



Regional Transit Authority

## Gender Transition

(HC5)

### POLICY STATEMENT

The New Orleans Regional Transit Authority (RTA) is an equal opportunity employer and does not discriminate on the basis of gender, gender identity, gender expression or any other federally or state protected class. It is RTA's policy to treat its employees with dignity and respect; and to strive to educate employees, foster dialogue, and help achieve a safe, supportive, productive and inclusive environment.

### PURPOSE

This policy provides workplace requirements for dealing with issues that may arise when an employee goes through a gender transition.

### APPLICATION

This policy applies to all RTA employees.

APPROVED:

\_\_\_\_\_  
ADOPTED: Board Chair

\_\_\_\_\_  
Chief Executive Officer

Effective Date: \_\_\_\_\_

Date of Last Review: \_\_\_\_\_



*Regional Transit Authority*

## **1.0 GENERAL**

Gender identity can be male, female, a blend of both or neither. One's gender identity can be the same or different from their sex assigned at birth. When their gender identity is different from their assigned sex at birth, individuals may elect to go through a gender transition process.

Transitioning employees have the right to express themselves in the manner in which they self-identify and may express their gender identity without fear of consequence. This includes using the restroom that corresponds with their gender identity; dressing in accordance with their gender identity; and being addressed by their preferred name and pronoun.

Transitioning employees, supervisors/managers, and co-workers are encouraged to contact the EEO & Civil Rights with any questions or concerns regarding gender transition in the workplace.

## **2.0 PROCEDURES**

All information regarding an employee's transition will be held in the strictest confidence, until the transitioning employee approves the release of the information.

Due to the unique nature of each gender transition, all occurrences and workplace transition plans will be handled, and developed on a case-by-case basis.

### **2.1 Transitioning Employees**

Regardless of the stage of transition, transitioning employees must:

Maintain a professional image commensurate with their job classification, and in accordance with RTA's Appropriate Workplace Attire and Demeanor (HC15) policy. Notify Human Capital and fill out the Temporary Name Change Affidavit (Attachment 1) if they wish to make an administrative name change (e.g., stationery, name plate, email, etc.). Provide Human Capital with proof of legal name change prior to RTA changing their name on legal documents (e.g., payroll, insurance, etc.).

Transitioning employees are encouraged to:

- Contact their supervisor/manager, Office of Civil Rights OCR/HC, and Human Capital (HC) when beginning the transition process.
- Work with OCR/HC and their supervisor and manager in developing a workplace transition plan.



*Regional Transit Authority*

## 2.2 Supervisor and Managers

Once notified of an employee's transition, a supervisor/manager must:

- Contact OCR/HC, naming the employee only if employee has consented, and request guidance on how to work with the employee on their gender transition plan.
- Guided by OCR/HC, work with the transitioning employee on their workplace transition plan and become part of the transition team.
- Direct all inquiries made by coworkers to OCR/HC.
- Ensure that there are no denials of or reduction in employment opportunities for transitioning employee. For example, working with outside vendors or consultants is not a reason to deny a transitioning employee the right to dress in their reassigned gender role or remove the employee from their work assignment.

## 2.3 Coworkers

OCR/HC will provide relevant resources, such as employee training, upon request. Supervisors should direct inquiries by coworkers to OCR/HC. Discriminatory or harassing behavior, including starting and/or engaging in rumors about the transitioning employee will not be tolerated, and may result in disciplinary action, up to and including termination of employment.

## 3.0 DEFINITION OF TERMS

- **Cisgender**-The term used to describe people whose gender identity or expression aligns with those typically associated with the sex assigned to them at birth.
- **Transgender** — An umbrella term for people whose gender identity or gender expression is different from those typically associated with the sex assigned to them at birth. Although Transgender and sexual orientation are often conflated, they are distinct from one another.
- **Sex Stereotype** — An assumption about someone's appearance or behavior — or about the ability or inability to perform certain types of work based on a myth, social expectation or generalization about the person's sex.
- **Gender Nonconforming** —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 they were assigned at birth.
- **Gender Questioning** —refers to people who are questioning their gender identity and might be wondering whether they identify as a male, a female or another gender. They might also be experimenting with different genders.
- **Non-binary Gender** —refers to people whose gender identity does not fit within the binary of male and female. Note: Non-binary people may wish to transition so that their gender expression more closely reflects their internal identity. Many non-binary people wish to appear androgynous and adopt unisex names, gender-neutral titles such as Mr., and/or gender-neutral pronouns such as "they", "their"



*Regional Transit Authority*

and/or "them". Others may prefer to express themselves in ways which are traditionally seen as masculine or feminine, or mixed aspects of the two.

- Gender Fluid —refers to people whose gender varies over time. A gender fluid person may at any time identify as male, female, neutrois, or any other non-binary identity or some combination of identities. Their gender can also vary at random or in response to different circumstances.
- Gender Expression —Refers to all external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerism, and speech patterns.
- Gender Identity —Refers to a person's innate, deeply felt psychological identification as male, female, both or neither, which may or may not correspond to the person's body or designated sex at birth (meaning what sex was listed on a person's birth certificate).
- Gender Transition (Transitioning) —The process that some transgender individuals go through in changing from one gender to another. The process can include beginning to go by a new first name, using a new pronoun (e.g., "she" instead of "he" and vice versa), and changing one's appearance to conform to expectations for the new gender. For some people, transition includes medical treatment such as hormone therapy and or surgeries.
- MTF: "Male to Female" —Individual who is born and perceived to be male, and then transitions to publicly and privately live as female, ex: transsexual woman or transgendered woman. FTM: "Female to Male" —Individual who is born and perceived to be female, and then transitions to publicly and privately live as male, ex: transsexual man or transgendered man.
- Gender Transition Plan — A document to outline workplace guidelines and address needs and issues that may arise when a transgender individual transitions in the workplace. The Gender Transition Plan is a flexible document that will be unique to the employee undergoing a gender transition in the workplace.

#### **4.0 RESPONSIBILITIES**

The (OCR) will provide guidance to supervisors/managers in developing the transition plan and process with the transitioning employee; will provide support for the employee and management during time of gender transition; provide educational resources for RTA employees; and investigate allegations of discrimination and harassment.

Supervisors/Managers will maintain a workplace environment that is free from discrimination and harassment; and work with a transitioning employee to determine specific work-related needs.



Regional Transit Authority

Attachment 1

Date: \_\_\_\_\_

**Temporary Name Change Affidavit**

I, \_\_\_\_\_ (Name) am requesting for my personnel records to be updated to reflect my pending legal name change. I am in the process of legally changing my name to \_\_\_\_\_ (New Name). I expect to complete the process within the next \_\_\_\_\_ months. At completion of the \_\_\_\_\_ months, I will provide RTA with legal documentation verifying my name change. Such legal documentation will include driver's license/identification card and social security card. I understand legal documents such as payroll, pension, and health care benefits cannot be updated to reflect my name change until I provide legal verification of my name change.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Badge Number: \_\_\_\_\_

To be completed by the Talent Acquisition Director:

Received by: \_\_\_\_\_

Signature: \_\_\_\_\_

Job Title: \_\_\_\_\_

Badge Number: \_\_\_\_\_



<b>Transgender Rights in the Workplace</b>	
<p><b>Transgender What is?</b></p> <p>An umbrella term for people whose gender identity and/or gender expression differs from what is typically associated with the sex they were assigned at birth.</p> <p>People who identify as transgender are protected in the City of New Orleans and Shreveport from discrimination in employment on private and governmental jobs, housing and public accommodations on the basis of sexual orientation and gender identity. In Jefferson Parish they are protected on governmental jobs.</p>	<p><b>Transitions</b></p> <p><b>Social Transition</b></p> <p>A process of socially aligning one's gender with the internal sense of self (e.g. changes in name and pronoun, bathroom and locker facility usages).</p> <p><b>Physical Transition</b></p> <p>Refers to Medical treatments and individual undergoes to physically align their body with their internal sense of self (e.g. hormone therapies or surgical procedures).</p>
<p><b>What is an employer allowed to ask?</b></p> <p>RTA may ask about an employee's employment history, and may still ask for personal references, in addition to other nondiscriminatory questions. An interviewer should not ask questions designed to detect a person's sexual orientation or gender identity, including asking about employee/marital status, spouse's name or relation of household members to one another. RTA should not ask questions about a person's body or whether they plan to have surgery because this information is generally protected by the Health Insurance Portability and Accountability Act (HIPAA).</p>	<p><b>What are the obligations of employers when it comes to bathrooms, showers, and locker rooms?</b></p> <p>All employees have the right to safe and appropriate restrooms and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's assigned sex at birth.</p> <p>In addition, where possible, RTA will endeavor to provide an easily accessible unisex single stall bathroom for use by any employee who desires increased privacy, regardless of the underlying reason. A private restroom of this type can also be used by an employee who does not want to share a restroom with a transgender coworker. However, use of a unisex single stall restroom should always be a matter of choice. No employees should be forced to use one either as a matter of policy or</p>



	due to continuing harassment in a gender-appropriate facility.
<p>How do employers still implement dress codes and grooming standards?</p> <p>Louisiana law explicitly prohibits a governmental employer from denying an employee the right to dress in a manner suitable for that employee's gender identity. Therefore, RTA enforces our dress code in a nondiscriminatory manner. This means, for instance that transgender women must be allowed to dress in the same manner as non-transgender women, and that their compliance with such a dress code cannot be judged more harshly than non-transgender women.</p>	

Transitioning employees are encouraged to work with management and other employees to ensure their needs are understood; and must comply with their expected job duties.

**FLOWCHART**

N/A

**REFERENCES**

- Equal Employment Opportunity (HC4)
- Workplace Violence Prevention (HC3)
- Internal Complaint Process (HC38)
- Appropriate Workplace Attire and Demeanor (HC15)
- Employee Assistance Program (HC24)
- Reasonable Accommodations (HC31)
- Progressive Discipline (HC25)

**7.0 ATTACHMENTS**

1. Temporary Name Change Affidavit
2. Transgender Rights in the Workplace Information Sheet

**8.0 PROCEDURE HISTORY**



*Regional Transit Authority*

N/A

**9.0 SPONSOR DEPARTMENT**

Human Capital