the merit system for the selection, retention, and promotion of employees of the county departments that has been operated by the state department pursuant to this section is abolished. Beginning on or after July 1, 1997, but no later than January 1, 2001, each county shall provide for a merit system for the selection, retention, and promotion of employees of the county departments that complies with the criteria specified in subsection (8) of this section and with any other federal standards for a merit system of personnel administration for employees, specified as a condition of receipt of federal funds as set forth in subpart F of 5 CFR 900.601, et seq. A county can combine with another county or form a district to provide such a merit system for its employees. The county department shall certify to the state department that the successor merit system of personnel administration used by the county is in conformance with the federal standards. Prior to transferring county employees to a successor merit system, each county shall submit a transition plan to the state department outlining its plan for transferring such employees and for addressing issues that may arise during the transfer, such as salary issues, retention, seniority rights, and appeal processes. The state department shall examine and approve the transition plan if the state department determines that the transition plan is reasonable and that the merit system meets the federal standards. The county may not implement the transition plan or transfer employees to the successor merit system until the state department has approved the transition plan. The state shall not unreasonably withhold approval. Any transition plan for transferring county employees from the state merit system to a successor merit system shall include protections for employees that allow them to retain any accrued annual or sick leave benefits and that compensate such employees at the same or higher rate of salary. The state department shall provide assistance to counties regarding the transition of county employees from the state merit system to a successor merit system. Nothing in this section shall preclude a county from reorganizing employee staff functions or abolishing positions to achieve greater efficiencies in operations.

(1.5) Any moneys saved as a result of eliminating the state merit system shall be available to counties to implement the transition from the state merit system to a successor merit system.

(2) to (5) Repealed by Laws 1997, S.B.97-6, § 5, eff. Jan. 1, 2001.

(6) Repealed by Laws 1981, S.B.503, § 3.

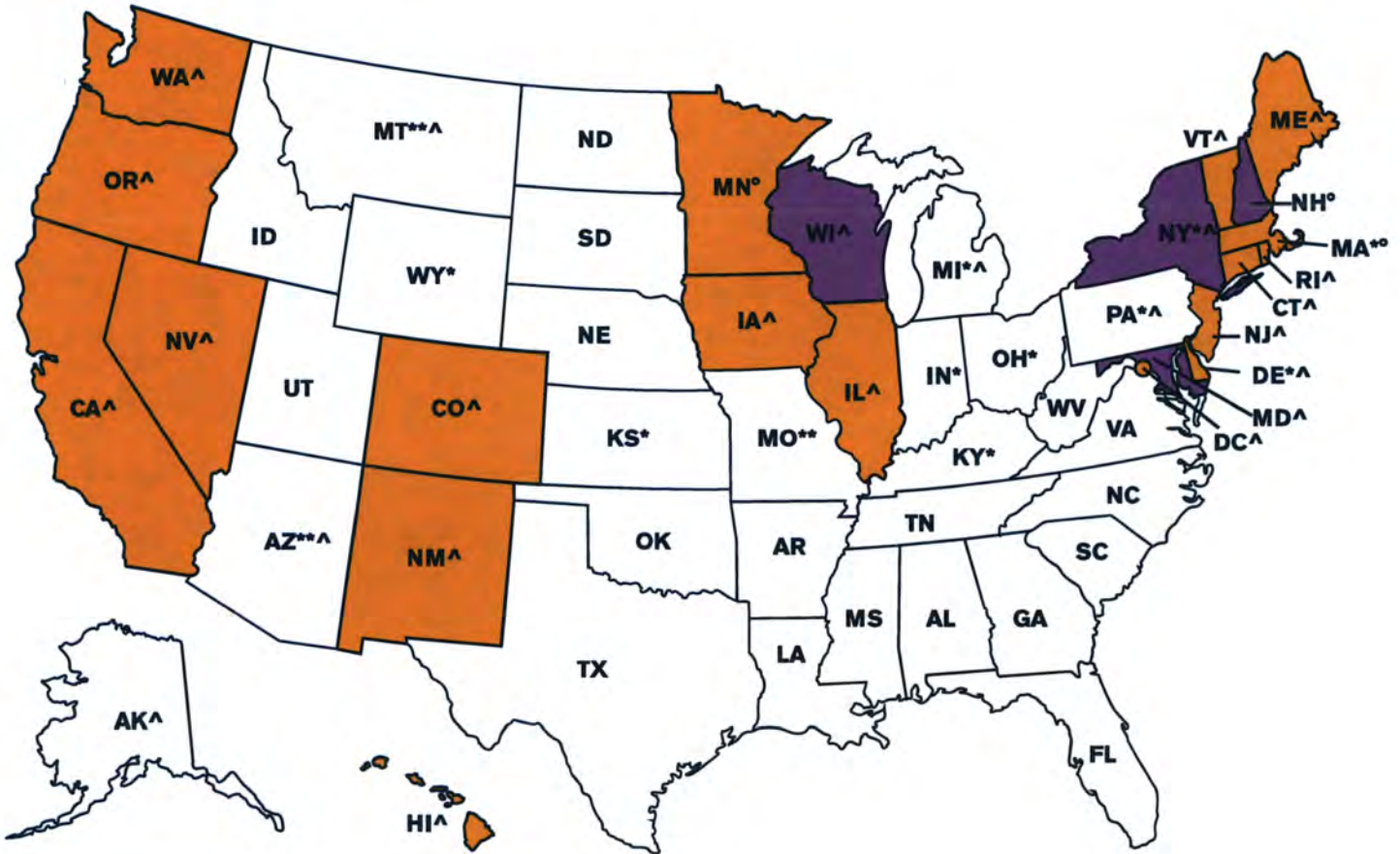
(7) Repealed by Laws 1997, S.B.97-6, § 5, eff. Jan. 1, 2001.

(8) The merit system provided by the counties shall meet the following federal criteria:

(a) The recruitment, selection, and advancement of employees shall be on the basis of relative abilities, knowledge, and skills, including open consideration of qualified applicants for initial appointment.



# STATEWIDE EMPLOYMENT LAWS AND POLICIES



Updated June 19, 2013



**States that prohibit discrimination based on sexual orientation and gender identity** (17 states and D.C.): California (1992, 2003), Colorado (2007), Connecticut (1991,2011), Delaware (2009,2013), District of Columbia (1977, 2006), Hawaii (2011), Illinois (2006), Iowa (2007), Massachusetts (1989, 2012), Maine (2005), Minnesota (1993), New Jersey (1992, 2007), New Mexico (2003), Nevada (1999, 2011), Oregon (2008), Rhode Island (1995, 2001), Vermont (1991, 2007) and Washington (2006).

- State courts, commissions, agencies, or attorney general have interpreted the existing law to include some protection against discrimination against transgender individuals in Florida and New York.
- The Federal Equal Employment Opportunity Commission is now accepting complaints of gender identity discrimination in employment based on Title VII's prohibition against sex discrimination.



**States that prohibit discrimination based on sexual orientation only** (4 states): Maryland (2001), New Hampshire (1998), New York (2003) and Wisconsin (1982).

### Laws and Policies Covering Public Employees Only:

The laws referenced above apply to public and private employers (with some limitations) in the respective states. Additionally, there are 9 states (\*) that have an executive order, administrative order or personnel regulation prohibiting discrimination against public employees based on sexual orientation and gender identity, and 3 states (\*\*) prohibit discrimination against public employees based on sexual orientation only (Missouri order only covers executive branch employees). In 23 states and the District of Columbia (^) state employees are provided with domestic partner benefits. In 3 states (°) state employees are provided with benefits based on marriage, and same-sex spouses are eligible for benefits.



Melissa S. Green

MARCH 2012

 **identity**

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Anchorage LGBT Discrimination Survey

*Principal investigator:* Melissa S. Green

*Project manager:* Shelby Carpenter

*Design and production:* Melissa S. Green

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This report is available online at <http://www.identityinc.org/> or <http://alaskacommunity.org/>.

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# ANCHORAGE LGBT DISCRIMINATION SURVEY: FINAL REPORT

by  
Melissa S. Green

Prepared for the Alaska LGBT Community Survey Task Force and its partner organizations:

Identity, Inc.  
Alaskan AIDS Assistance Association (Four A's)  
Alaskans Together for Equality  
American Civil Liberties Union of Alaska  
Equality Works

March 2012  
Anchorage, Alaska



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## Acknowledgments

The Anchorage LGBT Discrimination Survey was a collaborative project of the Alaska LGBT community and a coalition of Alaska organizations which serve the LGBT community, including Identity, Inc., the Alaskan AIDS Assistance Association (Four A's), Alaskans Together for Equality (ATE), Equality Works, and the American Civil Liberties Union (ACLU) of Alaska. Thank you to the boards and staff of all these organizations for your support and assistance.

The survey questionnaire and overall research project were designed by members of the Alaska LGBT Community Survey Task Force in consultation with Dr. Brad A. Myrstol and Khristy Parker, my coworkers at the Justice Center at the University of Alaska Anchorage. Barbara Soule was part of the Community Survey Task Force before there was a task force; the survey she conducted for a course provided the inspiration and impetus to proceed with a larger study. Shelby Carpenter, LGBT Public Policy Coordinator with the ACLU of Alaska during the first half of work on the survey, was project manager for survey distribution and data collection, assisted by Drew Phoenix. Thank you also to the volunteers who helped get PINs out to study participants.

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*Melissa S. Green*  
*March 21, 2012*  
*Anchorage, Alaska*

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## GLOSSARY OF TERMS

Several terms in this report may not be familiar to all readers. This glossary is based in part on the glossary included in *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (Grant, et al., 2011).

*Cisgender* refers to non-transgender individuals: persons whose gender identity — that is, their internal sense of being male or female — matches their sex assigned at birth. It derives from *cis*, the Latin prefix for on the same side, complementing *trans*, the prefix for across or over. This term is used throughout the report to refer to non-transgender people, including the non-transgender gay, lesbian, and bisexual respondents to the Anchorage LGBT Discrimination Survey.

*Coming out* refers to the recognition and acceptance of one's sexual orientation as lesbian, gay, or bisexual; or the recognition and acceptance of one's gender identity as transgender or transsexual. It is also commonly used to refer to the disclosure of one's sexual orientation or gender identity to another person — for example, to come out to one's parent, friend, coworker, or boss. To be out to someone means that the other person is aware of one's sexual orientation or gender identity.

*Female-to-male (FTM)* describes transgender persons whose birth certificates assigned them the gender of female, but who identify and live, or hope to live, as a male.

*Gender expression* refers to how a person presents or expresses his or her gender identity to others, often through manner, clothing, hairstyles, voice or body characteristics.

*Gender identity* refers to an individual's internal sense of gender — for example, as being male or female.

*Gender non-conforming* refers to individuals whose gender expression differs from societal expectations related to gender.

*Genderqueer* is a term of gender identity used by people who identify as neither entirely male nor female, as a combination of both, or who present in a non-gendered way.

*Intersex* is a term used for people who have differences of sex development, such as being born with external genitalia, chromosomes, or internal reproductive systems that are not generally associated with usual medical definitions of male or female.

*LGB* is an abbreviation of lesbian, gay, and bisexual. In this report it is most widely used to distinguish research studies which have only included lesbian, gay, and bisexual respondents from those which also include transgender respondents (i.e., LGBT studies).

*LGBT* is an abbreviation of lesbian, gay, bisexual, and transgender. It may also appear with the letters in different order, most commonly as *GLBT*.

*Male-to-female (MTF)* describes transgender persons whose birth certificates assigned them the gender of male, but who identify and live, or hope to live, as a female.

*Queer* is a term used to by some within the lesbian, gay, bisexual, and transgender (LGBT) community to refer to the LGBT community and/or its members; it is also a term used by some to describe their sexual orientation. It is still considered by some to be a derogatory term.

*Sexual orientation* describes a person's attraction to members of the same gender and/or different

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gender, and is usually defined to include lesbian, gay, bisexual, or heterosexual. It may also include queer and asexual, among others.

Transgender describes the state of one's gender identity — that is, one's self-identification as woman, man, neither or both — not matching one's "assigned sex" — that is, one's identification by others (including on original birth certificate) as male, female, or intersex based on usual medical definitions of male or female. Transgender does not imply any specific sexual orientation: transgender people may, like cisgender people, identify as heterosexual, homosexual, bisexual, queer, asexual, etc. Transgender people may or may not desire to transition gender, and may or may not desire medical changes to their bodies as part of this process.

Transition describes the period during which a transgender or transsexual person begins to live in accordance with their gender identity as male or female, as opposed to living according to the sex assigned at birth. Transitioning may include medical changes to one's body through hormones or surgery, legally changing one's name, or changing identification documents such as driver's license, Social Security record, and birth certificate to reflect one's gender identity.

Transsexual describes those people whose gender identity is different from their assigned sex at birth and who live in a gender different from their birth sex, or desire to do so. Many or most transsexual people alter or desire to alter their bodies medically through hormones or surgery in order to align themselves physically with their gender identity.

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## EXECUTIVE SUMMARY

The Anchorage LGBT Discrimination Survey came about as a result of a perceived need for quantifiable data on the incidence of discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals in the Municipality of Anchorage. It represents the first effort since the late 1980s to compile rigorous data about the incidence of sexual orientation bias and discrimination in Anchorage — and the first effort ever to document Anchorage or Alaska-specific data about discrimination and bias on the basis of gender identity and expression.

The Anchorage LGBT Discrimination Survey was conducted in January through March, 2011. Its key findings on the violence, intimidation, and discrimination experienced in the Municipality of Anchorage by its 268 lesbian, gay, bisexual, and transgender respondents were previously reported in the preliminary report (Green, 2011).

In addition to those key findings, also reproduced below as part of this executive summary, this final report includes:

- Detailed tables upon which the charts included in the preliminary report were based.
- A complete methodology including detailed discussion of sampling selection. Probability (random) sampling of LGBT populations is difficult and prohibitively expensive due to several challenges, which are explained. This survey used nonprobability sampling, which is the most common type used for LGBT populations.
- Complete demographic data for the survey population with, in some cases, comparison with 2010 U.S. Census Bureau data from the American Community Survey for total population of the Municipality of Anchorage.
- Expanded discussion of major findings from the prior Alaska studies One in Ten and Identity Reports; comparisons with those national LGBT studies of anti-LGBT discrimination which are based on probability sampling; and comparison with an extensive national nonprobability transgender discrimination study (over 6000 respondents) covering all 50 states, Washington, DC, and several U.S. territories. Though the present survey is based on nonprobability sampling, its results are similar in many respects to national data, and also demonstrates that sexual orientation and gender identity discrimination are as common Alaska and Anchorage as in the rest of the United States.
- Comparisons with recent data on experience of racism in Anchorage from the Anchorage Community Survey 2009 (Chamard, forthcoming). Experiences of racism are common in Anchorage, especially among blacks, Alaska Natives/American Indians, and Pacific Islanders. Sexual orientation/gender identity bias and discrimination is experienced by LGBT people at comparable levels.
- Examination of case processing data for actual discrimination complaints filed with Anchorage Equal Rights Commission (2002–2009) and Alaska State Commission for Human Rights (2006–2010).
- Findings from national studies conducted by The Williams Institute at UCLA School of Law on the rates of employment discrimination complaints based on sexual orientation/gender identity as compared with complaints for sex discrimination and race/color discrimination in states where sexual orientation and/or gender identity discrimination are prohibited. Typically for those states, complaints to state human rights agencies of employment discrimination on

the basis of sexual orientation or gender identity are made at only a slightly lower rate per 10,000 LGBT employees as are complaints of sex discrimination per 10,000 female workers; complaints of discrimination on the basis of race/color tend to be higher than either sexual orientation/gender identity or sex discrimination.

- (8) Respondent comments (edited for respondent confidentiality).

## **Key findings of the Anchorage LGBT Discrimination Survey**

### *Recent discrimination*

- The 50 respondents who have lived in Anchorage less than five years reported experiencing discrimination/bias in Anchorage at only slightly lower rates than the survey sample as a whole, in spite of a much shorter span of time in Anchorage within which to accumulate experiences of discrimination. There were only a few types of discrimination/bias that this population did not report having experienced while in Anchorage, such as discrimination in child custody proceedings.

### *Violence, intimidation, harassment, and bullying*

- Verbal abuse/namecalling was by far the most frequently experienced form of anti-gay/anti-trans bias reported by respondents. 76.5% of the total study sample of 268 respondents and 68.0% of the subsample of 50 respondents who have lived in Anchorage for less than five years have experienced verbal abuse/namecalling at least once while in Anchorage.
  - Experiences of various forms of harassment, intimidation, and bullying were fairly common. Of the total sample of 268 respondents, 42.5% had been threatened with physical violence, 32.8% had been followed or chased, and 29.9% had experienced property damage attributed to anti-LGBT bias. 18.3% had experienced actual physical violence in Anchorage because of their sexual orientation, gender identity, or gender presentation, and 6% had been sexually assaulted.
  - Harassment and bullying were also common on the job and in rented housing. Of the total sample of 268 respondents, 44% had been harassed by their employer or other employees — 16% to the point of actually feeling forced to leave their jobs. 18.7% had been harassed by their landlord or other tenants.
  - 41% of the total sample had been bullied or harassed by other students in Anchorage schools and educational institutions. 14.2% had been bullied or harassed by teachers, and 6.3% had been harassed to the point they were forced to leave school. These figures are especially remarkable given that many respondents had never attended school or college in Anchorage, indicating that rates at which LGBT students experience bullying and harassment in educational settings is probably higher.
  - 13.4% of the total sample reported being harassed or verbally abused by medical providers. 8.6% of the total sample reported being harassed or verbally abused at least once by Anchorage police, and 7.5% said they had been stopped at least once by Anchorage police because of their sexual orientation or gender identity, without other justification for the stop.
-

- In general, non-transgender gay and bisexual men tended to report experiencing violence, intimidation, harassment, and bullying at higher rates than non-transgender lesbian and bisexual women.
- Transgender respondents reported higher rates of being followed or chased (44% for trans; 31.7% for non-trans) and of experiencing actual physical violence (24% for trans; 17.7% for non-trans).

### *Employment*

- The second most common issue reported by respondents (after verbal abuse/harassment) was hiding their sexual orientation, gender identity, or gender transition in order to avoid job discrimination. 73.1% of the total sample and 62% of the respondents who had lived in Anchorage less than five years reported hiding in this way at least once to avoid job discrimination in Anchorage.
- As previously noted, 44% of the total sample had been harassed by their employer or other employees — 16% to the point of actually feeling forced to leave their jobs.
- 20.9% of the total sample said they had been turned down for a job when otherwise qualified because of sexual orientation or gender identity/presentation, and 17.5% reported being denied a promotion at least one time.
- 14.6% reported being actually fired from a job at least once in Anchorage because of sexual orientation or gender identity/presentation.
- 4.5% of all respondents reported being unable to use gender-appropriate restrooms at work, and 4.1% said they delayed gender transition to avoid discrimination. These figures included about one third of all respondents who identified themselves as transgender.
- Non-transgender lesbian and bisexual women reported higher rates than non-transgender gay and bisexual men of having hidden their sexual orientation or gender identity/presentation at least once to avoid employment discrimination (75.7% for women; 70.6% for men); of being harassed on-the-job (44.9% for women; 41.2% for men); and of being actually forced to leave a position because of harassment (18.7% for women; 11.0% for men).
- Transgender respondents reported higher rates than non-transgender respondents of almost all types of employment discrimination evaluated in the survey. In particular, a higher percentage of transgender respondents experienced reported harassment by employers and coworkers (56.0% for trans; 42.8% for non-trans). Nearly a third of transgender respondents (32.0%) were unable to use gender-appropriate bathrooms at work, and over a third (36.0%) said they had delayed gender transition to avoid job discrimination.

### *Housing/shelter*

- As previously noted, 18.7% of the 268 respondents in the study reported having been harassed by Anchorage landlords or other tenants because of their sexual orientation or gender identity/presentation.
-

- Transgender respondents reported harassment from landlords and other tenants at a rate over twice that reported by non-transgender respondents (36.0% for trans; 16.9% for non-trans).
- 10.1% of the total sample said they had been denied a lease at least once when otherwise qualified.
- 8.2% of the total sample reported being evicted or forced to move at least once because of sexual orientation or gender identity/presentation.
- 1.5% of the total sample reported being denied access to shelter at least once.

#### *School/education*

- As previously noted, 41% of the total sample had been bullied or harassed by other students in an Anchorage educational setting. 14.2% had been bullied or harassed by teachers, and 6.3% had been harassed to the point they were forced to leave school.
- 10.1% of the total sample said they had been denied participation in extracurricular activities because of sexual orientation or gender identity/presentation.
- 1.9% reported being denied admission at least once to an Anchorage school or an academic program when otherwise qualified.
- 1.1% were denied financial aid at least once. 0.7% reported being denied campus housing because of sexual orientation or gender identity/presentation.
- Non-transgender gay and bisexual men reported higher rates of almost all types of school/education discrimination than non-transgender lesbians and bisexual women. In particular, non-transgender males had a higher rate of reporting bullying and harassment from other students (47.0% of men; 32.7% of women) and of actually having to leave school because of harassment (9.6% for men; 0.9% for women).
- Transgender and non-transgender respondents showed similar rates of being bullied or harassed by other students (40.0% of trans; 41.2% of non-trans); however, transgender respondents reported discrimination at higher rates than non-transgender respondents in all other categories of education discrimination evaluated in the survey. Nearly one-quarter (24.0%) of transgender respondents reported having been bullied or harassed at least once by Anchorage teachers, compared with 13.2 percent of non-transgender respondents; and this group reported over twice as high a rate of being denied participation in extracurricular activities (20.0% of trans; 9.1% of non-trans).

#### *Child custody/relationships*

- 4.5% of the total sample of 268 respondents reported that their sexual orientation or gender identity/presentation was used against them at least once in a child custody proceeding.
  - 3.0% of all respondents had contact with their minor children restricted by a former spouse because of sexual orientation or gender identity/presentation.
  - 0.7% of all respondents reported that custody of their children was restricted by a court because of sexual orientation or gender identity/presentation.
-

- Within the total sample of 268 respondents, a higher proportion of non-transgender lesbians and bisexual women than non-transgender gay or bisexual men reported that their sexual orientation or gender identity/presentation being used against them in a child custody proceeding (7.5% of women; 2.9% of men). Only one transgender respondent in the study (4.0%) reported an incident of discrimination in child custody/relationships while in Anchorage (contact with children restricted by a former spouse).
- These findings are based on the total study population of 268 respondents; but non-parents cannot, of course, experience issues related to child custody. A more accurate picture of child custody issues can be gained by noting that only 63 (23.7%) of the total study population reported having children, including 18 non-transgender male respondents, 26 non-transgender female respondents, and 9 transgender respondents. Thus, the rates at which LGBT respondents who are actually parents reported discrimination in child custody proceedings are higher. This issue will be discussed in greater depth in the final report.
- None of the 50 respondents who had lived less than five years in Anchorage reported having experienced issues with child custody proceedings while in Anchorage.

#### *Public services*

- As previously mentioned, 13.4% of the total sample reported being harassed or verbally abused by medical providers. This was the most frequently experienced form of public services discrimination reported. Respondents also reported three other forms of discrimination from Anchorage medical providers: 4.9% were denied non-emergency medical care; 4.1% were denied transition-related care; and 0.7% were denied emergency medical care at least once.
- The second most frequently reported form of public services discrimination was being denied service in a restaurant or bar: 13.1% of the total sample reported experiencing this at least once in Anchorage because of their sexual orientation or gender identity/presentation. 3.4% were denied a room in an Anchorage hotel or motel at least once; 6.0% were denied use of a public restroom; 10 (3.7%) were denied a loan or line of credit when otherwise qualified.
- As previously noted, 8.6% of the total sample reported having been harassed or verbally abused by Anchorage police — the third most frequently reported form of public services discrimination. 7.5% reported being stopped by Anchorage police at least once because of their sexual orientation or gender identity, with no other justification for the stop — the fifth most frequently reported form of public services discrimination. In other government services, 1.9% of all respondents were denied gender-appropriate driver's licenses from the Alaska Division of Motor Vehicles; 4.1% were denied services by a local government agency; and 1 respondent (0.4%) was denied a ride or forcibly removed from a People Mover bus.
- The fourth most frequently reported form of public services discrimination was being denied membership or access to a gym or fitness club, with 8.2% of the total sample reporting having experienced this form of discrimination. 3.7% were denied use of a changing room at a gym or fitness club.
- For every type of public services discrimination included in the survey, without exception, a higher proportion of transgender respondents than non-transgender respondents reported

experiencing discrimination. In particular, 44% of transgender respondents reported having at least once been denied use of a public restroom while in Anchorage, compared with just 2.1% of non-transgender respondents. Over one-third of transgender respondents — 36.0% — had been harassed or verbally abused by medical providers, more than three times the percentage reported by non-transgender respondents (11.1%). Over a quarter of transgender respondents — 28.0% — reported being denied use of a changing room at a gym or fitness club, compared with only 1.2 percent of non-transgender respondents.

- Two categories of public services discrimination are fairly specific to transgender persons: transition-related care and gender-appropriate driver's licenses. 40% of transgender respondents reported being denied transition-related care by an Anchorage medical provider, and 16% had been denied the appropriate gender marker on their driver's license.

#### *Relationship status*

- More than three-quarters of respondents (77.2%) stated that their legal status under Alaska law was single, never married; only 4.5% were legally married under Alaska law. In contrast, 58.2% said that they were in committed relationships with intimate partners — relationships which are unrecognized in law except in limited contexts, such as with domestic partner benefits for same-sex partners of State of Alaska employees or “financially interdependent partner” benefits in the University of Alaska system.
-

<http://www.nytimes.com/aponline/2014/12/03/us/politics/ap-us-new-anti-discrimination-rule.html>

Politics

## US Issues Anti-Discrimination Rule for Employers

By THE ASSOCIATED PRESSDEC. 3, 2014, 4:38 P.M. E.S.T.

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WASHINGTON — The Labor Department on Wednesday issued a rule to protect employees of federal contractors from discrimination based on their sexual orientation or gender identity.

The rule would carry out terms of a workplace anti-discrimination law signed by President Barack Obama on July 21.

"Americans believe in fairness and opportunity. No one should live in fear of being fired or passed over or discriminated against at work simply because of who they are or who they love," Labor Secretary Thomas Perez said in announcing the rule. "Laws prohibiting workplace discrimination on the basis of sexual orientation and gender identity are long overdue, and we're taking a big step forward today to fix that."

The final rule issued Wednesday will become effective 120 days after its publication in the Federal Register and will apply to workers of all federal contractors from that date forward.

Eighteen states, the District of Columbia and many small and large businesses already offer such workplace anti-discrimination protections.

"We are building on the work of presidents and members of Congress from both parties who have expanded opportunities for America's workers," said Patricia A. Shiu, who will oversee enforcement of the new requirements as director of the Labor Department's Office of Federal Contract Compliance Programs.

Fred Sainz, vice president of the Human Rights Campaign, said his organization is "pleased that the president's executive order is one step closer to implementation. We look forward to final regulations that will ensure that employees of federal contractors are protected from discrimination based on their sexual orientation and general identity."

Sen. Jeff Merkley, R-Ore., a sponsor of the anti-discrimination law, called the new Labor Department rule "an important step forward toward an America where discrimination based on sexual orientation or gender identity will no longer be tolerated."

~~1/5/16~~ Ruben Wells came in office  
723-5771  
HB 42  
Munoz Bill  
Address

Landlord Tenant

Utah Bill 296 addresses  
employment  
housing

To Balance  
Both Sides of the  
Issues

does a church forced to hire some of same sex

Suggested that Munoz offer a CS  
to add the issues of HB 296 so both  
sides are comfortable