

Document Type: Regulation
Number: 1.03c
Effective: 08-11-14
Revised: 03-18-22
12-07-22
Legal Reference: BCC Title 5, Ch. 15

GENDER IDENTITY, GENDER EXPRESSION & TRANSITION

I. INTRODUCTION & SCOPE

The purpose of this regulation is to educate staff about gender identity and to set forth the expectations when a person is transitioning. The goal is for the safety, comfort, and healthy development of transgender or gender nonconforming individuals while maximizing the person's workplace integration and minimizing stigmatization of the person.

This regulation applies to all employees including temporary/seasonal staff, and volunteers collectively referred to in this regulation as "staff". This regulation does not describe every situation that might occur with respect to transgender or gender nonconforming staff, and the needs of each person must be assessed on a case-by-case basis.

II. DISCRIMINATION PROHIBITED

The City of Boise (city) is committed to promoting diversity in the workplace and affirming equal opportunity for all staff and applicants for employment. The city does not discriminate based on gender identity or gender expression in any aspect of the employment relationship including hiring, promotions, training, working conditions, compensation, and benefits.

The city prohibits acts of discrimination based on a person's transgender status, gender identity, or gender expression. The city expects all staff and applicants for employment to be evaluated based on the position responsibilities and expectations rather than by their gender identity or expression or others' perceptions.

III. PRIVACY AND DISCLOSURE

City employees, applicants, volunteers, and contractors may discuss their gender identity, gender expression, or sexual orientation openly. The city also recognizes some staff may prefer to keep information about their gender

identity, gender expression, or sexual orientation private and the city respects staff preferences regarding when and with whom to share such information. The city shares information about gender identity, gender expression, or sexual orientation only as needed to implement requested accommodations with the consent of, and in the scope approved by, the employee as set forth below.

Staff are encouraged to take reasonable steps to inform their coworkers of their name and pronouns. If a coworker is unsure of the name or pronoun to use, in reference to any employee, the coworker can respectfully ask the employee how they want to be addressed. Any intentional misuse of a person's name or pronouns is a violation of this regulation.

IV. DEFINITIONS

The definitions provided here are descriptive and not intended to label individuals.

Gender identity refers to a personal conception of oneself as male, female, both, neither and/or another gender. Gender identity can be the same as or different from the gender a person is assigned at birth. Gender identity is a matter of self-identification; no one can tell anyone else how to identify or what terms to use. Gender identity is different from sexual orientation, and everyone has both a gender identity and a sexual orientation.

Gender expression refers to the multiple ways (e.g., behavior, dress, etc.), in which a person may choose to communicate gender to oneself and/or others. It can include manner of dress, grooming, mannerisms, and speech patterns. Gender expression is not the same as a person's gender identity or sexual orientation.

Sexual orientation typically refers to a person's physical, romantic, or emotional attraction to people of the same and/or opposite sex. Sexual orientation is not the same as a person's gender identity or gender expression. Transgender people, like cisgender people, can identify as having any sexual orientation (such as heterosexual, gay, lesbian, bisexual, or asexual).

Cisgender refers to a person whose gender identity and expression are aligned with the gender they were assigned at birth.

Gender: A set of cultural identities, expressions, and roles – codified as feminine or masculine – that are assigned to people based upon the interpretation of their bodies, and more specifically, their sexual and reproductive anatomy. Since gender

is a social construction, it is possible to reject or modify the gender one is assigned at birth, and to develop, live and express a gender that feels truer and just to oneself.

Gender Binary: A socially constructed system of viewing gender as consisting solely of two categories, "male" and "female," in which no other possibilities for gender are believed to exist. The gender binary is a restrictive and inaccurate way to view gender because it does not take into account the diversity of gender identities and gender expressions among all people. The gender binary is oppressive to anyone that does not conform to dominant societal gender norms.

Gender Non-binary: An umbrella term for gender identities used by people whose gender is not exclusively male or female.

Gender Nonconforming: A descriptive term and/or identity of a person who has a gender identity and/or expression that does not conform to the traditional expectations of the gender they were assigned at birth. People who identify as "gender nonconforming" or "gender variant" may or may not also identify as "transgender."

Neopronouns refers to a category of new (neo) pronouns used in place of she, he, or they when referring to a person. Examples include ze/hir/hirs, ne/nem/nir, etc.

Transgender: Umbrella term describing people whose gender identity does not match the gender they were assigned at birth. Specifically, a "transgender woman" can refer to a person who was assigned male at birth but identifies or expresses herself as female, and a "transgender man" can refer to a person who was assigned female at birth but identifies or expresses himself as male. The term also includes a person who identifies as androgynous or nonbinary (being both male and female, neither male nor female, or gender fluid).

Transition is the process by which a person begins living as a different gender. It often refers to the process by which a transgender person begins living as the gender with which they identify, rather than the sex assigned to them at birth. It can include undergoing medical treatment or procedures (e.g., hormone therapy or surgery), using a different name or pronoun, and using different facilities such as restrooms or locker rooms. The process varies for each person, and while some people might choose to undergo medical treatment or procedures, these steps aren't necessary for a person to transition their gender.

V. TRANSGENDER

The city strives to create a workplace where staff who are transgender can be their full selves without fear of discrimination, harassment, or retaliation. The city is supportive of transgender staff who are considering or undergoing gender transition. Any discriminatory, harassing, or retaliatory actions taken against staff based on their gender identity, gender expression, or gender transition are considered violations of the city's EEO regulation and are subject to corrective action up to and including termination of employment.

The city also recognizes some staff may wish to keep information about their gender transition private and respects staff preferences regarding when and with whom to share such information. The city only shares information about gender transition as needed to implement requested accommodations and otherwise to the extent they agree to share such information. Transitioning staff are encouraged to inform their manager and coworkers about their transition to the extent they feel comfortable.

VI. TRANSITION PLANNING

There are specific workplace issues to be addressed throughout the gender transition process. Therefore, transitioning staff are encouraged to discuss their needs and requested accommodations with Human Resources (HR) and/or their department management before, during, and after their transition. The city addresses each person's needs and requested accommodations on an individualized basis. Medical benefits and Employee Assistance Program (EAP) services are available to assist staff in benefit eligible positions who are considering or undergoing gender transition.

A person transitioning should contact their manager or HR if they have specific workplace requests, questions, or concerns regarding their transition. Managers who are notified of any transition-related workplace requests should promptly notify HR after obtaining the person's permission to do so.

If the person needs assistance to implement workplace changes based on their gender transition, they should meet with HR to outline the changes and associated time periods for their transition. HR will coordinate with the person to establish a plan and discuss what the person can expect from the city during the transition process, including relevant leave, benefits, etc. The person transitioning is also encouraged to utilize the city's EAP as needed.

A transition plan may include any or all of the following considerations:

- A. A list of staff who need to be advised of the transition to implement workplace changes or other staff as requested by the person transitioning.
- B. A plan for when and how the identified staff should be informed of the transition (staff meeting, email, etc.) and who will inform them (the transitioning employee, department director, HR, etc.).
- C. The date on which the employee will begin to present in a manner consistent with his or her gender identity, which might be immediately, including the date(s) when the employee will begin using a different name or pronoun and different facilities (restrooms, locker rooms, etc.).
- D. A list of the employee's records that will need to be changed to reflect his or her gender identity and new name (if applicable), any documentation the employee will need to provide to effectuate these changes, and the expected date(s) on which these records will be changed.
- E. Any anticipated leave that the employee will take for transition-related medical treatment and any relevant benefits available to the employee during the transition.

The city recognizes that staff needs may change during their gender transition. HR works with staff to adapt their transition plan to accommodate additional requests that might arise.

VII. WORKPLACE CHANGE EXPECTATIONS

Below are parameters for workplace changes the city follows:

- A. Access to facilities: Staff are permitted to use facilities (restrooms, locker rooms, etc.) that correspond with their gender identity. The city does not ask or require transgender or transitioning staff to use facilities that do not correspond with their gender identity or to use unisex/single-occupant restrooms instead of common restrooms designated for staff of one sex.
- B. Dress and grooming standards: Staff are permitted to present themselves in accordance with their gender identity and/or gender expression or in a gender-neutral manner. Presentation includes their manner of dress or grooming. If required to wear a uniform, staff are permitted to dress in the uniform that corresponds with their gender identity. The city does not restrict aspects of staff appearance based on gender or gender stereotypes.
- C. Employee records: The city will update employment records as needed to accurately reflect transitioning staff gender identity and new name (if applicable) when they choose to begin identifying with that gender and name.

The city will also update staff ID badge, business cards (if applicable), email address, staff directory, etc.

For certain types of records, such as payroll and retirement records, the city cannot make updates until staff provide official documentation of their gender and/or name change. HR will assist staff in determining what documentation is needed to make these changes. Staff are not required to provide documentation to change their name on records or in places where supporting documentation isn't necessary (e.g., their nameplate).

- D. Pronouns & Neopronouns: Staff may choose to be addressed and referred to by the pronoun or set of pronouns they identify with and would like to be called when their proper name is not being used. Examples include "she/her/hers," "he/him/his," "ze/hir/hirs," and "they/them/theirs." Some people prefer no pronouns at all.

Staff are encouraged to take reasonable steps to inform their coworkers of their chosen name and pronoun. If a coworker is unsure of the name or pronoun to use in reference to a transgender or transitioning employee, the coworker can respectfully ask the employee how they want to be addressed. Any intentional misuse of a person's name or pronoun is a violation of this regulation.