



ALJAZEERA

## Gay couples welcomed at the altar but not at the office

*As marriage bans struck down, gay people can legally wed in a dozen states where they can also be legally fired*

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By [Caroline Preston](#)

Jesus Hernandez, center left, and Oscar Hull after their wedding, Oct. 13, 2014, in Charlotte, North Carolina — the first day same-sex couples could legally marry in the state. Jeff Siner / Charlotte Observer / MCT

It was 2:30 p.m. on Oct. 9 when Casie McGee and Sarah Adkins learned that the West Virginia state government would begin issuing marriage licenses to same-sex couples. They stopped at home to change into dress shirts and were happily surprised to find that the wedding rings they'd ordered on Amazon, in anticipation of such a day, had just arrived.

By 4, marriage license in hand, they were on the steps of the courthouse building in their city of Huntington. Adkins' best friend, a student at Marshall University who is also a licensed reverend, rushed over from campus to marry the couple. The scene, says McGee, was "a mess of news cameras and excitement."

For McGee and Adkins, plaintiffs in the legal challenge to the state's ban on same-sex marriage, the day was the culmination of a long fight to wed. But for gay-rights groups, it was only the latest step toward equal rights for LGBT people. After the Supreme Court [declined last month](#) to hear a series of cases on gay marriage, West Virginia became one of a dozen states (along with [Alaska](#), Arizona, Idaho, Indiana, [Kansas](#), North Carolina, Oklahoma, Pennsylvania, Utah, Virginia and Wyoming) that allow gay people to marry, but at the same time fail to provide them with explicit protections against job and housing bias. Such discrimination isn't simply theoretical: Six months into their relationship, McGee fell ill and Adkins, who worked at a bakery, took time off to care for her. Adkins' boss questioned the nature of their relationship, then, for the first time, began writing her up whenever she missed work. Adkins says she quit to go back to college before she could be fired.

At the time, McGee worked as a math professor at a community college. But earlier this year, she lost her position amid budget cuts and is now training to become a public-school teacher. She is concerned that her sexual orientation could become an issue. And her fears may be well-founded: She points to the case of Kelli Burns, a teacher in a nearby county who alleged last year that she was fired for being gay. In October, the state public-employees grievance board found in favor of Burns and [reinstated her](#).

This is the dilemma now facing a growing number of gay couples: They can legally marry, but they can also be fired from their jobs, thrown out of their apartments and denied service at businesses because of their sexual orientation. Many say the increased visibility of same-sex partners, even in small towns in conservative states, will lead to greater acceptance of gays. But, particularly in the short to medium term, it could prompt more instances of discrimination.

It's not a situation gay-rights advocates anticipated. While support for same-sex marriage has grown significantly over the past decade (to 58 percent, according to a [recent Washington Post/ABC News poll](#)), employment rights for gays has even stronger support. In fact, Gallup stopped regularly polling Americans about their views on employment protections for gay people five years ago when support [reached 89 percent](#).

"I didn't expect marriage equality to happen so quickly — and it's a good thing; I'm not complaining," says Ted Martin, executive director of Equality Pennsylvania, an LGBT advocacy group. "But because you don't have civil-rights protections in place, someone even talking about their marriage could be used as grounds to terminate someone."

That legal landscape isn't likely to change anytime soon. Although the courts have struck down gay-marriage bans, the ability to pass civil-rights protections generally resides with legislatures. Most statehouses are dominated by Republicans, many of whom [oppose extending such protections](#) because, they argue, the rules infringe on employers' rights. The federal Employment Non-Discrimination Act (ENDA), first introduced in 1994, has all but died in Congress; even many gay rights groups have [pulled their support](#) for the legislation because of its exemptions for religious organizations. Nationwide, 29 states do not have laws that protect LGBT people based on their sexual orientation or gender identity. Thirty-three states and the District of Columbia now allow same-sex marriage.

"I am not optimistic," says Patrick J. Egan, associate professor of politics and public policy at New York University, of the [likelihood](#) of ENDA passing. "We could really reach a point quite soon where the entire country has marriage equality and only half has employment protections."

Amid gridlock in Washington and in state capitals, some municipalities (more than 200 so far) have adopted local laws that ban discrimination against gay people. In Bloomsburg, a college town in central Pennsylvania, town council members [are now considering](#) such an ordinance.

Dwayne Heisler, the co-owner of a local collections agency, proposed the legislation to the town council after a series of incidents following May's federal court ruling that [legalized gay marriage in Pennsylvania](#). First, a lesbian couple was [denied service](#) by one of the two bridal shops in town; its owners said that making wedding gowns for the couple would violate their

religious beliefs. Since then, the shop has also turned away two other couples, says Heisler. A man employed by Bloomsburg University was denied an apartment because he works for the school's LGBT association. And several weeks ago, Heisler says, he learned of a local couple who'd traveled out of town to quietly marry. One of the men, who declined to be interviewed for this story, hides his identity at work for fear he will be fired.

The ordinance would set up a mediation process between companies and employees and clients who say they've been discriminated against and possibly establish a system for assessing fines on the businesses. Debate has been heated. At one meeting, inside a 45-person-capacity room in the town hall on quiet Main Street, residents spilled out into the hallway. One man was kicked out for shouting. "Many people have lived here all their lives and have not had much experience with different kinds of people," says Sue Jackson, a retired professor of social work at Bloomsburg University. The vote on the ordinance, she says, "is obviously going to be very close."

Sara Simone, a transgender woman in Alexandria, Virginia, wrote to a local legislator, she says, seeking the introduction of an anti-discrimination ordinance. But the state, along with North Carolina, strictly interprets Dillon's rule, a legal concept dating from the 19th century that limits the ability of towns and counties to introduce laws that might infringe on state authority.

Simone, a former army officer, came out as transgender in 2011. Her boss at the nonprofit where she worked was supportive, she says. Simone began wearing dresses to the office and undergoing hormone-replacement therapy. But when the organization ended the program Simone oversaw, turning her job into a part-time position, she decided to look elsewhere rather than take a pay cut. "I had never had a problem getting a job before and I thought I would get one in two weeks," she says. Instead, she went to interview after interview — approximately 10 in total — but was never offered a position.

Once, a company asked her to apply for a higher-level job after seeing her resume; then, after the in-person interview, the company stopped returning her calls and emails. "There was a coldness [from the interviewer]," Simone says. "I got the sense they felt like they had been lied to." After four months of searching, Simone took a nonmanagement position at an organization she'd worked with years before.

Two years ago in Charleston, West Virginia, one of the few jurisdictions in the state with an anti-discrimination rule, a woman named Jessica Hudson sued for wrongful termination after losing a job offer because, she said, the organization learned from social media that she was a lesbian. Her lawyers argued that the group's conduct violated the city ordinance; ultimately, a [jury ruled in her favor](#). But Andrew Schneider, executive director of the gay-rights group Fairness West Virginia, says that this ad hoc approach is too limiting.

"[The local law] doesn't have enough teeth to deter businesses from doing this sort of thing," he says. "What we need is a state rule."

Meanwhile, even some supporters of gay marriage argue that anti-discrimination laws — at the local, state or federal level — [aren't a good solution](#).

“Unlike the legal recognition of same-sex marriage, these laws do come at a price of the freedom of action of private businesspeople,” says Walter Olson, a senior fellow at the Cato Institute, a libertarian think tank, and founder of Maryland for all Families, a group of conservatives and libertarians who supported the 2012 state law legalizing gay marriage.

Olson also says the anti-discrimination rules don’t seem to be particularly effective, as they rarely lead to litigation. Meanwhile, the laws are not going to alter the culture of a town or city.

“Proponents shouldn’t get their hopes up that it will actually change life in a conservative small town,” Olson adds.

Daniel Hunt says he feels fortunate to live in Salt Lake City — “it’s kind of like the new California” — rather than a smaller, less tolerant part of Utah. Hunt grew up Mormon and had two children with his now-ex-wife before coming out as gay. Last December, he married Slade Dalley, his boyfriend of three and a half years. (Utah offered marriage licenses to gay people for several weeks last winter before the Supreme Court ordered a [temporary halt](#) to the weddings; same-sex marriage became legal again in the state last month.)

Soon after he was married, Hunt, who works as a housing coordinator at a hospital, tried to add Dalley to his health-insurance plan. He says he was told that his employer had introduced an addendum requiring that the spouse be of the opposite sex. “That turned a happy event into more disappointment and frustration. They kind of made me feel like I should have kept it hidden.”

Indeed, advocates say that in states without legal protections, some LGBT people won’t sign their spouses up for health-insurance plans out of fear that it could lead to their termination. Hunt says he knew at the time of a dozen gay co-workers, most of whom were in the closet. One, Jake Coleman, says he began searching for a new job because of the intimidation Hunt faced; at his current workplace, which he describes as more tolerant, he keeps a photograph of his boyfriend pinned on his office wall. Hunt’s experience had a happy outcome as well: Last month, he was told that the company had reversed its decision, effective Jan. 1. “I instantly got dozens of emails congratulating me,” he says.

On Nov. 6, an appeals court [upheld four state bans on gay marriage](#), creating a split in federal jurisprudence and potentially forcing the Supreme Court to take up the issue. For Casie McGee, the ruling was a disappointment. But the next day, the judge in her case issued an order legalizing her marriage, the last formal hurdle to the state recognizing her relationship with Adkins: “The law in West Virginia has changed, and that’s a win, and I can’t honestly see the Supreme Court going against what so many other states have done.”

Six weeks after their wedding, McGee and Adkins are focused on their next career steps. McGee says she’ll likely become a substitute teacher, then look for a full-time job in 2015. Adkins is finishing an anthropology degree at Marshall University. She “likes to dig in the dirt” on archaeology projects, but plans to find work in geographic-information systems, creating maps for the government. McGee says she’s never tried to hide her sexual orientation in job interviews — “it’s pretty obvious who I am” — and if an employer doesn’t call her back, she figures she’s

better off not working for that organization. Besides, now that the couple's lawsuit has brought them media attention, she says, "It's not like there's a closet for us to go back into."