



Gender Inclusion	Administrative Regulation No. 2.02
Effective Date: Revised/Superseded: 4/6/2021	

DocuSigned by:

7EF68586B744496...

Approved by City Manager: _____

1. Overview of Purpose and Scope of this Regulation.

- 1.1. The City welcomes all transgender, gender-nonconforming, gender nonbinary and gender-transitioning people. This regulation is designed to promote a safe, inclusive and productive workplace environment for all employees and applicants.
- 1.2. This regulation sets forth guidelines to address the needs of transgender and gender nonconforming employees and clarifies how the law should be implemented to protect the legal rights or safety of such employees. This regulation does not anticipate every situation that might occur with respect to transgender or gender nonconforming employees, and the needs of each transgender or gender nonconforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender nonconforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.
- 1.3. The California Department of Fair Employment and Housing explicitly protects transgender people as part of the passage of Gender Nondiscrimination Act of 2003.
- 1.4. This regulation is hereby approved by the City Manager, based on the recommendation of the Human Resources and approval as to form by the City Attorney.

2. Definitions.

- 2.1. The definitions provided here are not intended to label employees, but to assist in understanding this regulation and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

“Gender identity” means each person's internal understanding of their gender or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender.

“Gender expression” means a person's gender-related appearance or behavior or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth (such as appearance, dress, mannerisms, speech patterns, and social interactions).

“Gender nonbinary” means a nonbinary person is someone who does not identify as exclusively a man or a woman. This person might feel like a mix of genders, have multiple genders, a gender identity that is fluid or have no gender at all.

“Gender nonconforming” means 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 change over time.

“LGBTQ” means lesbian, gay, bisexual, transgender and queer/questioning community.

“Sexual orientation” means an individual’s attraction to people. Straight, gay, and bisexual are some ways to describe sexual orientation. Sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, or straight.

“Transgender” means people whose gender identity is different from their sex assigned at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth.

- a.** 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).
- b.** 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).
- c.** Some people described by this definition don’t 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.

“Transition” means a process some transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. This process may include, but is not limited to, changes in name and pronoun usage, facility usage, participation in employer-sponsored activities (e.g. sports teams, team-building projects, or volunteering), or undergoing hormone therapy, surgeries, or other medical procedures.

3. Right to Privacy.

- 3.1.** Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. Transgender employees get to decide when, with whom, and how much to share their private information. 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.
- 3.2.** Management, Human Resources staff, or coworkers should not disclose information that may reveal an employee's transgender status or gender nonconforming presentation to others. That kind of personal or confidential information may only be shared with the transgender employee's consent and with coworkers who truly need to know to do their jobs.

4. Official Records.

- 4.1.** The City will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change.
- 4.2.** A transgender employee should be addressed by the name and pronoun corresponding to the employee's gender identity. Official records will also be changed to reflect the employee's new name and gender upon the employee's request. The City will make every effort to update any photographs at the transgender employee's workplace so the employee's gender identity and expression are represented accurately.
- 4.3.** If a new or transitioning employee has questions about City records or ID documents, the employee should contact the Human Resources Department.

5. Names/Pronouns.

- 5.1.** An employee should 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) can constitute harassment and is a violation of this regulation. If an employee is unsure

what pronoun a transitioning coworker might prefer, you can politely ask your coworker how they would like to be addressed.

- 5.2.** No matter one's gender identity, gender can be very important to someone's sense of self. To incorrectly gender someone can cause a person to feel disrespected, alienated, or dysphoric. It is very important to know that one cannot visually tell someone's gender. This also means that one cannot visually tell if someone is transgender, nonbinary, gender nonconforming, etc. Asking for pronouns can prevent emotional distress from happening and sets an example of respect.
- 5.3.** Asking for pronouns can depend on the setting. When speaking to a coworker or community member, some ways to seek clarification include: "What pronouns do you use?" or "What pronouns should I use for you in this space?" or state your name and pronouns, then ask "What about you?"
- 5.4.** The following list is by no means a complete list of pronouns. However, this can provide some basic knowledge. Many of these pronouns also have several different forms, a few of which are detailed below, there are internet sources that also provide other pronoun examples. One of the most comprehensive pronoun guides available can be found here: <http://askanonbinary.tumblr.com/pronouns>:

Pronoun Examples

This is by no means a complete list of pronouns. However, this can provide some basic knowledge. Many of these pronouns also have several different forms, a few of which are detailed below.

	NOMINATIVE (SUBJECT)	OBJECTIVE (OBJECT)	POSSESSIVE DETERMINER	POSSESSIVE PRONOUN	REFLEXIVE
SHE	<i>She</i> knows	I ask <i>her</i>	<i>Her</i> lantern glows	That is <i>hers</i>	<i>She</i> likes <i>herself</i>
HE	<i>He</i> knows	I ask <i>him</i>	<i>His</i> lantern glows	That is <i>his</i>	<i>He</i> likes <i>himself</i>
THEY (OR EY)	<i>They</i> know	I ask <i>them</i>	<i>Their</i> lantern glows	That is <i>theirs</i>	<i>They</i> like <i>themselves</i>
IT	<i>It</i> knows	I ask <i>it</i>	<i>Its</i> lantern glows	That is <i>its</i>	<i>It</i> likes <i>itself</i>
ZE (OR ZIE)*	<i>Ze</i> knows	I ask <i>zir</i>	<i>Zir</i> lantern glows	That is <i>zirs</i>	<i>Ze</i> likes <i>zirsself</i>
SIE	<i>Sie</i> knows	I ask <i>sym</i>	<i>Syr</i> lantern glows	That is <i>syr</i>	<i>Ne</i> likes <i>syrself</i>
CO	<i>Co</i> knows	I ask <i>cos</i>	<i>Cos</i> lantern glows	That is <i>cos</i>	<i>Co</i> likes <i>coself</i>
XE (OR XIE)*	<i>Xe</i> knows	I ask <i>xym</i>	<i>Xyr</i> lantern glows	That is <i>xyrs</i>	<i>Xe</i> likes <i>xyrsself</i>
VE	<i>Ve</i> knows	I ask <i>ver</i>	<i>Vis</i> lantern glows	That is <i>vers</i>	<i>Ve</i> likes <i>verself</i>
KIT	<i>Kit</i> knows	I ask <i>kit</i>	<i>Kits</i> lantern glows	That is <i>kits</i>	<i>Kit</i> likes <i>kitself</i>

*These pronouns have several forms. For example, ze may be formatted in a variety of ways, such as *ze/zir*, *ze/zyr*, or *ze/hir*. Ze has alternative spellings such as *zie* or *zhe*. Similarly, xe may be formatted *xe/xyr*, *xe/xim*, *xe/xir*, *xe/xem*, and xe has alternative spellings such as *xy* or *xie*.

7. Transitioning on the Job.

- 7.1. Employees who transition on the job can expect the support of management and human resources staff. Human Resources will work with each transitioning employee individually to assist in a successful workplace transition.

8. Before the Employee Transition Begins.

- 8.1. The transitioning employee is encouraged to contact their supervisor or Human Resources for assistance.
- 8.2. Human Resources will assist in developing a strategy with the transitioning employee. The transition plan may include communication regarding the City's regulation, educational information about transgender issues, and training.
- 8.3. The transition plan may include:
 - a. The date when the transition will officially and formally occur, if applicable. This means the date that the employee will change their gender expression, name, and pronouns. The transitioning employee may choose to begin using the restroom and locker room associated with their gender identity on this date as well.
 - b. Communication to others in the workplace as determined by the transitioning employee.
 - c. Determine dates of any leave that may be needed for pre-scheduled medical procedures.
 - d. Ensure that all name changes (including email and Photo IDs) are updated in advance so the employee can transition effectively and immediately.

9. Sex-Segregated Job Assignments.

- 9.1. For sex-segregated jobs/job assignments, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their gender assigned at birth, except as permitted or required by law. Job duties will not be assigned according to gender stereotypes.

10. Facilities Accessibility.

- 10.1. Equal access to comparable, safe, and adequate facilities will be

provided to employees without regard to an employee's gender. Employees shall have access to facilities that correspond to the employee's gender identity or gender expression, regardless of the employee's assigned gender at birth. For example, a transgender woman will be permitted to use the women's restroom and a transgender man will be permitted to use the men's restroom.

10.2. To respect the privacy interests of all employees, the City will provide feasible alternatives (such as locking toilet stalls, staggered schedules for showering, shower curtains, or similar measures), but will not require an employee to use a particular facility. Similarly, 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, or using 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.

10.3. The City's single-occupancy facilities will use gender-neutral signage, such as "restroom," "unisex," "gender neutral," etc. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a single-stall restroom, when available. No employee, however, shall be required to use such a restroom.

11. Dress Codes.

11.1. The City does not have dress codes that restrict employees' clothing or appearance on the basis of gender, gender identity or gender expression. Transgender and gender nonconforming employees are required to comply with the City dress codes in a manner consistent with their gender identity or gender expression.

12. Discrimination, Harassment and Retaliation.

12.1. It is unlawful and violates City regulation to discriminate in any way against an employee because of the employee's actual or perceived gender identity or gender expression. Additionally, it is also unlawful and contrary to this regulation to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity or gender expression discrimination in employment.

12.2. The City is committed to creating a safe work environment for transgender and gender nonconforming employees. Any incident of discrimination, harassment, or violence based on gender identity or expression will be

given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action, and providing employees and staff with appropriate resources in accordance with the City's policies and procedures for discrimination and harassment.

- 12.3.** No employee or City official may retaliate against an employee who has reported a possible violation of this regulation or participated in the investigation of such possible violation.