



**COUNTY OF LOS ANGELES**  
**DEPARTMENT OF HUMAN RESOURCES**

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DIRECTOR OF PERSONNEL

July 13, 2015

To: Department Heads

From: Pamela A. Missett *Pamela Missett*  
Equal Employment Opportunity Officer

Subject: **GENDER NONDISCRIMINATION GUIDELINES**

The Department of Human Resources developed the attached *Gender Nondiscrimination Guidelines* to assist managers and supervisors in addressing common issues pertaining to transgender employee population in the workplace. The *Guidelines* reflect amendments to the California Fair Employment and Housing Act, expanding the definition of "sex" to include gender identity and gender expression as part of the protected categories. The *Guidelines* may also be found on the DHR website at <http://dhr.mylacounty.info>.

Gender identity and gender expression discrimination is unlawful and is a violation of the County Policy of Equity that could lead to appropriate administrative action. Gender identity and gender expression discrimination includes but is not limited to the failure to hire, failure to promote, disparate treatment, unlawful termination, verbal and/or physical harassment, deliberate misuse of appropriate forms of address and pronouns, failure to make a reasonable accommodation when requested by an employee, and/or denial of access to a bathroom that is appropriate to the employee's gender identity.

Should you have any questions, please contact me at (213) 974-2631 or your staff may contact Sandra Sims, Principal Human Resources Analyst, at (213) 639-6735.

LMG:EP:PAM  
ML:HL:cv

Attachment

c: Chief Deputy Directors  
Administrative Deputies  
Departmental Human Resources Managers

WEDPAM to DHs Re: Gender Nondiscrimination Guidelines.docx

*To Enrich Lives Through Effective and Caring Service*



# GENDER NONDISCRIMINATION GUIDELINES

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The following guidelines support the County Policy of Equity (CPOE). The CPOE was created to preserve the dignity of County employees and promote professionalism in the workplace. The Policy protects the rights of employees to be free from discrimination, sexual harassment, unlawful harassment (other than sexual), retaliation, and inappropriate conduct toward others based on a protected status.

The CPOE states that the County will not tolerate unlawful discrimination on the basis of sex, race, color, ancestry, religion, national origin, ethnicity, age (40 and over), disability, sexual orientation, marital status, medical condition, or any other characteristic protected by State or federal employment law, nor will it tolerate unlawful harassment or retaliation. As a preventive measure, the County also will not tolerate inappropriate conduct toward others based on a protected status, even if the conduct does not meet the legal definition of discrimination or unlawful harassment.

## **DEFINITIONS**

Gender Identity	An individual's internal and personal sense of being a male or female.
Gender Expression	The way in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and emphasizing, deemphasizing, or changing their body's characteristics. In general, transgender people seek to make their gender expression match their gender identity, rather than the sex assigned at birth.
Transgender individual	A general term used to describe people whose internal sense of gender identity differs with the sex assigned at birth.
Transgender woman	(Trans-woman or male-to-female) A person assigned the male sex at birth, but who identifies as a female.
Transgender man	(Trans-man or female-to-male) A person assigned the female sex at birth, but who identifies as a male.
Transitioning person	An individual transitioning from living and working as one gender to another. Some individuals transition simply by living as a member of the other gender and may or may not seek medical treatment to alter their physical characteristics. Not all transgender individuals will follow the same transition process and they are all entitled to the same consideration as they undertake the transition steps deemed appropriate to them.



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Gender non-conforming

Refers to people who do not follow other people's ideas or stereotypes about how they should look or act based on the female or male sex assigned to at birth. They do not consider themselves transgender, but have an appearance or gender expression that does not conform to gender stereotypes.

## **CONFIDENTIALITY AND PRIVACY**

Transgender employees have the right to be who they are without disclosure of medical information. The medical, personal, or intimate details about an employee's transition are the employee's personal business. When an employee is transitioning at work, it may involve the cooperation of his or her supervisors and coworkers.

Managers and supervisors must be sensitive to a transgender employee's special concerns (safety, privacy, other employment issues, etc.) and shall make efforts to ensure employees do not engage in malicious rumors and gossip about the employee who is in transition or has already transitioned. Any employee engaging in such conduct is in violation of the CPOE and will be subject to prompt and appropriate administrative action. When transitioning on the job, other employees may be given only general information about the employee's transition, such as their new name and the appropriate pronoun(s) the employee requests to be addressed by. All other personal information about the employee remains confidential and shall not be released without the employee's prior consent.

## **SUPPORT AND COMMUNICATION**

Management shall foster a work environment with respect, ongoing support, and open communication for transgender employees who have transitioned, are in transition, or are considering the transition process. Protection based on gender identity and gender expression helps create the reasonable expectation of a safe environment in which all employees are evaluated by their performance rather than other's perceptions of or comfort with their gender. Each employee's situation is assessed and treated on an individual basis. It is recommended that management let the employee take the lead in requesting specific accommodations. Employees with questions or concerns in understanding or applying the CPOE may contact their human resources office.

## **CHANGES IN NAME/GENDER AFFECTING PERSONNEL AND OTHER RECORDS**

If the employee chooses to legally change their name and/or gender, the employee record and other work-related documents shall be updated. The employee must provide the appropriate legal documentation validating the name and/or gender change to their human resources office. Employee records and work-related documents, such as, but



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not limited to, Form I-9, retirement, Live Scan, and paycheck stubs will be retained under the legal name until he or she provides the appropriate documentation.

In everyday written and oral communication, the new name and pronoun will consistently be used when the employee so requests. For example, the person's new name that corresponds with the change in gender identity should be used in all other documentation, such as email, phone directory, County identification card or access badge, name plate, business cards, etc.

It is appropriate to respectfully ask the employee his or her new name and which pronoun the employee prefers to be addressed by. It is not appropriate to inquire about a person's gender identity or expression beyond asking the name and pronoun.

## **RESTROOM AND RELATED FACILITIES**

The County has an obligation to ensure that all employees have safe bathroom access. This includes restrooms meeting disability-related code requirements. All employees have the right to use a restroom that is appropriate and convenient. Transgender employees are to be permitted to use the facilities (bathrooms and locker rooms) that correspond with his or her gender identity and gender expression, regardless of what stage that individual is in the transition process. Further, the transgender employee shall not be required to provide proof of any particular medical procedure (including gender reassignment surgery) in order to have access to facilities designated for use by a particular gender.

Depending on available County resources, departments may also consider a gender-neutral restroom or the designation of existing restrooms as unisex for use by all employees. Transgender employees are not expected or required to use a gender-neutral restroom.

## **DRESS CODE**

Departments have the right and obligation to set and maintain standards of appropriate dress for their workplace environment. All employees shall dress in a professional manner that is in compliance with Countywide and departmental dress code policies.

Transgender employees must comply with the gender-specific dress code that is appropriate to their gender identity when employers implement employee dress codes that are gender specific.

## **TRAINING**

Training may be considered to ensure that all employees understand their obligations to maintain a workplace free of discrimination, unlawful harassment, retaliation, and



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inappropriate conduct based on gender identity and gender expression. The Department of Human Resources offers ongoing professional development courses to departments to promote respect and diversity awareness in the workplace. For more information, contact the Workforce and Employee Development Division at (213) 738-2374.

## **REPORTING VIOLATIONS**

Pursuant to the CPOE, supervisors and managers have an affirmative duty to report potential violations of the Policy. Supervisors and managers also have an affirmative duty to take all reasonable steps to prevent and stop (through prompt and appropriate administrative action) CPOE discrimination, unlawful harassment, retaliation, and inappropriate conduct towards others based on a protected status from occurring in the workplace.

Any County employee who believes he or she has been discriminated against based on gender identity or gender expression that potentially violates the CPOE is encouraged to report to their supervisor, manager, or the County Intake Specialist Unit (CISU) at (855) 999-2367 or online at <https://CEOP.bos.lacounty.gov>. The CISU is located at:

Kenneth Hahn Hall of Administration  
500 West Temple Street, Suite B-26  
Los Angeles, CA 90012

Employees may also contact the California Department of Fair Employment and Housing at (800) 884-1684 or by visiting their website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov); and/or the U.S. Equal Employment Opportunity Commission by calling (800) 669-4000 or visiting their website at [www.eeoc.gov](http://www.eeoc.gov).

Questions regarding these guidelines may be directed to the Department of Human Resources, Workforce & Employee Development Division at (213) 738-2374.

## **AUTHORITIES**

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- Board of Supervisors Policy No. 9.015, *County Policy of Equity*
- California Government Code 12920-12926
- County Code 5.08, *Equal Employment Opportunity Program*
- County Code 5.09, *Policy of Equity*
- Policies, Procedures, and Guidelines No. 812, *County Policy of Equity*

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