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Virginia Governor Issues Executive Order to Combat Sexual Orientation and Gender Identity Discrimination Among State Contractors

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Virginia law does not currently prohibit discrimination on the bases of sexual orientation or gender identity. However, as Governor Terry McAuliffe stated in a news release on January 5, 2017, “Starting today, the Commonwealth of Virginia will not do business with entities that discriminate based on sexual orientation or gender identity.” As a result, employers seeking to conduct business with the Commonwealth will now need to revamp their antidiscrimination policies to obtain procurement contracts valued at more than \$10,000.

[Executive Order No. 61](#) provides that the Commonwealth of Virginia will only contract with companies that prohibit discrimination on the basis of certain protected categories, including sexual orientation and gender identity. Governor McAuliffe noted in the order that “[r]ecent events have demonstrated the negative effects of allowing prejudice, while also showing the positive growth that comes from an open and inclusive state government.” Executive Order No. 61 applies to all contracts that have not already progressed to the stage at which changes in contract requirements would materially and adversely impact the completion of a procurement contract.

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Tevis Marshall is a founding member of the firm's Richmond office and focuses his practice on all aspects of traditional employment law. He regularly counsels employers on a broad range of workplace issues, including regulatory compliance, personnel policies, hiring, disciplining, terminating, reasonable accommodations, FMLA leave and workplace investigations. He has also assisted clients in managing onsite investigations from the EEOC and the U.S. Department of Labor. In addition to advising...
