



Transgender Policy

Purpose

This transgender policy reaffirms the County's commitment to providing a welcoming, safe, and inclusive environment for all employees. This policy supports the County's Equal Employment Opportunity (EEO) Policy which prohibits discrimination on the basis of certain protected characteristics such as sex, sexual orientation, gender identity, or gender expression.

This policy provides guidance to address the issues that arise pertaining to transgender and transitioning employees, clarifies the expectations and process for managers, supervisors, and employees, and creates a safe and productive work environment for all employees. This policy does not anticipate every situation that might occur with respect to transgender or transitioning employees, and the needs of each employee may be assessed on a case-by-case basis.

Definitions

The definitions provided here are not intended to label employees but rather to assist in understanding this policy. Employees may or may not use these terms to describe themselves.

- » **Gender identity:** A person's internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.¹
- » **Gender expression:** An individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.
- » **Transgender:** An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth.
 - A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).

¹For ease of reading and to promote inclusive language, the pronoun "they" or "their" is used even when referring to a single employee.

- A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
 - Some people described by this definition don't consider themselves transgender – they may use other words, or may identify simply as a man or woman. A person does not need to identify as transgender in order for the County's Transgender Policy to apply to them.
- » **Gender non-conforming:** This term describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
 - » **Transition:** The process of changing one's gender from the sex assigned at birth to one's gender identity in order to live as the gender with which they identify. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include but is not limited to "coming out" (telling family, friends, and coworkers); changing the name and/or sex on legal documents; changing pronoun and restroom facility usage to correspond with the gender with which they identify; and, for many transgender people, undergoing hormone therapy, surgeries, or other medical procedures.
 - » **Sexual orientation:** A person's physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight, just like non-transgender people.
 - » **LGBTQ:** A common abbreviation that refers to the lesbian, gay, bisexual, transgender, and queer and/or questioning communities.

EVERYONE HAS A . . .

Sex Assigned at Birth
 Gender Identity
 Gender Expression
 Sexual Orientation

Personnel and Other Policies

Names/ Pronouns

A transgender employee should be addressed by the name and pronoun that correspond to the employee's gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can lead to a potential violation of the County's EEO Policy. If you are unsure what pronoun a transitioning employee might prefer, you can politely ask the employee how they would like to be addressed.

Personnel Records

The County will change certain personnel records of a transgender employee to reflect a change in name or gender upon request from the employee. Some records, such as the employee's preferred name in Workday, Outlook e-mail address, and gender in Workday may be changed to reflect the person's new name (if any) and gender without proof of a legal name or gender change. Other types of records, like those relating to benefits, payroll, retirement accounts, legal name changes in Workday, and ID Badges may require a legal name change before the person's name and gender can be changed. The change of the employee's name for legal, official, and ID Badge purposes will be governed by the same rules that apply to other similarly situated employees in their Department. The transgender employee should communicate in writing to Human Resources regarding the effective date of their new gender and name change (if any) and authorize Human Resources to update their records. This communication should be sent to the Director of Human Resources. The employee can change their preferred name and gender in Workday by submitting a request through their Workday account. The employee can update their e-mail and Active Directory account by opening an ISD service ticket.

Transitioning on the Job

Employees who transition on the job can expect the support and guidance of management and human resources staff. The process for employees who decide to transition at the County is described below in the Workplace Transition Plan. The employee's supervisor or manager (or another manager, if appropriate) is responsible for working with each transitioning employee, with guidance from Human Resources, to assist the employee with their transition and prepare a transition plan in order to ensure a smooth and successful workplace transition.

Each Department's leadership team is responsible for supporting all employees throughout the process, and ensuring that managers, supervisors, and employees are informed, educated, and supportive of the Transgender Policy and transition process. Department leadership should ensure sufficient training and resources are provided to staff as needed, and should identify and address any concerns or areas of improvement in the transition process.

All employees should recognize and understand that the transition process at the workplace is a process that may involve several stages, some of which may require more lead time than others.

The Workplace Transition Plan below may be used by supervisors, managers, and employees as a guide to foster a smooth transition and create a safe and inclusive workplace for all employees. Each individual's specific situation, however, should be considered so that the transition process is tailored to address any new or particular needs that arise.

Privacy

All employees should respect each other's privacy regarding any medical, health, or personal information. Other than information needed to ensure a smooth transition (such as confirming the employee's decision and effective dates regarding the transition and process, the gender/ pronoun/ name with which the employee identifies, facility usage, etc.), managers, supervisors, and employees should refrain from making inquiries of a personal nature regarding the individual's medical, health, or other personal matters. If a transgender or transitioning employee shares information of a personal or private nature (other than that needed to ensure a smooth transition) indicating a need for more personal support, the supervisor or manager should refer the employee to appropriate resources for assistance such as EAP or other professional resources.

Restroom Accessibility

Transgender employees shall have access to the restroom corresponding to their gender identity. Restroom access must be handled with sensitivity for all employees, including consideration of privacy concerns for all employees. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, if and when available. No employee, however, shall be required to use such a restroom unless the facility uses a single-stall restroom for other similarly situated employees. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. That is, transgender women must be permitted to use the women's restroom, and transgender men must be permitted to use the men's restroom.

Some employees – transgender or non-transgender – may desire additional privacy. Where possible, an employer may make available a unisex single-stall restroom that can be used by any employee who does not want to share a multi-person restroom and has a need for increased privacy, regardless of the underlying reason, if available.

Due to the sensitivity and privacy aspects of this issue, supervisors and managers should work on a transition plan (see below), with guidance from Human Resources, for transitioning employees that includes facility usage, effective dates, notification to others, etc. to ensure a smooth and productive transition for all employees.

Locker Room Accessibility

All employees have the right to use the locker room that corresponds to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity before or after other employees if and when possible.

Sex-segregated job assignments

For sex-segregated jobs, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

Dress Codes

Transgender employees have the right to comply with department dress codes in a manner consistent with their gender identity or gender expression.

Discrimination/ Harassment

This policy supports the County's Equal Employment Opportunity (EEO) Policy which prohibits discrimination or harassment on the basis of certain protected characteristics such as sex, sexual orientation, gender identity, or gender expression.

The County is committed to creating a safe, inclusive, and productive work environment for all employees. Any individual who believes that they are being subjected to improper conduct or potential discrimination or harassment because of their gender identity or expression or any other basis covered under the EEO Policy should notify their supervisor, manager, human resources, or EEO Manager so that the concerns can be reviewed, investigated or addressed as appropriate. Please refer to the County's EEO Policy for further information.

Workplace Transition Plan

This Workplace Transition Plan addresses some of the processes that may occur at the County during an employee transition at the workplace. Transgender employees who transition on the job can expect the support and guidance of management and human resources staff. The employee's supervisor or manager (or other manager, if appropriate) is responsible for working with each transitioning employee individually, with guidance from Human Resources, to ensure a successful workplace transition. Below is a Workplace Transition Plan that supervisors, managers, and employees can use as a guide to foster a smooth transition and create a safe and inclusive workplace for all employees. Each individual's specific situation, however, should be considered so that the transition plan is tailored to address any new or particular needs that arise.

Before the Workplace Transition Begins:

1. All managers, supervisors, and employees should familiarize themselves with this policy so that many of the issues, expectations, and questions regarding a transgender or transitioning employee are reviewed and understood in advance. If any employee has any concerns or questions about this policy, or needs additional education and guidance, they should contact their supervisor, manager, EEO, or human resources staff member for assistance.
2. Any employee who would like to transition in the workplace should inform their supervisor, manager, or Human Resources (through their Department's HR contact, EEO, or ER Analyst) of their decision and for assistance with the process.
3. If a County supervisor or manager is informed by an employee of their decision to transition, they should contact the EEO Division in Human Resources for guidance on the transition. The supervisor and manager should also refer the employee to this Transgender Policy and any other relevant County policies. Supervisors and managers should support the employee, although the decision of whether or not to transition in the workplace and the readiness or timeframe to begin the transition process at the County should be the employee's alone. If the employee appears to be unsure or needs additional support regarding the decision, the supervisor or manager should refer the employee to EAP or other professional resources for guidance on this personal and sensitive decision. Due to privacy and other issues, supervisors and managers should refrain from asking personal questions about an employee's medical, health, or other personal matters, other than information needed to ensure a smooth transition (such as confirming the employee's pronoun, name, effective date, facility usage, etc.).

Beginning the Workplace Transition:

4. Once a transgender or transitioning employee makes the decision to go through the process of transitioning at the County, including changing records, name, gender, ID badge, etc., the employee should send an e-mail to the Director of Human Resources confirming that they would like to transition, the new gender with which they wish to identify, new name (if any), approximate desired date of the transition, and authorizing Human Resources to update their records once the effective date has been confirmed. Please note that the actual effective date of the transition, including the changing of records, will depend on the agreed upon transition plan for that employee.
5. Following receipt of the information above, the employee's supervisor or manager (or another manager if appropriate) should schedule a meeting with the employee to discuss the transition process and plan. Department leadership should be made aware of the employee's planned transition so that leaders can express their support when the employee's transition is made known to the employee's work team.

6. During this initial meeting, the supervisor or manager should express support for the employee and the commitment to make the transition at the workplace as smooth as possible. In addition, the following topics may be covered.
- i. Employee's thoughts on how they would like to come out and whether they would like to assist in developing a transition plan with their supervisor/ manager
 - ii. The County's commitment to providing a welcoming, safe and professional environment for all employees
 - iii. Identifying which individuals need to be included in the workplace transition plan. At a minimum, this should include the employee, the employee's supervisor or manager (or another manager if appropriate), and Human Resources
 - iv. County relevant policies, such as this Transgender Policy, EEO Policy, and other human resource policies that relate to transgender or transitioning employees
 - v. The process of updating records, pronouns, ID badge, and name, etc. to correspond with the person's gender identity
 - vi. The process and manner in which co-workers, other employees, clients and/or customers would be notified regarding the changes, and whether to notify others in stages
 - vii. Timeframes and effective dates regarding notifications, record changes, facility usage, etc.
 - viii. Recognition and understanding that the transition process may involve several stages, some of which will require more lead time than others. For example, coming up with a transition plan, soliciting input from the employee, drafting and confirming the understanding of the plan, scheduling meetings, addressing challenges that arise, etc.
 - ix. Information that should be included in any communication regarding the transition
 - x. Any concerns that the employee may have regarding the transition process or plan and refer them to appropriate contact for assistance depending on the issue (i.e. supervisor, manager, EEO, Employee Relations, etc.)

- xi. Resources available to the employee for assistance, including but not limited to, the County's Employee Assistance Program (EAP), etc.
 - xii. Referral to Benefits to discuss medical benefits and options available
 - xiii. Plan for follow-up meeting or conversations
7. Please note that the initial meeting is intended to express support to the employee and introduce the process and many of the topics above. It is likely that some of the information needed to come up with the transition plan will be discussed and obtained in stages or in follow-up meetings. All parties should expect to modify the transition plan as needed to address any issues, challenges, or needs that arise.
 8. After the supervisor or manager has obtained sufficient information to come up with an initial transition plan, they should consult with the EEO Division in Human Resources to draft a Workplace Transition Plan to clarify in writing a mutual understanding of the transition plan.

Creating the Workplace Transition Plan:

9. The Workplace Transition Plan should confirm a mutual understanding of the transition plan and key areas of the process and timeframes. The transition plan should cover, at a minimum, the following:
 - i. The date when the transition at the County will officially and formally occur. This means the date that the employee will change to their new name (if any), gender/ gender identity, pronouns, records, etc. The transitioning employee may choose to begin using the restroom and locker room associated with their gender identity on this date as well. The transitioning employee and their supervisor or manager should work together to arrive at a mutually agreeable effective date. Once those dates are confirmed, the transgender or transitioning employee should send an e-mail to the Director of Human Resources confirming the effective dates and authorizing the County to change any official or personnel records as needed. Keep in mind that certain record changes may take longer than others. See the Personnel Records section above for guidance
 - ii. Decide how, and in what format, the transitioning employee's co-workers should be made aware of the employee's transition. It is important to consult with the transitioning employee regarding the communication, what role the employee may want to take, and whether the employee would like to inform some co-workers individually first before it is officially announced

- iii. Decide how, and in what format, other employees outside the transitioning employee's work Division/ Department, and clients and customers with whom the employee interacts, should be made aware of the employee's transition
 - iv. Decide what, if any, education and training will be given to co-workers and others as needed
 - v. Determine and confirm what updates (i.e. name, gender, pronoun, etc.) should be made to the transitioning employee's records, and when they will be made
 - vi. Any other relevant issues involving the topics discussed above, or any other pertinent information
- 10. Once the initial transition plan has been developed, the process of communicating information to others may involve the following steps:
 - i. Provide renewed education to staff including information about this Transgender Policy and any other relevant policies, as needed
 - ii. Provide information to clients and customers about the Transgender Policy as needed
 - iii. Draft a memo or notification about the employee's transition, name, pronoun, effective date, etc. to immediately impacted co-workers, clients and customers
 - iv. Draft a memo or notification about the employee's transition, name, pronoun, effective date, etc. to others outside immediately impacted employees as needed
 - v. Meet with the transgender or transitioning employee to provide input and review drafts
 - vi. Review the drafts with the EEO Division in Human Resources
 - vii. Inform Department leadership of the communication plan and timeframes so that support and resources can be provided as needed
 - viii. Finalize and issue written communications
 - ix. Convene a follow-up meeting with managers, supervisors and employees as needed to receive input and answer questions
- 11. The supervisor or manager should check-in with the transgender or transitioning employee regarding the process and to ensure the workplace is welcoming and inclusive and if there are steps that the manager can take to improve the process or workplace environment.
- 12. Department leadership should obtain feedback from the employee's supervisor and manager to identify and address areas of concern and ways to improve the process.