

**LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT**

An LASD Guide



*Transgender &
Gender Non-Conforming
Employees*

An LASD Guide: Transgender & Gender Non-Conforming Employees

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An LASD Guide: Transgender & Gender Non-Conforming Employees

Purpose

The Los Angeles County Sheriff's Department does not tolerate discrimination on the basis of sex, race, color, ancestry, religion, national origin, age (40 and over), disability, sexual orientation, gender identity, gender expression, marital status, medical condition, or any other characteristics protected by federal or state law. This is designed to create a safe and productive workplace environment for all employees.

This publication sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of all employees. These guidelines do not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety and comfort of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

Definitions

The definitions provided here are not intended to label employees, but rather to assist in understanding this policy and LASD's legal obligations. Employees may or may not use these terms to describe themselves.

- **Gender Identity:** An individual's internal sense of being male or female, or something not defined by traditional definitions of male or female. Gender identity is generally determined in the early years of an individual's life and, if different from the individual's physical gender, may result in increasing psychological and emotional discomfort and pain. The way an individual expresses his or her gender identity is frequently called "gender expression," and may or may not conform to social stereotypes associated with a particular gender.
- **Gender Expression:** An individual's external and social characteristics and behaviors (such as appearance, dress, mannerisms, speech, and social interactions) that may be perceived as masculine or feminine.
- **Transgender:** Individuals with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth but who identifies as female is a transgender woman. Likewise, a person assigned the female sex at birth but who identifies as male is a transgender man. Some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity. The guidance discussed in this policy applies whether or not a particular individual self-identifies as transgender.
- **Gender Non-Conforming:** Individuals who display gender traits which are not generally associated with their birth-assigned sex. Gender non-conforming individuals may or may not identify as male, female, or transgender. Also known as gender-variant, gender atypical or androgynous.
- **Transition:** The process of changing one's gender from the sex assigned at birth to one's gender identity. These individuals often seek some form of medical treatment such as counseling, hormone therapy, electrolysis, and reassignment surgery. Some individuals, however, will not pursue some (or any) forms of medical treatment. Transitioning may also include the emotional task of telling

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one's family, friends, and co-workers, and the process of changing one's name and gender on legal documents and identification.

- **Sexual Orientation:** A person's physical and emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be straight, gay, lesbian, or bisexual, just like non-transgender people.
- **LGBT:** A common abbreviation that stands for Lesbian, Gay, Bisexual, and Transgender.

Privacy

An employee's transition should be treated with as much sensitivity and confidentiality as any other employee who is going through a significant life experience. Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee decides when, with whom, and how much to share their private information. If a transgender employee does choose to share information about their own gender transition, they are reminded that they are still subject to the Department's Policy of Equality, which protects all employees from discussions about sexual and personal medical matters while at work.

Operations staff, personnel staff, and co-workers should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA. That kind of personal or confidential information may only be shared with the transgender employee's consent and with co-workers who truly need to know to do their jobs. If the employee is in the process of transitioning from one gender to another, guidance for preparing co-workers and providing workplace sensitivity training is presented in the section below titled *Transitioning on the Job*.

Official Records

Transgender employees have the right to be addressed by the name and pronoun corresponding to the employee's gender identity. The Los Angeles County Sheriff's Department will change an employee's official record to reflect a change in name and/or gender upon presentation of a current California Driver's License or California Identification Card in the employee's new name and/or gender. Data Systems Bureau should be contacted to change the employee's name in the Outlook Address Book database.

If a new or transitioning employee has questions about Department records, identification cards, transitioning on the job, or other transgender-related issues, the employee should contact the Bureau of Labor Relations and Compliance (BOLRAC) Operations staff.

Names / Pronouns

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

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Supervisors and managers shall use the name and pronoun requested by the employee, regardless of the supervisor's perception of the employee's gender expression. Supervisors and managers should also monitor the workplace regularly to make sure co-workers are using the employee's desired name and pronoun.

Restroom Accessibility

Employees shall have access to restrooms corresponding to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall or private restroom, when available. However, no employee shall be required to use such a restroom. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. Transgender women must be permitted to use the women's restroom and transgender men must be permitted to use the men's restroom. The decision about which restroom to use should be left to the transgender employee to determine the most appropriate and comfortable option for them.

Some employees – transgender or non-transgender – may desire additional privacy. Where possible, the effected unit should make available a unisex private or single-stall restroom that can be used by any employee who has a need for increased privacy, regardless of the reason. If a single-stall restroom is not available, another option might be to install an "Occupied / Unoccupied" sign and an interior slide lock on the door of a multi-stall restroom, which could be used by any employee desiring additional privacy. Under no circumstances may the Department require an employee to use facilities that are unsanitary, potentially unsafe for the employee, or located at an unreasonable distance from the employee's work station.

Locker Room Accessibility

All employees have the right to use the locker room that corresponds to their gender identity. Transitioning employees are not required to provide proof or have undergone any particular medical procedure (including gender reassignment surgery) in order to have access to facilities designated for use by a particular gender. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with a reasonable alternative changing area, such as the use of a private room. An employee's schedule may also be slightly adjusted so that they may use the locker room that corresponds to their gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential, according to their needs.

Dress Codes

The Department does not have dress codes that restrict employees' clothing or appearance on the basis of gender. When a transgender employee begins their transition, they may begin wearing clothing and hair consistent with their gender identity. Transgender and gender non-conforming employees must still comply with Department dress codes and grooming standards in a manner consistent with their gender identity or gender expression (MPP 3-01/050.80).

Transitioning on the Job

Transgender employees who transition on the job can expect the support of Department management and Personnel staff. The Bureau of Labor Relations and Compliance (BOLRAC) will work with each transitioning employee individually to ensure a successful workplace transition.

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Any employee of the Los Angeles County Sheriff's Department, sworn or professional staff, who desires to transition from one gender to another, is strongly encouraged to contact the Bureau of Labor Relations and Compliance (BOLRAC). This initial contact may also be requested by the employee's unit commander or the Operations staff with the consent of the transitioning employee. BOLRAC will assign a specific contact/liaison who will work with the transgender employee to assist them in making the transition as smooth as possible. BOLRAC will assist the employee with name changes on Department paperwork and computer systems, will work as a liaison with the employee's unit of assignment to assist with changes in restroom and/or locker room accessibility if requested, and can help to coordinate educational training for the employee's co-workers prior to the transition date. The liaison should periodically contact the transitioning employee to determine if the employee has any concerns.

The transitioning employee's Unit Commander should also assign a supervisor (minimum rank of sergeant) from his/her staff to act as the employee's primary point of contact regarding transition issues while at work on a day-to-day basis. This supervisor should be educated on basic transgender terminology and transition issues, and should be a support to the transitioning employee.

A guide to developing a Workplace Transition Plan is attached at the end of this document.

Sex-Segregated Job Assignments

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

Discrimination / Harassment

It is unlawful and violates County and Department policy to discriminate in any way against an employee because of the employee's actual or perceived gender identity (MPP 3-01/121.00 – 122.25). Additionally it also is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment.

The Los Angeles County Sheriff's Department is committed to creating a safe work environment for all employees, including transgender and gender non-conforming employees. Any incident of discrimination, harassment, or violence based on gender identity or gender expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking appropriate corrective action, and providing employees and staff with applicable resources.

Additional Resources

- Employee Support Services (213) 378- 3500 <http://intranet.lasd.sheriff.sdn/intranet/ESS/Index.htm>
- LASD Intake Specialist Unit (323) 890-5371 – for questions regarding discrimination or harassment
- LASD Department Resource for LGBT Issues – Lieutenant Donald Mueller DMMuelle@lasd.org
- Transgender Community of Police & Sheriffs (TCOPS) <http://www.tcops-international.org/>
- Transgender Law Center <http://transgenderlawcenter.org/>
- Gay Peace Officers Association of Southern California <http://www.gpoasc.org/>

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Unit of Assignment Transition Plan Guide

This sample UOA Transition Plan addresses some of the processes that may occur during an employee transition. This sample plan should be customized to fit your unit's staffing structure and procedures, and should be modified individually with each transitioning employee to meet their individual needs.

Once a tentative UOA Transition Plan has been agreed on, the BOLRAC liaison, the UOA assigned supervisor, and the transitioning employee must work together to see that each portion of the plan is addressed. It is important to remember that this plan is flexible and is completely up to the transitioning employee. Every employee is different and the individual needs of one employee may be different than the needs of another.

Before the UOA Transition Begins

1. If the employee's Unit Commander has been contacted first, the UC should immediately notify BOLRAC so that a liaison may be assigned to the transitioning employee with the employee's consent. If BOLRAC is contacted first, BOLRAC personnel should notify the employee's Unit Commander as soon as possible.
2. An initial meeting should be set up with the transitioning employee, their assigned BOLRAC liaison, and with a supervisor from their unit of assignment who has been assigned as their primary point of contact. A representative from the local LGBT law enforcement employee support group may also be a helpful addition (Contact Lieutenant Donald Mueller for further info). Copies of the Department's transgender-related policies and the availability of transition-related support through Employee Support Services should be made available to the employee.
3. Next, if the transitioning employee's immediate supervisor was not the first point of contact, a meeting between the BOLRAC liaison and the employee's supervisor(s) should be scheduled, with the employee's consent, to ensure the supervisor knows of the employee's planned transition. The transitioning employee may or may not want to attend this meeting. Note: Management above the transitioning employee's supervisor should be made aware of the employee's planned transition so that supervisors and management can express their support when the employee's transition is made known to the employee's co-workers.
4. **Create the UOA Transition Plan.** Make sure it addresses all of the following areas:
 - a) The date when the transition will officially and formally occur. This means the date that the employee will change their gender expression, name, and pronouns. The transitioning employee may or may not choose to begin using the restroom and locker room associated with their gender identity on this same date.
 - b) Decide how, and in what format, the transitioning employee's co-workers should be made aware of the employee's transition. It is up to the transitioning employee to decide if they would like to make some co-workers aware of their transition on a one-on-one basis before it is officially announced.
 - c) Decide what, if any, training will be given to co-workers. Training may be provided before, during or after transition.
 - d) Determine what updates should be made to the transitioning employee's records and email address, and when these updates will be made.
 - e) Determine dates of any leave, if needed, for pre-scheduled medical procedures.

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The Day the Transition Will Be Made Known to Co-Workers

1. Have a mandatory briefing/meeting that includes the employee's co-workers, the employee's supervisors, and the employee's Unit Commander and/or Operations staff. The assigned BOLRAC liaison and support personnel from Employee Support Services should also attend. It is up to the employee whether they feel comfortable attending or would prefer not to be there.
2. Preferably, the Unit Commander should announce the transition, along with any other high level management who can attend, showing solidarity with the transitioning employee. The speaking supervisor should:
 - a) Emphasize the transitioning employee's importance within the Department and management's complete support of the employee's transition.
 - b) Review the Department's Policy of Equality.
 - c) Indicate that the transitioning employee will be presenting themselves in accordance with their gender identity and this should be respected. The supervisor should also advise co-workers about the transitioning employee's new name and preferred pronoun which must be used from this point forward.
 - d) Address bathroom concerns
 - e) Be an example by using the transitioning employee's new name and pronoun.
 - f) Make a point that the Sheriff is an inclusive employer and disrespectful behaviors will not be tolerated.
 - g) Solicit any questions. Refer questions to the BOLRAC or ESS representatives if appropriate.
 - h) If training is going to occur, the date should be announced at this meeting. If possible, the training should occur before the date of the employee's official workplace transition.

The First Day of the Employee's Official Workplace Transition

The transitioning employee's supervisor should be clear that all elements are in place, in the same way the supervisor would for a new hire or transferred employee. These elements include:

1. Making sure the transitioning employee has a new Department ID, if required.
2. Making sure the employee has an updated locker assignment if necessary
3. Ensuring all work documents and timesheets have the appropriate name and gender.
4. Continue monitoring the workplace to ensure co-workers are using the employee's new name and pronoun, and continuing to monitor the workplace to stop inappropriate behaviors or comments.

For additional directions or information, feel free to contact LGBT resource Lieutenant Donald Mueller (dmmuelle@lasd.org) or the Operations staff at the Bureau of Labor Relations and Compliance.