



**FUTURE PLANNING**

It's been a busy fall for Lori Rook after a staff shakeup and the addition of a business division to her elder law practice.

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# FOCUS

LAW



**ALL ON BOARD**

Ashley Quinn, left, and Krista Moncado, The GLO Center's sole employees, are working to help businesses become more inclusive.

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## Inclusivity on the Line

Businesses advocate for LGBTQ employment protections, while the Supreme Court debates the civil rights matter

by Christine Temple · ctemple@sbj.net

As the U.S. Supreme Court justices debate the legality of adding federal protections for LGBTQ employees, local businesses aren't waiting to take action toward inclusivity.

The Gay and Lesbian Community Center of the Ozarks, aka The GLO Center, launched the Ozarks Inclusion Project to connect LGBTQ people to businesses that want to serve and employ them.

Nearly 25 businesses are on the directory at OzarksInclusionProject.org, which went live last month, and Executive Director Krista Moncado said she's working to add another 100 businesses that signed up during the Oct. 12 Greater Ozarks Pride-fest. Participating businesses include DeLong Plumbing, Heating & Air; Complete Weddings and Events; and a hip joint Springfield LLC.

"Businesses realized they needed to be proactive in their support ... so that LGBTQ-plus people could continue to feel at home in the Ozarks," Moncado said. "It is still legal to

fire someone because they are perceived as gay or transgender in the state of Missouri. But we know in southwest Missouri that there are lots of inclusive businesses and organizations that are excited about offering their services to folks."

Moncado said protective policies are important because LGBTQ workers face higher rates of discrimination. A Missouri Foundation for Health report in 2012, the latest available, found one in seven LGBTQ Missourians reported experiencing discrimination in the workplace.



**Jeff Schrag:** The city won't grow without being inclusive to LGBTQ community.

Mother's Brewing Co. owner Jeff Schrag said the brewery worked with The GLO Center to update its employee policy to protect LGBTQ people against discrimination.

"It's nothing radical for us; it's how we believe," he said. "But we just decided let's go ahead and write down exactly how we believe. It may make a difference when we're posting [a job], how someone perceives us.

"We're not going to be a successful and growing community if we're not an inclusive community. Period."

**Law of the land**

Springfield law briefly protected sexual orientation and gender identity against discrimination within workplaces, housing, transportation and public accommodations. The SOGI ordinance passed through Springfield City Council in late 2014, but it was brought to voters in the April 2015 election through a referendum. According to the Greene County Clerk, voters narrowly repealed the ordinance by a 51.4% margin.

Nearly five years later, Councilman Craig Hosmer said it is time to try again. He's asked Springfield's city attorney, Rhonda Lewsader, to revise the 2014 SOGI ordinance, and he expects the proposal to be presented to council by next month.

"It's the right thing to do. And things have changed pretty significantly, I think, in the last five years," Hosmer said. "In 20 years, people will look back on this and say, 'Why didn't we do this sooner?'"

Lewsader said the proposal can be brought as a council bill, but it could face another referendum that could put the SOGI ordinance back on the ballot. She said she is currently reviewing the 2014 ordinance for updates.

Missouri is one of 28 states without discrimination laws related to sexual orientation and

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## LGBTQ: SCOTUS decision uncertain

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gender identity, which leaves 8.1 million LGBTQ people without protections, according to The Williams Institute, a law school think tank at the University of California-Los Angeles.

"The city should be doing things that we think are on the right side of history," Hosmer said. "Big business wants to have an inclusive and diverse community. Our job is to do what we think is right and if the voters don't support it, then they can certainly vote against it."

Moncado said she supports Hosmer's efforts but hopes council will go further with protections, such as banning conversion therapy as a service and working with Springfield Public Schools to create safe spaces for transgender students.

"Springfield plays a critical role in advancing nondiscrimination protections at the statewide level," Moncado said.

### SCOTUS judgment

The Supreme Court began hearing oral arguments earlier this month in a number of cases related to workplace protections for sexual orientation and gender identity.

In *Altitude Express v. Zarda*, the justices will hear a case involving Donald Zarda, who claims he was terminated because he is gay. The case contends Title VII of the Civil Rights Act of 1964, which bans discrimination based on sex, includes protections for sexual orientation.

Another case, *Bostock v. Clayton County, Georgia*, also will require the justices to decide whether federal law bans employment discrimination for gay and lesbian employees.

The third case, *R.G. & G.R. Harris Funeral Homes v. EEOC*, asks whether Title VII protections extend to transgender employees.

"It's hard to tell which way the Supreme Court is going to fall on this issue," said Ashley Norgard, an associate attorney with law firm Kutak Rock LLP.

She cited new justices Neil Gorsuch and Brett Kavanaugh as one reason for the uncertainty.

"There were some questions during the oral arguments that have made experts question which way the court is going to go," she said.

Norgard, who primarily practices in employment law, said she often advises clients on policies related to sexual orientation and gender identity.

"There's a positive business case for making sure that your company or organization adds sexual orientation and gender identity to its nondiscrimination statement," she

said. "Most employers already want to create a culture of respect in their workplace; it's not that big a leap for most employers to provide that additional protection to individuals because of their sexual orientation and gender identity."

Among the largest local employers, Bass Pro Shops, Missouri State University, Prime Inc. and Springfield Public Schools have



**Ashley Norgard:**  
There's a business case for inclusivity in the workplace.

anti-discrimination policies protecting sexual orientation and gender identity, according to officials at the companies. CoxHealth and Mercy Springfield Communities, the largest employers in the area, do not. Norgard said some employers shy away from adopting such laws because of conservative values and liability.

"Some employers are conservative and risk adverse and so they don't want to voluntarily accept any more potential risk than they are required to under state and federal law," she said. "If an employer decides to provide additional protections to individuals not already covered by the law, they could be opening themselves up to additional legal risk if that employee were to face discrimination or harassment."

Although gender identity is currently not covered under state law, Norgard said there may be legal implications under Occupational Safety and Health Administration

regulations as it relates to transgender employees.

"Bathrooms can be a big barrier," she said. "As OSHA points out, access to a restroom can be a health and safety issue. It should always be a case-by-case analysis of what is right for that employee."

### Training ground

Moncado said in addition to the online directory, Ozarks Inclusion Project is offering inclusivity training to businesses.

"Some people really have never met a transgender person before and want to be able to ask those questions in an appropriate setting," she said. "We cover things from definitions to vocabulary to are there gay and transgender people in the Ozarks? How can you make sure that you are being supportive?"

She said The GLO Center has provided training to Burrell Behavioral Health, Greene County staff, local colleges and hospital systems. The cost is \$250 an hour for businesses and \$100 an hour for nonprofits, and Moncado said scholarships are available through a grant from Community Foundation of the Ozarks. It was an \$11,500 grant in 2018 that got Ozarks Inclusion Project off the ground, paying for the website and training programs.

"Since those protections were repealed, businesses have stepped forward and said, 'This is not how we feel. We are allies; we are inclusive,'" she said. "It really has been amazing to watch businesses that already are inclusive in their practices, but continue to grow and be able to really connect with individuals and community organizations."

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