

**THE CITY OF LOS ANGELES  
WORKPLACE GENDER TRANSITION  
GUIDELINES**



**PREPARED BY:**

**PERSONNEL DEPARTMENT**

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**WORKPLACE GENDER TRANSITION GUIDELINES  
CITY OF LOS ANGELES**

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# WORKPLACE GENDER TRANSITION GUIDELINES

## CITY OF LOS ANGELES

### INTRODUCTION

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The City of Los Angeles is proud of its equal employment opportunity (EEO) policies and commitment to diversity among its employees. The strength of diversity in our workforce gives the City access to a rich range of talent, representing different experiences, perspectives and styles. These differences foster a collaborative and innovative work environment that makes us a better organization on every level. If we value inclusion and diversity, it is important that we continue to have a culture that appreciates and welcomes a diverse workforce.

As an organization that includes “gender identity” in its EEO policies and is transgender-inclusive, the City of Los Angeles must be adequately prepared to manage a gender transition. For this reason the City has established the attached Workplace Gender Transition Guidelines, instituting protocols for gender transitions that clearly delineate expectations and responsibilities of Human Resources (HR) personnel, managers, supervisors, transitioning employees and their co-workers. We ask that Departments immediately make the Guidelines accessible to managers, supervisors and employees.

The City’s Workplace Gender Transition Guidelines address:

- Who in the organization is responsible with assisting a transitioning employee with his/her workplace transition;
- What a transitioning employee can expect from Management;
- What Management’s expectations are for managers, supervisors, other staff, and the transitioning employee;
- The important elements of a workplace gender transition, including training for Department staff;
- Answers to questions relating to dress codes, restroom use, and other transition-related issues;
- Resources and publications; and,
- Tools for developing an effective Transition Plan Timeline and managing the transition.

If you have any questions about the Workplace Gender Transition Guidelines, please contact the City’s EEO Director at (213) 473-9100.

# WORKPLACE GENDER TRANSITION GUIDELINES

## CITY OF LOS ANGELES

### I. POLICY STATEMENT AND PROTECTIONS

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It is the policy of the City of Los Angeles to prohibit discrimination and harassment on the basis of one's actual or perceived sexual orientation, gender identity, or gender expression. *The City includes "gender identity" and "gender expression" in its equal employment opportunity (EEO) policies to clarify that discrimination against transgender or transsexual individuals is prohibited.*

By maintaining a work environment built on respect, trust, collaboration and cooperation, the City is better able to provide superior service to its communities. Every individual makes a unique contribution toward making the City of Los Angeles a place where all employees can grow and succeed. We enable these contributions by actively embracing a diversity of people, ideas, talents and experiences. Having an inclusive work environment means that employees at work can be honest and open about who they are. Employees should be able to bring their whole selves to work and thrive in their jobs and careers. This includes *all* employees – heterosexual, gay, lesbian, bisexual, and employees who identify as *transgender or transsexual*.

In implementing these guidelines, it is important to understand the difference between a "transgender" and a "transsexual" individual. "**Transgender**" is an umbrella or general term that encompasses anyone whose identity or behavior falls outside stereotypical gender expectations. A "**transsexual**" is a transgender individual who either has changed, or is in the process of changing, his or her physical and/or legal gender to conform to his or her internal sense of gender identity. Too often, transgender or transsexual individuals are judged by and discriminated against because of their gender identity.

The following City policies and procedures are consistent with our workplace philosophy that *all* employees are to be treated with fairness and respect:

Mayor's Executive Directive No. PE-1 (Revised): "Equal Employment Opportunity, Non-Discrimination and Reasonable Accommodations" dated August 31, 2004 may be accessed at: [http://per.lacity.org/eoo/exec\\_pe1.pdf](http://per.lacity.org/eoo/exec_pe1.pdf).

Mayor's Executive Directive No. 8: "Zero Tolerance for Hazing of Fellow Employees" dated November 20, 2006 and the City of Los Angeles Hazing Complaint Procedure may be accessed at the Personnel Department's intranet website at: <http://per.ci.la.ca.us/EEOD/Zero%20Tolerance%20for%20Hazing%20of%20Fellow%20Employees%203-4-09.pdf> and at <http://per.ci.la.ca.us/EEOD/HazingComplaintProcedure.pdf>.

Mayor's Executive Directive No. 12: "Policy against Discrimination in Employment Based on Sexual Orientation, Gender Identity or Gender Expression" dated June 6, 2008 may be accessed at: <http://per.lacity.org/eoo/ExecutiveDirectiveNo12.pdf>.

City of Los Angeles Sexual Orientation, Gender Identity, and Gender Expression Discrimination Complaint Procedure may be accessed at the Personnel Department's intranet website at: <http://per.lacity.org/EEO/SexualOrientationComplaintProcedure.pdf>.

City of Los Angeles HIV and AIDS Discrimination in City Employment Policy may be accessed at: <http://per.lacity.org/eoo/CoLA-HIVAIDS-Policy.pdf>.

Personnel Department's policy on Non-Discrimination at Department-Sponsored Social Events may be accessed at: <http://per.ci.la.ca.us/EEOD/PersDeptPolicyNon-DiscrimDeptSponsoredSocialEvents.pdf>.

City of Los Angeles Discrimination Complaint Procedure may be accessed at: <http://per.lacity.org/EEO/DiscriminationComplaintProcedure.pdf>, and

City of Los Angeles Sexual Harassment Discrimination Complaint Procedure may be accessed at: <http://per.lacity.org/EEO/sexharas.pdf>.

These documents make it clear that the City of Los Angeles has zero tolerance for discrimination, harassment and retaliation, and that an employee's failure to comply with the policies will result in corrective action, up to and including termination of employment.

The Mayor's Executive Directive No. 12, "Policy against Discrimination in Employment Based on Sexual Orientation, Gender Identity or Gender Expression," specifically:

- Prohibits any City employee or supervisor from considering an employee's known or *perceived* sexual orientation, gender identity or gender expression in any employment action, or treating an employee differently due to such factors.
- Prohibits the creation of or contribution to a hostile, intimidating, threatening, offensive or abusive work environment on the basis of a person's known or perceived sexual orientation, gender identity or gender expression. The prohibited behaviors include written, spoken or graphic derogatory terms, slurs, comments, gestures, ridicule, threats, rumors, or jokes.
- Requires that all reported allegations of discrimination or harassment be promptly and fully documented and investigated.

Individuals who are transgender or transsexual also have legal protections. Prior to 2012, there was no explicit federal protection against discrimination for transgender/transsexual persons. However, on April 20, 2012, the Equal Employment Opportunity Commission (EEOC), the federal agency created by the Civil Rights Act of 1964, with principal authority for interpreting and applying Title VII of the Act, ruled that a "complaint of discrimination based on gender identity, change of sex, and/or transgender status is cognizable under Title VII." While this important opinion is currently only binding on all federal agencies and departments, it is likely that the courts will give deference to the EEOC opinion that transgender discrimination is covered under Title VII's sex discrimination prohibition.

Also, with enactment of AB 196 (Gender Non-Discrimination Bill) in 2004, California's Fair Employment and Housing Act (FEHA) explicitly protects transgender and transsexual employees. FEHA offers the following additional protections:

- Protects employees from "*associational discrimination.*" This means that an individual may not be discriminated against for being a significant other, friend, family or ally of a transgender or transsexual person.
- Prohibits employment discrimination on the basis of sexual orientation, including *perceived* sexual orientation. Therefore, if a transgender or transsexual is being discriminated against or harassed because the employee is mistakenly believed to be gay, lesbian, or bisexual, the employee may seek protection under FEHA's provisions.

In addition to FEHA, the Gender Non-Discrimination Act (AB 887), which went into effect on January 1, 2012, amended California's existing anti-discrimination laws and defined both "gender identity" and "gender expression" as their own protected classes. AB 887 also specifically:

- Defines “gender expression” as meaning a person’s gender-related appearance and behavior, whether or not stereotypically associated with the person’s assigned sex at birth;
- Expressly adds “gender,” “gender identity,” and “gender expression” as among the enumerated characteristics under various provisions of the law that require equal rights and opportunities;
- Requires an employer to allow an employee to appear or dress consistently with both the employee’s gender expression and gender identity;
- Amends the existing laws relating to dress codes to include that an employee must be allowed to dress consistently with both the employee’s gender expression and gender identity; and,
- Mandates that new employee handbooks and trainings must explicitly mention that California law does not tolerate any type of gender discrimination.

Discrimination can be individual or institutional; it can be subtle or obvious. Forms of discrimination include but are not limited to physical violence, verbal abuse/threats, bullying/intimidation, teasing/off-color jokes, and/or shunning/isolation.

## II. PURPOSE OF WORKPLACE GENDER TRANSITION GUIDELINES

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Given that many transgender individuals must openly acknowledge their gender identity in order to live consistently with their gender identity full-time, employers necessarily become involved in a transgender or transsexual employee’s transition. This document delineates workplace guidelines for addressing the needs and issues that arise in the workplace when a transgender or transsexual employee transitions on the job during his or her employment with the City of Los Angeles. These guidelines are intended to be used by employees who are transgender or transsexual, Human Resources personnel, supervisors/managers, and co-workers of the transitioning employee.

If you have any questions concerning any of the information in this document or would like to have a conversation about transgender- or transsexual-related issues, please contact the Department’s Equal Employment Opportunity (EEO) Coordinator/Counselor in Human Resources and/or refer to **Appendix D: “Resources and Publications,”** attached to this document.

## III. INTRODUCTION AND TERMINOLOGY

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In order to better understand what it means to be a transgender or transsexual person, it is important to become familiar with some related core concepts. Everyone has both a gender identity and a sexual orientation. When someone is categorized as a straight man, that person has just been identified by both gender (male) and orientation (heterosexual). The term **gender**, which is sometimes referred to as a person’s “sex,” refers to the biological attributes that classify one as male or female. Gender (masculine or feminine) is generally associated with features that include physical sex, height, weight and body hair. While many people may be familiar with terms that denote sexual orientation, such as “straight,” “gay,” “lesbian” or “bisexual,” they may be less familiar with terms such as “gender identity,” “gender expression,” “transgender,” or “transsexual.”

The term **gender identity**, distinct from the term “sexual orientation”, refers to a person’s innate, deeply felt psychological identification as male or female, which may or may not correspond to the person’s body or designated sex at birth. The term **gender expression**

refers to all of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture may not be assessed similarly in another. The term **presentation** refers to how a person expresses his or her gender to the world. A person may be biologically one gender, but may “present” himself or herself as that of his or her gender identity. This is a very important milestone in the transition process.

**Sexual orientation** is a person’s emotional, romantic and/or sexual attraction to someone else of the same or different gender or both. Sexual orientations include gay, lesbian, bisexual and heterosexual. If a person is gay or lesbian, this means that s/he has innate strong physical, emotional and/or romantic feelings for individuals of the same gender. Being bisexual means that a person is attracted to both men and women. Being heterosexual means that a person is attracted to the opposite gender. *The sexual orientation of transgender individuals can be heterosexual (straight), homosexual (gay or lesbian), bisexual, or may change over time.*

As mentioned in Section I of these guidelines, **transgender** is an umbrella term that refers to a person whose gender identity or gender presentation falls outside of stereotypical gender norms. The term refers to a broad range of people who experience and/or express their gender differently from what most people expect – either in terms of expressing a gender that does not match their designated sex at birth, or physically changing their sex. It is a general term that includes people who are transsexual, cross-dressers or otherwise gender non-conforming. Not all people who consider themselves transgender will want to undergo a gender transition or sex-reassignment surgery (SRS).

Transsexualism is not a mental illness. It cannot be cured with treatment. Rather, individuals who are transsexual experience a persistent and authentic difference between their assigned sex (at birth) and their own innate sense of gender. For some individuals, this leads to varying degrees of emotional distress. This pain can be relieved by being able to freely express their gender, including being able to wear clothing they are comfortable in and/or making a physical transition from one gender to another.

To repeat, a **transsexual** is a transgender person who either has changed, or is in the process of changing, his or her physical and/or legal sex to conform to his or her internal sense of gender identity. The term is also used to describe an individual who, without undergoing medical treatment, identifies and lives his or her life full-time as a member of the gender opposite his or her birth sex. Whether a person is transsexual has no direct or predictable connection to his/her sexual orientation. Transsexuals transitioning from male-to-female are often referred to as “MTFs.” Female-to-male transsexuals are often referred to as “FTMs.”

For people who identify as transsexual, counseling alone, without medical treatment, is often not effective.

It is important to note that a transgender or transsexual is not a “crossdresser.” A **crossdresser** refers to a person who wears the clothing generally associated with the opposite gender because it gives him/her a sense of happiness and fulfillment. A crossdresser may also wish to express more than one aspect of his/her personality – both a sense of masculinity and a sense of femininity – that is a part of him/her. Crossdressers generally identify with the gender they were assigned at birth.

**Transitioning** is the term that refers to the process through which a transgender person modifies his or her physical characteristics and/or manner of gender expression to be consistent with his or her gender identity. The transition process is extensive. The transgender individual who has decided to go through the transition will have consulted with

medical professionals who explained the “Standards of Care” for the process. The “Standards of Care” were created to aid the person who is transitioning from making quick or rash decisions and to guide therapists and other medical professionals during the treatment of transsexual persons. Also, the “Standards of Care” assist employers in further understanding the stage of transition of their employee. The “Standards of Care” steps are as follows:

- Psychological testing and overall health valuation to rule out other diagnoses;
- Ongoing mental health counseling to assess the extent of the need to transition and to understand options, consequences, and obstacles;
- Health evaluation for hormone therapy;
- Hormone therapy generally attributed to the person’s new gender (e.g., testosterone for transmen or estrogen and testosterone blockers for transwomen);
- Health monitoring of the hormone therapy to assess reaction;
- Trial living period of one (1) year in the reassigned gender – it is at this point that most transsexual employees will approach HR about their desire to transition at work;
- Surgical reconstruction of sex characteristics (not a step that all transsexual individuals decide to take). A transsexual person’s pursuit of surgery, if the individual has decided to do this, tends to become a central focus of a person’s transition at this time. **Note: Medical treatment related to a gender transition must be treated with the same confidentiality as other medical treatments.**

The transitioning individual usually changes his or her name, clothing and appearance. During these times, many transgender individuals face difficult situations and interactions in their personal, professional, family and financial lives simultaneously. Additionally, those who have begun the transition process may have begun hormone therapy, which can affect their disposition.

**Coming out** is the process in which a person who has acknowledged his or her sexual orientation or gender identity begins to share that with others. Transitioning employees must “come out” to their employers in order to be able to live consistently with their gender identity full-time. This takes a great deal of courage, as society is very harsh on gender-variant people. “Coming out” is usually very challenging and may be accompanied by a wide range of emotions because the person “coming out” often does not know how family members, friends, co-workers and others may react. Many transgender people have lost their families, their homes, their jobs and their support. The pain and cost of the struggle to be themselves over a lifetime may cause depression, anxiety and other psychological disorders. But these disorders, according to *“Understanding Transgender,”* published by the National Center for Transgender Equality in May, 2009, “...are not the root of their transgender identity; rather, they are the side effects of society’s intolerance of transgender people.”

A successful transition in the workplace can only occur with commitment and understanding of each party involved. In order for a transition to be successful, it must work for the transitioning employee, for his/her co-workers, and for the organization. Following these basic guidelines, the transition process should go smoothly. But it is very important to keep in mind that **no two transitions are alike**, as the paths that individual transsexuals take are varied. Individuals will differ in how public they want to be as transsexuals. Some prefer that very few people know they are transsexual and hope that after transition they can quietly blend in as members of their new gender. Others are committed to educating the public, eager to answer questions, and are willing to talk openly about being transsexual



long after transition. Each individual transitioning will have his/her own set of unique factors that will require a *customized* Transition Plan.

A *customized* Transition Plan will also be needed because work situations are different in a number of ways. The following factors are important considerations in developing the Transition Plan:

- The composition of the workforce;
- The public or private nature and type of work that is performed;
- The surrounding culture of the workplace;
- The amount of interaction the transsexual employee has with peers, superiors, subordinates, and clients;
- The degree to which the transitioning employee wishes to participate in the training and other related activities;
- The physical layout of the workplace; and,
- Access to restrooms.

All of these issues have a bearing on how the transition should be handled. Following are some basic guidelines for the transitioning employee, Human Resources staff, executive management, supervisors/managers, and co-workers of the transitioning employee.

#### IV. GUIDELINES FOR EMPLOYEES TRANSITIONING IN THE WORKPLACE

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If you are a transgender or transsexual employee, you have the right to be who you are openly. This includes expressing your gender identity, characteristics or expression at work without fear of consequences. ***Remember, you are covered under the City's and the Department's equal opportunity and non-discrimination policies, and you have legal protections.*** Your first important step will be to inform key department personnel who can assist you with your transition.

##### A. Notification of Transition

Your first point of contact may be your department's Human Resources (HR) staff and/or your immediate supervisor. **You are encouraged to initially contact your Department's Personnel Director or Equal Employment Opportunity (EEO) Coordinator/Counselor. It is very important to contact HR sooner rather than later to ensure that Department supervisors/managers and employees receive accurate information about your transition, rather than through rumor and innuendo. Your department's assigned HR staff will be your main point(s) of contact as concerns all aspects of your transition.**

Your initial contact with HR should be made well in advance, preferably at least six (6) to twelve (12) months prior to your planned transition date. This will allow sufficient time for HR to convene the planning Transition Advisory Group (TAG) – to be discussed at length in sections V. and VI., effectively plan the transition, and conduct the needed training to educate staff. If your initial contact is with HR, it will be important that your immediate supervisor be notified of your transition and becomes part of your support team early in the transition process. HR will assist you with the notification and ensure that you have the needed supervisory support.

Your HR contact(s) and/or your immediate supervisor may not be very familiar with or educated about transgender/transsexual issues and, therefore, may not initially understand clearly what your needs may be. Don't hesitate to offer information or resources to educate those in the best position to assist and support you during the transitioning process.

## **B. Keep HRD and/or Your Supervisor Informed**

It will be important for you to keep HR and/or your immediate supervisor informed of any issues that could affect your “transition timeline” and any concerns or questions you may have about any aspect of the transition process.

## **C. Develop a “Things to Consider” List**

Here is a list of important issues to consider and discuss with HR:

- Your expectations as concerns your transition at work;
- Obstacles to your transition and possible solutions;
- Your current relationship with your co-workers;
- Anticipated support from your immediate supervisor;
- Individuals in the Department/City who already know about your transition, their reactions, and your plans to inform others;
- Your awareness of any rumors that have started about your transition;
- The people within the Department and others in the City you may need to engage at some point during the transition;
- When the individuals need to be engaged;
- Your thoughts on how your clients/customers should be informed;
- Any specific issues that need to be addressed sooner rather than later;
- How you would like your subordinate staff and/or co-workers to find out about your transition;
- Your thoughts on addressing staff during and/or in a meeting after the training, i.e., your level of desire to be an active participant in the training. However, it is important that you know that you are under no obligation to participate in the training or to address co-workers in a meeting;
- Any needed workspace change for you during the transition;
- A possible need for work reassignment and/or relocation;
- Your biggest concerns about transitioning at work; and,
- Your possible need for counseling/services provided by the Employee Assistance Program (EAP) as additional support.

Your responses to the above questions will be important considerations in HR’s and the Transition Advisory Group’s (TAG’s) development of your customized Transition Plan.

## **D. Develop a “Things to Do” List**

Following is a list of important things you’ll need to do. They may include but not be limited to:

- Securing the legal documents that may be needed for your legal name change at work, i.e., court order, new driver’s license, social security card, passport, etc.
- Listing all things a new employee must normally do during the first week of employment, i.e., getting a new photo ID, submitting a new W-4 form, completing paperwork for a parking authorization, arranging for access under your new name to the Department’s email system and CityFone, and contacting the Benefits Office and LACERS for name changes on life and medical insurance, retirement, etc.

- Doing a search on your department's internet and intranet for references to your former name and determine if any of these web pages will need to be altered.
- Drafting a "transition timeline" that will take into account where you currently are in the transition process, what remains to be done, and your desired target date for "coming out" to the staff.
- Drafting a notification that you would like to use to let individuals outside of the department or others with whom you work know about your transition. (Refer to Appendix C for a "Sample Notification Letter" that may be emailed or delivered to colleagues by other means.)

This information will also be important to HR and TAG members in developing your customized Transition Plan.

## **V. GUIDELINES FOR HUMAN RESOURCES**

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When HR is first notified by an employee that s/he intends to transition at work, it is important that the HR representative demonstrate at least a basic understanding of the transition process, commit to learning more about the process, and use a sensitive approach in discussing the employee's needs and concerns. The HR representative should consider that the transitioning employee may feel anxious and uncomfortable making himself or herself vulnerable to a person upon whom his/her job depends. It is also important to keep in mind that the employee has probably been dealing with this issue for many years and has likely been seeing a therapist who has helped him/her determine that this is the right path for him/her. The employee may have already "come out" to family/friends and still be dealing with the consequences, which may include estrangement, divorce, child custody battles, ridicule and/or harassment. It is also possible that the employee has been living part of his/her life in the his/her new role and juggling two identities while continuing to work and meeting other responsibilities, demonstrating an extraordinary ability to handle stress while managing complex demands.

It will be important that the HR representative address the following with the transitioning employee.

### **A. Discuss Confidentiality and Express Department Support for the Transitioning Employee**

1. Inform the employee that s/he is protected by the City's and Department's policies against discrimination and harassment based on gender identity and gender expression, and provide the employee with copies of the applicable City and Departmental policies and complaint procedure.
2. Provide the employee with a complete copy of these Workplace Gender Transition Guidelines and ask him/her to review the document in its entirety. Work time should be provided for this purpose.
3. Affirm your and the Department's support of the individual, and let him/her know that s/he will be assisted and supported throughout the transition process.
4. Let the transitioning employee know that s/he has a right to privacy. Make it clear that your conversation and knowledge of the employee's planned transition will be held in confidence. The transgender status of an employee is considered confidential and should only be disclosed on a need-to-know basis, and only with the consent of the employee.

At certain times early in the transition process, it will be in the employee's best interests to share the confidence with others, such as the employee's immediate

supervisor, higher level management staff, including the General Manager, and/or a representative of another City Department or outside organization who may be called upon to assist during the transition process. It will be important to discuss this with the employee and obtain his/her consent.

5. Advise the employee that s/he may seek assistance from the City's Employee Assistance Program (EAP) at any time as to any concerns related to his/her transition process. Provide EAP's phone number and other pertinent program information to the employee.

## **B. Ask Questions/Solicit Input**

1. Ask the transitioning employee where s/he expects to begin the transition process at work. If the employee feels comfortable discussing where s/he presently is in the transition process, this will be helpful in determining an appropriate and reasonable "Transition Timeline" and in developing a customized Transition Plan for the employee. For example, if the employee has been taking hormones, it is possible that s/he has begun to see some physical changes, which s/he may need to conceal at work. The employee's decision about when to "come out" at work will have to be carefully coordinated with changes in his/her appearance.
2. Ask if s/he is considering a name change. If yes, ask what name and pronoun the individual will use and when the individual will want you to begin referring to him or her using the new name and pronoun.
3. The transitioning employee may feel more comfortable working in a different position and/or at a different location during his or her transition. Discuss if there is a preference to remain in his or her current position or be reassigned.
4. If the individual is married or partnered, ask how you should refer to him/her throughout and after the transition, e.g., partner, wife, husband, etc. and identify if there are any implications to employer-provided benefits.
5. Ask the employee if s/he will need time off for medical treatment, which may include doctors' visits, therapist's visits, electrolysis, laser hair removal treatments, and/or time off for needed surgery. Advise the employee of his/her eligibility for the use of Family Medical Leave should s/he need it for medical reasons. Explain that normal sick pay and leave policies will apply. The employee's supervisor should provide sufficient flexibility to meet the employee's needs for appointments.
6. Ask the employee how s/he feels about making a brief presentation about his/her transition during and/or following the mandatory training that will be provided to supervisors/managers and other employees to educate Department staff on the gender transition process. It will be important to consider that the employee's personal statement in a presentation about his/her transition could have a significant, positive impact on co-workers, many of whom will want to be supportive, will welcome that connection with the employee and learning about the transition process. However, the transitioning employee may not feel comfortable making any public statement about his/her transition. The transitioning employee may opt to not attend a training or meeting in which his/her transition is to be addressed or discussed. By addressing this issue early in the planning process, the employee has an opportunity to think about what s/he is willing to do to facilitate a smooth and effective transition at work.
7. Ask for suggestions and discuss what you can do to further assist and support the employee during his/her transition:
  - Ask the employee if s/he has any questions or needs clarity about any part of the Workplace Gender Transition Guidelines.

- The employee's "Things to Do" and "Things to Consider" lists, as well as other information that should be addressed by TAG and included in the employee's Transition Plan, should be discussed at this time and during subsequent meetings, as needed.
8. Be open-minded and supportive. Ask questions. Read and learn about the transition process, and allow the transitioning employee to help educate you. You can also seek advice and assistance from the City's Employee Assistance Program (EAP), Human Relations Commission (HRC) staff, and with EEO Compliance staff within the City's Personnel Department and/or individuals or outside organizations that have some expertise with the transition process, such as the Transgender Economic Empowerment Project Manager with the L.A. Gay & Lesbian Center, (323) 993-7410.

### C. Provide Important Information to the Employee

1. **Appearance Standards:** Advise the transitioning employee that, following transition, s/he will be expected to dress the same as other individuals of the desired gender in the workplace. If the Department has a written dress code policy, a copy of the policy should be provided and reviewed with the employee.
2. **Use of the Restroom(s):** It will be important to discuss the use of the restroom(s), since this is an issue that seemingly causes more discussion than any other aspect of the transition. Restroom issues need to be handled with sensitivity not only as to the Department's obligation to provide transitioning employees with the same level of restroom access available to non-transgender employees, but also as to the emotional responses and privacy concerns of co-workers relative to the idea of sharing facilities with a transgender co-worker.

Usage of available single-occupancy or unisex facilities may be considered for a temporary period during the employee's transition process or on an ongoing basis, if the employee so decides. *Once transition is complete (i.e., once the transitioning employee has begun living and working full-time in the gender that reflects his or her gender identity), a transsexual employee has the right to the same access to restroom facilities as a non-transgender employee of the same gender.* Transitioning employees should not be required to have undergone or to provide proof of any particular medical procedure, including gender reassignment surgery, in order to have access to facilities designated for use by a particular gender. Under no circumstances will the transitioning employee be required to use facilities that are unsanitary, potentially unsafe, or located at an unreasonable distance from the employee's work station.

In general, locker room situations are best handled on a case-by-case basis. Solutions should be safe, convenient and dignified for *all* workers.

3. **Role of the Transition Advisory Group (TAG):** Advise the employee of your intent to convene a **Transition Advisory Group (TAG)** that will consist of three (3) to eight (8) individuals, dependent on the size of the Department, who will assist and support the employee during the transition process by jointly making decisions in the best interests of the employee and the Department as relating to the various important aspects of the transition process. Advise the employee that you and s/he will be members of the group in addition to others who will be identified by HR, with input from the employee; ideally, the employee's immediate supervisor should be a member of the group. The members of the group will be expected to be strongly supportive, committed to the objectives of the group, and capable of exercising excellent judgment in making decisions critical to the employee's transition process.

Let the transitioning employee know that the TAG will be responsible for creating a customized Transition Plan, which will help smooth the employee's transition by reducing uncertainties and giving everyone involved a common roadmap from which to work.

4. **Scheduling Regular Planning Meetings with the Transitioning Employee:** Inform the employee that beginning a specific date, you will be meeting with him/her on a regular basis, i.e., weekly, every two weeks or monthly, depending on the time needed for effectively planning the transition, whether for establishing the TAG's meeting schedule, working on the customized Transition Plan, discussing the planning actions pending with the TAG, or resolving issues (planned or unexpected) relating to any aspect of the transition process. Assure the employee that, to the extent possible, s/he will have input into the planning of his/her transition at work.

It is possible that HR may be initially contacted by someone other than the transsexual employee who is interested in transitioning. The contact could be made by a co-worker, a union representative, or member of a gay, lesbian and bisexual employee group. It may be that the employee, who wants to conceal his/her identity for as long as possible to prevent rumors from starting, wants to determine anonymously whether s/he will have the support of HR and the Department. If contacted in this manner, the HR professional should not press for the name of the transgender employee but provide meaningful information as to the workplace transition process and the Department's support of the employee's right to transition at work.

#### **D. Advise the General Manager**

1. Inform the General Manager (GM) that HR has been notified by the Department employee of his or her intention to transition at work, and *emphasize the importance of the Department's support at the highest management level: **The degree of success of a gender transition is strongly influenced by the support level of the work environment, which begins with the General Manager of the Department.*** It is imperative that all efforts to ensure a successful transition be supported by the General Manager, Executive Staff and all other managers and supervisors in the Department, including the transitioning employee's immediate supervisor. It is important to discuss and emphasize that:
  - Employers that actively support transgender employees by providing a safe and stable work environment can have a profound effect on their experience and productivity at work and, ultimately, their commitment to the employer. This also sends a message to all employees that the employer is committed to diversity and is serious about providing an inclusive environment.
  - Lawsuits claiming discrimination based on gender identity can be costly to an employer and also adversely affect employee morale/productivity and the employer's reputation. Ultimately, this can negatively affect recruitment and employee retention.
  - The transitioning employee has a right to privacy as to his/her health status, limited to the fewest people necessary and, to the extent possible, limited to Human Resources professionals. Confidentiality is also critical during the transition process. An employee's transition should be treated with as much sensitivity and confidentiality as any other employee's significant life experiences, such as hospitalization or marital difficulties. A transitioning employee may be concerned about safety or hurtful comments if others become aware of his/her transition prematurely, before disclosure as planned in the Transition Plan. In fact, maintaining confidentiality about the transition up to the time of planned disclosure will be one of the most critical challenges for HR and the planning

group (TAG) during the transition process. However, maintaining the necessary confidentiality is imperative to the success of the Transition Plan and the employee's transition.

- Advise the General Manager of the role of the Transition Advisory Group (TAG) to be convened by HR, with input of and participation by the transitioning employee, for the purpose of thoughtfully planning the transition.
  - It is important that the department head (General Manager) make the announcement concerning the employee's transition in a face-to-face meeting with the management staff, as it is essential that the highest level manager express and demonstrate support. The announcement should not be done via email, but it is not a problem for the department head to have a written letter in conjunction with the face-to-face meeting. The roles of the General Manager and members of the Executive Staff are to send a strong message of support and set the tone for the organization's expectations of staff going forward. Consistent with this important responsibility, it will be essential that the General Manager address the staff, especially all supervisors and managers, as to his/her and the organization's position on and commitment to the City and Department's EEO/discrimination policies and the employee's right to transition at work. In his/her announcement to staff, the General Manager should:
    - Make it clear that the person transitioning is a valuable employee and has management's full support in making the transition;
    - Emphasize the importance and Department's support of applicable City/Department policies;
    - Stress that when the employee transitions, s/he will be a woman (if MTF) or man (if FTM) and should be called by the new name and new pronouns; and,
    - Answer employees' questions.
2. Provide the GM with verbal and written information about the legal rights of transgender people, the Department/City's applicable EEO policies, the Workplace Gender Transition Guidelines, and other relevant information pertaining to the transition process at work, including the purpose and objectives of the Transition Advisory Group (TAG) and the customized Transition Plan and Transition Timeline.

At this time you may provide the GM with copies of the material listed in E.2. below and/or other pertinent information to familiarize him/her with the transgender employee's legal protections, the transition process and other related issues.
  3. Discuss with the GM when others in the organization will be notified. Ideally, the transitioning employee's immediate supervisor will already be aware of the planned transition. But if this is not the case and there are concerns about notifying the supervisor, this should also be discussed with the GM. A timely decision should be made as to when and how the immediate supervisor will be notified. Inform the GM that other decisions relating to notification, as well as mandatory training/education of staff, the first day of the change of gender presentation, pronoun usage and name, etc., will be addressed in the Transition Plan.
  4. Advise the GM that you will keep her/him informed as the Transition Plan is being developed and decisions are being made as concern various aspects of the transition process.

## E. Convene the Transition Advisory Group (TAG)

1. With input from the transitioning employee, select the individuals who will members of the Group. HR and the transitioning employee should, to the degree possible, *strive for diversity and inclusion of both non-management and management staff in the Group*. Individually and confidentially contact each individual to invite him/her to become a member of the TAG, explaining the purpose and importance of the Group and need for confidentiality effective immediately and until the Group determines that confidentiality is no longer an issue. TAG members should be expected to be sensitive to the issue, conscientious, open-minded, trust-worthy, willing to learn more about transsexualism, and strongly supportive throughout the planning process.

The HR Director or other designated HR representative should be the lead for the Group.

2. Schedule the first meeting of the Group and tentatively schedule all subsequent meetings, taking into account the work that will need to be accomplished within the projected timeline previously discussed with the transitioning employee. Communicate the date and location of the first and subsequent meetings to each member of the Group, again stressing the importance of continued confidentiality.

Within one (1) to two (2) weeks before the Group's first meeting, email or personally deliver resource material to each Group member so that all members can become basically familiar with such issues as: What do the terms "transgender" and "transsexual" mean? What causes a person to be transgender? What is the difference between "transgender" and "sexual orientation?" What does "transition" mean? Why does a transgender person transition at work? What legal and City protections exist for the transitioning employee? What are the Department's responsibilities to the transgender employee in the transition process? How can the Department best support the transitioning employee?

It is strongly recommended that:

- The HR lead invite the City's Equal Opportunity Programs and EEO Compliance Manager or a member of his/her staff to one or more of the TAG meetings, as this individual can provide valuable information and support to the Group. Also, the City's EEO Director should be invited to participate in the training to be provided to employees, especially the training to be given to managers and supervisors.
- The HR lead include the individuals who will be the primary trainers for educating the supervisors/managers and other employees of the organization in one or more of the TAG meetings. The more background information the trainers have about the organization and its staff, the better they can develop and prepare for the training. There is more discussion about the training in Section VI.B.3 of these guidelines.

Suggested reading/viewing for HR and all TAG members prior to and/or during their initial TAG meetings:

- City and Department's EEO and non-discrimination policies.
- The video entitled, "Understanding Transgender Issues: Donna Rose's Story," This training video for supervisors and managers presents the compelling personal story of Donna Rose, a well-known author, speaker and advocate on transgender and transsexual issues. The video may be obtained from the City's Equal Opportunity Programs and EEO Compliance Director who can be reached at (213) 473-9100 or (213) 473-0182, or by contacting the Human Rights Campaign Associate Director of Diversity at (202) 572-8947 or (202) 386-8993.
- "Understanding Transgender" published by the National Center for Transgender Equality in May, 2009, which may be accessed at:



[http://transequality.org/Resources/NCTE\\_UnderstandingTrans.pdf](http://transequality.org/Resources/NCTE_UnderstandingTrans.pdf).

- "Policy FAQ for Employers of Transgender Workers," which may be accessed at: <http://www.tgender.net/taw/policyfaq.html>.
- "Checklist for Transitioning in the Workplace," which may be accessed at: <http://www.tgender.net/taw/tggl/checklist.html>.
- "Managing Transsexual Transition in the Workplace" by Janis Walworth, MS, in August, 2003; may be accessed at: <http://www.gendersanity.com/shrm.html>, or at: <http://sait.usc.edu/lgbt/files/ManagingTransitioninWorkplace.pdf>.

Please note, new resource material is appearing constantly on the Internet, in books and articles, and the transitioning employee can offer suggestions for additional valuable information that can be made available to the Transition Advisory Group.

## **VI. GUIDELINES FOR THE TRANSITION ADVISORY GROUP (TAG)**

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The purpose of the Transition Advisory Group (TAG) is to assist and support the Department's transgender employee with every aspect of the transition process. By establishing transition protocols, including a customized Transition Plan, that delineate employee rights and employer responsibilities, educate staff and manage expectations, the Group and the Department send a powerful message to the transitioning employee, management staff and all employees of the Department that says, "We have an inclusive culture, we care about our employees, and *YOU* are not alone."

### **A. First Step for TAG Members: Become Knowledgeable**

1. Learn what it means to be transgender/transsexual by utilizing the resources listed above in Section V and Appendix D.
2. Review the City and Department's EEO and non-discrimination policies as they apply to the transgender/transsexual employee.
3. Become familiar with laws that protect Trans people:
  - Title VII of the Civil Rights Act of 1964
  - California's Fair Employment and Housing Act (FEHA)
  - Gender Non-Discrimination Act (AB 887)
4. Review in entirety these "Workplace Gender Transition Guidelines."
5. Keep in mind that a successful transition will require TAG members to be cognizant of and consider the following as they develop and implement the customized Transition Plan:
  - Diversity in the workplace means that all employees must be able to work with all kinds of people. It is not required that they "believe in" or "accept" transsexualism. Employees are entitled to their beliefs. However, they are required to treat the transsexual employee, and every other employee, with respect.
  - Employees should be reminded that they are protected by the same laws/policies that protect the transsexual employee.
  - Workplace gender transitions are as unique as the people who transition and the organizations in which they do so.
  - The single most important factor for a successful workplace gender transition is management support. **Management support must be strongly and clearly stated, visible and consistent.**

- Negative employee reactions can be reduced by maintaining a culture of appreciation of differences, treating all employees fairly, and providing adequate training.
- **It is important that TAG members plan the transition quickly as word, once out, will spread rapidly and without control. Also, the transitioning employee's changes in physical appearance may dictate how soon training must be provided and the announcement made to staff.**

## B. Develop the Customized Transition Plan

1. The first task for the Group is to decide on a timeline for the employee's transition. The primary consideration in developing the Transition Plan Timeline should be the transsexual employee's readiness. However, the Group must also evaluate whether the employee's desired timeline will work for the organization. Ultimately, the Timeline must work for both the transitioning employee and the organization.
2. Realistically, an employee's gender transition is a "process" or a journey that occurs over time; it does not occur in a moment of time. However, for purposes of the *Transition Plan Timeline* to be developed by the Group, planning the transition activities may be easier if the activities can be categorized as occurring Before Transition, During Transition, or After Transition. To facilitate the planning of these activities, it will be essential for the Group to define "transition" or agree as to when the employee's "transition" will take place. For example, the employee's "transition" can be said to occur when the employee first reports to work as a member of the other sex. Or, the employee's "transition" can occur when the announcement is made to Department staff that the employee is transitioning, whether the announcement is made during a training or meeting. For example, the announcement about the employee's "transition" could be made during an initial mandatory training for all supervisors and managers, which may take place anywhere from two (2) weeks to one (1) day prior to the employee coming to work in his/her new gender role. In that case, for the purpose of planning, the transition date could be the date that the announcement was made during the initial training. However, the employee's "transition" date could also be designated to be the date that the employee first reports to work in his/her new gender role.

As indicated above, the announcement about the employee's transition may also be made to all or a majority of the staff during a meeting or through a written notice, but only if the written notice is read to employees in a meeting. The *initial* announcement to Department employees should not be made via email, a memorandum, or the Department's intranet. Ideally, the announcement should be made at a meeting or training. Generally, the best timing for the announcement is a week or two before the employee assumes his/her new role. But TAG members will have much flexibility in determining how to best handle announcements concerning the employee's transition.

It is important to remember that it is the transitioning employee who should have final say as to the timeline. The employee should not be dictated to, pressured, rushed or made to feel that others are in control.

Once the TAG determines when the employee's "transition" will take place, group members can proceed by identifying all activities essential to the *timeline* as occurring Before, During or After Transition. The Group can then prioritize the activities, include them with assigned dates in the *timeline*, and then work out the details for each of the activities, including when/how/where each activity will take place.

Please refer to the “**Checklist: Developing the Workplace Gender Transition Plan**” (**Appendix A**) for examples of activities that may be included in the Transition Plan. Please refer to “**(Example) Transition Plan Timeline**” (**Appendix B**) for specific activities that must be completed by certain dates or within a timeline that permits the employee’s transition to take place prior to the time (for this example, September 2012) when his/her physical appearance will likely begin to significantly change.

3. To be successful, the Transition Plan must include at minimum the training of:
  - All members of Executive Management;
  - Supervisors and managers who may have to deal with issues relating to the transsexual worker; and
  - Co-workers who have contact with the transsexual employee on a day-to-day or regular basis, especially those in the same section or work group.

**It is strongly recommended that the training be mandatory for all Department employees, with supervisors and managers receiving the training first.**

When an organization does not provide training, it leaves the task of training to the transsexual worker by default. Asking the transitioning employee to provide training is not a good idea for a number of reasons: The transitioning employee does not need the added stress of training co-workers and other staff; the employee may feel pressured to reveal details about his/her personal life; co-workers may hesitate to ask questions during the training for fear of getting too personal or unintentionally insulting him/her; and/or, the transsexual employee may be seen as biased and, therefore, as an unreliable source of information.

**Training is a critical element of the employee’s Transition Plan:** Department employees may have many misconceptions about transsexualism, most of them drawn from media and the Internet which often portray transsexual people as neurotic, sex-crazed, dysfunctional, flamboyant or perverted. Because of misinformation, many may believe that transsexuals are sex workers. Also, co-workers may fear that a transsexual employee will no longer perform his/her job satisfactorily. Once these misconceptions take root, they are difficult to eradicate. Training is essential for dispelling co-workers’ misconceptions, fears, and/or confusion about a transsexual employee.

**Modeling respectful behavior is also critical.** In addition to educating Department staff, it is very important that members of Executive Management, other Department managers and supervisors, HR professionals, and TAG members model respectful behavior toward the transsexual employee, including using his/her new name and the appropriate pronouns following transition. Most people look to authority figures and advisory staff with special expertise for models of how to behave. If the Department wants employees to treat the transsexual person with respect, it is imperative that those at higher levels and others set the standard for and display respectful behavior.

The best training is provided by one or more professional or experienced trainers who are experts on transsexualism and who are transsexual, but who are not employees of the organization. This combination offers several advantages: The instructor(s) can supply accurate information about transsexualism, provide first-hand experience of what it’s like to be transsexual, and provide employees with the opportunity to meet a transsexual individual other than their co-worker. In her article, “Managing Transsexual Transition in the Workplace,” Ms. Janis Walworth, MS, advises, “Often simply meeting a transsexual individual who is rational, friendly and articulate has an extremely positive impact on co-workers and serves to alleviate

many of their fears and misconceptions. It helps them to sort out which characteristics of their transsexual co-worker are related to transsexualism and which are simply parts of that individual's personality. They have a chance to ask all kinds of questions without overstepping professional boundaries, and the transsexual trainer can answer them without revealing personal information about their co-worker. It also demonstrates to them that a transsexual person can perform a job competently and professionally." An excellent resource for training would be the Transgender Economic Empowerment Project Manager with the L.A. Gay & Lesbian Center, who can be reached at (323) 993-7410.

The training on legal protections and the City/Department's EEO policies should ideally be conducted by HR and/or EEO Personnel Department staff with expertise in those areas.

At minimum, the training should cover transgender/transsexual facts, definitions for the terms "sex," "gender identity," "gender expression," and "sexual orientation," relevant discrimination laws and City protections, consequences of violating the law and City/Department policies, discipline and liability for harassment and discrimination, reporting of violations and filing complaints, the transitioning process, planning for transitioning at work, how the Department and its employees can support the transitioning employee, and resource information.

4. Identify and address *potential* problems and possible solutions in the Transition Plan. This may include but not be limited to the following issues:
  - It is important to determine when and how specific individuals (such as a supervisor, co-worker or other individual) or group of individuals (such as a section or division of employees) not expected or anticipated to be supportive will be informed of the employee's transition. In such cases it may be necessary for the General Manager, other management staff and/or HR to timely intervene to ensure that staff have a clear understanding of the Department's commitment to and expectations for staff compliance with the City's and Department's EEO policies.
  - Confidentiality and Respectful Disclosure: Control over the flow of information is critical in managing the transition process. When and how co-workers and others are informed about the transgender employee's transition largely determine whether the transition will progress smoothly. Premature disclosures and rumors will likely distort the truth, without providing facts or guidance. It is important to develop a plan for how to handle a premature disclosure or a rumor that may be damaging to the employee's transition.
  - It is important that TAG members work expeditiously to develop and implement the Transition Plan for a number of reasons: Once rumors have started, there may be a need to provide training and make the announcement about the employee's transition earlier than planned. Also, before speaking with HR about his/her plan for transitioning, the transsexual employee may have already started taking hormones, had electrolysis and/or cosmetic surgery and has begun to see physical changes, which may be difficult to conceal at work. It's important that the changes in the employee's appearance be taken into account when developing the transition plan and timeline.
  - A plan should be established to handle the media that may be interested in reporting that a Department employee is transsexual or will be transitioning at work. Ideally, only one individual should have the responsibility of responding to inquiries from the media; all employees should be provided the name of the individual who will be handling media inquiries concerning the employee's

transition. It will be helpful to prepare a statement in advance for use in the event that the employee's workplace transition becomes public knowledge.

- A plan should be developed to inform colleagues outside the Department with whom the transitioning employee has regular contact. That can be accomplished through e-mail or other means.

## **VII. GUIDELINES FOR SUPERVISORS AND MANAGERS**

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If an employee informs you of his or her intention to transition, or if the employee is currently in the transitioning process, it is important that you:

**Express support.** Your support is critical. Verbally affirm your support of the individual. Be open-minded and discuss with the employee his or her needs and concerns. If you have concerns about the transition, state those separately from your support of the transitioning person. Keep in mind that your actions will impact the outcome of the transition. As a supervisor/manager, you set the tone and the example for your section/division. Your employees will model your actions and behavior.

**Be sensitive.** The employee has probably been dealing with being transgender for many years. It is likely that the employee may still be dealing with the consequences of "coming out" to family and friends. S/he may still be dealing with issues relating to estrangement, divorce and/or child custody, the loss of family members, friends, and membership of church and social groups. S/he has likely had to face ridicule and /or harassment in his/her personal life. The employee needs to know that you and the Department will be supportive during this critical time.

**Advise the employee of legal and City protections.** Inform the employee that the City has nondiscrimination policies that protect its employees against discrimination or harassment on the basis of gender identity and expression, and there are State and Federal government protections as well. You can refer the employee to and/or provide him/her with a copy of the City and Department's "Sexual Orientation, Gender Identity, and Gender Expression Discrimination Policy(s)" You should also provide the employee with a complete copy of the "Workplace Gender Transition Guidelines," which may be obtained from HR.

**Discuss confidentiality.** Let the employee know that the information that s/he divulges will be treated with the utmost confidentiality, and that you will safeguard his/her transsexual status. Also, let the employee know that you will be promptly contacting HR to request assistance with his/her transition at work and that s/he will soon be contacted by HR.

**Contact Human Resources (HR).** Human Resources will provide guidance and assistance to supervisors/managers working with a transitioning employee. HR will take the lead in developing the transition process and working with the transsexual employee to address and resolve a wide range of issues related to the process.

**Become knowledgeable.** If you are not familiar with transsexualism, make it a point to educate yourself by seeking information from HR and/or the resources listed in Appendix D of these guidelines. Also, do allow the employee to educate you.

### **Be aware of potential problems.**

- Supervisors should be cautious in handling personal opinions regarding a transgender employee's professional appearance. If the employee dresses or behaves inappropriately, this issue should be handled in the same manner as it would be addressed with any other employee. Contact HR if you have any questions or concerns.
- If you become aware of a rumor concerning the employee's transsexual status, please inform HR immediately.
- If you become aware that a worker has problems working with a transgender/transsexual person, you may counsel the employee and/or refer him/her to HR for counseling and possible referral to the Employee Assistance Program (EAP). The same counseling resources are available to co-workers as are available to the transitioning employee. Remind co-workers that they are protected by the same laws and policies that protect the transgender/transsexual employee.

## **VIII. GUIDELINES FOR CO-WORKERS AND OTHER DEPARTMENT STAFF**

A lack of knowledge and understanding about transgender issues has the potential for creating misunderstanding and tension in the workplace. It is important for *all* employees to know that they are expected to conduct themselves in accordance with City and Department policies.

As addressed in the Transition Plan, training provided for management and employees will promote a respectful and positive work environment for *all* employees. For this reason it is important that training be completed prior to the employee's transition, if at all possible. This will provide important information to co-workers and supervisors/managers on what to expect when the individual transitions. Establishing some level of comfort as to what the transition entails and why it is happening is important for preventing future misunderstandings or problematic issues. If it is not possible to train all staff before the employee transitions, at least arrange for all staff members to be personally notified about the transition by management.

Employees who raise concerns about a transgender employee should be provided with the City's and the Department's "Sexual Orientation, Gender Identity, and Gender Expression Discrimination Policy" and, if necessary, referred to HR for assistance with their questions and concerns. It is important to explain to employees that they are not expected to change their beliefs, but they are expected to be respectful of the transitioning employee and not treat him/her differently because s/he happens to be transgendered. To treat the employee differently for this reason would be considered discrimination.

If, following training and the transition of the transsexual employee, co-workers express concern regarding the appearance of the employee or curiosity about the change in the employee's appearance, the supervisor or manager and/or HR may meet with employees individually to inform them of the change and answer their questions. Employees may also be referred to HR to discuss their concerns.

Some co-workers may express their hostility toward a transsexual person by refusing to use his/her new name and/or the correct pronoun, or they may exhibit other harassing behavior, including threatening physical violence, or refusing to work or speak with him/her. The transsexual employee may decide to not report such behavior because of the concern that doing so may tend to increase the harassment, may reinforce the idea that the transsexual person is trying to get others in trouble, may be seen as a sign of weakness, or it may result in some form of retaliation. It is important that employees know that **management must be**

*proactive in monitoring behavior toward the transsexual employee and provide a way for him/her to report harassment confidentially. Any harassment that is taking place is expected to be dealt with swiftly to send a clear message to all employees that this behavior is unacceptable and will have consequences for the perpetrators. This is a message that should be personally delivered to employees by the General Manager when s/he announces the employee's transition. It would be appropriate for the same message to be reinforced during training sessions.*

However, it should be recognized that there is bound to be an adjustment period in which honest mistakes will occur. Allowances for that must be made.

Counseling through the Employee Assistance Program should be offered to employees who, even after receiving training, have ongoing difficulty working with a transsexual person.

## **IX. FILING A COMPLAINT OF DISCRIMINATION OR HARASSMENT**

All City Departments adhere to the City's "Sexual Orientation, Gender Identity, and Gender Expression Discrimination Complaint Procedure." Employees interested in making a sexual orientation, gender identity or gender expression discrimination or harassment complaint should refer to this complaint procedure.

Any employee who believes that he or she has been discriminated against or harassed due to his or her sexual orientation, gender identity, or gender expression should immediately report the problem to his or her supervisor and/or to the Department's EEO Counselor in HR.

Any co-worker who observes or witnesses another employee being discriminated against or harassed because of his or her sexual orientation, gender identity, or gender expression is strongly encouraged to report the incident(s) to his/her immediate supervisor and/or HR.

## **X. RESOURCES ON TRANSGENDER INCLUSION IN THE WORKPLACE**

Please refer to "Resources and Publications" (Appendix D).

From the book, "True Selves, Understanding Transsexualism," by Mildred L. Brown and Chloe Ann Rounsley:

"Our own sense of being male or female is something that most of us take for granted. We don't wonder about it; we don't even consider it. If we have a male body, we feel male and think of ourselves as male. If we have a female body, we feel female and think of ourselves as female. But this is not the case for transsexuals.

Transsexuals don't take anything about their minds or bodies for granted. Something that the rest of us pay no attention to at all dominates their lives. They have a mind/body conflict; they self-identify as one sex but have the body of the opposite sex. Because this incongruity causes considerable confusion, frustration, and anguish, at some point most transsexuals feel compelled to do something to resolve their conflict so as to be able to live full and satisfying lives.

Even though transsexualism is not a recent phenomenon, it has long been a subject shrouded in mystery, myth, and misinformation. As a result, a climate of fear, negativity, and sensationalism has prevailed, and many transsexuals have chosen to live a double life rather than risk possible ridicule, rejection, and alienation from family, friends, employers, and society in general."

## **XI. IN SUMMARY**

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Each of us can be immensely and invaluablely impacted by an individual transitioning at work. The transitioning employee's journey becomes our journey. By focusing on making it a positive experience, we all have the ability to gain much from it. The transsexual employee will hopefully receive the strong support that he or she needs to transition successfully at work, and that will surely result in retention and productivity benefits for the Department and the City. A gender transition exemplifies characteristics that we can all learn from – courage, determination, persistence in overcoming challenges, creativity, perseverance, and thinking outside the proverbial box. It is a challenge and of tremendous value for each of us to acknowledge the person inside of each one of us.



CHECKLIST:  
DEVELOPING THE WORKPLACE GENDER  
TRANSITION PLAN

These guidelines outline the recommended steps in an on-the-job transition for a transgender or transsexual individual employed with the City of Los Angeles. It is important to adapt this generic process to fit the local situation of an individual person and a specific organization. This planning document is intended to be used as a supplemental tool for the purpose of planning a transition.

**Getting Started**

The Transition Advisory Group (TAG), as the support team for the transitioning employee, has the responsibility of developing a customized Transition Plan that is appropriate for the employee and for the organization. The timing of the transition must take into account a number of important factors and is negotiable. The TAG members should:

(✓ or show  
completion date)

- 1. Become familiar with:
  - The Department's (or City's) Workplace Gender Transition Guidelines. \_\_\_\_\_
  - Applicable City/Department Policies & Complaint Procedures. \_\_\_\_\_
  - Educational resources, including articles, books and/or videos on the subject. \_\_\_\_\_
- 2. Determine where the employee is presently in his/her transition. \_\_\_\_\_
- 3. Determine when the transitioning employee expects to start coming to work in his/her new gender role. \_\_\_\_\_
- 4. Determine when the Department will be ready to handle the employee's transition. \_\_\_\_\_
- 5. Identify individuals, other than TAG members, who can also be involved in the transition planning, including but not limited to:
  - One or more local experts on the subject, preferably who are transsexual, for consultation and providing training. \_\_\_\_\_
  - The Department's Public Information Officer/Director. \_\_\_\_\_
  - The City's Equal Opportunity Programs and EEO Compliance Manager. \_\_\_\_\_
  - A representative of the City's Employee Assistance Program (EAP). \_\_\_\_\_
  - A representative from the City's Human Relations Commission. \_\_\_\_\_
  - \_\_\_\_\_

- \_\_\_\_\_
- \_\_\_\_\_

6. Develop a Stakeholders' List:

- Identify the individuals within the Department you may have to engage at some point during the transition. \_\_\_\_\_
- Determine when and how they will need to be engaged. \_\_\_\_\_
- Identify the people outside the Department you may have to engage. \_\_\_\_\_
- Determine when and how they will need to be engaged. \_\_\_\_\_
- Identify any specific issues that need to be addressed sooner rather than later. \_\_\_\_\_
- Identify any anticipated or potential challenges/solutions that need to be addressed in the Transition Plan, including but not limited to:
  - a plan for how to handle a premature disclosure or a rumor that may be damaging to the employee's transition. \_\_\_\_\_
  - a plan for dealing with the media. \_\_\_\_\_
  - counseling and/or referring to EAP any employee who, despite training, has problems working with the transsexual worker. \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

7. Create a Timeline (for Before Transition, During Transition, and After Transition) showing dates or blocks of time when certain events or activities need or are planned to occur:

- As a group, define "transition," i.e., will it occur on the date of announcement? Or, on the date the employee comes to work in his/her new gender role? \_\_\_\_\_
- Identify the transitioning employee's milestones. (List) \_\_\_\_\_
- Block out dates such as for (but not limited to):
  - when transitioning employee plans to come to work in the new gender role. \_\_\_\_\_
  - when transitioning employee will begin to use new name. \_\_\_\_\_
  - when announcement will be made to Department staff. \_\_\_\_\_
  - when HR Lead will assist with the preparation of the GM's announcement/presentation. \_\_\_\_\_
  - when training will be developed. \_\_\_\_\_
  - when training session(s) will take place. \_\_\_\_\_

- when TAG members will review and finalize the training. \_\_\_\_\_
- scheduling training presentation review by City's EEO Compliance Director. \_\_\_\_\_
- when test run for the training presentation will take place. \_\_\_\_\_
- when announcement is to be made to transitioning employee's immediate work group. \_\_\_\_\_
- when others within the City and outside the City will be notified. \_\_\_\_\_
- requesting supporting documentation for name change. \_\_\_\_\_
- addressing solution(s) for restroom use. \_\_\_\_\_
- addressing with transitioning employee his/her new dress/appearance. \_\_\_\_\_
- on day of transition, address transitioning employee's:
  - ◆ new name and photo change: new I.D. badge. \_\_\_\_\_
  - ◆ name change: parking authorization. \_\_\_\_\_
  - ◆ gender markers that need to be changed, i.e., PaySR, etc. \_\_\_\_\_
  - ◆ new name in PaySR/Position Control/CityFone/Email. \_\_\_\_\_
  - ◆ name change: employee folder. \_\_\_\_\_
  - ◆ name change: organization chart(s). \_\_\_\_\_
  - ◆ name change: business cards. \_\_\_\_\_
  - ◆ any needed changes to web pages. \_\_\_\_\_
  - ◆ \_\_\_\_\_
  - ◆ \_\_\_\_\_
  - ◆ \_\_\_\_\_

8. Plan for HR to schedule short- and long-term follow-ups to monitor conditions in the transsexual person's work environment to assess the adjustment of both the transsexual employee and his/her co-workers. \_\_\_\_\_

9. Plan for the immediate reporting of any problems to HR. (HR must be prepared to investigate and deal swiftly with any observations or complaints of harassment, discrimination, and/or hostile behavior.) \_\_\_\_\_

(SAMPLE)

TRANSITION PLAN TIMELINE

The following would be considered an *ideal* transition plan timeline in that it would allow Human Resources (HR), the Transition Advisory Group (TAG) and the transitioning employee a period of at least six (6) months in which to effectively plan the employee's transition. The amount of time available for planning will dictate the decisions that will be made to ensure the most effective transition possible.

January 23, 2012	Employee notifies HR of his plan to transition (MTF) and provides new name. Employee advises physical changes may become apparent to co-workers by September or October 2012; HR determines training and announcement to staff need to be done prior to that time.
January 26, 2012	HR Director/Analyst advises his/her supervisor and the Department's General Manager (GM) of employee's plan to transition at work. Discussion: Importance of confidentiality, the transition process, and role of Transition Advisory Group (TAG), and the transition process. GM receives copies of EO policy, Transition Guidelines, video and reading material regarding transsexualism and transitioning at work.
February 1, 2012	HR Director/Analyst and transitioning employee meet to review City/Department's EO policy and Transition Guidelines, select TAG members, and schedule first TAG meeting.
February 21, 2012	Newly selected TAG members meet for first time, listen to transitioning employee's presentation about his transition timeline, discuss role/objectives of the group, City/Department's EEO policy and Transition Guidelines (reviewed prior to the meeting), and how to ensure management's continuing support. Group schedules future meetings for every other week and as needed.
March 2, 2012	TAG members meet to watch video, "Understanding Transgender Issues: Donna Rose's Story" and review other related material. Transitioning employee provides update on his transition timeline. TAG determines to tentatively schedule training for employees to take place in July, 2012. GM to announce the employee's transition at the training.
March 8, 2012	HR Director/Analyst and transitioning employee meet with local professional trainer, a transsexual, who commits to providing training for Department employees with assistance of another experienced trainer. Lead trainer agrees to meet with TAG as needed to discuss and resolve training issues.

March 16, 2012	Tag members meet to begin developing the customized Transition Plan and Timeline, keeping in mind the employee's own transition timeline. Special Guest: City's EO Programs and EEO Compliance Manager.
March 30, 2012	TAG members meet with both trainers to discuss how training can be tailored for Department staff. Special Guest: City's EO Programs and EEO Compliance Manager who will participate as a trainer.
April 13, 2012	TAG continues to meet as needed to work on the Transition Plan. The HR Director/Analyst considers TAG members' and City's EO Programs and EEO Compliance Manager's recommendations in developing the training for Department staff.
April 27, 2012	TAG meets to discuss updates on Transition Plan progress, training presentation, logistics and audience, and notification methodology for contacts outside of the Department.
May 11, 2012	TAG members review and comment on PowerPoint training presentation (Gender Identity 101 or other appropriate title).
May 25, 2012	TAG members review and comment further on PowerPoint training presentation, finalize training logistics and audience, and plan on an email announcement to all employees and one or more Q & A sessions by transitioning employee following the initial training provided to supervisors and managers.
June 8, 2012	TAG members and trainers meet for training presentation test run. HR Director/Analyst and Public Information Director advise they will be meeting with General Manager next week regarding speaking points for his presentation at the mandatory training.
June 15, 2012	TAG meets to review progress on the final details of the Transition Plan, including solution(s) to restroom use. Transitioning employee advises he has been granted a court decree for legal name change.
July 2, 2012	General Manager sends email to all Department managers and supervisors advising of mandatory Diversity Training that has been scheduled to take place on July 18, 2012
July 18, 2012	Training provided to Department managers and supervisors who are requested to meet with their employees immediately following the training to announce and discuss their co-worker's transition, respond to their questions (or refer to HR), and advise they will be receiving training in immediate future.
July 19, 2012	Transitioning employee sends email announcement to all Department employees about her transition. She sends a separate email announcement to her contacts outside of the Department.
July 20, 2012	HR sends email to Department employees notifying them of dates they will receive training over next two months.

July 23, 2012

Transitioning employee arrives to work in her new female role. HR arranges for name and gender marker changes on various personnel/payroll documents and records, email, CityFone, etc.

July 24, 2012

TAG members meet for debriefing.

August 2, 2012

HR meets with transsexual employee to identify any problems (or potential problems). Employee advises transition has been smooth to date. They schedule to meet again on August 23 and September 20, 2012, or earlier if needed to discuss/resolve any issues.

## SAMPLE NOTIFICATION LETTER

(This sample letter may be edited, as appropriate, and delivered via e-mail or by other means.)

[Date]

Dear friends and colleagues:

I wish to inform you of an important change in my personal and professional life. It is important that you hear of these changes directly from me, as I value and greatly respect you and our professional relationship.

I have struggled throughout my life with a condition known as gender dysphoria, which involves a disconnect between my physical birth gender and I how I perceive myself. I managed for many years to repress my feelings and my need to express my true gender but have now come to realize that I have no choice but to be true to myself for the first time.

Through many months of introspection and soul searching, along with the assistance of dedicated professionals, I realized that I am a transgendered [woman] [man]. The term transgendered refers to the broad spectrum of people who do not feel as though their physical birth gender reflects who they really are.

I am well along in what is a long, complicated and regimented process of gender change. I have commenced the process of having all of my legal documents and personnel records changed to reflect my new name. Over the next few weeks, I will begin my transition at work. This means that I will be transitioning in appearance at work, and will soon come to work fully dressed as a [woman] [man] and begin this new chapter in my life.

I realize and appreciate that my gender change is something you may not understand, and some of you may find it disturbing. Please know that I do not expect everyone to endorse my decision, nor do I expect to change your beliefs or opinions about whether my decision to transition is appropriate. I do hope you will understand that for me this decision is not a choice; it is who I am and always have been, from my earliest memories.

I will be happy to answer all reasonable questions. I ask that you begin to use my legal name of Xxxxxxx X. Xxxxx and use the gender appropriate pronouns of [she] [he] and [her] [him] when referring to me.

I am honored to continue our professional relationship.

Thank you very much for your understanding, support and consideration.

Sincerely,

Xxxxxxx X. Xxxxx

## RESOURCES &amp; PUBLICATIONS

City and Department Resources:

- Department EEO Coordinator/Counselor  
Human Resources (HR)  
(213) XXX-XXXX
- Equal Opportunity Programs and EEO Compliance Director  
Personnel Department, City of Los Angeles  
(213) 473-9100 or (213) 473-0182
- Department's Transition Advisory Group (TAG) Members  
(Members' names and phone numbers may be obtained from HR)
- Employee Assistance Program (EAP)  
City of Los Angeles  
1-800-213-5813  
<http://members.mhn.com> (enter company code "cityoflosangeles")

Publications:

- National Center for Transgender Equality: *Understanding Transgender*
- Human Rights Campaign Foundation: *Transgender Inclusion in the Workplace*
- National Center for Transgender Equality: *Teaching Transgender*
- World Professional Association for Transgender Health (WPATH) Standards of Care for Gender Identity Disorder,  
<http://www.wpath.org/documents2/socv6.pdf>
- Pat Califia: *Sex Changes: The Politics of Transgenderism*
- Leslie Feinberg: *Transgender Warriors*
- Sheila Kirk, M.D.: *Medical, Legal and Workplace Issues for the Transsexual*
- Jennifer Boylan: *She's Not There: A Life in Two Genders*
- Mildred L. Brown, Chloe Ann Rounsley: *True Selves: Understanding Transsexualism – For Families, Friends, Coworkers, and Helping Professionals*
- Donna Rose: *Wrapped in Blue: A Journey of Discovery*
- Joanne Herman: *Transgender Explained for Those who Are Not*
- Stephanie A. Brill, Rachel Pepper: *The Transgender Child: A Handbook for Families and Professionals*