

## Devitt in HR Magazine: Know Federal/State Workplace Law Distinctions

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**PRACTICES** Employment Litigation, Labor and Employment

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HR professionals are usually familiar with federal anti-discrimination statutes — such as Title VII of the Civil Rights Act of 1964 — but they also must be aware of similar state laws that may provide more protections for workers, [HR Magazine reported](#). ...

Federal laws protect workers from discriminatory employment actions based on classifications such as age, color, disability, national origin, race, religion and sex. Many states have added to the list of protected categories, said [Tamara Devitt](#), an attorney with Haynes Boone in Orange County, Calif.

For example, she said, California law extends employment protections to workers based on sexual orientation, gender identity and marital status — whereas federal law does not. Furthermore, state laws may apply to businesses with fewer workers.

California's Fair Employment and Housing Act generally applies to businesses with five or more employees. Most federal anti-discrimination statutes aren't triggered unless the business has at least 15 or 20 employees (depending on the statute).

In addition to California, New York laws tend to be employee-friendly, and cities like New York City and San Francisco provide even more employment protections, Devitt noted.

Still, some states have laws that largely mirror federal law, while other states don't have any protections for certain categories. For example, Alabama doesn't have a statute that protects workers from race discrimination. That means employees in the state would have to file such claims under federal law.

"When there are differences between federal and state law, usually the one that is more favorable to the employee is going to apply," Devitt said.

She noted that multistate employers need to understand the laws that affect their workforce and figure out the best policy for their organization. Some employers may decide to have different standards in different states, and others may decide to go with the most employee-friendly laws and give workers more protections than they may be entitled to in some states, she said. ...

Excerpted from *HR Magazine*. To read the full article, click [here](#).