

WORKPLACE GENDER TRANSITION GUIDELINES

I. Purpose of Guidelines

This policy is intended for use when an employee is undergoing the process of gender transition in the workplace.

When a transgender employee communicates his or her intent to transition to a different gender, the OAG is committed to supporting the employee's transition. These guidelines are consistent with the OAG's Non-Discrimination & Anti-Harassment policy, which protects against discrimination on the basis of gender identity and gender expression, and reflects our workplace philosophy that all employees should be treated fairly with dignity and respect.

II. Definition of Terms

The following definitions are intended to help provide background for understanding these guidelines.

Gender Expression (*noun*) refers to external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms and voice. Gender expression is distinct from sexual orientation and gender identity.

Gender Identity (*noun*) refers to a person's innate, deeply felt psychological identification as male or female, both, or neither, which may or may not correspond to the person's designated sex at birth (meaning what sex was listed on a person's birth certificate). Gender identity is distinct from sexual orientation and gender expression.

Transgender (*adjective*) is an umbrella term used to describe individuals whose gender identity, expression, or behavior is different from those typically associated with the sex to which they were assigned at birth. This term includes both individuals who undergo gender-affirming surgeries or other medical treatment, and those who express their gender identity without any medical treatment. Transgender individuals may or may not medically transition.

MTF: "Male to Female" (also "transgender woman") – Individual who is assigned male at birth, and then transitions to female.

FTM: "Female to Male" (also "transgender man")
– Individual who is assigned female at birth, and then transitions to male.

Transition or gender transition (*noun or verb*) refers to the process that some transgender people go through to begin living as the gender with which they identify rather than the gender they were assigned at birth. This process can include beginning to go by a new first name, using a new pronoun (e.g., "she" instead of "he" or "he" instead of "she"), and changing one's dress or grooming. For some people, transition includes medical treatment such as gender confirming hormone therapy and/or surgeries.

III. Transitioning

OAG is dedicated to maintaining an inclusive, respectful and functional workplace for all. To that end, the following practices should be observed by the transitioning individual, his/her supervisors, and other employees:

A. TO THE TRANSITIONING INDIVIDUAL – Providing Notice of Your Intention To Transition, Creating a Support Team, and Mapping Out a Workplace Transition Plan

If you are the transitioning individual, you have the right to openly be who you are. This means you may express your gender identity without fear of consequences, including through dress, grooming, or use of a new name or gender pronoun. Though an individual's transition is considered confidential (and should only be disclosed by supervisors or other employees on a need-to-know basis with the consent of the individual), you are encouraged to participate in the education of your co-workers at whatever level you find comfortable. As early as you feel comfortable disclosing your intention to transition, please inform key personnel who can assist you. Your first point of contact should be your supervisor or any person to whom you report and/or the Director of Human Resources or any Human Resources employee. ("Initial Contact[s]"). Try to involve your Initial Contacts and/or a supportive co-worker to work together with you as your Support Team to develop a Workplace Transition Plan that is appropriate for you and the OAG.

In order to facilitate the process of effecting your transition at work, you will need to discuss the Workplace Transition Plan with your Support Team. The plan should include the following considerations:

- Identifying various stakeholders (e.g., supervisors, co-workers, clients, vendors, etc.) – who are all the people in the OAG you may need to engage at some point during the transition.
- A communication plan: when and how to inform the various stakeholders of your transition or intent to transition (e.g., a letter, a face-to-face meeting, individual discussions, your supervisor/HR explaining).
- The date on which you want to begin your transition at work. This is likely the point at which you will begin to present consistently with your gender identity, which may include change of name, pronouns, dress, grooming, and restroom use.
- The date on which OAG materials will be changed to reflect your transition (e.g., OAG directory, website, ID badge, email address, telephone listing, payroll information, etc.).
- The date on which your legal name change (if any) will take effect.
- Changes to external professional information (e.g., Lexis ID, bar and court registrations, ECF logins, bar association information, etc.).
- Any anticipated time off or leave required for medical treatment. Remember that the OAG's normal sick pay and leave policies will apply.
- Identifying OAG benefits that are available to support the transition and affected by the transition.

- Are there any specific issues that need to be addressed sooner rather than later?
- Confirm who will be the OAG’s main point of contact (you or someone else from your Support Team) to manage the OAG’s involvement during the transition.

Your Workplace Transition Plan is intended to help OAG maintain a safe, secure, and respectful work environment for you as your transition. OAG understands that this may be an evolving document as an individual works through the details of his or her transition. The Director of Human Resources is available to help you with any questions or concerns that may arise as you prepare this document.

B. TO SUPERVISORS AND MANAGEMENT – Implementing Nondiscriminatory Policies and Supporting the Transitioning Individual

1. APPEARANCE STANDARDS

Individuals who are medically transitioning are often required, prior to beginning hormone replacement therapy or receiving gender-affirming surgery, to consistently live as the gender with which they identify rather than the gender they were assigned at birth. This is part of the transition process is also known as the “real life experience.” Although medical professionals may recommend living in the desired gender as a step to surgery, the decision as to when and how to begin the “real life experience” remains the transitioning individual’s decision.

Whether or not a transgender employee plans to medically or legally transition, the employee is permitted to dress consistently with his or her gender identity.

2. RESTROOM ACCESS

You have an obligation to provide transitioning individuals with the same level of restroom access available to non-transgender individuals. Once the “real life experience” begins, a transitioning individual should use the facility based on her/his current gender presentation. Co-workers who have personal concerns about sharing a restroom with a transgender individual should be invited to have an honest discussion with the Director of Human Resources or his/her designee and/or other members of management. Management will work with those co-workers to address any of their concerns. The transgender employee may not be asked or required to use a separate restroom in order to accommodate such concerns.

3. PRONOUN AND NAME CHANGES

Upon notification of a transitioning individual’s intent to use a new name, and consistent with the individual’s Workplace Transition Plan, you should change the transitioning individual’s name and pronouns referring to him/her in all personnel and administrative records and marketing materials (e.g., OAG directory, all website pages, ID badge/access card, door/name plate, business cards, directory outside of the main entrance, organizational charts, mailing lists, email address, telephone listing, payroll and insurance information, etc.). Exceptions may be made where records must match one’s legal name (e.g., payroll and insurance documents), and the individual’s legal name has not yet changed. Make advance arrangements for name changes

to be effective on the day of transition, so that door/name plates, ID badge/access cards, business cards, etc. will be available according to the Workplace Transition Plan.

An employee's records and work-related documents should be retained under the individual's legal name (as reflected on identification documents verified at the start of employment) unless and until the individual makes a legal change. In everyday written and oral speech, the new name and pronouns should be used consistent with the Workplace Transition Plan.

4. NAME CHANGES ON PROFESSIONAL LICENSES AND REGISTRATIONS

As soon as you have notice of an employee's intention to transition, you should work with the employee to appropriately change the employee's information on any professional licenses or registrations required by the OAG. Transitioning employees should be reminded that any legal or official documents signed by them should be signed with their legal name at the time of signing.

5. RIGHTS TO PRIVACY

Transgender employees and partners at the OAG have the right to be who they are without unnecessary disclosure of personal or medical information. In addition, current and prospective employees who encounter problems concerning identification documentation, such as payroll and insurance forms, should feel comfortable raising those concerns with the Director of Human Resources directly.

The Director of Human Resources must obtain the transgender employee's consent prior to disclosing any information identified as confidential in a Workplace Transition Plan.

C. CO-WORKERS/OTHER EMPLOYEES

All employees remain subject to the OAG's Non-Discrimination and Anti-Harassment Policy. Any complaints or concerns raised by transitioning individuals or his/her co-workers will be handled consistent with the OAG's policy. If a transgender coworker indicates that questions or discussions are welcome, any questions you ask or discussions you initiate must be respectful in tone and appropriate in content. If, however, your colleague wishes to keep information about the details of his or her transition private, you must respect those wishes. If you have any further concerns, you may contact the Director of Human Resources or his/her designee.

Remember that if you are ever unsure of the appropriate pronouns to use with an individual (whether an employee or an OAG visitor), it is appropriate to respectfully ask him/her which pronouns s/he prefers. Transgender employees should also take reasonable steps to inform colleagues of their preferred pronouns. It is considered a violation of the OAG's Non-Discrimination and Anti-Harassment Policy to intentionally refer to someone by the wrong name or pronouns after s/he has made clear his/her preferences.

If an employee has concerns with a transgender employee's (or an OAG visitor's) usage of a restroom or other sex-segregated facility after reviewing the OAG's policies, the employee

should consult with the Director of Human Resources, who will work with the employee to address his or her concerns.