

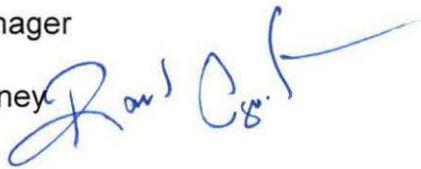


MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Raul J. Aguila, City Attorney 

DATE: June 26, 2019

SUBJECT: Authorization to file amicus brief in U.S. Supreme Court LGBT employment cases; sponsored by Mayor Dan Gelber

The City Attorney's Office seeks authorization to join and file an amicus brief being filed in the U.S. Supreme Court by the organization *Mayors Against LGBTQ Discrimination*. The brief supports the recognition of employment nondiscrimination protections for the LGBTQ community. The brief is being prepared by a coalition of local jurisdictions, and all work on behalf of the City of Miami Beach will be performed in-house by our constitutional and LGBT rights expert, Rob Rosenwald.

The Supreme Court will consider this term how Title VII's ban on workplace sex discrimination protects LGBTQ people from discrimination on the basis of sexual orientation or gender identity in a trio of cases: *R.G. & G.R. Harris Funeral Homes Inc. v. EEOC & Aimee Stephens*; *Altitude Express Inc. v. Zarda*; and *Bostock v. Clayton County*. The EEOC and many federal courts have recognized that anti-LGBTQ discrimination is a form of sex discrimination. The Court will now decide whether to revoke these non-discrimination protections.

The amicus brief will share the unique perspective of local governments when it comes to protecting LGBTQ people in the workplace. The brief will have two components:

First, a section will discuss discrimination against LGBTQ people, especially in the workplace, and the profound effect of discrimination on LGBTQ members' lives, and the community itself. Though LGBTQ people are most immediately and severely harmed by this discrimination, the damage resonates through local governments and the entire community. When LGBTQ people lose their jobs or sustain other workplace injury because of who they are – and then are unable to redress that injury in court – a local government, which provides the first safety net and essential services such as job training, social safety net, health care, housing and the like, carries a significant burden.

Second, a section will detail the experience of local governments that have long protected LGBTQ people from discrimination in the workplace, and show that these municipalities' protection of LGBTQ people has benefited and strengthened these communities.