



Supporting Transgender Individuals in the Workplace Guidance for Human Resources and Management

Introduction

The City and County of San Francisco (City) is dedicated to maintaining an inclusive, respectful, safe and productive workplace for all transgender, gender-nonconforming, gender nonbinary, and gender-transitioning employees, applicants, and contractors. Transitioning individuals have the right to express their gender identity, including through appearance, use of a new name and/or gender pronoun, and use of facilities that correspond with their gender identity. Discrimination, harassment, and retaliation based on gender, gender identity, and gender expression are unacceptable. This guidance will help ensure supervisors, human resources professionals, and other employees have the tools they need to safeguard their workplaces against negative and discriminatory behavior.

Roles and Responsibilities

Diverse and inclusive workplaces contribute to the City's success. The City and its departments must create an environment that welcomes transitioning individuals and includes them in business, as any employee would be included. Human resources (HR) and management support for transitioning individuals is essential.

Departmental HR representatives are the main contact for transitioning individuals and their supervisors. Together they will create and carry out a workplace transition plan. The HR representative must demonstrate a basic understanding of transgender issues and gender transition processes as they relate to the workplace, and use a sensitive approach in discussing the individual's needs and concerns. HR may also provide inclusion and cultural competency training, as appropriate, for the department's employees, with the assistance of the Office of Transgender Initiatives (OTI).

Supervisors will lead by example, treating transitioning individuals with support, respect, and dignity. This includes using the transitioning individual's chosen name and gender pronoun(s), being aware of issues that may come up at work, and handling those issues thoughtfully and without delay.

Notification of Transition

Transitioning individuals will let their HR representatives and immediate supervisors (or another supervisor) know when they are ready to talk about transitioning. Those key personnel will then talk to each other to be sure everyone is ready to create and carry out an effective workplace transition plan.

The transition plan is a document put together by the transitioning individual and HR representative. The plan lays out who will be told about the transition; how information will be communicated; a timeline for when the transition will be complete; expectations; and impacts or consequences of violations.

Appearance, Attire, and Facilities Access

Transitioning individuals must comply with the same standard of dress and appearance, and any existing dress code, as all other employees in their workplace doing the same job.

All City employees, applicants, and contractors have the right to use facilities (restrooms, locker rooms, etc.) that match their gender identity and/or gender expression. Departments are encouraged to designate all-gender restrooms for use by all employees. However, transgender and gender-nonconforming employees are

not expected or required to use all-gender restrooms. City employees may not question or harass people about their restroom choice.

Nonbinary individuals may need a reasonable accommodation for gendered locker rooms. Management and HR should be aware of this and work with nonbinary individuals to provide the best accommodation. Supervisors should be aware of those who have personal concerns about sharing facilities with transitioning or nonbinary co-workers, and refer them to HR. HR will discuss their concerns in connection with the [EEO policy](#), the [Gender Inclusion Policy](#), and these guidelines.

Changes to Identification and Records

In some ways, a transitioning individual is like a new employee. Thinking of the person this way may help the HR representative remember to review some of the actions new employees take during the first week of employment, such as:

- Getting a City ID badge
- Submitting a W-4 form
- Getting an email account

The HR representative will work with management and the transitioning individual to determine when personnel records and professional licenses and registrations, if any, need to be revised. The following chart should help with determining the changes that need to happen and who is responsible for them.

	HR Representative	Transitioning Individual	Other
New City ID Badge	X	X	Department of Human Resources (DHR)
Update Staff Directory	X		See Department SOP
Update Email Account	X		Department of Technology + Departmental IT
Update Phone Line	X		Department of Technology
New Name Plate (if applicable)	X		See Department SOP
Photos on Display (if applicable)	X		See Department SOP
Submit New W-4		X	See Department SOP
Order Business Cards			See Department SOP
Availability of FMLA, CFRA, ADA, etc.	X	X	Department of Human Resources (DHR)

The HR representative will work with whomever is needed to make sure web and intranet sites reflect the transitioning individual's chosen name and gender. The HR representative will make sure these changes are made at the right time, as laid out in the workplace transition plan.

Employees must use their legal names and genders for certain legal purposes, such as payroll and retirement accounts. If there are questions about who can see this information, the HR representative should remind the transitioning individual that only a few City employees see official employee records. Those employees sign a pledge of confidentiality and are subject to discipline if they release any data inappropriately.

Confidentiality and Privacy

HR representatives must clearly communicate the City's [Gender Inclusion Policy](#), and any other policies that tell transitioning individuals about their right to privacy. HR should ensure transitioning individuals understand their rights, and that all information related to their transition is confidential.

Transitioning individuals cannot be made to disclose medical information. Medical information, medical history, and other medical records are private. These records can only be disclosed at the transitioning individual's request, and with their consent.

Transitioning individuals are not expected to educate others, although they are welcome to participate in the education of co-workers. If the transitioning individual indicates questions or discussions are welcome, any questions asked or discussions initiated must be respectful in tone and appropriate in content. If, however, the transitioning individual wishes to keep the details of their transition private, those wishes must be respected.

Benefits

Should transitioning individuals need time off for their transition, their HR representative will explain the City's sick leave policy and availability of FMLA, CFRA, and ADA.

The HR representative will refer the transitioning individual to the [Health Service System \(HSS\)](#) for questions concerning health and life insurance benefits, and to the [San Francisco Employees' Retirement System \(SFERS\)](#) for questions concerning retirement benefits. Supervisors should familiarize themselves with the Department of Human Resources "[Encouraging Wellness Activities](#)" memo, which explains how to provide flexible workdays. HR representatives can also find many resources on the Office of Transgender Initiatives (OTI) website.

Potential Training for Department, Management, and/or Employees

Department supervisors must support efforts to ensure a successful transition. Management is responsible for creating and maintaining a safe and productive work environment, modeling support, and ensuring privacy and confidentiality. The HR representative must provide department supervisors with verbal and written information about the rights of transitioning individuals, the City's [EEO policy](#), the [Gender Inclusion Policy](#), these guidelines, and other relevant information that prepares them to answer questions and address issues that may come up.

HR may also work with OTI to provide inclusion and cultural competency training, as appropriate, for the department's employees.

The HR representative and management should remain available to meet or answer questions.

Protection from Discrimination & Reporting Violations

Co-workers must respect transitioning individuals and not treat them differently because of their gender identity and/or gender transition. If a co-worker is unsure of the appropriate pronoun to use with a transitioning individual, it is acceptable to respectfully ask which pronouns the individual has chosen. It is a violation of the [Gender Inclusion Policy](#) to intentionally refer to someone by the wrong name or pronoun. Intentional or repeated misgendering or misnaming can lead to discipline, up to and including termination. **Supervisors must correct anyone they hear using the wrong name or gender pronoun.**

The HR representative should advise transitioning individuals of their rights and protections under applicable City policies, including [the EEO Policy](#) and the [Gender Inclusion Policy](#), and advise them of [EEO complaint procedures](#). All employees are encouraged to report harassing, retaliatory, or discriminatory behavior, whether directed at themselves or co-workers. Retaliation against any individual who reports or files a complaint, or helps in the investigation of a complaint, is prohibited.

Supervisors must be proactive in monitoring behavior towards transitioning individuals. If a supervisor receives a complaint, or if a supervisor becomes aware of potential discriminatory, harassing, or retaliatory behavior, the supervisor must immediately report it to the department's EEO representative, HR personnel, or the City's [EEO Division at the Department of Human Resources \(DHR\)](#). Any supervisor who fails to report such a complaint or behavior may be subject to discipline.