



Guide for Agencies to Respect and Support Gender Transition, Gender Identity, and Gender Expression

City of New York

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The City of New York is an inclusive equal opportunity employer committed to recruiting and retaining a diverse workforce and providing a work environment that is free from discrimination and harassment based upon any legally protected characteristic including, but not limited to, an individual's sex, race, color, ethnicity, national origin, age, religion, disability, sexual orientation, veteran status, gender identity, or pregnancy.

Eric Adams

Mayor

Louis A. Molina

Commissioner

Department of Citywide Administrative Services

Silvia Montalban

Chief Citywide Equity and Inclusion Officer and Deputy Commissioner

Department of Citywide Administrative Services

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I. Introduction

The City of New York (the City) is an inclusive, equal opportunity employer committed to recruiting and retaining a diverse workforce and providing a work environment that is free from discrimination and harassment based upon any legally protected status or protected characteristic, including, but not limited to, an individual's sex, race, color, ethnicity, national origin, age, religion, disability, sexual orientation, veteran status, gender identity, gender expression, or pregnancy. The City prides itself as a leader in equitable, diverse, and inclusive employment practices and fosters a respectful work environment that provides fair opportunities for all individuals regardless of their protected characteristics.¹

A. Department of Citywide Administrative Services

The Department of Citywide Administrative Services (DCAS) establishes uniform procedures and standards that assist City agencies in instituting measures, programs, and plans to ensure equal employment opportunity within city government.

The City Charter (Charter) provides that the DCAS commissioner shall have the authority to “[e]stablish and enforce uniform procedures and standards to be utilized by city agencies in establishing measures, programs and plans to ensure a fair and effective affirmative employment plan for equal employment opportunities for minority group members and women who are employed by, or who seek employment with, city agencies.”²

Within DCAS, Citywide Equity and Inclusion (CEI) is responsible for aiding the DCAS commissioner in developing citywide policy, procedures, and standards, including this *Guide for Agencies to Respect and Support Gender Transition, Gender Identity, and Gender Expression* (Guide). CEI fosters the City of New York's global leadership in equitable, diverse, and inclusive employment practices and sets the standards for city agencies to implement the [City's Equal Employment Opportunity Policy](#) (EEO Policy), procedures, laws, and City mandates designed to prevent workplace discrimination and harassment under the City's legally protected categories and to promote inclusivity, engagement, retention and respectful work environments.

¹ The EEO Policy protects every individual who works for the City and within its workplaces from discrimination or harassment based on a protected category, and from retaliation for engaging in protected EEO activity such as reporting or opposing discrimination or harassment or for cooperating in a related investigation. This protection covers all employees (e.g., supervisory, non-supervisory, managers, executives, senior-level staff, board appointees, interns, whether paid or unpaid, volunteers, temporary, seasonal, part time or short term), applicants for employment, and persons conducting business or providing services in a City workplace (e.g., contractors, subcontractors, vendors, consultants, and those they employ). See the City's [EEO Policy](#) for a complete list of all protected categories.

² New York City Charter § 814.1(c)(2).

II. Purpose

The City recognizes the value of creating and sustaining a workplace environment that respects and values the individuality of its employees and their contributions to the success of the organization. Gender-diverse employees, including transitioning, transgender, and gender non-conforming individuals have the right to openly be their authentic selves and express their gender identity just like anyone else, without fear of adverse consequences in the workplace. The purpose of this Guide is to reaffirm the City's commitment to an inclusive workplace for all individuals, regardless of their sex, gender, gender identity, gender expression, or sexual orientation, and to provide agencies with best practices for appropriately supporting individuals within the City's workplaces undergoing any phase or aspect of gender transition, also known as gender affirmation. It is a personal and sensitive process, which may include a person changing their name, pronouns, and physical appearance to affirm their gender identity. The changes may be different for each individual and may also include hormone therapy, surgeries, and changes in voice, hairstyle, or clothing.

The decision about if or when and how to begin a transition socially is completely the employee's. This Guide includes best practices, recommendations, and resources for employees who have expressed a desire to transition on the job and are seeking resources to help guide them and their employer through the process; for employees who may have already transitioned and are seeking support in the workplace; for employees and co-workers who wish to learn and be supportive; and for administration, consisting of management, supervisors, human resources staff, and EEO personnel, all of whom must ensure there is a supportive, welcoming, and safe work environment for employees seeking to embrace their authentic selves. It provides information regarding changes that may arise in the workplace when a person transitions while working for a city agency. The Guide also provides a starting point for building awareness; however, the process should be tailored to each individual's specific needs. This Guide does not anticipate every situation that might arise; therefore, the needs of each individual must be assessed on a case-by-case basis.

This Guide is consistent with the City's commitment to creating a safe and inclusive work environment for all employees³ and aligns with the principles of the City's EEO Policy, which includes gender identity and gender expression as protected categories, as well as with Mayoral [Executive Order No. 16](#) (EO 16),⁴ which ensures individuals the right to access single-sex facilities controlled by the City consistent with their gender identity and/or gender expression. The New York City Human Rights Law (NYCHRL) also governs public

³ See the City's [EEO Policy](#) to review all protected categories.

⁴ See [Executive Order 16 \(2016\)](#).

and private employers in New York City and prohibits discrimination based on actual or perceived sex, gender, gender identity, and gender expression.⁵

An employee's decisions regarding gender transition are personal and the employee has no obligation to make their employer aware of such decisions.



The employee is protected from discrimination and harassment based on their actual or perceived gender identity and/or gender expression even if they choose not to involve the employer in their transition process. As with discrimination on any other prohibited basis, an employee who believes they have been discriminated against or harassed based on their gender identity and/or gender expression should report the matter directly to their agency's EEO Office. Employees in New York City can also file a complaint with the NYC Commission on Human Rights.⁶

It is the responsibility of the employee undergoing gender transition as well as all supervisors, human resources, and EEO personnel to become and remain informed of this guidance.

For assistance with understanding this Guide or for more information about transgender inclusion, awareness, and best practices, contact CEI at CitywideEquityInclusion@dcas.nyc.gov.

⁵ See N.Y.C. Admin. Code § 8-101 et seq.

⁶ See [New York City Commission on Human Rights: Enforcement](#).

III. Definitions⁷

Gender identity, gender expression, and sexual orientation are private topics for many people. However, these definitions are intended to help individuals understand references in this Guide. In addition to the terms listed below, there are many other terms related to gender, gender identity, and/or gender expression with which a person may identify. Individuals should keep in mind that language evolves. The best practice is to refer to people with the term(s) and pronouns they use to self-identify.

Ally: A term used to describe someone who is actively supportive of LGBTQIA+ people. It encompasses heterosexual and cisgender allies, as well as those within the LGBTQIA+ community who support each other (e.g., a lesbian who is an ally to the bisexual community).

Agender: Describes a person who identifies as having no gender, or who does not experience gender as a primary identity component.

Asexual: Often called “Ace” for short, asexual refers to a complete or partial lack of sexual attraction or lack of interest in sexual activity with others. Asexuality exists on a spectrum, and asexual people may experience no, little, or conditional sexual attraction.

Bigender: Describes a person whose gender identity combines two genders.

Biphobia: The fear and hatred of, or discomfort with, people who love and are sexually attracted to more than one gender.

Bisexual: A person emotionally, romantically, or sexually attracted to more than one sex, gender, or gender identity though not necessarily simultaneously, in the same way, or to the same degree. This term is sometimes used interchangeably with pansexual.

Cisgender: A term used to describe a person whose gender identity aligns with the sex assigned to them at birth.

Coming Out: Most commonly used to describe when someone chooses to share their LGBTQIA+ identity with others. Many individuals “come out” or share who they are at different times in different places. Coming out to one’s family does not mean someone has come out at work and vice-versa.

Deadnaming: A dead name is the name given to a transgender, nonbinary, and/or gender-expansive person at birth that the individual no longer considers their name. Deadnaming is the inappropriate act of referring to a person by their dead name. Deadnaming can constitute unlawful discrimination.

⁷ Select terms sourced from the Human Rights Campaign.

Gay: A person who is emotionally, romantically, or sexually attracted to members of the same gender. Men, women, and non-binary people may use this term to describe themselves.

Gender Affirmation: An umbrella term that refers to the process of living and expressing oneself authentically according to one's true gender identity. It also can refer to the various actions that an individual undergoing gender transition may consider taking to live as their authentic selves. It may include a person changing their name, pronouns, and physical appearance to affirm their gender identity. However, what gender affirmation looks like for an individual is unique and based on what is personally affirming, what feels safe to do, and what is accessible and available.

Gender Binary: A construction of gender with only two strict categories, male or female, where gender identity is expected to align with the sex assigned at birth and where gender expressions and roles fit traditional expectations.

Gender-Diverse: An umbrella term to describe an ever-evolving array of labels people may apply when their gender identity, expression, or even perception does not conform to the norms and stereotypes others expect.

Gender Dysphoria: Clinically significant distress caused when a person's assigned gender at birth is not the same as the one with which they identify. The Diagnostic and Statistical Manual of Mental Disorders (DSM-5) includes gender dysphoria as a diagnosis for people whose distress is clinically significant and impairs social, occupational, or other important areas of functioning. This may be formally diagnosed by a medical professional, but such a diagnosis is not required for an individual to identify as experiencing these conditions. Not all transgender people experience or are diagnosed with gender dysphoria.⁸

Gender-expansive: A person with a wider, more flexible range of gender identity and/or gender expression than typically associated with the binary gender system.

Gender Expression: The way a person communicates their gender to the world through mannerisms, clothing, speech, behavior, etc. Gender expression varies depending on culture, context, and historical period. Such expression may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender-fluid: A person who does not identify with a single, fixed gender, or has a fluid or unfixed gender identity.

⁸ Neither the American Psychiatric Association nor the American Psychological Association consider being transgender a "mental disorder." Some transgender advocates believe the inclusion of Gender Dysphoria in the DSM is necessary in order to obtain health insurance that covers the medically necessary treatment recommended for transgender people.

Gender Identity: The internal, deeply held sense of one's gender, which may be the same as or different from one's sex assigned at birth. A person's gender identity may be male, female, neither, or both, *i.e.*, non-binary or genderqueer. Gender identity is not the same as sexual orientation or gender expression.

Gender Marker: The designation of an individual's sex on a birth record, indicated as male, female, undetermined, or X.

Gender Non-conforming: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of gender, or whose gender expression does not fit neatly into a category. Terms associated with gender non-conformity include, but are not limited to, gender expansive, gender variant, or gender diverse.

Genderqueer: Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and often, though not always, sexual orientation. Individuals who identify as "genderqueer" may see themselves as being both male and female, neither male nor female, or as falling completely outside these categories.

Homophobia: The fear and hatred of or discomfort with people who are attracted to members of the same sex.

Intersex: Intersex individuals are born with a variety of differences in their sex traits and reproductive anatomy. There is a wide variety of difference among intersex variations, including differences in genitalia, chromosomes, gonads, internal sex organs, hormone production, hormone response, and/or secondary sex traits. This term may not be the same as a person's gender identity and is not the same as a person's sexual orientation.

Misgendering: To identify the gender of a person incorrectly. Misgendering can be intentional or unintentional. Intentional misgendering is a violation of the City's EEO Policy and NYCHRL.

Lesbian: A woman who is emotionally, romantically, or sexually attracted to other women. Women and non-binary people may use this term to describe themselves.

LGBTQIA+: An acronym for "lesbian, gay, bisexual, transgender, queer, intersex, and asexual" with a "+" sign to recognize the limitless sexual orientations and gender identities used by members of this community. Some common terms are described in this list of definitions.

Non-binary: An adjective describing a person who does not identify exclusively as a man or a woman. Non-binary individuals may identify as being both a man and a woman, somewhere in between, or as falling completely outside these categories. Non-binary can also be used as an umbrella term encompassing identities such as agender, bigender, genderqueer, or gender-fluid.

Outing: Exposing someone's lesbian, gay, bisexual, transgender, or gender non-binary identity to others without their permission. Outing someone can have serious negative repercussions on employment, economic stability, personal safety, religious or family situations.

Pansexual: Describes someone who has the potential for emotional, romantic, or sexual attraction to individuals of any gender, though not necessarily simultaneously, in the same way or to the same degree. This term is sometimes used interchangeably with bisexual.

Queer: A term often used to express a spectrum of identities and orientations that are counter to the mainstream. Queer is often used as a catch-all to include many people, including those who do not identify as exclusively straight and/or individuals who have non-binary or gender-expansive identities. This term was previously used as a slur but has been reclaimed by many parts of the LGBTQIA+ movement.

Questioning: A term used to describe individuals who are in the process of exploring their sexual orientation, gender identity and/or gender expression.

Sex Assigned at Birth: The sex (male, female, or intersex) that a doctor or midwife uses to describe a child at birth based on their external anatomy. For example, transgender, intersex, or non-binary people may describe themselves as assigned female at birth (AFAB) or assigned male at birth (AMAB).

Sexual Orientation: An inherent enduring emotional, romantic, or sexual attraction to other people. An individual's sexual orientation is independent of their gender identity and/or expression.

Transgender: An umbrella term for individuals whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation. Therefore, transgender people may identify as straight, gay, lesbian, bisexual, etc.

- **"Trans woman"** or **"transgender woman"**: An individual who is assigned male at birth, and then transitions to female.
- **"Trans man"** or **"transgender man"**: An individual who is assigned female at birth, and then transitions to male.

Transitioning: A series of processes that some transgender individuals may undergo to live more fully as their authentic selves. This typically includes social transition, such as changing their name and pronouns, medical transition, which may include hormone therapy or gender affirming surgeries, and legal transition, which may include changing their legal name and sex on government documents. Transgender individuals may choose to undergo some, all, or none of these processes. Social transition and recognition of someone's stated identities does not require any formal legal process.

IV. Expectations and Conduct

The City recognizes and supports the right of all transitioning, transgender, gender non-conforming and gender-diverse people to be free from unlawful discrimination, harassment, and retaliation in the workplace, including as they undergo social, medical, or legal transition. City employees must treat one another with dignity and respect, including regarding an individual's actual or perceived gender, gender identity, and/or gender expression, consistent with all applicable federal, state, or local laws and ordinances. Below is an overview of the protections afforded to City employees regarding gender identity and/or expression.

A. Privacy

The employee is under no obligation to disclose or discuss their gender transition, gender identity, or gender expression with their manager, co-workers, or any other agency staff.

If an employee chooses to share this information with their manager, co-workers, or other agency staff, it should be regarded with the same confidentiality and protection from disclosure as any other personal matter or information. Information, including an employee's previous name, should only be disclosed to "need-to-know" parties and with the transitioning employee's consent and understanding about what information will be shared, when, why, and with whom.

The transitioning employee is under no obligation to disclose any medical information as it relates to gender identity or transition-related healthcare, except as necessary for processing the employee's request(s) for medical leave or a reasonable accommodation.⁹ Some employees may seek a work schedule change, or other reasonable accommodations based upon their medical needs. Requests for medical leave or reasonable accommodations for transition-related healthcare will be assessed like all other requests for medical leave or reasonable accommodations in accordance with applicable laws and procedures. Any medical information, including medical records the employee provides, does not require details of the diagnosis and/or treatment and will be held as confidential, consistent with applicable laws and procedures.¹⁰

⁹ For information and guidance relating to reasonable accommodations, see the City's [Reasonable Accommodation Process](#) brochure.

¹⁰ The City's reasonable accommodation process is a separate and distinct process from the development of a transition plan, which is discussed in this Guide, Section VI, B. The agency's EEO Office addresses reasonable accommodation needs and maintains such confidential related records. Human resources would maintain any confidential records related to a transition support plan that the transitioning employee may elect to develop with human resources.

If the transitioning employee opts to initiate a transition plan and permits human resources to use the Workplace Transition Support Plan (Appendix C), human resources should maintain such document in the employee's confidential health/benefits records, not with their personnel records.¹¹



B. Protections Against Discrimination, Harassment, and Retaliation

Consistent with applicable laws and the City's EEO Policy, employees are prohibited from engaging in discrimination, harassment, or retaliation against an individual based on their actual or perceived gender identity, gender expression, or gender transition. Examples of violations include, but are not limited to, the following:

- Intentionally or repeatedly refusing to use an individual's self-designated name, pronoun, or prefix. For example, repeatedly referring to a transgender woman as "he/him" or "Mr." after the individual has made clear that they prefer "she/her" or "Miss, Ms. or Mrs."
- Requiring an individual to provide information about their medical history or proof of having undergone medical procedures in order to use their self-designated name, pronoun, or prefix.
- Asking an individual about their body (e.g., breasts, genitals, hormone use) and whether they have any intention to change (or a history of changing) their body.
- Using anti-gay, anti-LGBTQIA+, or anti-transgender epithets when speaking to or about an individual.
- Using violence, the threat of violence, a pattern of threatening verbal harassment, the use of force, intimidation or coercion, defacing or damaging real property, and cyber-bullying.
- Requiring an individual to use a restroom that is not consistent with their gender identity, in violation of [EO 16](#).

Managers and supervisors must lead by example and communicate clearly with employees about what behavior is appropriate to avoid all forms of discrimination and harassment.

¹¹ It is a generally recognized employer practice to keep employee health records separate from personnel files. The rationale is that health records are confidential and are kept separately to prevent the perception and risk that personnel decisions could be based on confidential health information. This practice derives from the fact that the Americans with Disabilities Act (ADA), Health Insurance Portability and Accountability Act (HIPAA), Genetic Information Nondiscrimination Act (GINA), and Family and Medical Leave Act (FMLA) all require employers to keep employee medical records confidential and separate from personnel files.

If managers or supervisors become aware of derogatory remarks or demeaning behavior toward an employee relating to their gender identity and/or gender expression, they must take the appropriate steps to immediately address the problem by reporting the behavior to the EEO Office. It is also a best practice for managers or supervisors to intervene to address harassing behavior in the moment, where feasible.

Any person who believes that they have been discriminated against or harassed based on their gender identity and/or gender expression or retaliated against for opposing discrimination or requesting a reasonable accommodation, may file a complaint under the City's EEO Policy with their agency's EEO Office or with the New York City Commission on Human Rights.

C. Addressing Concerns or Objections by Colleagues or Clients

A lack of knowledge about gender-diverse issues has the potential to create tension and misunderstanding in the workplace. Any City employee, including managers, co-workers, clients, or other members of the public who raise questions or concerns about an individual's gender transition or related accommodations, should be referred to the respective agency's EEO Office for appropriate guidance, and should receive a copy of the City's EEO Policy, [EO 16](#), and this Guide.

Formal education and training as well as addressing harassing behavior are discussed further in this Guide in the context of implementing a transition support plan. Training resources are listed in Appendix D.

V. Policies and Procedures

This section offers an overview of many factors that may figure into an employee's transition experience in the workplace.

A. Roles and Responsibilities

- **The transitioning employee** - An employee who transitions to the gender with which they identify is under no obligation to inform the agency about their gender transition unless they request related workplace changes. If a workplace change requires documentation, the employee must provide the required documentation as soon as possible.
- **Human resources** - Human resources is a resource for all employees regarding any workplace matter relating to gender diversity. Human resources will facilitate and coordinate all gender transition-related matters, as needed, when an employee indicates a need for workplace adjustments or assistance regarding a transition. Human resources will work with the employee on developing a suitable transition support plan based on the employee's expectations and agency's responsibilities. Human resources will also ensure that the respective agency records (see table below in Section V.C.) are changed to reflect the employee's preferred name and gender within a reasonable time based on the employee's transition support plan and timeline. DCAS recommends that agencies process the employee's request within 30 days, absent extenuating circumstances. DCAS also recommends that agencies identify a human resources staff member who will serve as a liaison for employees. If human resources does not have a suitable liaison, a member of the EEO Office or another agency staff member authorized to handle sensitive information should be so designated.
- **Managers and supervisors** - Managers and supervisors must ensure that applicants and employees are not discriminated against or harassed based on any protected category, including gender identity and/or gender expression. Managers and supervisors must set an example for all employees by following the City's EEO Policy. If a manager or supervisor is notified that an employee requests workplace changes due to their gender transition, the manager or supervisor should request permission from the employee to contact human resources. Managers and supervisors are also responsible for reporting any allegations of discrimination or harassment to the EEO Office promptly and must disclose all known facts. They should also encourage employees to report any potential violation of the EEO Policy to the EEO Office. They must also allow employees to meet with EEO personnel at the earliest practical time consistent with the operational needs of their unit. They must protect the confidentiality of all EEO-related matters by only sharing information on a need-to-know basis.

- **The EEO Office** - The agency's EEO officer has primary responsibility for assisting the agency head in implementing the EEO Policy, standards, and procedures. This includes raising workforce awareness about rights, responsibilities, and protections under the City's EEO Policy and investigating complaints of discrimination, harassment, or retaliation. The EEO Office is responsible for following up on any allegations of discrimination or harassment due to an employee's gender transition. The EEO Office must ensure employees receive training as required by [EO 16](#) and that human resources, managers, and supervisors are updated on any new developments in this area. Additionally, the EEO Office shall ensure that this Guide is available to all employees by posting it on the agency's internal website.
- **All Staff** - Pursuant to the City's EEO Policy, all agency staff are required to complete all mandatory EEO and DEI trainings.

Upon request by a transitioning employee, human resources, which may generally consult with the EEO Office, must provide appropriate guidance and support to the transitioning employee, their manager(s), supervisor(s), and their co-workers including, but not limited to, doing the following:

- Collaborating with the transitioning employee to develop a transition support plan that meets the employee's needs. With the employee's permission, this plan may include managers and supervisors.
- Serving as the main point of contact for stakeholders, creating timelines, addressing other official employment matters regarding the employee's workplace transition support plan, and communicating information with respective parties with the employee's consent.
- Asking the transitioning employee whether further support is needed. If the employee does not request additional guidance or support but does request that a different name or pronoun(s) be used, human resources, the manager/supervisor, or EEO officer should ask the employee if they would like any additional support from the agency and should follow the employee's lead regarding any potential next steps.

B. Use of Preferred Name and Pronouns



The NYCHRL requires employers to use the name, pronouns (e.g., they/them/theirs) and title (e.g., Ms., Mrs., Miss, Mr., Mx.) with which a person self-identifies, regardless of the person's sex assigned at birth, anatomy, gender, medical history, appearance, or the sex indicated on the person's identification.

All employees and applicants have a right to use and have others use their name and pronouns regardless of whether they have identification in that name or have obtained a court-ordered name change, except in very limited circumstances where certain federal, state, and local laws require otherwise (e.g., employment eligibility verification with the federal government). Some transgender, non-binary, and gender-nonconforming people use pronouns other than he/him/his or she/her/hers, such as they/them/theirs, which can be used to identify or refer to one person.

All employees and applicants have the right to be addressed and referred to by their preferred name and pronouns, both verbally and in writing. While mistakes can be made, the intentional or persistent misuse of an individual's name or pronouns can constitute harassment in violation of the City's EEO Policy and the NYCHRL. Such inappropriate behavior can occur through deadnaming or intentional misgendering. If unsure what pronouns an individual might prefer, it is appropriate to politely ask the individual. For example, one can introduce themselves, state their own preferred pronouns, and ask for the other person's pronouns. If an employee knows the individual's preferred first name but is unsure which pronouns to use, the employee can also use the individual's preferred first name.

C. Change of Official Employment Records

Transitioning employees do not need to change their legal documents in order to present as their true gender in the workplace. Further, many administrative changes can be made in the workplace without changes in legal identity documentation. Some workplace changes do require legal documentation summarized here. Effective March 29, 2021, DCAS introduced new functionality to allow employees and applicants to provide their preferred name, prefix, and suffix for display in the New York City Automated Personnel System (NYCAPS), Employee Self Service (ESS), and NYC Jobs website. When an employee makes a request to human resources, the relevant personnel must update the individual's administrative records with the employee's new name, gender, and updated photo identification, as applicable, within a reasonable time based on the employee's transition support plan and timeline. DCAS recommends that the timeframe to process the request not exceed 30 days. If necessary to complete the changes, human resources should consult with the agency's information technology (IT) department so they can assist with planning from an early stage to ensure that all necessary revisions are completed by a specific date to be determined with the employee as part of their individualized transition support plan.

Some personnel or administrative systems, including, but not limited to, payroll systems,¹² require a legal name change and official documentation indicating the change due to applicable laws, while others, such as agency email, employee identification, name plates, business cards, and staff directories, do not. Whenever possible, personnel and administrative records should reflect an employee's self-designated name, rather than legal name, when the two names are different.

The transitioning employee has an obligation to contact human resources to request changes, provide the necessary documentation, and cooperate by providing follow-up information to facilitate the requested changes. Managers or supervisors receiving requests directly from the employee should refer the matter to human resources for further processing.

An employer's refusal to make legally permissible changes to its personnel or administrative systems to reflect the employee's self-designated name and/or gender marker is unlawful.

In the case of a legal name change, human resources is responsible for retroactively applying the transitioning employee's new name to their historical record to minimize the likelihood that the employee's transition history will be disclosed to others. Employees involved in this process must ensure that they take the appropriate steps to maintain confidentiality about an employee's transition process.

¹² Payroll systems are linked to the employee's social security number for tax purposes. Therefore, the employee should consult with their human resources department, the Social Security Administration, and their financial institution if they seek a name change in their payroll records.

Questions about the process for updating each personnel or administrative system, including the relevant contact person and the estimated length of time for each system to reflect any updates, should be referred to human resources.

The table below lists some of the areas where an employee can update their name in connection with a gender transition and indicates whether the employee is required to provide legal documentation to support that name change.

	No legal name change required	Requires legal name change (due to legal requirements)
Agency Email Address	X	
Agency Identification Card	X	
Agency Directory (Internal)	X	
Public Staff Listings (External)	X	
Business Cards	X	
Phone Directories	X	
Name Plates	X	
Payroll and Related Systems ¹³		X
Benefit Coverage		X

Additional systems and processes outside of the City's control (e.g., purchasing tickets to travel for a work-related matter) may require a legal name or gender marker to be used or displayed. If concerns arise about any such systems and processes, the employee is encouraged to discuss these concerns with human resources. Human resources should maintain a checklist of all records that need to be changed during an individual's gender transition to help ensure that a record will not be missed.

D. Gender-segregated Job Assignments

In some narrow instances, job assignments may require that an employee be of a certain gender.¹⁴ In these instances, the transitioning employee, their manager, and human resources will determine the impact, if any, the employee's gender transition has on the employee's ability to continue to perform their job or specific task, and the appropriate next steps. Transitioning employees in gender-segregated positions should speak with human resources for additional direction and support.

¹³ Payroll and benefit systems are tied to the name on file with the Social Security Administration.

¹⁴ For example, an employee assigned to monitor a locker room is usually assigned to be someone who self-identifies as the same sex as the sex designated to the locker room; or there may be job assignments in which the employee's gender must match the gender of the client for all or part of the job functions.

In cases where the transitioning employee has a non-binary gender identity (e.g., gender fluid, agender, etc.) and has a gender-segregated job assignment, human resources and the employee may explore appropriate options for job placement or assignment on a case-by-case basis. If there are no other equivalent titles available, the employee may be asked to transfer to a new title consistent with civil service laws and collective bargaining agreements.

It is a violation of the City’s EEO Policy and is unlawful for an agency to terminate an employee who has submitted a gender transition-related request.

E. Restroom and Locker Room Accessibility



All employees have the legal right to access the single gender facilities (e.g., restrooms and locker rooms) that most closely align with their gender identity and/or gender expression, regardless of legal documentation and/or medical transition. For example, a transgender woman must be permitted to use the women’s restroom or locker room and a transgender man must be permitted to use the men’s restroom or locker room. To deny such access is unlawful and violates the City’s EEO Policy.

Transitioning employees may choose to, but are not required to, communicate with human resources about their intentions to use a new restroom. If this is a concern for the transitioning employee, it can be included in the transition support plan.

This policy does not provide a right to a member of the public to use a facility that is reserved for the exclusive use of employees.



Commission on Human Rights

Citywide Administrative Services

Visit nyc.gov/humanrights or call 311 and ask for the Commission on Human Rights. City employees may also learn more by speaking with their EEO Officer.

It is also unlawful to force a transgender, non-binary, or gender non-conforming person to use a single-occupancy restroom instead of a shared restroom. All employees and members of the public who indicate they are uncomfortable can be reminded that they are welcome to exercise their right to find another restroom or locker room or wait for another time to use the facilities.

F. Dress Codes and Grooming Standards

Workplace dress codes and grooming standards apply to and are the same for all genders. Employees are permitted to dress consistent with their gender identity and/or gender expression. Transitioning, transgender, and gender non-conforming employees will be held to the same dress and grooming standards as their peers. If the transitioning employee's attire or grooming violates the agency's dress code or other relevant codes or standards, the transitioning employee will be subject to the same corrective or disciplinary action as any other employee.

G. Health Insurance Benefits

Transgender employees will have the same access to health insurance benefits as their peers. Health insurance benefit options provide coverage for medically necessary transition-related healthcare. Specific benefits and associated coverage details may vary by health insurance plan.

Transgender and gender non-conforming employees diagnosed with gender dysphoria are eligible for, and are not excluded from, medically necessary care associated with their general health, including any medical procedures associated with the transition process. If an employee is planning to undergo a medical transition, it is important that they contact human resources and their health insurance company to learn about coverage. If transition-related medically necessary care is not covered under an insurer's plan, the employee should contact human resources.¹⁵

H. Medical Leave and Reasonable Accommodation Needs

Employees receiving medical treatment as part of a gender transition may use sick or other leave available under applicable leave policies, including leave through the Family and Medical Leave Act (FMLA), consistent with leave available for any other medical treatment. Employees must follow their agency's procedures for requesting the appropriate leave from the agency's human resources office.

To be eligible for FMLA, the employee must have worked: (i) for a total of at least 12 months preceding the start of the leave and (ii) 1,250 hours during the 12-month period immediately preceding the leave.¹⁶

Leave under the FMLA requires "a serious health condition that makes the employee unable to perform the functions of his or her job." Under the FMLA, a "serious health

¹⁵ An individual may also contact other resources such as [Community Health Advocates](#) (CHA), which helps New Yorkers navigate the complex health care system by providing individual assistance, outreach, and education to communities throughout New York State. CHA has always been an "all-payer" program, providing one-stop services to consumers with public or private coverage, or no coverage at all.

¹⁶ 29 C.F.R. § 825.100.

condition” is an illness, injury, impairment, or physical or mental condition that involves either of the following:

- Inpatient care in a hospital, hospice, or residential medical care facility.
- Continuing treatment by a health care provider.¹⁷

Determination of whether a “serious health condition” is covered under the FMLA is fact-specific and depends on the employee’s individual circumstances. Employees should consult with human resources personnel about whether they are eligible for FMLA.

Employees do not have to share a medical diagnosis with their employers but must provide enough information so the employer can determine whether the employee’s leave qualifies for FMLA protection.¹⁸

There may be circumstances in which a transitioning individual may need to be referred to the EEO Office for a reasonable accommodation if certain confidential medical needs such as surgery, related therapies, or the use of medications, for example, may impact their ability to perform the essential functions of their job. Additionally, some transgender, non-binary, and gender non-conforming people may have a diagnosis of gender dysphoria, which is a disability within the meaning of the NYCHRL. As with any disability, employers must make reasonable accommodations for people with gender dysphoria.

I. Hiring Process

During the hiring process, managers and supervisors should be sensitive to the possibility that applicants have transitioned or are in the process of transitioning. Although an individual has the option to include their preferred name on their job application and other hiring documents, they are not obligated to affirmatively disclose their gender identity or any gender transition-related information during the application process. During the interview, the interviewer should refer to the candidate using their preferred name listed on the job application.

Hiring documents relating to an individual who previously transitioned may indicate a name and/or gender that does not correspond with the information gathered during background or reference checks. If this occurs, the hiring manager should not assume that the inconsistency is a mistake or the result of intentional misrepresentation. Rather, if a hiring manager has any questions or concerns about the inconsistency of the names or genders on the documentation, they should reach out to human resources, which will obtain any necessary clarification from the applicant. At no time should a hiring manager ask an applicant about their gender identity and/or gender expression, nor should an applicant’s gender identity and/or gender expression be a factor in assessing the applicant’s qualifications for a position or in any other employment action.

¹⁷ 29 C.F.R. § 825.113(a).

¹⁸ See [Your Employee Rights Under the Family and Medical Leave Act](#).

J. Support During the Transition Process

As with any major life changing event, DCAS recommends that the employee have access to support throughout their transition, including from a network of family, friends, co-workers, and health care professionals that can assist the individual during the transition process. Employees can reach out to the City's [Employee Assistance Program](https://www.nyc.gov/eap) (EAP) at EAP@olr.nyc.gov for confidential assistance. Additional resources are also listed in Appendix D of this Guide. Support from human resources and other workplace stakeholders and resources are discussed further in this Guide.

K. Ensuring Inclusive Workplaces

City agencies and employees shall create safe, respectful, and supportive work environments for all employees regardless of their sexual orientation, gender identity, and/or gender expression. Some best practices include, but are not limited to, the following:

- Analyzing internal biases and how they affect your actions.
- Welcoming and supporting the creation of an LGBTQIA+ Employee Resources Group (ERG), which can have an overall positive impact on workplace climate and allow for ongoing educational opportunities. Additionally, an ERG helps LGBTQIA+ employees identify supportive allies among their co-workers.
- Creating inclusive workplace literature and event announcements that do not convey any bias or exclusion of individuals based on sexual orientation, gender identity, gender expression, and family structure.
- Introducing yourself with your preferred pronouns or terms of identification and adding them to your email signature and screen name on virtual platforms.
- Avoiding gendered language such as “you guys” or “ladies and gentlemen.” Instead use alternatives such as “all,” “esteemed colleagues,” “friends,” or “folks.”
- Completing mandatory as well as optional diversity, equity, and inclusion trainings.



VI. Sharing Information about Gender Transition in the Workplace

This section of the Guide is intended to assist employees who are interested in sharing their gender transition with their co-workers. Not all employees will choose this route. Employees who do not share that they are transitioning are still entitled to the rights and protections outlined in this Guide.

Human resources must treat transitioning employees with respect and professionalism. Allegations of intentionally preventing, delaying, or otherwise impeding reasonable workplace changes related to an employee's gender transition can be the basis of a complaint under the EEO Policy and the NYCHRL. Human resources is required to work with each transitioning employee to ensure a successful workplace transition and to provide support to managers/supervisors and other staff in addressing their questions or concerns.

A. Step One: Planning for Sharing Information at Work

Transitioning employees who wish to request changes in the workplace (e.g., name and pronoun usage, records) associated with their transition must request the changes either through human resources or their manager or supervisor. The choice of who to tell is entirely up to the employee. The transitioning employee should initiate these requests ahead of their planned transition date or the date that they will begin to present in their desired gender. This allows the agency to provide the transitioning employee with support as soon as possible. If the transitioning employee informs their manager or supervisor first, managers and supervisors are expected to inform human resources immediately upon receiving permission from the employee to disclose the request.

When human resources receives this information, whether from the transitioning employee or their manager or supervisor, they should contact the employee as soon as practicable to offer to schedule a meeting with the transitioning employee. The purpose of the meeting is to discuss how human resources can best support the transitioning employee. The transitioning employee may elect to be accompanied to this meeting by an individual of their choice.

The transitioning employee and human resources should discuss what assistance the employee may need to support their gender transition at work, including, for example, changing their name, pronouns, gender markers, potential medical leave, how to communicate their intent to transition to peers and others, responsibilities and expectations, and other job-related concerns.

More than one meeting may be needed to fully discuss how to support the employee's transition, and it should occur according to the employee's comfort level and timeline. In

advance of the first meeting, the employee is encouraged to consider information that may be helpful for human resources to know in order to support the employee's transition at work. See Appendix B for a list of relevant questions that human resources and the transitioning employee may consider. Because each gender transition is unique, the transitioning employee may not have answers to all questions during the first meeting. Appendix C also outlines considerations that can help guide the conversation.

Human resources will play a key role in the successful outcome of the individual's transition in the workplace. It may be frightening or overwhelming for the employee to be open and vulnerable with an official at work. Therefore, human resources staff must be patient and be open-minded when discussing with the employee their needs and concerns and should provide to the employee the resources listed at the end of this document. Human resources will also provide advice and assistance to supervisors and others working with a transitioning employee.

B. Step Two: Developing an Individualized Transition Support Plan

After the initial and any follow-up meetings, the transitioning employee and human resources may be ready to develop a transition support plan. The purpose of the plan is to ensure that all parties have the same understanding about the ways in which the transitioning employee is interested in receiving support. The individualized plan should be tailored to the employee's circumstances and comfort level. Workplace changes or a workplace transition support plan may not be necessary or appropriate in all circumstances. For example, some employees may not request any workplace changes or may seek only discreet changes that do not need to be disclosed to others in the workplace. A sample *Workplace Transition Support Plan* form is offered in Appendix C only as an optional and internal document to help guide the conversation between human resources and the transitioning employee.

Below are some milestones that the parties may agree to in the transition support plan. Additional dates and expectations may be identified by the parties. A transition support plan may include the date and next steps as to **when** (if applicable):

- Managers and supervisors will be informed of name and/or pronoun change and the transition.
- Peers, other colleagues, and/or clients will be informed of name and/or pronoun change and the transition.
- The transitioning employee will begin using a different name and/or pronoun at work (this may be two different dates, depending on the employee's transition support plan).
- The transitioning employee will take transition-related time away from work.
- The transitioning employee will begin a new job.

- Managers and supervisors and direct peers will complete transition-related education that focuses on how to support and avoid offending transitioning employees.
- Administrative systems and documentation will reflect a new name and/or gender marker.

While the transitioning employee and human resources may agree to an initial timeline, these dates may be changed. See Section D: “Step Four: Following Up and Course-Correcting.”

C. Step Three: Educating Peers, Other Colleagues, and Clients

When appropriate and desired by the transitioning employee, managers, peers, other colleagues, and clients should be educated in two phases: (1) awareness and (2) formal education. By the end of these steps, the transitioning employee’s managers and supervisors, peers, and other colleagues should be informed of the employee’s new name and/or pronouns, the expectations of everyone involved, and the impact and consequences of violating those expectations. If the transitioning employee provides services to internal clients, a communication strategy regarding such clients should be included in the transition support plan.

1. Phase One: Awareness

Some transitioning employees opt to share information on their own. However, if the transitioning employee has sought support from human resources and opted to develop a transition support plan, then part of the plan will set out how to make others aware of the transition in ways acceptable for the transitioning employee.

During this phase, human resources, possibly in conjunction with the transitioning employee if the employee prefers to participate, will inform the manager, supervisor, peers or other colleagues (defined as individuals with whom the transitioning employee works on a near daily basis), and clients of any changes to the employee’s name, pronouns, and any other information that the transitioning employee feels is important to share. Part of the information shared should include a reminder to employees that they are expected to conduct themselves in accordance with the City’s EEO Policy, especially regarding harassment, deadnaming, and misgendering.

If the transitioning employee is in a role where they will have contact with external customers or suppliers, and the employee so desires, the transition support plan and communication strategy should include developing a message and timing for advising these external individuals. It may be helpful to include a statement about the City’s anti-discrimination policy.

Human resources and the transitioning employee’s manager or supervisor will lead communication with the employee’s peers, other colleagues, clients and/or vendors. Such

communication will include applicable policies, expectations, and impact or consequences of associated violations. In collaboration, the transitioning employee and human resources will decide to what extent the transitioning employee will be part of this communication.

Peers, colleagues, clients, and/or vendors will be provided with information about how to reach human resources with any additional questions or concerns.

The transitioning employee and human resources may agree that the information shared may be communicated in person, by email, or by other forms of communication. Depending on the transitioning employee's comfort level, DCAS recommends that the transitioning employee participate in disclosure to their closest coworkers, but not necessarily to a wider circle of employees. If a transitioning employee is uncomfortable with participating in any level of disclosure, then they should not be made to. In that case, a letter or communication from management should be used instead.

2. Phase Two: Formal Education

EO 16 requires employees to take training on gender diversity and inclusion every two years.¹⁹ The City offers *The Power of Inclusion* training via instructor-led and computer-based modalities through the DCAS Learning and Development Center. After becoming aware of an employee's transition, the employee's managers, supervisor, co-workers, and other individuals who work directly with the employee may be asked to retake the gender diversity and inclusion training.²⁰ In addition to training, the transitioning employee's managers, supervisors, co-workers, and peers can reach out to human resources regarding any additional questions or concerns they may have.

The DCAS *Power of Inclusion* training can be accessed in [NYCityLearn](#). Questions about the training, including the instructor-led version, can be directed to citywidetrainingcent@dcas.nyc.gov.

¹⁹ Under [EO 16](#), an agency is required to provide supervisory and front-line staff training approved by DCAS on gender diversity and inclusion. The training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public within 90 days of their start date.

²⁰ While the City requires employees to complete the training on a two-year cycle, individuals who have participated in this training within the past 12 months from the specific request to retake the training may not need to retake it.

D. Step Four: Following Up and Course-Correcting

1. Dynamic Timeline and Following Up

If the transitioning employee and human resources have established a specific timeline for certain steps, and the timeline needs to shift or pause for any reason, the party responsible for this change should inform all other parties, including managers, supervisors, and IT, and revisit the timeline. If dates are shifted, new dates and expectations should be clarified in writing.

Upon completion of the timeline, human resources should follow up with the manager or supervisor, the transitioning employee, and other respective employees to ensure that any planned workplace changes were completed, that all relevant records were changed, and that there is no current workplace conflict, issue, harassment, or any other form of inappropriate conduct.

2. Addressing Harassing Behavior

Employees who are transitioning should expect to work in an environment of respect where they are not harassed or victimized based on gender identity, gender expression, or gender transition. Employees who believe that they are being harassed or victimized are encouraged to reach out to the agency's EEO Office to report the incident(s) and inquire about the appropriate next steps.²¹

The City will protect the confidentiality of any complaints made pursuant to this EEO Policy and the law, together with any associated records, to the extent possible to protect the privacy of those involved and the integrity of the process. However, to effectively investigate the complaint, it may be necessary to disclose relevant information only to those who have a legitimate need to know based on their job responsibilities.

²¹ Please review the [EEO Policy](#) for how to report complaints of discrimination and harassment on the basis of the protected categories covered by the EEO Policy or complaints of retaliation for protected EEO activity.

VII. Respectful Communication

When providing assistance or support to an individual who is transitioning, both work colleagues as well as staff who are providing a workplace service to the individual can benefit from reviewing the following principles in order to maintain a respectful work environment.

A. Appropriate Pronoun Use and Chosen Name

Pronouns are the words people use in place of a name. Examples are “she/her/hers,” “he/him/his,” and “they/them/theirs.” Some transgender individuals have pronouns that may be unfamiliar to some, such as “ze/hir/hirs.” You may ascertain how a person wants to be addressed by asking:

- “I would like to be respectful—how would you like to be addressed?”; or
- “What name do you go by and what are your pronouns?”

It is best not to guess a person’s gender identity and possibly get it wrong. Instead, avoid using words that assume gender as follows:

- Instead of asking, “How may I help you, sir/ma’am?” ask, “How may I help you?”
- Instead of using “Ms. or Mr.,” use a person’s first name, or first and last names. For example, instead of saying, “Ms. Jones, please come with me,” say, “Amy, please come with me,” or “Amy Jones, please come this way.”
- If you are not sure of the individual’s chosen name, say, “Hello, we’re ready for you now. Please come this way.”

Many individuals who are transitioning have a chosen name that is different from the name on their insurance, medical record, or identification documents.

- Never ask a person, “What is your ‘real’ name?”
- Always use the person’s chosen name and pronouns even when they are not present.

B. Apologize and Make Corrections

Everyone learns by asking questions and making mistakes. The important thing is to be willing to be open-minded and willing to learn. If you make a mistake, apologize politely:

- “I apologize for using the wrong pronoun. I didn’t mean to disrespect you.”

C. Use Discretion

It is important to choose the right language when asking questions to protect confidentiality and to avoid embarrassing or outing individuals. For example, if a person's name and gender identity seem different than what is on an employee record and a human resources staff member needs their help to search for files, the staff member can ask:

- "Could your record be under a different name?"
- "What is the name on your insurance card (or whichever official document you need to review with the employee)?"

Then you can reasonably cross-check the identification by looking at indicators like birth date and address.

When providing a service to the individual, consider what information is necessary to ask and what is not. Ask yourself:

- What do I already know?
- What do I need to know?
- How can I ask in a sensitive manner?

D. Promote Accountability and Awareness

Politely correct colleagues who use the wrong names or pronouns. Avoid joking or gossiping about someone's gender identity, name, appearance, pronouns, etc. It is unprofessional, sets a poor example of workplace behavior, is disrespectful toward everyone who hears it, and can lead to claims of discrimination and of a hostile work environment. Such behavior should be reported to the EEO Office. The EEO Policy requires managers and supervisors to report such behavior to the EEO Office.

All staff should be trained on non-discriminatory conduct standards, at minimum, by completing the mandated Citywide trainings. Please refer to Appendix D to see Trainings for City Employees.

VIII. Appendices

Appendix A

Offensive and Inappropriate Terminology¹

Problematic	Preferred
<p>“transgenders” or “a transgender”</p> <p><i>Transgender</i> should be used as an adjective, not as a noun. Do not say, “Tony is a transgender,” or “The parade included many transgenders.”</p>	<p>“transgender people” or “a transgender person”</p> <p>For example, “Tony is a transgender man,” or “The parade included many transgender people.”</p>
<p>“transgendered”</p> <p>The adjective <i>transgender</i> should never have an extraneous “-ed” tacked onto the end. An “-ed” suffix adds unnecessary length to the word and can cause tense confusion and grammatical errors. The term “transgender,” on the other hand, is in alignment with terms like “lesbian,” “gay,” “bisexual,” and “queer.”</p>	<p>“transgender”</p>
<p>“transgenderism” or “gender ideology”</p> <p>These are not terms commonly used by transgender people, but more often by anti-transgender activists. For example, “transgenderism” is interpreted as an attempt to dehumanize transgender people and reduce who they are to a “condition;” and “gender ideology” is interpreted to denote a “dangerous ideology.”</p>	<p>“being transgender”</p> <p>Refer to “being transgender” instead or refer to “the transgender community.” You can also refer to “the movement for transgender equality and acceptance.”</p>

¹ [GLAAD Media Reference Guide – Transgender](#) - 11th Edition.

Problematic	Preferred
<p>“transgender rights”</p> <p>Community members and allies may use the phrase “trans rights” or “transgender rights.” However, anti-trans activists weaponize phrases like “trans rights,” “gay rights” and “special rights” to imply that LGBTQIA+ people are demanding more or different protections and “rights” than cisgender, straight people already have.</p>	<p>“equality and acceptance for people who are transgender”</p> <p>Transgender people are advocating to be treated equally.</p>
<p>“sex change,” “pre-operative,” or “post-operative”</p> <p>Referring to a “sex-change operation,” or using terms such as “pre-operative” or “post-operative,” inaccurately suggests that a person must have surgery in order to transition. Avoid overemphasizing surgery when discussing transgender people or the process of transition.</p>	<p>“transition”</p>
<p>“biologically male,” “biologically female,” “genetically male,” “genetically female,” “born a man” or “born a woman”</p> <p>Problematic phrases like those above are reductive and overly-simplify a very complex subject. As mentioned above, a person’s sex is determined by a number of factors - not simply genetics - and a person’s biology does not “trump” a person’s gender identity. Finally, people are born babies; they are not “born a man” or “born a woman.”</p>	<p>Those terms should be avoided in favor ones that describe a person’s actual gender identity, for example: girl, woman, transgender girl, transgender woman, boy, man, transgender boy, transgender man.</p> <p>When describing a person’s gender in relation to their assigned sex at birth, the terms cisgender, transgender, and/or nonbinary will usually be sufficient.</p> <p>If there is a clear reason to refer to someone’s birth sex, the terms to use are: “assigned male at birth,” “assigned female at birth,” or “designated male at birth,” “designated female at birth.”</p>

Problematic	Preferred
<p>“female-to-male,” “male-to-female,” “used to be a man” or “used to be a woman”</p> <p>This language is outdated. It implies someone is changing their gender from one binary gender to the other binary gender. In reality, the person’s gender is an innate sense of self that has not changed.</p>	<p>“transgender man,” “transgender woman,” “transgender person”</p>
<p>“passing” or “stealth”</p> <p>While some transgender people may use these terms among themselves, it is not appropriate to repeat them in mainstream media unless it’s in a direct quote. The terms refer to a transgender person’s ability to go through daily life without others assuming that they are transgender. However, the terms themselves are problematic because “passing” implies “passing as something you’re not,” while “stealth” connotes deceit. When transgender people are living as their authentic selves, and are not perceived as transgender by others, that does not make them deceptive or misleading.</p>	<p>None</p>
<p>“identifies as”</p> <p>Avoid saying that transgender people “identify as” their gender. That implies that gender identity is a choice. Avoid “Marisol identifies as a woman.”</p>	<p>Transgender people are their gender the same way cisgender people are their gender. For example, “Marisol is a transgender woman.”</p>
<p>“preferred pronouns”</p> <p>Briefly the trans and nonbinary community did use this phrase. However, it began to seem as if cisgender people had pronouns, while trans people had “preferred pronouns.” Everyone uses pronouns and they are a fact, not a preference.</p>	<p>“pronouns”</p>

Appendix B

Discussion Guidance

Questions to Help Guide the Discussion Between the Transitioning Employee and Human Resources Personnel

The questions below are a guide to help facilitate conversations between the transitioning employee and human resources personnel and may not cover all questions that human resources personnel should ask. It is not intended as an exhaustive document or checklist. Information obtained from these questions will assist human resources to determine the final approach.

Answers to these questions will be held in strict confidence and will not be shared with others without the consent of the transitioning employee. Not all of these questions will be appropriate for every circumstance. Human resources personnel should use their best judgment when determining which questions may be appropriate, depending on the individual.

Any steps that are taken on behalf of an employee should be with the employee's consent.

Reminder for human resources personnel: Do not use this interaction with the employee as an educational opportunity. Instead, please refer to the additional resources in this Guide.

1. Introduction
 - a. What is the preferred name that would you like me to use for you during this meeting?
 - b. What pronouns would you like me to use when referring to you?
 - c. How would you like to start our discussion?
2. Self-designated name, gender, and gender pronouns
 - a. What name will you use?
 - b. What gender pronouns will you use? (e.g., he, she, they, etc.)
3. Transition Timeline
 - a. When would you like to begin using your name and pronouns? (If applicable)
 - b. Reminder: Human resources personnel should not ask the transitioning employee to share their specific medical decisions, but transitioning employees are welcome to share this information if they choose to do so.
 - i. If you plan to take medical leave, FMLA and other medical leave may be available.
 - ii. If you are taking medical leave, is there any support that you will need when you return?

4. Communication
 - a. Have you communicated your intentions to your manager?
 - b. If so, how did that conversation go? What have you shared with your manager?
 - c. If not, do you want to communicate your intentions to your manager?
 - d. If yes, when do you want to communicate this information to your manager?
 - e. Do you want human resources to be present for this conversation?
 - f. Have you communicated your intentions to your peers, colleagues, and/or clients?
 - g. If so, what have you shared?
 - h. If not, do you want to share? If yes, how would you like to share this information and when?
 - i. Would you like assistance in doing so? For example, is there anything you want shared with the group on your behalf, through a statement or letter?
 - j. Beyond your name, pronouns, and date when people should begin using these, is there other information that you would like to share? If yes, what? (Note: Not all information is appropriate to share. Human resources will help to determine what is appropriate.)
 - k. Are there people who should not be informed?
5. If the transitioning employee intends to take time away from work (medical or non-medical), human resources should review leave options available.
6. Job-specific concerns
 - a. Do you have any specific concerns about transitioning at work?
 - b. If you have a gender-specific job assignment, human resources will discuss your options with you.
 - c. Does this job still feel like the right fit for you? Are you interested in working at a different location or during a different shift?
 - d. What other support do you currently anticipate needing throughout the period of actively transitioning at work?
 - e. Have you had any experiences that need to be raised to the EEO officer?

Appendix C

Workplace Transition Support Plan

Use of this form is **not** mandatory.

This form is an optional tool intended as a guide for the agency and transitioning employee to facilitate discussions with the employee about the employee's needs. There is a list below of changes the employee may request and more may be added. **Only the transitioning employee should initiate this plan.** Human resources will lead taking actions, including coordinating with any supporting departments. *(Human resources should maintain this form in the employee's confidential health/benefits records, and not with personnel records.)*

Employee Information		
Print Full Name - Current (may be legal name)		Preferred Pronouns:
Print Preferred Name		Preferred contact source: <input type="checkbox"/> Phone Number _____ <input type="checkbox"/> Email Address _____ _____
Home or Work Address		Office Title
Civil Service Title		Division/Department/Work Unit
Office Telephone Number	Supervisor's Name	Supervisor's Phone Number
Worksite Location		
Workplace Transition Support Plan		
Communications Only pertinent information such as changes to name and pronouns will be communicated to others as part of this plan.		

Workplace Transition Support Plan

Name of person who will communicate the employee's transition: _____

What information will be communicated?

- Changes to name
- Changes to pronouns
- Other information, to be decided by the transitioning employee: _____

How will they communicate the transition? (e.g., meeting, email) _____

Who will be told?

- No one
- Direct Supervisor
- Immediate co-workers in division/unit
- Co-workers in the broader department
- Group selected by transitioning employee
- Co-workers outside the department (e.g., vendors and contractors)

Projected Timeline Items

If not applicable, place "N/A" in "Desired Date" column.

Use additional space below for separate systems.

	Desired Date	Supporting Dept. and Date Completed
<input type="checkbox"/> Inform supervisor of intention to transition and any change to name and pronouns		
<input type="checkbox"/> Inform peers and colleagues of intention to transition and any change to name and pronouns		
<input type="checkbox"/> Inform clients and any other selected stakeholders of intention to transition and any change to name and pronouns		
<input type="checkbox"/> Name and/or gender changed in administrative systems		
<input type="checkbox"/> Manager completes transition-related education (training, this Guide)		
<input type="checkbox"/> Peers complete transition-related education (training, this Guide)		

Workplace Transition Support Plan		
<input type="checkbox"/> Is there a need to schedule time away from work?		
<input type="checkbox"/> New agency ID card issued		
<input type="checkbox"/> Replace office/cubicle name plate		
<input type="checkbox"/> Update staff directory photo (if applicable at the agency)		
<input type="checkbox"/> Update staff directory		
<input type="checkbox"/> Update email account and username		
<input type="checkbox"/> Conduct a search of City and agency website to reflect preferred name		
<input type="checkbox"/> Transitioning employee makes changes in NYCAPS Employee Self Service (ESS), e.g., gender demographic information		
Projected Timeline Items Use additional space below for separate systems.	Desired Date	Supporting Dept. and Date Completed
Describe any additional plans made or amendments to the plans as described above. For changes, cross out the original information and note "amendment."		

Appendix D

Additional Resources

The Mayor's Office [NYC Unity Project](#) advances LGBTQIA+ programs, policies, press, communications, engagement, and interagency collaboration. It is also a resource hub for the LGBTQIA+ community for a variety of government resources:

Transgender, Gender Non-Conforming, Non-Binary, and Gender-Expansive Health

- Transgender, gender non-conforming, and non-binary people may have unique health needs. They should receive care that is affirming, respectful and considerate of their health concerns and goals.

In New York City, it is illegal to discriminate on the basis of a person's sexual orientation, gender identity, or gender expression in employment, housing, and public accommodations, including in health care settings.

You have the right to advocate for your health needs and ensure that you are receiving the care that is most appropriate for you.

Name and Gender Marker Change

- Changes to birth certificates for transgender individuals born in the City of New York (NYC): As of January 1, 2019, transgender and gender non-binary New Yorkers no longer need a letter from a physician, or an affidavit signed by a licensed health care provider to change their gender on their birth certificate. Those born in NYC can submit a notarized affidavit attesting that the gender marker change is to affirm their gender identity. The form and application can be accessed here:
 - [Self-Attestation Form](#)
 - [Birth Certificate Correction Application](#)

Support Groups and Community Resources

- [NYC Department of Health and Mental Hygiene](#) (NYC DOHMH) produced the booklet [Pride and Care: Health Tips for Transgender, Gender-Nonconforming and Nonbinary People](#), which includes medical information and a comprehensive list of additional resources for transgender and gender-diverse individuals, including support groups and counseling, support for survivors of violence, and support for legal and discrimination issues. NYC DOHMH's website provides more detailed information, including an external link for assistance with changing identity documents.

NYC-Specific Resources

- [NYC Commission on Human Rights Gender Identity/Gender Expression: Legal Enforcement Guidance](#)

- [NYC Commission on Human Rights Gender Identity/Gender Expression: Myths vs. Facts](#)
- Workshop: [Working with Transgender and Gender Non-Conforming Communities](#) (NYC Commission on Human Rights)
- DCAS “Power of Inclusion” Training ([NYCityLearn](#)). Under Executive Order No. 16 (2016), an agency must provide supervisory and front-line staff training approved by DCAS on transgender diversity and inclusion. The training must be provided to all newly hired supervisory and managerial employees and line staff whose work tasks involve contact with the public.
 - [DCAS Citywide Learning and Development](#)
 - Questions about the training, including the instructor-led version, can be directed to citywidetrainingcent@dcas.nyc.gov.

National Resources

- Human Rights Campaign, [Gender Diversity in the Workplace: A Transgender & Non-binary Toolkit for Employers](#)
- United States Department of Labor, [Policies on Gender Identity: Rights and Responsibilities](#)
- [Sylvia Rivera Law Project](#) (last updated June 2023)
- [Advocates for Trans Equality](#)
- Job Accommodation Network (JAN), [Gender Dysphoria and the ADA](#)

Legal Services Support

- [Transgender Law Center](#) works to change law, policy, and attitudes so that all people can live safely, authentically, and free from discrimination regardless of their gender identity and/or gender expression.
- [Lambda Legal](#) is an organization that focuses on the LGBTQIA+ community as well as people living with HIV/AIDS through impact litigation, education, and public policy work.

Tips for Allies of Transgender People (compiled by GLAAD)

- [Tips for Allies of Transgender People](#) can be used as you move toward becoming a better ally to transgender people. Of course, this list is not exhaustive and may not include all the “right” things to do or say because often there is no one “right” answer to every situation you may encounter.

Legal Mandates and City of New York’s EEO Policy

- [NYC Mayoral Executive Order No. 16 \(2016\)](#)
- [New York City Human Rights Law](#)
- [City of New York Equal Employment Opportunity Policy](#)

Citywide Training

- The following trainings reinforce principles of non-discrimination and are available in [NYCityLearn](#):

Mandated Trainings for City Employees Non-Discrimination, EEO, Diversity, Equity & Inclusion (DEI)
<u>Sexual Harassment Prevention (“SHP”) in compliance with Local Law 92 (2018)</u>
<u>Everybody Matters: EEO and Diversity & Inclusion Training for NYC Employees (Non-Discrimination training) in compliance with Local Law 121 (2020)</u>
<u>LGBTQI+: The Power of Inclusion in compliance with Executive Order 16 (2016)</u>

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