

City of Buffalo Workplace Gender Transition Guidelines

I. Purpose

These guidelines are designed to support an inclusive and productive workplace environment for all employees. These protocols do not anticipate every situation that might occur. The needs of transgender and gender non-conforming individuals must be assessed on an individual basis, and this includes how to best apply these guidelines. These guidelines have been created and should be referred to when an employee is undergoing or has undergone the process of gender transition in the workplace as a guide on how to best support the transitioning individual.

The City of Buffalo is fully committed to supporting an employee's transition or intent to transition. In addition to our trans-inclusive Health Insurance, our goal is to ensure the well-being of these employees within their professional workplace and to ensure all employees are treated fairly regardless of their gender identity. These guidelines are consistent with the City of Buffalo's Non-Discrimination & Anti-Harassment policy, which protects against discrimination on the basis of gender identity and gender expression, and reflects our diversity and inclusionary philosophy that all employees should be treated with dignity and respect.

II. Introduction

The first part of these guidelines will help transitioning and gender non-conforming individuals understand their rights and the process of a workplace transition. It is important to reiterate that this process is flexible, and can be tailored to each individual and what they specifically need during their transition. The second part of these guidelines are for supervisors, department heads and upper level management so they can assist employees who are undertaking, or considering undertaking a workplace gender transition. This document also provides information for general employees.

A lack of knowledge about gender transition has the potential for creating misunderstanding and tension in the workplace. The likelihood of negative reactions can be reduced by establishing a culture of appreciation of differences, providing adequate training, and treating all employees fairly. The City of Buffalo does not discriminate on the basis of sex, sexual orientation, gender identity, or gender expression, and works to celebrate all different types of diversity.

If an employee expresses their intention to transition, the assistance of the department and the supervisor is critical. The actions of leadership will impact the outcome of the workplace transition. Be aware that the employee's decision is likely to have been carefully considered over a long period of time.

If you have or are considering a gender transition, or are gender non-conforming, you have the right to openly be who you are at work. This means that, while maintaining professional expectations, you may express your gender identity, characteristics, or expression without fear of negative consequences. These guidelines are designed to help ensure that the workplace has tools to make sure that your gender transition is successful and understood by your fellow co-workers and supervisors.

III. Definition of Terms

The following definitions are intended to provide helpful information that should be used when interpreting these guidelines. The definitions here are not intended to label employees, but rather to assist in understanding these protocols. Employees may or may not use these terms to describe themselves. This is not a comprehensive glossary, but an introduction to gender related terminology.

Gender Affirmation - Many people view their coming out as an affirmation of the gender identity they have always had, rather than a transition from one gender identity to another. They may prefer to call themselves “affirmed females” (or just “females”) or “affirmed males” (or just “males”) rather than “transgender” or “transsexuals” because the “trans” prefix suggests they have changed, rather than accepted, their true gender identity. This is consistent with the concept that people do not need to have any surgery or medical treatment in order to affirm their gender.

Gender Expression - refers to external characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that are socially defined as either masculine or feminine. Gender expression is distinct from gender identity.

Gender Identity - refers to a person’s innate, deeply felt sense of identification as male or female, both, something in-between, or neither, which may or may not correspond to the person’s designated sex at birth (meaning what sex was listed on a person’s birth certificate). Gender identity is distinct from gender expression.

Gender Non-Conforming – refers to having, or being perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations. Keep in mind that social expectations for gender vary across cultures and have changed significantly over time.

Transgender - is an umbrella term used to describe individuals whose gender identity, expression, or behavior is different from those typically associated with the sex to which they were assigned at birth. This term includes **both** individuals who undergo gender-affirming surgeries or other medical treatment, and those who express their gender identity without any medical treatment. This can manifest in various ways:

- o When the sex assigned at birth is male but the individual identifies as female (sometimes referred to as a transgender woman or a male-to-female (MTF) transgender person).
- o When the sex assigned at birth is female but the individual identifies as male (sometimes referred to as a transgender man or a female-to-male (FTM) transgender person).
- o When a person’s gender identity is both (male and female), neither, or something else (sometimes referred to as genderqueer, third gender, gender fluid, or as having a non-binary gender identity).

NOTE: Some people described by this definition don’t consider or label themselves transgender. They may use other words, or may identify simply as man or woman, as both, or neither. Regardless, these guidelines in this document may apply.

Transition - refers to the process that individuals go through as they change their gender expression and/or physical appearance (for example, through hormones and/or surgery, or without any medical treatment) to align with their gender identity. A transition may occur over a period of time, and may involve coming out to family, friends, co-workers, and others. This can include, changing one’s name and/or sex designation on legal documents (e.g., drivers’ licenses, birth certificates). For some

individuals, transition can include medical treatment such as gender confirming hormone therapy and/or surgeries. Some people find the word “transition” offensive and prefer terms such as “gender affirmation” or “process of gender affirmation.” It is best to ask the individual for their term preference.

IV. Transitioning Process & Practices

The City of Buffalo is dedicated to maintaining an inclusive, respectful and functional workplace for all of its employees. To that end, the following practices should be observed and followed by the transitioning individual, their supervisors, and other employees:

A. **OVERVIEW - FOR THE TRANSITIONING INDIVIDUAL:** *Providing Notice of Your Intention to Transition, Creating a Support Team, Your Rights, Mapping Out a Workplace Transition Plan*

1. As a valued employee, these protocols are provided to help ensure your well-being and to provide assistance during your workplace transition. The City supports you. The City wants your transition to be as smooth as possible and for your rights to be protected. As you start this process, it may be helpful to keep in mind the following:
 - a. You have the right to privacy, and at the same time, a number of people in the organization will need knowledge of your transition (with your consent) to ensure changes can be made (like updating your email address and name badge). Work with your supervisor, department head or upper level management to determine how and when others will be informed.
 - b. You do not need to discuss your medical decisions. Medical information is private and protected by law. If you need time off for transition related medical care or recovery, follow the same steps used for any request for time off for medical reasons. If a doctor’s note is needed, the note should explain the workplace implications (time off work needed or restrictions when you return to the job), but it should not list diagnosis or treatment.
 - c. Be sure to read about how you can prepare ahead of time for your workplace transition, including reading “How Transitioning Employees can Prepare,” it will help you think through and prepare to talk with your supervisor. It is attached to these guidelines.
 - d. Things might not always proceed as smoothly as you would like, but planning ahead and working with a team will help pave the way to a successful workplace transition. It is important to keep your supervisor advised of any challenges or issues that may arise.
 - e. You get to decide who to approach first to begin discussing the needed workplace preparations for your transition. It could be your supervisor, a manager, or an HR representative.
 - f. Keep in mind that some aspects of your workplace transition will take longer than others. Estimate a reasonable timeline so that everything can be ready on the first day of your workplace transition.
 - g. It’s possible that very few supervisors, managers, and employees in your department have experience with or knowledge about workplace gender transitions. This does NOT mean you have to train them, but you can help by making sure they know of these guidelines, or any other resource that you think will be helpful.

2. Initial Conversations

The American Medical Association has recognized the importance of having guidelines in place to support transitioning and gender non-conforming individuals. By resolution, the AMA has states that gender is “incompletely understood as a binary selection” because gender, gender identity, sexual orientation, and genotypic and phenotypic sex are not always aligned.”¹

With this in mind, it can be quite stressful and frightening for an employee to share their intention to transition at work. They may feel vulnerable discussing their plans with a supervisor.

When an employee contacts their supervisor, department director, or HR to explain they are planning to transition and want to start presenting in accordance with their gender identity, this contact person will assure the employee that they will work with them to make the workplace transition as smooth as possible.

In addition, the contact person will assure the employee that the information they share will be treated with utmost confidentiality. The employee may have taken great care to safeguard their status and may want to be sure that this information will be disclosed at an appropriate time and manner. It is important to let them know that their supervisor will work closely with them on how and when to inform others about the workplace gender transition.

The transitioning employee will have input into planning the steps of their transition at work and will have the *main voice* in determining the timing of beginning to work in their new gender role, and about any information shared. If any changes in workplace routines need to occur, the employee will coordinate these changes with their supervisor to ensure the employee is able to perform the essential functions of their job.

3. Confidentiality

The transgender status of an individual is confidential and should only be disclosed on a need-to-know basis and only with the consent of the individual. Information about an employee’s transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA. Supervisors, managers, HR, and co-workers may not disclose information that might reveal an employee’s transgender status or gender non-conforming presentation to anyone without consent from the individual.

Only the transgender employee has the right to discuss their identity or expression openly. Alternately, they may choose to keep that information private.

¹ <https://wire.ama-assn.org/ama-news/ama-takes-several-actions-supporting-transgender-patients>

4. Names/Pronouns

An employee has the right to be addressed by the name and pronoun of their choice. City employees are expected to respectfully use the provided name and pronouns of the transitioning employee, regardless of whether or not they have personal biases, or disapprove of an individual's right to be transgender or undergo a gender transition.

A legal name or gender change is not required to update the employee's name and gender in many aspects of the workplace. The supervisor should work with the employee, administrative staff, IT, or HR to ensure information is updated by the first day of an employee's workplace transition, or as soon as administratively possible. Specific steps for ensuring this is completed are set forth in the section for Supervisors.

Some City records must match the employee's legal name and cannot be altered without a legal name change. Your supervisor, the Chief Diversity Officer, and HR can help you determine what steps need to be taken, and if any name changes need to occur.

5. Dress Code

Transgender and gender non-conforming employees have the right to dress consistently with their gender identity or gender expression and are required to comply with the same dress codes and professional appearance standards that apply to all other employees in a similar position.

6. Restroom and Facilities Accessibility

All employees have the right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to an employee's gender identity or expression, regardless of the employee's sex assigned at birth. There is also a gender neutral bathroom in the basement of the City Hall, which is available for use by any employee, regardless of the underlying reason.

In the same manner, all employees have the right to use the locker room or sex-segregated facility that corresponds with their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

7. Discrimination and Harassment

The City of Buffalo is committed to providing a workplace free of unlawful discrimination. City employees are entitled to work in a positive and civil environment in which harassment, discrimination, and/or hostility towards an individual or group is not tolerated.

Discrimination and/or harassment based on gender identity or expression is a violation of the City's policies on non-discrimination.

8. Workplace Transition Plan

If you are undergoing a transition or gender affirmation, you may express your gender identity without fear of consequences, including through dress, mannered dress, or use of a changed name or gender pronouns. You are encouraged to make suggestions directly to supervisors on how to educate your co-workers at whatever level you feel comfortable. As early as you feel comfortable disclosing your intention to transition, please inform **key personnel** who can assist you. Your first point of contact may be the Director of Personnel or the Commissioner of Human Resources. The City's Chief Diversity Officer and your supervisor are also available to help.

In order to facilitate the process of affecting your transition at work, it is highly recommended that you become familiar with and develop a personalized "Workplace Transition Plan." The City's Chief Diversity Officer, Commissioner of Human Resources, the Director of Personnel, and your supervisors are here to help you with this plan. The plan should include the following considerations:

- A communication plan: your preference of when and how to inform the various stakeholders of your transition or intent to transition (e.g., a letter, a face-to-face meeting, individual discussions).
- The date on which you want to begin your transition at work. This is likely the point at which you will begin to present consistently with your gender identity, which may include change of name, pronouns, dress, grooming, and restroom use.
- The date of which City of Buffalo materials will be changed to reflect your transition (e.g., City of Buffalo directory, website, ID badge, email address, telephone listing, payroll information, etc.).
- The date on which your legal name change (if any) will take effect.
- Changes to internal professional information (e.g., computer login, ECF logins, bar association information, etc.).
- Any anticipated time off or leave required for medical treatment. Please be reminded that the City of Buffalo's normal sick pay and leave policies as specified in the relevant Collective Bargaining Agreement will apply.
- Identifying City of Buffalo benefits that are available to support your transition and affected by your transition.
- Develop a schedule in conjunction with HR, your department head, and your direct supervisor to address work related issues and/or important calendar items.

Your Workplace Transition Plan is intended to help the City of Buffalo maintain a safe, secure, and respectful work environment for you as you transition. Most of all, this plan should work for YOU. While this may be an evolving document as an individual works through their transition, details should be worked out with the Director of Personnel. The Chief Diversity Officer is available to help you with any

questions or concerns that may arise as you prepare this document. Please provide the Chief Diversity Officer with as many of the details of your transition as you feel comfortable sharing, as soon as possible.

B. OVERVIEW- SUPERVISORS AND MANAGEMENT: *Supporting the Transitioning Individual and Implementing Nondiscriminatory Policies*

1. Employees who transition their gender while on the job will likely need the assistance of their supervisor, managers, and the City's Chief Diversity Officer. Each individual will have a unique set of factors and things they want, which will require a customized approach. Make sure you are flexible and keep the best interest of the employee in mind.

Due to existing stereotypes both in the workplace and society in general, many transgender individuals face difficult situations and interactions in their personal, professional, family, and financial lives simultaneously. This can lead to high stress levels, particularly when individuals are in the initial stages of transitioning.

In addition, the employee would like to feel confident that the individuals who will help plan their workplace gender transitions will take steps to inform themselves about transgender issues. If you are unfamiliar or uncomfortable with workplace gender transitions, a list of helpful items can be provided by HR, or the Chief Diversity Officer. Also, work with the transitioning employee to learn about their individual transition timeline, concerns, and needs.

Keep the following in mind when talking with a transitioning employee:

- The transitioning employee may choose you – their supervisor, someone up the management chain in their department, or an HR representative – as their first point of contact.
- It is crucial that you make it clear that the conversation will be held in confidence. This is key to ensuring the employee's rights are protected. Maintaining confidentiality will also help you avoid inadvertent violations of the employee's right to medical privacy.
- Obtain permission from the employee prior to discussing the transition with (or seeking further assistance from) anyone, including other staff, your own supervisor, other managers, and Human Resources (HR).
- Listen carefully to what the individual is telling you about how they want the workplace transition to proceed.
- Become more informed. Let the employee know that you are taking steps to educate yourself about how you can assist their workplace gender transition. Also let the employee know that you welcome their input as well.
- Use a sensitive approach and demonstrate support for an inclusive workplace when discussing their needs and concerns.
- Remind them about the additional resources available to them through the HR department and the City's Chief Diversity Officer.
- Explain any questions and concerns you might have and ask for their input.

- Do not ask the employee about their medical decisions. Medical information is private and protected by law. If the employee needs time off for medical care or recovery, follow the same steps used for any request for time off for medical reasons.
- Make sure the employee is aware of these protocols. Ask for their opinion on matters covered in this document.

2. APPEARANCE STANDARDS

Individuals who are medically transitioning are often required, prior to beginning hormone replacement therapy or receiving gender affirming surgery, to consistently live as the gender with which they identify with rather than the gender they were assigned at birth. This is part of the transition process also known as the “real life experience.” Although medical professionals may recommend living in the desired gender as a step to surgery, the decision as to when and how to begin the “real life experience” remains the transitioning individual’s decision.

Whether or not a transgender employee plans to medically or legally transition, the employee is permitted to dress consistently with their gender identity or expression.

3. PRONOUN AND NAME CHANGES

Upon notification of a transitioning individual’s intent to use a name, consistent with their Workplace Transition Plan, all personnel and administrative records and marketing materials (e.g., City of Buffalo directory, all website pages, ID badge/access card, door/name plate, business cards, directory outside of the main entrance, organizational charts, mailing lists, email address, telephone listing, payroll and insurance information, etc.) should be updated. These can be updated immediately and without a legal name change. A legal name change is required in order for things such as payroll and insurance documents to be changed. These documents should be changed to reflect the new name so that door/name plates, ID badge/access cards, business cards, etc. will be available according to the Workplace Transition Plan.

An employee’s record and work-related document should be retained under the individual’s legal name (as reflected on identification documents verified at the start of employment). In everyday written and oral speech, the individual’s preferred name and pronouns should be used consistent with the Workplace Transition Plan.

4. NAME CHANGES ON PROFESSIONAL LICENSES AND REGISTRATIONS

Included in the Workplace Transition Plan should be the planned changes to professional licenses and registrations. This is usually handled through the State. Contact the Chief Diversity Officer for any assistance if needed.

5. RESTROOM AND LOCKER ROOM ACCESS

You have an obligation to provide transitioning individuals with the same level of restroom access available to non-transgender individuals. Once the “real life experience” begins, a transitioning individual should use the facility that corresponds to their gender identity. Management will work with co-workers to address any of their concerns. The transgender employee may not be asked or required to use a separate

restroom in order to accommodate such concerns. There is a gender neutral bathroom located in the basement of City Hall.

In the same manner, all employees have the right to use the locker room that corresponds to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

6. RIGHTS TO PRIVACY

Current and prospective employees who encounter problems concerning identification documentation, such as payroll and insurance forms, should feel comfortable raising those concerns directly with the Director of Personnel.

Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share. Information about an employee's transgender status (such as the sex they were assigned at birth) can constitute confidential medical information under privacy laws like HIPAA. Management, human resources staff, or co-workers should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others.

The Director of Personnel must obtain the transgender employee's consent prior to disclosing any information identified as confidential in a Workplace Transition Plan (WTP). The WTP will be considered a confidential document and will only be shared with personnel needed to ensure a smooth transition.

C. CO-WORKERS/OTHER EMPLOYEES

All employees remain subject to the City of Buffalo's Non-Discrimination and Anti-Harassment Policy. Any complaints or concerns raised by transitioning individuals or their co-workers will be handled consistent with the City of Buffalo's policy. If you have any further concerns, you may contact the Director of Personnel or the Chief Diversity Officer.

Remember, if you are ever unsure of the appropriate pronouns to use with an individual (whether an employee or City of Buffalo visitor), it is appropriate to respectfully ask them which pronouns they prefer. Transgender employees should also take reasonable steps to inform colleagues of their preferred pronouns. It is considered a violation of the City of Buffalo's Non-Discrimination and Anti-Harassment Policy to intentionally refer to someone by the wrong name or pronouns after they have made clear their preferences. Malicious use of a co-worker's former name or pronouns (sometimes called "misgendering") may be considered a violation of the City of Buffalo's Non-Discrimination and Anti-Harassment Policy

D. EXTERNAL STAKEHOLDERS

If a citizens asks whether a co-worker is transgender or makes a negative comment about the person's gender identity or expression, respond professionally. Do not disclose a co-worker's transgender status. Put the focus back on the co-worker's professional skills and qualifications.

How Transitioning Employees Can Prepare

This section focuses on helping you, the transitioning employee, prepare for your workplace gender transition.

1. You can contact the Chief Diversity Officer or Human Resources to see if they are aware of any employees who have transitioned in the workplace who might be willing to be a sounding board and offer support and advice.

2. You are encouraged to write out how you'd like your workplace transition to proceed. Things might not always proceed as smoothly as you would like, but planning ahead and working with a team will help pave the way to a successful workplace transition. Changes and updates to the plan are expected and should be made as needed.

a. Timeline – When do you want to begin working openly in your true gender? As you consider this, keep in mind that your supervisor will need to work with administrative staff, HR, IT and others to make sure everything is ready on the first day of your workplace transition. Some processes will require more time than others. To be on the safe side, you should assume that the timeline will need to be at least six weeks long, but you may opt for a longer timeline if you choose.

b. First point of contact – Who would you like to talk with first about preparing the workplace for your transition? You can choose your supervisor, someone up the management chain in your department, the Chief Diversity Officer, or an HR representative – whomever you feel most comfortable starting the process.

c. Coming out – When do you want to start telling people about your workplace gender transition? Do you want to start by talking with a few trusted co-workers one-on-one in confidence? When will you tell your supervisor? If, when and who do you wish to inform other managers up the chain of command in your department? When and how do you want your immediate work team to be informed? How about other co-workers or professional peers in outside agencies?

d. Official announcement – How do you want your workplace transition to be made known to your work group and/or department? Do you want it shared by email or in a printed letter from you or your supervisor or another manager further up the chain of command? (Keep in mind, emailing and printing your announcement could result in its existing online in perpetuity; additionally, it potentially could be forwarded beyond your intended audience). Would you rather your supervisor tell people in a meeting? If so, do you want to be present? Do you want an HR representative, or other leadership to be present? Do you want to be there in the beginning and leave after the announcement? Would you prefer not to attend altogether?

e. Time off for treatment –Will you need time off for transition related medical treatment? How much time? Have you accrued enough sick time and/or vacation time? Keep in mind that you do not need to explain any treatments, but you will need to work with your supervisor to schedule medical time off.

g. Other considerations –

* What worries you the most at this point?

* Who might be able to help?

*Where might your previous identity show up later when you least expect it?

Look for team rosters, organization charts, and old photos. Keep a list of these items so you can ask later about whether they can be changed.

3. When you are ready, talk with your supervisor, Human Resources, or the Chief Diversity Officer about your intent to transition. This should be in a face-to-face meeting. Explain that it is a confidential discussion. If you would be more comfortable, you can bring someone with you – a co-worker, a manager, or an ally from outside the organization that that you trust. Your supervisor can be an ally and should be part of the planning process for a successful transition.

4. When you are ready, talk with the Chief Diversity Officer or Human Resources about your intent to transition. This should be in a face-to-face meeting. Explain that it is a confidential discussion. If you would be more comfortable, you can bring someone with you – a co-worker, a manager, or an ally from outside the organization that you trust.

5. Maintaining confidentiality will be a primary concern. However, with your consent your supervisor will need to share your plans up the management chain in your department so that leaders can express their support of an inclusive workplace when your transition is made known to your work team. Be prepared to discuss with your supervisor who will be told and how and when they'll be informed.

6. Work with your supervisor or first point of contact to begin planning your transition:

a. Establish a time line for the transition, including dates for informing key personnel, the management chain in your department, and HR. Set the date for the official announcement to your co-workers and the first day of your workplace transition (usually several weeks apart). Remember that your supervisor will likely need at least six weeks to ensure everything is updated. Before finalizing the timeline, work with your supervisor to ensure you have allowed enough time for everything to be ready by the first day of your workplace transition.

b. Plan the announcement (meeting or written communication).

c. Plan for the first day of your workplace gender transition.

d. Discuss how you want name/pronoun slips (or misuse) to be addressed.

The City of Buffalo is an inclusive city and these guidelines are in place to provide department heads and transitioning employees with a step-by-step guide to help facilitate the process of a workplace transition.

If you have any questions, please contact the Human Resources Department and/or the City's Chief Diversity officer.