

Guidelines for Supporting Gender Transitioning Employees

City and County of Denver, Office of Human Resources

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Contents

Contents.....	1
Purpose and Introduction.....	2
Terminology and Definitions.....	2
Applicable City and County of Denver Policies.....	3
Guidelines for Human Resources & Management.....	3
Guidelines for Co-Workers.....	4
Recommended Behaviors for LGBT Allies.....	4
Appearance, Names and Pronouns.....	4
Benefits and Leave.....	5
Sex-Segregated Facilities.....	5
Sample Transition Plan for the Employee, Management and Co-Workers.....	6
Advance Preparation.....	6
The Day of the Announcement.....	7
Transition Day.....	7
Additional Resources.....	8

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Purpose and Introduction

This guidance is intended for supporting the City and County of Denver’s (“CCD”) transgender and gender non-conforming employees, their co-workers, supervisors, human resource professionals and anyone else who may be involved in a workplace gender transition. It is not intended to create policies or rules that must be followed; rather, it is intended to serve as guidance on leading practices and generally what an employee, manager and co-worker may expect when an employee experiences a gender transition.

The City and County of Denver does not discriminate in any way on the basis of sex, sexual orientation, gender identity or gender expression. This document is designed to help create a safe and productive workplace environment for all employees. This guidance does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees. The needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, though, the goal is to ensure the support, safety, comfort and health of transgender or gender non-conforming employees and to provide guidance to the employee’s co-workers and management team.

If you have any questions regarding these guidelines, please contact your HR representative or the City Attorney’s Office, Employment Section.

Terminology and Definitions

The definitions provided here are not intended to label employees, but rather to assist in understanding the guidance provided below. Employees experiencing transition may or may not use these terms to describe themselves.

- **Sex:** the term which refers to the classification of people as male, female, intersex or another sex. At birth, infants are assigned a sex often based on physical anatomy.
- **Gender:** the behavioral, cultural, psychological and/or social traits associated with a person’s sex assigned at birth. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity.
- **Gender expression:** a person’s expression of gender identity through appearance and behavior including how that person believes they are perceived by others.
- **Gender identity:** a person’s innate sense of oneself as a man, woman or other. When a person’s gender identity or gender expression and sex assigned at birth are not congruent, the individual may identify along the transgender spectrum.
- **Transgender:** An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth, including:
 - A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM).
 - A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).
 - Some people described by this definition do not consider themselves transgender – they may use other words or may identify simply as a man or woman. A person does not need to identify as transgender in order for an employer’s nondiscrimination policies to apply to them.

- **Gender non-conforming:** This term describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Keep in mind that these expectations can vary across cultures and have changed over time.
- **Transition:** The process of changing one's gender from the sex assigned at birth to one's gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include coming out (telling family, friends and co-workers); changing the name and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.
- **Sexual orientation:** A component of identity that includes a person's sexual and emotional attraction to another person, including a person's orientation toward heterosexuality, homosexuality or bisexuality and the behavior and/or social affiliation that may result from this orientation.
- **LGBTQ:** A common abbreviation that refers to the lesbian, gay, bisexual, transgender and queer community.

Applicable City and County of Denver Policies

- **Privacy and Confidentiality:** Some employees may discuss their gender identity or transgender status openly; others may choose to keep that information private. If any CCD employee learns that an employee is going through, has gone through or is contemplating a gender transition, the information should be treated with the same sensitivity and confidentiality as would be accorded information about any other employee who is going through a significant life experience. An employee should be free to decide when, with whom and how much private information they wish to share. Gossiping or speculating about an individual's gender identity, transgender status or gender transition is inappropriate, can be harmful and disruptive, and may lead to discipline.
- **Official Records:** An employee may change their **preferred** name within Workday without documentation. If an employee wishes to change their **legal** name within Workday, they will need to submit legal documentation of the new name. An employee may change their gender in Workday without documentation; however, changing gender may cause complications with the employee's medical care provider, so the employee should first reach out to the CCD's Benefits team at 720.913.5697 or benefits@denvergov.org.
- **Equal Opportunity:** The CCD strives to maintain a workplace free from discrimination and harassment based on sex, sexual orientation, transgender status and gender identity and expression. For more information, see [Career Service Rule 16](#).

Guidelines for Human Resources & Management

When an employee contacts their manager or Human Resources (HR) representative to explain they are planning to transition, and they want to start presenting in their new identity, the manager or HR representative should assure the employee that they will work with them to help make their transition as smooth as possible. It is important to be cognizant of the fact that employees may be going through a transition at the time of hire and onboarding tasks such as benefits enrollment and entering a preferred name in Workday may be difficult. Transitioning employees may experience great anxiety and may have

fears and concerns about how this transition will affect them at work, so manager and HR representative support is key.

Next, the manager or HR representative should assure the employee that the information they share will be treated with absolute confidentiality. Furthermore, managers and HR representatives should ensure that the employee feels confident that the individuals who will help the employee plan their transition will take steps to inform themselves about transgender individuals and the transition process. Finally, the transitioning employee should be assured that they will have input into planning the steps of their transition at work. The employee should always be the primary voice in the timing of beginning to work in their new gender role, the timing and manner of sharing the transition with co-workers, and any changes in their workplace routine.

Guidelines for Co-Workers

It is a courageous decision for employees to come out about their transition to their co-workers, and it is encouraged for co-workers to be supportive during an employee's transition. If you have any questions or concerns about what may be appropriate, contact your HR representative.

Recommended Behaviors for LGBT Allies

- Do not make assumptions about a person's sexuality or gender. Not everyone's appearance or behavior plays to stereotypes.
- Know and understand the CCD's policies on sexual orientation and gender identity nondiscrimination, harassment, domestic partner benefits, bereavement leave, etc. See the [Career Service Rules](#) for further information.
- Ask questions, but also understand and be respectful if the transitioning employee declines to answer as certain questions, particularly medical ones, may feel intrusive. If the transitioning employee declines to answer, ask your HR representative.

Appearance, Names and Pronouns

- **Appearance:** A transgender employee may dress consistently with their gender identity provided that they comply with the same standards of dress and appearance that apply to all other people in their workplace in a similar position. Managers have the same right to review a transitioning individual's professional attire as they do any other individual. If a transgender employee dresses inappropriately, this should be addressed in a manner consistent with any other employee. Dress codes requiring employees to wear appropriate clothing apply to all employees and should be clarified. Any concerns should be addressed with the employee directly. Take care not to use personal opinions to judge a colleague's professional appearance.
- **Names and Pronouns:** An employee has the right to be addressed by the name and pronoun that corresponds to the employee's gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) may constitute harassment and a violation of the Career Service Rules. If you are unsure what pronoun a transitioning co-worker might prefer, you can politely ask your co-worker how they would like to be addressed.

The CCD makes every effort to avoid the use of gendered pronouns in its communications and recommends this as a best practice for all agencies and departments. When referring to an employee, it is recommended to use gender neutral pronouns, they, them, their and they're, unless the individual has specified preferred gender pronouns.

Benefits and Leave

- **Benefits:** The CCD provides medical coverage for gender transition services and procedures. These are covered with the same cost-sharing as any other medical service on all city-sponsored medical plans. We recommend reviewing coverage available for transition-related care by contacting CCD's Benefits team at 720.913.5697 or benefits@denvergov.org. You may also contact your insurance provider directly for more information.
- **Leave:** CCD policies on leave and time off apply to transitioning employees to the same extent as they would to employees who have other necessary medical procedures. Transitioning employees have the same benefits as other employees under PTO, sick and vacation leave policies. Any qualifying serious health condition for self under the Family and Medical Leave Act (FMLA) would be a job protected absence for up to 12 weeks in a 12-month period. FML leave is unpaid time off. Employees can use their accrued PTO, sick or vacation paid time while on approved FML leave and/or can request donated leave. If not eligible for FML, the employee would be eligible to request leave as an accommodation under the Americans with Disabilities Act (ADA). See Career Services Rules 10 and 12 for further information.

Sex-Segregated Facilities

All employees have the right to use the sex-segregated facilities room that corresponds to their gender identity. Issues related to restrooms and other sex-segregated facilities (e.g., locker rooms) must be handled with sensitivity.

- **Restroom Accessibility:** The CCD is committed to providing transitioning employees with the same level of access to restroom facilities that is available to other employees. A transitioning employee will not be required to use the restroom of their designated birth sex after they have begun transitioning. The transitioning employee may use single occupancy or unisex facilities for a temporary period during their transition process, if desired. If co-workers are uncomfortable with a transgender employee using the facilities that correspond with their gender, it is suggested that the co-workers discuss this concern with their HR representative.
- **Locker Room Accessibility:** Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area. A transitioning employee will not be required to use the facility of their designated sex at birth after they have begun transitioning. Any alternative arrangement for a transgender employee will be provided by the Office of Human Resources and the City Attorney's office in a way that allows the employee to keep their transgender status confidential.

Sample Transition Plan for the Employee, Management and Co-Workers

The purpose of this sample transition plan is to provide an example showing how a transitioning employee, HR and the employee's management team can work together to plan an employee's transition in the workplace.

Advance Preparation

1. The transgender employee meets confidentially with their HR representative and shares their intent to transition.
2. The HR representative and the employee meet with the employee's supervisor to inform and involve them as appropriate in the announcement of the transition and development of a confidential transition plan. Management should also be referred to these guidelines, which they are encouraged to read in full. The HR representative(s) and the employee would then meet with the employee's immediate manager to share the employee's intent to transition.
3. The appropriate stakeholders or transition team should be identified to help plan the transition. This will include, at a minimum, the employee, their manager and their HR representative. Others may be involved as appropriate, such as an expert, consultant and/or the City Attorney's office.
 - a. The stakeholders should become familiar with educational resources, including CCD rules and policies available on the Office of Human Resources [website](#), and books on the subject.
 - b. Consider which people in the CCD may need to be engaged and when they need to be engaged in the development and implementation of a confidential transition plan during the transition process.
 - c. Consider any specific issues that need to be addressed sooner rather than later. It is better to be proactive rather than reactive when dealing with sensitive issues.
4. Plan the transition, including:
 - a. The date of the transition, i.e., the first day of the change of gender presentation, pronoun usage and name. Recognize that the date of the transition will be driven primarily by the employee's situation and concerns and the department/agency's ability to facilitate the announcement and any necessary accommodations. An employee may wish to transition effective immediately; in this case, they should reach out to their HR representative as soon as possible.
 - b. How the employee's workgroup, clients and vendors will be informed of the change. Before a general announcement, the employee may wish to talk to some of their co-workers or others to disclose their plans one-on-one.
 - c. Scheduling an educational workshop for co-workers and clients. This is highly recommended, and it can be required that all colleagues who have a close working relationship with the transitioning person attend the training/educational workshop(s).
 - d. What changes will be made to employee records and systems, including the documentation required and when.
 - e. Ensuring awareness among the employee's transition team of the CCD's policies against discrimination and harassment.
 - f. How the employee's senior leadership will visibly show their support, e.g., team-wide memo, town hall discussions, etc.

- g. Addressing the applicable dress code and ordering new uniforms if necessary.
 - h. The expected plan for use of gender-specific facilities, such as restrooms.
 - i. Any time off required for medical treatment, if applicable.
5. Make advance arrangements for name changes to be effective on the day of transition, so that nameplates, badges, etc. will be available on the first day.

The Day of the Announcement

1. Hold a workgroup meeting or include the announcement in an already-scheduled face-to-face team meeting, and teleconference (Skype) with any non-local stakeholders. Everyone in the workgroup with whom the employee interacts should be included. Do not do this by email. In addition, the transitioning employee may write a letter that is read by HR or management on the day of the transition to the appropriate workgroups. The employee may choose to be personally present at this meeting, or not, depending on comfort level. Also, the employee may wish to make the announcement to certain groups. If this is the case, this should be timed to coincide with any announcements given by management.
2. Human resources and the manager of the workgroup (the department head, for example) should make the announcement, in conjunction with the highest-level manager in the group, to show support. The manager should:
 - a. Make it clear that the transitioning employee is a valued employee and has management's full support in making the transition.
 - b. Explain CCD policies on discrimination and harassment and the CCD's support of the employee. This includes the CCD's obligation to provide transitioning employees with the same level of facilities access that is available to other employees. This involves access to restrooms that correspond to the employee's gender identity.
 - c. Stress that on the transition day the employee will present themselves consistently with their gender identity and should be treated respectfully; for example, they should be called by the new name and new pronouns.
 - d. Lead by example. Use the new name and pronouns in all official and unofficial communication.
 - e. Make it clear that, within the workplace, work will continue as before. The manager could indicate that "none of you would want to be discriminated against for any reason including your gender." This is no different for the transitioning employee.
 - f. If a "Transgender 101" workshop is part of the transition plan, announce it.
 - g. The manager and HR Representative should be available to answer any questions or concerns.

Transition Day

1. Issue a new CCD badge with a new name and photo.
2. Place a new nameplate on door/desk/cubicle/workstation.
3. Update any organizational charts, phone lists and other references to the employee's new name.
4. Make any necessary changes within Workday, the CCD's HR Information System, effective the first day of transition, to change the following:
 - a. Name
 - b. Gender marker ("M" or "F" or as appropriate)
5. Update the e-mail address if it contains the former name.

6. The manager should plan to be onsite with the employee on the first day to make introductions, support the employee, ensure respectful and inclusive treatment, and make sure that work is continuing as normal.
7. The Manager and HR Representative should be available to answer any employee questions or concerns.

Additional Resources

Refer to the following resources for additional guidance to support an employee's transition.

The City and County of Denver's [Employee Assistance Program](#)

Organizations

- The City and County of Denver's Agency for Human Rights and Community Partnerships (HRCP)
- The Transgender Center of the Rockies
- The GLBT Community Center of Colorado
- Colorado Civil Rights Division

Books

- *Transgender Explained for Those Who Are Not* by Joanne Herman
- *Transgender 101: A Simple Guide to a Complex Issue* by Nicholas Teich

Websites and Videos

- "An Introduction to Transgender People," National Center for Transgender Equality, <https://www.facebook.com/TransEqualityNow/videos/vb.40078161989/10153582088701990/>
- "Trans 101," Sylvia Rivera Law Project, <http://srlp.org/resources/trans-101>
- "Transgender Basics," Gender ID Project, www.youtube.com/watch?v=UXI9w0PbBXY
- "Transgender Works: Creating a Transgender-Inclusive Workplace," Northwestern University, <http://tinyurl.com/pxl8t43>
- Out and Equal Workplace Advocates, www.outandequal.org
- Human Rights Campaign (HRC), www.HRC.org/workplace/transgender