

City of Austin
Human Resources
Department



Guidelines Supporting Transgender,
Gender Non-Binary,
and Gender-Diverse Employees

Introduction

Change often creates anxiety around the unknown, and as with all change, gender transitions affect many individuals: the individual transitioning, supervisors, peers, co-workers, family, customers, residents, and even those with an incidental association such as working in the same environment. As an employer, the City of Austin is committed to respecting the diversity of all employees and creating a safe and productive workplace. It is a violation of City of Austin Policy to discriminate in any way against an employee because of the employee's actual or perceived gender identity or their gender expression. All employees are required to conduct themselves in a professional and ethical manner and treat coworkers and members of the public with respect and dignity and to maintain a professional environment free of discrimination, harassment, and retaliation. These guidelines should be used in partnership with Human Resources personnel and management to help welcome and include transgender and gender non-binary employees, regardless of where they are at in their transition.

Policy Statement

Per the City of Austin Policy, the City is committed to equal employment opportunity and anti-discrimination. Discrimination, harassment, and retaliation based upon a protected class, in any form, as defined in City policy, and federal, state, or local law/ordinance, will not be tolerated. Protected classes include race, color, religion, creed, sex, gender, pregnancy status, genetic information, sexual orientation, gender identity, national origin, ethnicity, age, disability, veteran status, or other legally protected class.

Every employee is responsible for maintaining a professional environment free of discrimination, harassment, and retaliation, and for bringing to the City's attention to conduct that interferes with providing a work environment free of discrimination, harassment, and retaliation.

Employees who are on duty are at all times individually responsible for conducting themselves in a professional and ethical manner and for treating coworkers and members of the public with respect and dignity.

Purpose

These guidelines support the City of Austin's Equal Employment Opportunity and anti-discrimination policies. This guideline is intended to provide a starting point for building awareness and to provide assistance to transgender and gender non-binary employees and their co-workers in the workplace. The guidelines are intended to provide assistance and support when addressing common questions that may arise in the workplace.

Definitions

The definitions provided here are not intended to label employees, but rather to assist in understanding terminology that may be used. Please recognize that the understanding of these and other terms may be different for each person.

These definitions are from the Tenth Edition of the GLAAD (formerly Gay & Lesbian Alliance Against Defamation) Media Reference Guide, which can be used to update these definitions in the future, as terminology around gender and sexual orientation is constantly in flux.

- **Gender Identity:** A person's internal, deeply held sense of their gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. Most people have a gender identity of man or woman (or boy or girl). For some people, their gender identity does not fit neatly into one of those two choices (see non-binary and/or genderqueer below.) Unlike gender expression (see below), gender identity is not visible to others.
- **Gender Expression:** External manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture. Typically, transgender people seek to align their gender expression with their gender identity, rather than the sex they were assigned at birth.
- **Transgender:** An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms - including *transgender*. Some of those terms are defined below. Use the descriptive term preferred by the person. Many transgender people are prescribed hormones by their doctors to bring their bodies into alignment with their gender identity. Some undergo surgery, as well. But not all transgender people can or will take those steps, and a transgender identity is not dependent upon physical appearance or medical procedures.
- **Gender non-binary and/or genderqueer:** Terms used by some people who experience their gender identity and/or gender expression as falling outside the categories of man and woman. They may define their gender as falling somewhere in between man and woman, or they may define it as wholly different from these terms. The term is not a synonym for *transgender* or *transsexual* and should only be used if someone self-identifies as non-binary and/or genderqueer.
- **Cisgender:** A term used to describe people who are not transgender. "Cis-" is a Latin prefix meaning "on the same side as," and is, therefore, an antonym of "trans-." A more widely understood way to describe people who are not transgender is simply to say, *non-transgender people*.
- **Intersex:** An umbrella term describing people born with reproductive or sexual anatomy and/or a chromosome pattern that can't be classified as typically male

or female. Those variations are also sometimes referred to as Differences of Sex Development (DSD.) Avoid the outdated and derogatory term "hermaphrodite." While some people can have an intersex condition and also identify as transgender, the two are separate and should not be conflated.

- **Gender Non-Conforming:** A term used to describe some people whose gender expression is different from conventional expectations of masculinity and femininity. **Please note that not all gender non-conforming people identify as transgender, nor are all transgender people gender non-conforming.** Many people have gender expressions that are not entirely conventional – that fact alone does not make them transgender. Many transgender men and women have gender expressions that are conventionally masculine or feminine. Simply being transgender does not make someone gender non-conforming. The term is not a synonym for *transgender* or *transsexual* and should only be used if someone self-identifies as gender non-conforming.
- **Transition:** Altering one's birth sex is not a one-step procedure; it is a complex process that occurs over a long period of time. Transition can include some or all of the following personal, medical, and legal steps: telling one's family, friends, and co-workers; using a different name and new pronouns; dressing differently; changing one's name and/or sex on legal documents; hormone therapy; and possibly (though not always) one or more types of surgery. The exact steps involved in transition vary from person to person. **Avoid the phrase "sex change."**
- **Sexual Orientation:** The scientifically accurate term for an individual's enduring physical, romantic and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) orientations. Avoid the offensive term "sexual preference," which is used to suggest that being gay, lesbian, or bisexual is voluntary and, therefore, "curable." People need not have had specific sexual experiences to know their own sexual orientation; in fact, they need not have had any sexual experience at all.
- **LGBTQ:** Acronym for lesbian, gay, bisexual, transgender, and queer. Sometimes, when the Q is seen at the end of LGBT, it can also mean questioning. LGBT and/or GLBT are also often used. The term "gay community" should be avoided, as it does not accurately reflect the diversity of the community. Rather, the LGBTQ community is preferred.

Roles and Responsibilities

There are rights, roles, and responsibilities of parties associated with transgender and gender non-binary people in the workplace, and it is essential that open and honest communication be established to build trust for each party. Support of transgender and gender non-binary employees can only occur with the commitment and understanding of all those involved.

A. Employees

Transgender and gender non-binary employees are encouraged to engage key personnel for assistance in any work situation, including, but not limited to,

beginning a gender transition in the workplace. Your first point of contact may be your immediate supervisor or Department Human Resources. Human Resources and department management will work with each employee to ensure a supportive workplace environment and/or a successful workplace transition while maintaining professional expectations for all involved. Transgender and gender non-binary employees should be prepared to explain their intentions, needs, and concerns. Transgender and gender non-binary employees should be prepared to spend some time clarifying what is needed and, together with Human Resources and management, work towards shared goals.

B. Management

If a transgender or gender non-binary employee informs management of their desire to transition or if an employee is currently in the transition process, your support is critical.

- Contact your Department Human Resources for concerns or requests received by any employee, regardless of gender identity or expression. During the beginning stages of an employee's transition, few if any accommodations may be requested. However, at some point, matters with changes in the employee's physical appearance, name, and usage of restroom facilities/locker rooms may need to be addressed.
- Maintain confidentiality. The status of an employee is confidential and disclosed only on a need-to-know basis. With the exception of Human Resources, information should not be shared unless consent by the employee is given. Human Resources will be provided with relevant information in order to support employees and coordinate transition efforts.
- Be open-minded and discuss with the employee their needs and concerns. Explain questions or concerns you might have and ask their opinion on approaches to consider as it relates to transitioning in the workplace.
- It may be difficult for an employee to make themselves vulnerable to a person who has influence over the individual's working conditions. Management should use a sensitive approach to the needs and concerns and demonstrate understanding. Make it clear to the employee that your conversation will be held in confidence until necessary to address required support.
- Listen carefully to what the individual is telling you and what they are asking for, including how they would like to be treated (do they want to keep their transition confidential or do they prefer to share that information? If they prefer to share, how do they recommend doing so?).

C. Department Human Resources

- Support management and employees in the coordination of any requests from transgender and gender non-binary employees.
- Some support that may be requested could include but is not limited to;
 - Working with departments in creating a transition plan for employees who are transitioning in the workplace.
 - Providing assistance with accommodation requests.
 - Assisting with the implementation of any transition plans developed.
 - Providing clarification on policies along with the expectations of compliance of anti-discrimination regulations.
 - Assisting with changes in official records for transgender and gender non-binary employees.
 - Providing information/resources for potential benefit coverages or leave benefits for employees who are transitioning.
 - Providing guidance and assistance with any questions presented by co-workers, clients, or customers.
 - Providing guidance and support in compliance with Restrooms/locker room access.
- Department Human Resources staff will consult/collaborate with HRD Employee Relations, who will provide support.

Matters of Importance and Rights

City Policy provides that all employees who are on duty are at all times individually responsible for conducting themselves in a professional and ethical manner and for treating coworkers and members of the public with respect and dignity. The City will not tolerate behavior that is disruptive, unprofessional, offensive, threatening, and/or disrespectful, including engaging in communication that is untrue or inappropriate in a professional work environment.

Rights to Privacy

Transgender and gender non-binary employees have the right to discuss their gender identity or to keep that information private. Information about an employee's gender identity may constitute confidential medical information under privacy laws like HIPAA. Management, human resources staff, or coworkers should not disclose information that may reveal an employee's gender identity to others. Personal or confidential information may only be shared with the employee's consent and on a need-to-know basis. An expectation of all employees is to conduct themselves in an ethical and professional manner and not engage in behavior or communication that is disruptive, unprofessional, offensive, or inappropriate in a professional work environment.

Names/Pronouns

An employee has the right to be addressed by the name and pronouns that correspond to the employee's gender identity upon request. A court-ordered name or gender change is not required. Once an employee discloses that they are transgender or gender non-binary and wishes to be addressed by their new gender and chosen name, they do not need to show proof in order to be recognized as the gender with which they identify. The intentional or persistent refusal to respect an employee's gender identity can constitute harassment and violation of City of Austin Policy.

Restroom & Locker Room Access

Restroom and Locker Room access concerns need to be handled with sensitivity. Some worksites have single-user restrooms while others have gender-specific designations. Transgender and gender non-binary employees are to be provided with the same level of restroom and locker room access as any other employee. Employees shall have access to a restroom or locker room corresponding to their gender identity. Some employees may want additional privacy, where possible, and if available, a single-user single-stall restroom can be used but shall not be required. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can request assistance for a reasonable alternative. Human Resources will assist management with such requests.

Official Records

The City of Austin will change an employee's official record(s) to reflect a change in name or gender upon request from the employee; however, certain types of records may require a legal name change document before the person's name can be changed. Some changes can be made to reflect a person's preferred name without proof of a legal name change; for example, employee's caller ID, e-mail, or nameplate. Human Resources can facilitate your request and confirm when official documents are required.

Appearance Standards

The decision as to when and how to begin transitioning remains the individual employee's responsibility.

Transgender and gender non-binary employees are permitted to dress consistently with their gender identity and are required to comply with the same standards of dress and appearance that apply to all employees in their workplace or position. This includes

compliance with personal items of clothing, items for personal protection, or clothing established as a requirement in specified working environments.

If there are concerns with an employee's professional appearance or behavior, the concern should be reviewed and dealt with in the same manner using the same appearance and behavior standards established by the City of Austin for all City employees. For any concerns, contact Human Resources.

In Summary

This guide is not intended to be an all-encompassing document but should serve to support, guide, and assist employees when addressing questions or needs in the workplace. Resources are available to assist in building awareness and understanding and to provide support. Some are identified below. Human Resource staff will provide assistance in collaboration with management to support transgender and gender non-binary employees in the working environment in order to support success.

- Department Human Resources (512) 974-3400
- City of Austin HRD, Employee Relations Department (512) 974-3400
- City of Austin Benefits office (512) 974-3400
- LGBT Community Liaison Christian Mendoza, APD (512) 974-4734
- SPO Gregory Abbink, LGBT Resource, APD (512) 974-8558
- Human Rights Campaign, <http://www.hrc.org/>
- Transgender Education Network of Texas <http://www.transtexas.org/>
- National Center for Transgender equality
<http://www.transequality.org/documents/state/texas>
- City of Austin Personnel Policies
<http://cityspace.ci.austin.tx.us/departments/hrm/policies-procedures/downloads/personnelpolicies.pdf>

Worksheet for Support of Potential Transition Plan Development

Once a transgender or gender non-binary employee decides to present themselves in their new gender identity at work, contact Human Resources, who will provide support and guidance. Each individual is likely to have different preferences about making their transition known at work. Employees should be prepared to spend some time providing information and clarifying what is needed. Below is a list of recommendations that may be of assistance.

_____ Partner with Human Resources to coordinate assignment of liaison for support.

_____ Members of any transition plan team should familiarize themselves with City of Austin Policies and any other available resources that may assist in providing educational information (See Summary Resources on Page 7).

_____ Review the relevant City of Austin Benefits or Leave procedures in order to coordinate any relevant requests consistent with established policies and procedures.

_____ Determine goals of a transition plan, for example; informing co-workers of gender identity in the workplace, requesting bathroom/locker room accommodations, or submitting name change requests, etc.

_____ Decide what, if any training may be needed to assist co-workers. Training can be provided upon request.

_____ Develop a strategy to address any bathroom/locker room accommodation requests.

_____ Determine how presenting gender identity in the workplace in accordance with the dress & grooming standards for the City of Austin will take place.

_____ Determine what requests for name changes will be made; employee's ID, email, name on healthcare, payroll, computer access, etc. Legal name change documents will be required for some official record change requests.

_____ Monitor efforts and the working environment to support success.

Flow Chart for Support of Potential Transition Plan Development

