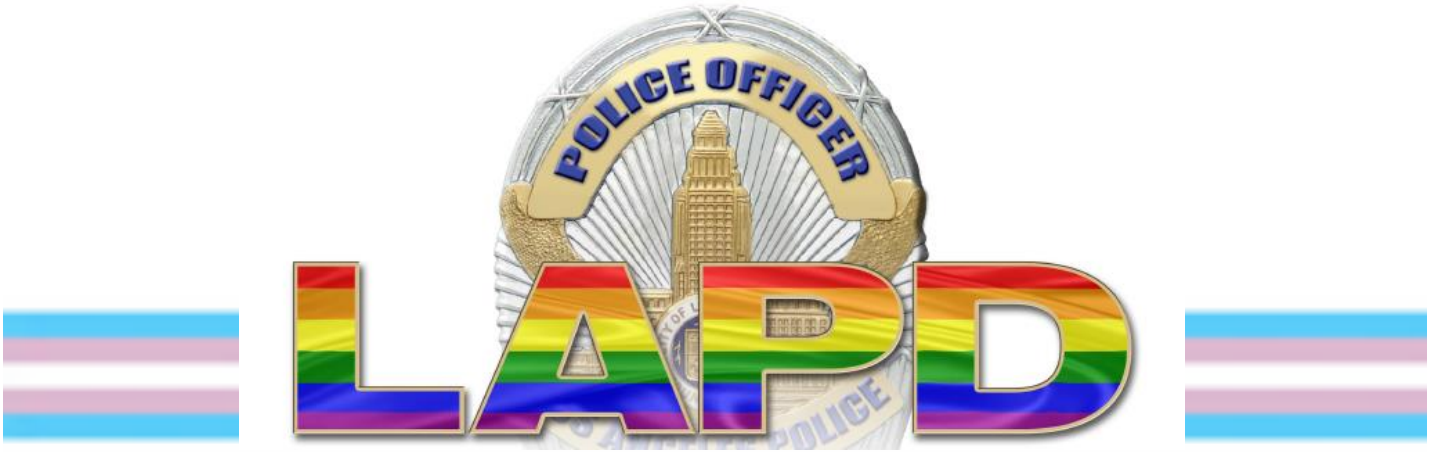
Los Angeles Police Department



Transgender, Gender Non-Conforming, and Non-Binary Employee Guide

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Purpose

It is the policy of the Los Angeles Police Department that discrimination in the workplace on the basis of an individual's sexual orientation, gender identity or gender expression is unacceptable and will not be tolerated. Department personnel shall not consider an applicant or employee's known or perceived sexual orientation, gender identity or gender expression in any pre-employment or employment action or decision, including but not limited to background checking, testing, hiring, assigning, training, transferring, upgrading, promoting, compensating, evaluating, disciplining and discharging. [LAPD Manual Vol. 1, 285]

This publication is a guideline to address the needs of transgender, gender non-conforming, and non-binary employees and clarifies how laws should be implemented in situations where questions arise about how to protect the legal rights and safety of all employees. These guidelines do not anticipate every situation that might occur respecting transgender, gender non-conforming and non-binary employees, and therefore the needs of each employee must be assessed on a case-by-case basis. The goal is to work towards a seamless transition for transgender, gender non-conforming, or non-binary employees and maximizing the employee's workplace integration and minimizing stigmatizations of employees.

Definitions

The definitions provided here are not intended to label employees, but rather to assist in understanding this policy. Employees may or may not use these terms to describe themselves. Terminology is always changing due to changes in culture and understanding of identities. For more information on updated terms, please go to: https://www.pflag.org/glossary or go to the LA County Department of Mental Health glossary here: http://file.lacounty.gov/SDSInter/dmh/1031446_LGBTQI2-SGlossary12-1-17.pdf

- **Gender Identity:** Ones internal, personal sense of gender. (For example, man/boy, woman/girl, gender non-conforming, nonbinary, etc.)
- **Gender Expression:** Communicating gender to others through behavior, clothing, hairstyle, voice, etc. (Key terms: feminine, masculine, and androgynous.)
- **Biological Sex / Assigned Sex at Birth:** The sex assigned at birth; often based on physical anatomy. (For example, male, female or intersex.)
- **Intersex:** A person who is born with sexual anatomy, reproductive organs, and/or chromosome patterns that do not fit the typical definition of male or female.
- **Transgender:** An individual whose gender identity differs from their assigned sex at birth. Often shortened to *trans*. Other terms commonly used are female to male (FTM) or male to female (MTF), assigned male at birth or assigned female at birth, gender fluid, and gender expansive.
- **Gender Non-Conforming:** A term some use to describe themselves when their gender identity falls out of the binary. (Also: nonbinary, two-spirit, etc.)

- **Nonbinary:** A term used to describe themselves when their gender identity falls out of the binary. Refers to individuals who identify as neither man nor woman, both man and woman, or a combination of man or woman. Not all nonbinary people identify as transgender and not all transgender people identify as nonbinary.
- **Two-Spirit:** A term used by some indigenous North Americans for gender variant individuals in their communities.
- **Cisgender (Non-Transgender):** An individual whose gender identity and assigned sex at birth align.
- **Transition:** Transitioning is the process of changing one's gender presentation to accord with one's internal sense of gender – the idea of what it means to be a man, or a woman, or gender non-conforming/non-binary.
- **Sexual Orientation:** Describes the emotional, romantic, and physical feeling of attraction usually over a period of time. It is distinct from sexual behavior. (For example, heterosexual, lesbian, gay, and bisexual.)
- **LGBTQ:** This abbreviation stands for "Lesbian, Gay, Bisexual, Transgender and Questioning" and you will often see variations such as "LGBT" or "LGBTQ+." (Q can also mean "queer," but since this is still considered a pejorative term, we use "questioning" at the LAPD.)

Privacy

An employee's transition should be treated with as much sensitivity and confidentiality as any other employee who is going through a significant life experience. Transgender employees have the First Amendment right under the United States Constitution to discuss their gender identity or expression openly, or to keep that information private. The transgender employee decides when, with whom, and how much to share their private information. If a transgender employee does chose to share information about their own gender transition, they are reminded that they are still subject to the Department's policies and core values.

Operations staff, personnel staff, and co-workers should not disclose information to others that may reveal an employee's transgender status or gender non-conforming presentation. Information about an employee's transgender status (such as a sex that they were assigned at birth and any medical transition) constitutes confidential medical information under the privacy laws like the Health Information Portability and Accountability Act (HIPAA). That type of personal or confidential information may only be shared with the transgender employee's consent. If the employee is in the process of transitioning from one gender to another, guidance for preparing co-workers and providing workplace sensitivity training is presented in the section titled *Transitioning on the Job.*

Official Records

Per Los Angeles Municipal Code 49.70, transgender employees have the right to be addressed by the name and pronoun corresponding to the employee's gender identity. The Los Angeles Police Department will

change an employee's official employee record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll, pension and retirement accounts require a legal name change prior to the person's name being changed. Most records, however, can be changed to reflect a person's name that they use without proof of legal name change.

The Department will also make every effort to update any photographs at the transitioning employee's workplace so that that the transitioning employee's gender identity and gender expression are represented accurately.

If a new or transitioning employee has questions about company records or ID documents, the employee should contact Personnel Records Section at 213-486-4630.

Name / Pronouns

An employee has the legal right [Los Angeles Municipal Code 49.70] to be addressed by the name and pronoun that corresponds to that employee's gender identity. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally 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 our Department's anti-discrimination policies. If you are unsure what name or pronoun a transitioning co-worker uses, you can politely ask them how they would like to be addressed.

Supervisors and managers shall use the name and pronouns requested by the employee. Supervisors and managers should also monitor the workplace regularly to make sure co-workers are using the employee's desired name and pronouns.

Restroom Accessibility

It is the law of the State of California (Cal. Civil Code §51(b)) that a person shall have access to restrooms that correspond to a person's gender identity. An employee who has a need or desire for increased privacy will be provided access to a single-stall restroom when available. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity. Transgender women must be permitted to use the women's restroom and transgender men must be permitted to use the men's restroom. The decision about which restroom to use should be left to the transgender and gender non-conforming employee to determine the most appropriate and comfortable option for them.

Locker Room Accessibility

All employees have the legal right (Cal. Civil Code §51(b)) to use the locker room that corresponds to their gender identity. Transitioning employees are not required to provide proof of having undergone any medical

transition to have access to facilities designated for use by a particular gender. Any employee who has a need or desire for increased privacy will be provided with a reasonable accommodation. Additional arrangements can be made to facilitate ensuring that an individual's transgender status is kept confidential.

Dress Codes

When a transgender employee begins their transition, they may begin wearing clothing and hair consistent with their gender identity, and that adheres to our Department's policy. Gender non-conforming employees must comply with Department dress codes and grooming standards that is consistent with their gender identity or gender expression. (Personal Appearance Department Manual Vol. 1, Section 605-606.6)

Transitioning on the Job

Transgender employees who transition on the job should expect the support of Department management, Personnel Staff, and the LGBTQ Outreach Program team. Personnel Division, the employee's Commanding Officer, and the LAPD LGBTQ Department Coordinator and Liaison Officer will work with each transitioning employee individually to ensure a successful workplace transition.

Job Assignments

For job assignments that require a specific gender, transgender employees will be classified and assigned in a manner consistent with their gender identity, not their sex assigned at birth.

Discrimination / Harassment

In 1979, the City of Los Angeles adopted Ordinance No. 152,458 (Los Angeles Municipal Code (Cal. Civil Code § 49.70) which established and defined the City's intent to promote and maintain a working environment free from discrimination on the basis of sexual orientation, gender identity or gender expression.

Discrimination by any City employee in any City employment practice on the basis of an individual's sexual orientation, gender identity or gender expression (or perceived sexual orientation, gender identity or gender expression) is unacceptable and will not be tolerated. No City officer or employee shall consider an applicant's or employee's known or perceived sexual orientation, gender identity or gender expression in any pre-employment or employment action or decision, including but not limited to background checking, testing, hiring, assigning, training, transferring, upgrading, promoting, compensating, disciplining and discharging. Nor shall any City officer or employee classify or otherwise treat a City employee differently because of the employee's known or perceived sexual orientation, gender identity or gender expression. City policy shall prohibit, as a form of discrimination, the creation of or contribution to a hostile, intimidating, threatening, offensive or abusive work environment on the basis of an individual's known or perceived sexual orientation, gender identity or gender expression. This includes written, spoken, graphic or demonstrative derogatory

terms, slurs, comments, gestures, ridicule, threats, rumors, or jokes with respect to an individual's known or perceived sexual orientation, gender identity or gender expression (Los Angeles Executive Directive No. 12, Issue Date: June 6, 2008).

The Los Angeles Police Department is committed to creating a safe work environment for all employees. It is our Department policy that discrimination in the workplace on the basis of an individual's sexual orientation, gender identity or gender expression is unacceptable and will not be tolerated. Any incident of discrimination, harassment, or violence based on gender identity or gender expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking appropriate corrective action, and providing employees and staff with applicable resources (LAPD Manual, Volume 1, Section 285, Sexual Orientation Discrimination).

The City of Los Angeles created an online platform to report incidents of harassment, discrimination and/or retaliation for any current or former City employees. To access this system, please go here: https://myvoicela.org/.

Additional Resources

- Sexual Orientation, Gender Identity and Gender Expression Complaint Procedure: (213) 473-9100 https://pdinfoweb.lapd.lacity.org/img/bin.ashx?k=203779%09%09docs%09binData%09did%09fName%09%09xxx%09594252998%09&sh=1&a=
- Employee Relations Group (213) 486-7600 https://pdinfoweb.lapd.lacity.org/ShowList.aspx?oid=2959
- LAPD LGBTQ Liaison officer (213) 486-6009
- LAPD Behavioral Science Services: http://lapdbluelife.com/ or call 213-486-0790
- Transgender Community of Police & Sheriffs (TCOPS): http://www.tcops-international.org/
- Transgender Law Center: https://transgenderlawcenter.org/
- Lambda Legal: https://www.lambdalegal.org/
- LA LGBT Center: https://lalgbtcenter.org/ (Legal Services, Mental Health Services and Social Resources)

Workplace Transition Plan

A "Workplace Transition Plan" should be developed in close collaboration with the transitioning employee. The plan should be modified to meet the transitioning employees needs and privacy concerns. The transitioning employee may choose any Department employee to serve as an advocate on their behalf, or they may choose to directly work with the Commanding Officers of either the Administrative Services Bureau or Personnel Group.

Once a Workplace Transition Plan has been agreed upon, a representative from Personnel and Training Bureau and the LAPD LGBTQ Outreach Program will work together to implement the plan. It is important to remember that this plan is flexible and will be conducted in direct consultation with the transitioning employee. Every employee is different and may have different needs.

Prior to the Workplace Transition – Key Contacts

- **Personnel and Training Bureau:** (213) 486-7090
  - Commanding Officer – Deputy Chief Martin A. Baeza
  - Executive Administrative Assistant – Liberty Yorba
- **Personnel Group:** (213) 486-8399
  - Commanding Officer – Vartan Yegiyan, Police Administrator II
  - Secretary – Jackie Fowler
- **LAPD LGBTQ Outreach Program Coordinator:** (213) 486-8440
  - Assistant Chief Beatrice M. Girmala
  - Executive Administrative Assistant – Sandra Perez
- **Transgender Community of Police and Sheriffs (TCOPS) International volunteer mentors** http://www.tcops-international.org/
  - Julie Callahan (retired San Jose Police Department detective and TCOPS founder)
    - E-mail: Julie.d.callahan@gmail.com
    - Phone: (831) 205-0540
  - San Diego Police Officer Christine Garcia (SDPD Transgender Community Liaison)
    - E-mail: Cagarcia@pd.sandiego.gov
    - Phone: (619) 971-9898
- **LAPD LGBTQ volunteer mentors**
  - Officer London Ward
    - E-mail: 31392@lapd.online
  - Sergeant Jules Sohn
    - E-mail: 38156@lapd.online

Elements of a Workplace Transition Plan:

The Workplace Transition Plan should take into consideration the following elements:

1. The date when the transition will officially and formally occur. This means the date that the employee will officially change their gender expression, name, and pronouns. The transitioning employee may or may not choose to begin using the restroom and locker room associated with their gender identity on this same date.

2. Decide how, and in what format, the transitioning employee's co-workers should be made aware of the employee's transition. It is up to the transitioning employee to decide if they would like to make some co-workers aware of their transition on a one-on-one basis before it is officially announced.

3. Decide what, if any, training will be given to co-workers. Training may be provided before, during or after transition.

4. If requested by the employee, assist them in determining what updates should be made to the transitioning employee's records and email address, and when these updates will be made.