



GENDER IDENTITY IN THE WORKPLACE

Policies for Supporting Transgender, Non-Binary and Gender Diverse Employees



Department of Human Resources

Policy 2021-0016

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Purpose

Employees are protected from discriminatory treatment on the basis of gender identity or gender expression by local, state, and federal laws. King County prohibits discrimination, harassment or inappropriate conduct related to sex, sexual orientation, gender identity, or gender expression. Additionally, King County prohibits retaliation against employees, who in good faith, report harassment, discrimination, inappropriate conduct or retaliation, or assist in the investigation of such complaints. This policy is designed to:

- Set forth guidelines to address the workplace needs of transgender, non-binary, and gender diverse employees; and
- Create a safe, inclusive, and productive workplace that is free of harassment and discrimination in accordance with the county's [Non-Discrimination, Anti-Harassment and Inappropriate Conduct Policy](#).

Employees need not publicly identify as transgender, non-binary or gender diverse in order for this policy to apply to them. Additionally, this policy does not anticipate every situation that might occur with respect to the workplace needs of transgender, non-binary, or gender diverse employees; each employee's needs and individual situation shall be assessed on a case-by-case basis.

Terminology

King County is committed to fostering a workplace environment where talking about gender identity or gender expression is not taboo or uncomfortable. Transgender, non-binary and gender diverse people use a variety of terms to identify themselves and others, not all of which are included in the glossary below. These terms are not intended to label employees but rather to assist in supporting a knowledgeable and inclusive workplace.

Cisgender: A person whose gender identity aligns with those typically associated with the sex assigned to them at birth.

Gender Diverse: A broad term used to refer to individuals whose gender identity and/or gender expression is different from social expectations related to gender. Keep in mind that these expectations can vary across cultures and have changed over time.

Gender Expression: An individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns) that may be perceived as masculine or feminine.

Gender Identity: An individual's internal, deeply felt sense of being a woman, a man, or something other or in-between, which may or may not align with the sex they were assigned at birth.

Intersex: Intersex is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. For example, a person might be assigned female based on external genitalia, but have male-typical anatomy on the inside. Or a person may be born with mosaic genetics, so that some of their cells have XX chromosomes and some of them have XY.

LGBTQ+: A common abbreviation that refers to the lesbian, gay, bisexual, transgender and Queer community. The 'plus' is intended as an all-encompassing representation of other sexual orientations and gender identities.

Misgender: Misgendering is when you refer to or address someone (especially someone who is transgender or non-binary) in a way that does not align with the way they identify or the language they use for themselves. This can include referring to someone with the incorrect name or pronoun. Misgendering can constitute harassment and is a violation of the county's [*Non-Discrimination, Anti-Harassment & Inappropriate Conduct Policy*](#).

Non-Binary: This term describes gender identities that are neither man nor woman – genders that are outside the gender binary.

Pronouns: Pronouns are how you refer to someone when you are not using their name. For example, she/her/hers, they/them/theirs, he/him/his, etc. It is important to note that someone's pronouns may change depending on the context and especially depending on their level of perceived safety. Referring to someone using their correct personal pronouns is another way to respect an individual and helps to create an inclusive environment.

Sex Assignment: Is a classification that is often based on external genitalia. Sex can also be defined based on chromosomes or hormone levels. It is important to note that each state defines sex in a different way. In the state of Washington, we designate sex as male, female, or X. "X" means a gender that is not exclusively male or female, including, but not limited to, intersex, agender, amalgagender, androgynous, bigender, demigender, female-to-male, genderfluid, genderqueer, male-to-female, neutrois, non-binary, pangender, third sex, transgender, transsexual, Two Spirit, and unspecified (*WAC 246-490-075*).

Sexual Orientation: A person's physical, sexual, and/or emotional attraction to people. Straight, gay, bisexual, lesbian, asexual, and queer are some ways people identify their sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression.

Transgender or Trans: An umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth. A transgender man (trans man) is a person who presents, lives, and identifies as a man. A transgender woman (trans woman) is a person who presents, lives, and identifies as a woman.

Transition or Gender Transition: Transitioning is the period during which a person begins to live according to their gender identity, rather than the sex assigned to them at birth. There are many ways to transition. No specific set of steps is necessary to "complete" a transition—it's a matter of what is right for each person. Possible steps in a gender transition may or may not include changing a person's clothing, appearance, name, or the pronoun people use to refer to them (like "she," "he," or "they"). Some people are able to change their identification documents, like their driver's license or passport, to reflect their gender. And some people undergo hormone therapy or other medical procedures to change their physical characteristics to better reflect the gender they know themselves to be.

Privacy

Transgender, non-binary and gender diverse employees have the right to discuss their gender identity or expression openly, or to keep that information private. Each employee gets to decide when, with whom, and how much of their private information to share.

King County personnel shall not disclose information that may reveal an employee's transgender identity or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the employee's consent and with coworkers who truly need to know to do their jobs. Also, questions regarding an employee's medical process, body, and/or sexuality are unnecessary and inappropriate in the workplace.

King County shall provide confidentiality and privacy regarding an employee's gender transition. A gender transition shall be treated with as much sensitivity and confidentiality as any other private or highly personal life experience. Personal information about the employee's gender transition should not be released to anyone without a need to know, unless the employee has provided prior written consent to having the information disclosed. Additionally, King County shall keep applicant's and employee's medical information confidential to the extent provided by law. Medical information received about individual employees is protected under the Privacy Act (5 U.S.C. 552a).

Names & Pronouns/Gender Markers/Personnel Records

Names and Pronouns

King County employees have the right to be addressed by the name and pronoun that correspond to their gender identity. Therefore, managers and supervisors shall support their employees in the workplace by modeling and enforcing the use of the name and pronoun corresponding to each employee's gender identity. The repeated and deliberate refusal to respect an employee's gender identity (for example, deliberately referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of the county's [Non-Discrimination, Anti-Harassment & Inappropriate Conduct Policy](#). If an employee is unsure what pronouns a coworker uses, it is appropriate to politely ask that coworker how they would like to be addressed.

An employee may not be able to, or may choose not to, obtain a legal name change at the same time the employee changes their name and pronoun for everyday interactions. Therefore, the County will update items used in everyday workplace interactions, such as the employee's first and/or last name and the email address displayed in county systems managed by KCIT (i.e., Outlook, Teams, etc.), employee directories, business cards, name tags, and all similar items that do not pose legal implications, to ensure the employee's name and gender expression are represented according to the employee's gender identity. An employee can initiate these changes by contacting the KCIT Service Center for "system display name" or "email name" changes, or their agency's human resources professional for non-technical workplace item changes. A legal name change or government approved gender-marker change shall not be required to make these types of updates. Official employee records, such as the

employee's legal name and gender marker found in the county's payroll, benefits, or retirement systems can be changed according to the process laid out in the *Personnel Records* section below.

The photograph or name on an employee identification badge may be updated at any time to reflect the employee's gender presentation. Fees for a new county-issued badge shall be waived in these cases. An employee can initiate an update to their identification badge by contacting their agency's human resources professional.

Gender Markers

During the hiring process, the name and gender marker on a King County job applicant's application may correspond with the person's current usage; however, background checks or reference checks may disclose a previous name and/or different gender from the one the applicant is currently presenting. In such cases, if the hiring manager is uncertain how an applicant would like to be referred to when contacting a previous employer, it is appropriate to respectfully ask how they should identify the person so the hiring manager can use the proper name and/or gender pronouns for background and reference checks.

In addition to allowing changes with male and female sex designations, the Washington State Department of Health allows a person born in Washington to change the sex designation on their birth certificate from male or female to a designation of "X" to reflect their gender identity. Additionally, the Washington State Department of Licensing allows Washington drivers to list their sex designation on their driver's licenses as "X".

Personnel Records

Official employee records, such as the employee's legal name and gender marker found in the county's payroll, benefits, or retirement systems, can be changed according to the process below:

1. An employee can submit a request to one of their agency's human resources professionals.
2. The employee will provide the HR professional with documentation (Social Security card, etc.) to validate the official name change. No additional documentation is required to process a gender marker change request.
3. Upon validation, The HR professional will make the requested change(s) in the county's Human Capital Management (HCM) system and the system shall reflect this change within one week of the employee's request.

Changes to other identity documents including health records, health and/or life insurance documentation, Social Security cards, passports, birth certificates, work permits, green cards, work visas, and/or driver's licenses require different administrative processes. Therefore, applicants and/or current employees seeking to change their name and/or gender marker may not have consistent name and/or gender designations across all documentation that matches the name, pronoun, and/or gender the transgender and/or non-binary person uses for themselves.

Dress Code and Gender-Segregated Job Assignments

Transgender, non-binary, and gender diverse employees have the right to comply with county dress codes in a manner consistent with their gender identity or gender expression. Within county gender-segregated job assignments, all employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

Health and Leave Benefits

King County health benefit plans include gender transition-related care for transgender, non-binary, and/or gender diverse employees or their family members that are eligible for family coverage. King County uses the *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People* published by the World Professional Association for Transgender Health (WPATH). Details about covered services, prior authorization processes, and applicable cost shares are available in the Benefit Booklets for each plan posted on King County's [Benefits Summaries](#) web page.

Employees receiving health related services as part of their transition may use accrued sick leave. Employees who are qualified under the Federal Family Medical Leave Act or King County Family Medical Leave may also be entitled to take medical or family leave for personal transition-related needs or the medical needs of their qualified family members.

Access to Gendered Facilities

Restrooms

Employees shall have access to the restroom and/or comfort stations corresponding to their gender identity. That is, transgender women must be permitted to use the women's restroom, and transgender men must be permitted to use the men's restroom. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a gender-neutral, single-stall restroom, when available. No employee, however, shall be required to use such a restroom.

Transitioning employees shall not be required to have undergone or to provide proof of any medical procedure (including gender confirmation surgery) in order to have access to facilities designated for use by a particular gender.

County agencies shall, under no circumstance, require an employee to use facilities that are unsanitary, potentially unsafe for the employee, located at an unreasonable distance from the employee's workstation, or that are inconsistent with the employee's gender identity.

Other Gendered Facilities

All employees have the right to use county-provided facilities, such as locker rooms, comfort stations, lactation rooms, etc., that correspond 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 arrangement that allows for employee privacy.

A lactation accommodation is a process to ensure that lactating employees are given the opportunity to continue in their current position while balancing their lactation schedule. Nursing parents, regardless of gender identity and/or gender presentation, can request lactation accommodations and access county-provided lactation rooms and services as designated in King County's [Lactation Accommodation Policy](#).

Drug and Alcohol Testing

If an employee is required to undergo a direct observation drug and alcohol test, the collection process must be observed by a staff member matching the gender identity or presentation of the employee. If, prior to the collection process, an employee discloses that they are transgender, non-binary, or gender diverse, the employee shall be asked what gender they would be most comfortable being observed by, and this decision shall be accommodated.

Customer Service

King County serves a large and diverse community of residents, customers, and business partners. The guidelines for supporting, and prohibitions against the harassment of transgender, non-binary, and gender diverse people apply to County employees and extend to our customers and partners as well. Additionally, as an employer, King County will not tolerate the harassment of its employees by third parties on the basis of gender identity or gender expression.

Anti-Harassment and Non-Discrimination Procedures

It is unlawful and violates county policy to discriminate against or harass an employee because of the employee's actual or perceived gender identity. Additionally, it is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against, gender identity discrimination in employment.

Some specific examples of potential discrimination, harassment or inappropriate conduct based on perceived or actual gender identity, gender expression, and/or against transgender, non-binary, and gender diverse individuals include:

- The repeated and deliberate misuse, and/or the intentional refusal to use an employee's requested name and/or pronouns, and/or repeated reference to the employee's former name or gender.

- Asking invasive, disrespectful personal questions, in particular questions about medical processes, body, and/or sexuality.
- Denying an employee the use of restrooms, locker rooms, lactation rooms, or comfort stations and/or forcing the use of facilities that are inconsistent with an employee's gender identity and/or gender expression.
- Denying or refusing drug and alcohol testing, because of an employee's perceived or actual gender identity or expression.
- Being refused a job, pick, and/or promotion, because of someone's perceived or actual gender identity or expression.
- The repeated and deliberate withholding of information related to job functions or duties with the intent of negatively impacting an employee's performance because of someone's perceived or actual gender identity, expression, or sexual orientation.
- Excluding a person from relevant meetings, decisions, and/or discussions because of someone's perceived or actual gender identity, expression, or sexual orientation.
- Disclosing an employee's personal history including transgender or non-binary status without consent.
- Joking or making derogatory comments about transgender, non-binary, gender diverse, lesbian, gay, and/or bisexual people.
- Sexual harassment, including innuendos of being a sex worker, and/or propositioning for sex.

King County is committed to creating a safe work environment for transgender, non-binary, and gender diverse employees. Per the county's [Non-Discrimination, Anti-Harassment & Inappropriate Conduct Policy](#), all complaints of discrimination or harassment based on gender identity or expression will be addressed, which may include a formal investigation. Substantiated complaints will result in prompt, corrective action, up to and including termination.

Reporting Procedures

If an employee believes that they have been the subject of inappropriate, discriminatory or harassing conduct in violation of this policy, or they have been subjected to retaliation for reporting such conduct, they should report the conduct either verbally or in writing to one of the County's Human Resources (HR) Managers, the Workforce Equity Manager, or the Equal Employment Opportunity (EEO) Officer for Metro Transit. A report can be made to anyone on the list below; it does not have to be the employee's department HR Manager.

[List of the current HR Managers, Workforce Equity Manager, and EEO Officer for Metro Transit](#)

Allegations of conduct in violation of this policy made against the King County Executive, Assessor or the Director of Elections should be reported to the Department of Human Resources Director.

All information will be maintained on a confidential basis to the greatest extent possible. However, such information may be subject to disclosure under Washington's Public Records Act, RCW 42.56, and RCW 41.56, or for relevant litigation. Additionally, information may need to be disclosed to employees to carry out the purpose and intent of this policy.

If an employee feels that their complaint is not being adequately addressed by the managers listed above, they should contact the Department of Human Resources Director.

If an employee is concerned that they or another King County employee have been subjected to treatment in violation of this policy and the employee wants to have a confidential discussion about their concerns, they should contact the Employee Assistance Program at 206-477-0632 or 206-477-0631, or Making Life Easier at 1-888-874-7290. These resources offer comprehensive programs and services that help King County employees, and their families, to be healthy and safe.

Prohibition Against Threats and Acts of Violence

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace perpetrated by strangers, customers, co-workers, personal relations or other non-employees doing business for or with King County will not be tolerated. The county's [Workplace Violence Prevention](#) policy prohibits threats and acts of violence and applies to all county employees. Violations of this policy will be followed by appropriate actions up to and including termination of employment.

Support for Employees Transitioning in the Workplace

Employees who transition on the job can expect the full support of county management and Human Resources staff. County managers and supervisors shall be responsible for adhering to this policy and supporting the transition-related workplace needs of their employees. Human Resources staff shall be responsible for ensuring the employee in transition is aware of the county's applicable policies, employee resources, and the availability of transition-related health care benefits.

Before the Workplace Transition Begins

The employee in transition should disclose their intent to transition to a selected point person in the workplace. The employee's point person may be a Human Resources professional, EEO Officer, or a trusted supervisor/manager. The point person will work with the employee to:

- Submit a request for transition-related accommodation to a Human Resources Manager, Workforce Equity Manager, or EEO Officer for Metro Transit.
- Customize a workplace transition plan with a timeline that is driven by the employee and a process that meets the individual needs of the employee and their agency. The goal of the transition plan is to ensure the safety and comfort of the employee *while maximizing the employee's workplace integration and minimizing potential stigmatization of the employee.*

In the event the employee's point person is not their supervisor, a meeting between the employee and the employee's supervisor – and others, if desired by the employee in transition – should be scheduled to ensure the supervisor is aware of the employee's planned transition. The employee's supervisor shall positively support the needs of their employee and management shall ensure that the employee in transition is properly supported.

The employee in transition and their point person should meet to discuss which individuals need to be included and what steps need to be taken in the workplace transition process. Keep in mind that certain steps in the workplace transition process will require more lead time than others and the plan should attempt to incorporate realistic timeframes for the completion of each step.

The Workplace Transition Plan

The transition plan should address the following:

- Who will need to know about the employee's transition.
- What kind of information will be provided to those who need to know about the employee's transition. This will allow for the employee to know who received their personal information and how.
- The date when the employee will begin to use a new name, pronoun, and/or gender presentation/expression in the workplace. The employee in transition may choose to begin using the restroom associated with their gender identity on this date as well, and the employee will know best when this should occur.
- How, and in what format, the employee's co-workers should be made aware of the employee's transition. It is up to the employee in transition to decide how they would like to make their co-workers aware of their transition. Some may choose to have individual conversations while others may choose to have a team- or department-wide announcement made.
- What, if any, training will be given to co-workers.
- What updates should be made to the employee's records and when they will be made.
- The dates of leave that may be needed for transition-related care, if applicable.
- How to ensure that all name changes and photographs are updated in advance so that they can go live on the pre-determined transition day. This includes email addresses and badges. Make sure to keep in mind that name changes within certain processes could take longer than others. Figure this into the workplace transition plan timeline.

The First Day of the Employee's Workplace Transition

The employee's supervisor should make certain that all elements are in place, in the same way the supervisor would for a new hire or transferred employee. These elements include:

- Making sure that the transitioning employee has a new ID badge and photo, if necessary.
- Ensuring all work documents have the appropriate name and gender, and confirming that these have been changed in all the places an employee's name may appear.

Other Resources

Additional Resources & Avenues for Reporting Available to Employees

The [National Center for Transgender Equality](#) provides information and resources about how to be supportive of transgender, non-binary, and gender diverse people.

The [King County Civil Rights Program](#) investigates and resolves complaints of discrimination, provides education, and offers technical assistance. They work as impartial fact finders and do not represent any party.

Metro's [Equal Employment Opportunity & Anti-discrimination Program](#) helps the agency ensure compliance with state, federal and local laws, as well as King County and Metro policies, which prohibit discrimination, harassment, and retaliation in employment on the basis of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, veteran status, and disability. The program also conducts and coordinates department discrimination investigations. Metro EEO staff can be reached by calling 206-205-8000 or emailing metro.equity@kingcounty.gov.

The [Washington State Human Rights Commission](#) (WSHRC) is a state agency responsible for administering and enforcing the [Washington Law Against Discrimination](#). Any individual who believes that they have been discriminated against based on protected class status may file a charge of discrimination with the WSHRC [here](#).

The [U.S. Equal Employment Opportunity Commission](#) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information. Information on how to file a charge of employment discrimination can be found [here](#).