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Purpose for Guidelines

This document defines workplace guidelines for addressing matters that arise in the workplace when a transgender person transitions during their employment with LLNS. It provides LLNS employees with a resource when pursuing a name and/or gender marker change internally and legally in the state of California, and a suggested path forward for those considering or pursuing transitioning in the workplace. LLNS recognizes that everyone’s approach to their transition will be unique and that all choices and timelines involved in one’s transition are personal and valid.

These guidelines support LLNS Non-Discrimination and Harassment Free Workplace policies, which include protection from discrimination and harassment based on gender identity and expression. This document is intended to be used by transgender and gender non-conforming employees, as well as their managers, coworkers, human resource professionals, Livermore Pride (LGBTQ+ Employee Resource Group), and others who may be involved in a workplace gender transition. It covers best practices for employees and managers as well as how to address the concerns of coworkers, customers, and stakeholders.

As with all change, gender transitions affect many people: the individual transitioning, supervisors, peers, and customers. These guidelines provide a starting point for building awareness and are provided to ensure success of all parties involved. If you need any assistance understanding something in this document, or would like to have a conversation about transgender-related matters, please contact Employee Relations, Livermore Pride, Staff Relations, SHRM Benefits Office, or the Office of Strategic Diversity and Inclusion Programs (OSDIP).
Terminology

The following terms are “textbook” definitions and not intended to label employees. Employees may or may not use these terms to describe themselves. For more information on transgender terminology, please visit the National Center for Transgender Equality or The Trans Language Primer for a comprehensive guide to the language of gender, sexuality, accessibility, and acceptance.

Disclaimer: The inclusion of these links does not constitute endorsement or approval by Lawrence Livermore National Laboratory of the websites, or the information, products, or services contained therein. LLNL bears no responsibility for the accuracy, legality, or content of any external sites. Contact the external site with any questions regarding its content.

Ally
Ally refers to a supporter or advocate for the Lesbian, Gay, Bisexual, Transgender or Queer (LGBTQ) community. Being an ally is about using inclusive language, showing respect and support for your colleagues and in this case, members of the LGBTQ community through your actions and your words. Typically, allies do not identify as LGBTQ themselves.

Cisgender
Cisgender is an umbrella term that can be used to describe people whose gender identity and/or expression corresponds to their sex assigned at birth.

Gender Expression
Gender Expression is an individual’s characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

Gender Identity
Gender Identity is a person’s internal, deeply felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Everyone has a gender identity.

Gender Non-conforming
Gender Non-conforming is a term to describe people who have, or are perceived to have, gender characteristics, behaviors, and/or appearances that do not conform to traditional or societal expectations. These expectations can vary across cultures and have changed over time.

Gender Transition
Gender Transition refers to the process some transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. This may or may not include changes in name and pronouns, bathroom and facility usage, participation in hormone therapy, sex reassignment surgery, or other medical procedures. There are many ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one or two-step process that happens more quickly. Transitioning may include “coming out” (telling family, friends, and coworkers), changing the name and/or sex on legal documents and, for many transgender people, accessing medical treatment such as hormones and surgery.

LGBTQ
LGBTQ is a common abbreviation that refers to the Lesbian, Gay, Bisexual, Transgender and Queer community.

Sexual Orientation
Sexual Orientation describes a person’s physical or emotional attraction to people of the same and/or other gender. Straight, gay, and bisexual are some ways to describe sexual orientation. Sexual orientation is distinct from gender identity and expression. Transgender people can be gay, lesbian, bisexual, straight, or any other orientation just like non-transgender people.

Transsexual
Transsexual is a term that refers to transgendered people who transition themselves to live as the opposite gender. They often will or have had some level of surgical procedure.

Transgender
Transgender is an umbrella term for people whose gender identity, expression, or behavior is different from those typically associated with their assigned sex at birth. This includes people who socially and medically transition, as well as others who simply feel their assigned sex at birth does not reflect their true gender. “Trans” is shorthand for transgender. Note: Transgender is correctly used as an adjective, not a noun or verb, thus “transgender people” is appropriate but “transgenders” and “transgendered” are often viewed as disrespectful.
About Gender Transitioning

While most people are comfortable with, and identify with, the physiology and gender they are assigned at birth, there is a portion of the population who are not. These people may or may not identify as transgender and some will take steps to actively change their physiology (sex reassignment surgery—i.e., male to female) or expression (dress, jewelry, mannerisms, voice, vocabulary) to better express and interact with the world as they truly are.

The process of a transgender person changing their gender presentation in society is known as “transitioning.” The transitioning individual usually changes their name, clothing and appearance and may also elect for anatomical changes. If the individual remains at their same place of employment during this transition, it is known as “transitioning on the job” or “transitioning in the workplace.”

Each person transitioning will have their own set of unique factors which will require a customized plan. It is important that the individual work with supportive colleagues in an open and honest way to allow a smooth process within the workplace.

Recommendations for Transitioning Individuals at LLNL

If you are the transitioning employee, you have the right to work openly and authentically, expressing your gender identity, characteristics, or expression without fear of negative consequences while still maintaining professional expectations.

It is important for you to do your part to make the transition successful. The first thing is to inform those who can assist you. Your initial point of contact may be your immediate supervisor, a member of SHRM, Employee Relations, Staff Relations, Livermore Pride, or OSDIP.

Remember that you are covered under the LLNS Non-Discrimination and Harassment Free Workplace policies, but the Laboratory must be aware of your situation in order to provide support. Explain your intentions, needs, and concerns to the person that you have selected to speak with. Your manager, HR staff, and others may not be fully educated about gender transition or understand clearly what your needs are, but they should be able to direct you to additional resources.

Be prepared to spend some time educating people. Leverage your resources with Livermore Pride, OSDIP, Employee Relations, Employee Assistance Program, and these guidelines to help you organize your thoughts and prepare for those discussions.

Employees pursuing a name and/or gender marker change (i.e., “M”, “F” or “X” on legal identity documents) are encouraged to review the “Common Things to Consider” section of this document and suggested steps outlined in Appendix: Transgender Name and Gender Change Guidelines.
Best Practices
Managers & Colleagues

LLNS supports diversity and inclusion. If someone who reports to you informs you of their desire to transition, or if a person in your workplace is currently in the transition process, your support is critical. If you oversee, manage, or lead an employee who is transitioning, it is important that you demonstrate an understanding of their situation, and use a sensitive approach to their needs and concerns. Also, be prepared to have open conversations with your staff to answer any of their questions regarding the impact of the transition process on them.

KEY PRINCIPLES

01 If you are unfamiliar or uncomfortable with the transition process, allow the transitioning individual to educate you (if they are willing). Additional education and support is available from the Employee Assistance Program, Livermore Pride, Employee Relations, and Staff Relations.

02 Listen carefully to what the individual is telling you about how they would like to be treated. For example, do they want to keep their transition as quiet as possible or do they wish to celebrate publicly?

03 Be open-minded and respectful when discussing the transitioning person’s needs and concerns. Reach out to your supervisor with any questions, concerns, or challenges.

RESPECTING ONE’S PRIVACY

Not only do the specific steps of transitioning and their timing vary, people also differ in how public they want to be as they transition. The transgender status of an individual is private and should be treated as such unless the individual elects to share that information.

Some people prefer that as few people know they are about to transition as possible and hope that, after the transition, they can quietly blend in as members of their new gender. Others are committed to educating the public about transitioning and are eager to answer questions and talk openly about being transgender long after transitioning. There is no single formula for managing transitions in the workplace.

It is important to work closely with the employee to ensure respect for their privacy and to understand their preference on the amount of information that should be shared with the rest of their coworkers. It is essential that open and honest communication be established to build trust for each party.

INITIAL CONVERSATIONS

Assure the employee that LLNS will work with them to help make their transition as smooth as possible. The employee often comes forward with great anxiety as they may have heard stories from other individuals who have transitioned in their workplace who have been treated badly.

Provide Assurance: Assure the transitioning employee that they will be able to plan the steps of their transition at work. Make the employee feel confident that the people who will help plan their transition will inform themselves about the gender transition process. Remind the employee that they are covered by the existing policies.

Solicit Input: The employee should always have the main voice in the timing of beginning to work in their new gender role and any changes in their workplace routine. Ask for suggestions on what you can do to help and discuss how you can assist them during their transition. For example:

- Ask if they wish to inform other managers, coworkers, and customers themselves, or prefer that this be done for them.
- Ask if they are considering a name change. If they are, ask what name and pronoun the individual will use and when they want you to begin referring to them using the new name and pronoun.
- Explain questions and concerns you might have and ask their opinion on topics covered in “Common Things to Consider”.
- Work together to create a plan for transitioning at work.

Offer Support: Employees that have decided to transition are normally exposed to various levels of stress. Provide information on the Employee Assistance Program and other resources.
TELLING COWORKERS

Any supervisor or manager who has not been part of the initial conversation that will be impacted by the transition should be informed of the upcoming transition shortly before the employee’s coworkers are told. A meeting is usually the best setting for informing coworkers, and the need for appropriately timed and respectful communication is recommended.

- Hold meeting a week or two before the transitioning individual begins presenting themselves in their new gender role, if applicable. Not everyone needs to be informed; and the transitioning individual should identify which coworkers, managers, and other employees should be included.
- At this meeting, reinforce LLNS’s commitment to diversity and be supportive of the employee as they deal with this transition. Clearly expressed support from senior management is helpful.
- Recognize that people’s feelings about sex and gender can raise strong emotions and discomfort. Employees should be encouraged to examine their feelings and to speak with the appropriate resources if necessary. SHRM representatives can provide training and be a valuable resource to draw out feelings and avoid potential situations before they become a problem.
- The employee who is transitioning may choose to personally tell a few coworkers with whom they are close before everyone else is told. These coworkers should be advised to keep the information confidential if necessary. All other coworkers should be told at a meeting that one of their coworkers will be transitioning and who that person is.
- The transitioning employee can be present at the beginning and may wish to speak either personally or in the form of a letter that can be read or handed out; however, it is usually best for them to then leave so that the other employees feel comfortable asking questions or raising concerns. This disclosure meeting should also include a training component.

ADDRESSING CONCERNS

Reference these guidelines when communicating to your team about transition-related topics. If additional questions or concerns arise that are not covered by these guidelines, contact Employee Relations or Staff Relations. You also can refer to the External Resources section of these guidelines for more information as well as Responding to Concerns.
Common Things to Consider

APPEARANCE STANDARDS
A transgender employee is permitted to dress consistently with their gender identity and is required to comply with the same standards of dress and appearance that apply to all other people in their workplace and similar position.

Any concerns should be addressed with the transitioning employee directly. Care should be given regarding personal opinions about a colleague’s professional appearance. If the individual presents or behaves inappropriately, the matter should be dealt with in the same manner as would be addressed with any other non-transitioning individual. You should contact Employee Relations or Staff Relations with questions or concerns.

NAME and GENDER CHANGES
Legal name and gender marker changes can sometimes take months or even years to get updated depending on the circumstances. Until then, every effort should be made to use the new name and gender marker on all documentation (e.g., email, phone directory, name plate, etc.). The only exception is where records must match the person’s legal name, such as on payroll, insurance, and clearance documents (including badges). Employees pursuing a name and/or gender marker change internally at LLNS and legally in the state of California should follow the attached Transgender Name and Gender Change Recommendations to ensure that the changes are updated in all internal and benefits-related systems.

USING the APPROPRIATE PRONOUNS
LLNS requires all managers and colleagues to use the transitioning individual’s preferred gender pronoun. Please note that pronouns are not limited to “she/her/hers” or “he/him/his” but can also include other non-binary pronouns such as “they” or “ze.”

If a coworker is transitioning and you are not certain which pronouns to use, it is always appropriate to respectfully ask them how they would like to be referred to. One way to do this is to simply say “My name is Terry and I go by he/him/his pronouns. How about you?”

In general, it is considered insensitive to refer to someone by the wrong pronoun once you have established what the individual prefers. Transitioning employees should also be prepared to understand honest mistakes and to help educate their coworkers, as necessary.

Continued and prolonged use of the incorrect name and/or pronouns can be considered harassment and will be addressed under the LLNS Non-Discrimination and Harassment Free Workplace policies.
Common Things to Consider

**TRANSITION AND IDENTITY**

Transgender employees at LLNS have the right to be who they are without disclosure of medical information. In addition, employees who encounter problems concerning identification documentation, such as payroll and insurance forms, should feel comfortable raising those concerns directly with SHRM. The transgender status of an individual is considered confidential and should only be disclosed on a need-to-know basis. Transitioning individuals are encouraged to participate in the education of their coworkers at whatever level they are comfortable.

**RIGHTS TO PRIVACY and CONFIDENTIALITY**

Transgender employees who work with internal or external customers are held to the same appearance and behavior standards as everyone else. All transitioning individuals have the right to present themselves in accordance with their gender identity, whether or not they support stakeholders. You can contact Employee Relations for resources and help to develop a communication plan for external partners.

**EXTERNAL STAKEHOLDERS and CUSTOMERS**

Transgender employees who work with internal or external customers are held to the same appearance and behavior standards as everyone else. All transitioning individuals have the right to present themselves in accordance with their gender identity, whether or not they support stakeholders. You can contact Employee Relations for resources and help to develop a communication plan for external partners.

**BENEFITS and LEAVE**

For those who are eligible, protected time off work for transgender-related surgeries may be covered under the [Family and Medical Leave Act](https://www.dol.gov/agencies/flsa/fmla) (FMLA). Eligible employees can be paid for time off by California State Disability and/or [Supplemental Disability Leave](https://www.dol.gov/agencies/whd/fmla) (if enrolled). Employees can also use vacation and/or sick leave when off work for any surgeries. For more information about Leave Management or specific medical coverage, please contact the Benefits Office.

**RESTROOM and LOCKER ROOM ACCESS**

All employees have the right to use restrooms that are aligned with their gender identity. LLNS has a legal obligation to provide transitioning individuals with the same level of restroom access available to cisgender individuals. Restroom and locker room access needs to be handled with respect and consideration.

LLNS policy is that employees, guests, and customers are permitted to use the facilities that correspond with their gender identity. For example, a person who identifies as a man is permitted to use men's restrooms, and a person who identifies as a woman is permitted to use women's restrooms.

Conversations with coworkers about restroom and locker room access concerns are usually best handled at the initial meeting. Coworkers who still have personal concerns about sharing a restroom or locker room with a transgender colleague should be invited to have an honest discussion with an appropriate manager or SHRM representative. If any coworkers remain uncomfortable with sharing a restroom with a transgender colleague, they can consider using single-user restrooms, or restrooms in a different location. Do not ask the transgender person to go out of their way. See [Responding to Concerns](#).

**RESPECTFUL ACCESS TO RESTROOMS AND LOCKER ROOMS**

All employees have the right to use restrooms and locker rooms that align with their gender identity. LLNS has a legal obligation to provide transitioning individuals with the same level of access to restrooms and locker rooms as cisgender individuals. Restroom and locker room access should be handled with respect and consideration.

LLNS policy is that employees, guests, and customers are permitted to use the facilities that correspond with their gender identity. For example, a person who identifies as a man is permitted to use men's restrooms, and a person who identifies as a woman is permitted to use women's restrooms.

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**RIGHTS TO PRIVACY and CONFIDENTIALITY**

Transgender employees at LLNS have the right to be who they are without disclosure of medical information. In addition, employees who encounter problems concerning identification documentation, such as payroll and insurance forms, should feel comfortable raising those concerns directly with SHRM. The transgender status of an individual is considered confidential and should only be disclosed on a need-to-know basis. Transitioning individuals are encouraged to participate in the education of their coworkers at whatever level they are comfortable.
Managers should respond quickly to employees with concerns about any transition related matters. For more resources to assist with voicing your concerns see the Appendix (21).

INTENTIONAL MISUSE of PRONOUNS

It is insensitive to refer to someone by the wrong pronoun once they have established their preferred pronoun. If someone accidentally refers to a coworker with the incorrect pronouns, you should respond directly to the employee who made the comment and remind them of the correct pronouns. When a coworker continues to not use the preferred pronoun, consider the following:

LISTEN: What exactly is the concern? Help clarify what is keeping them from using the correct pronouns.

REFOCUS: Acknowledge any apprehension while reminding the person that everyone deserves to be treated respectfully. Refocus conversation on “respecting” rather than “agreeing with.” For example, say “If someone wants to be referred to as a man, it’s respectful to do so.” “You don’t have to agree with it, but you do have to respect it.”

REINFORCE: Reinforce that inclusiveness is a LLNS core value. If useful, share success stories from other similar experiences with transgender employees transitioning on the job.

REMIND: If the coworker is still reluctant, remind them that it is not only disrespectful to not honor a person’s preferred pronouns, but that not doing so could be considered harassment per LLNS policy.

REGARDING RESTROOMS or LOCKER ROOMS

If an employee, guest, or customer approaches you with concerns over sharing facilities with a transgender person, consider the following:

LISTEN: Clarify their concern. Are they concerned for privacy or safety? If so, an honest and upfront conversation may help alleviate their concerns and provide clarity.

REFOCUS: Acknowledge any concerns while reminding the person that everyone needs to use the restroom, and this is about ensuring access for all. Refocus the conversation onto behavior: we all know what appropriate restroom behavior looks like.

REINFORCE: Reinforce LLNS values of respect, diversity, and inclusion for all employees. If useful, share success stories from other similar experiences with transgender employees transitioning on the job.

REMIND: If the coworker or stakeholder is still reluctant, remind them that it is not only disrespectful to not honor a person’s preferred pronouns, but that not doing so could be considered harassment per LLNS policy.
External Resources

ID Please
This comprehensive publication is a guide for navigating the process of updating California and federal identity documents to reflect accurate gender markers. This timely release coincides with the recent change in California law, which simplifies the requirements for a court-ordered name change.

National Center for Transgender Equality
A social justice advocacy organization supporting transgender people.

Tips for Allies of Transgendered People
These tips, compiled by GLAAD, can be used as you move toward becoming a better ally to transgender people.

Transgender Law Center
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 or expression.

The Trans Language Primer
A comprehensive guide to the language of gender, sexuality, accessibility, and acceptance.

World Professional Association for Transgender Health
WPATH’s mission is to promote evidence-based care, education, research, advocacy, public policy, and respect in transgender health. WPATH’s vision is to bring together diverse professionals dedicated to developing best practices and supportive policies worldwide that promote health, research, education, respect, dignity, and equality for transgender, transsexual, and gender-variant people in all cultural settings.

Additional Resources
Additional resources used to develop the LLNS Guidelines include the Human Rights Campaign’s Trans Toolkit and Gender Transition Guidelines from Lawrence Berkeley National Laboratory (Berkeley Lab).
WHAT TO DO at the LABORATORY

- Consider changing your nickname in Active Directory, to have it show up in some lab programs. This is useful if your name is not legally changed yet.
- Contact LivIT for help with name change on email and phone/voicemail.

AFTER LEGAL NAME and/or GENDER CHANGE

- If cleared, notify Central Clearance once you have your new driver’s license. They will schedule an appointment to get a new HSPD-12.

- If not cleared, notify the Badge Office of your new name once you have your new driver’s license.

- Once you have a new badge with your new name on it, notify your administrator to update your name in LAPIS. The administrator will need to physically verify your new name on your new badge.

- If you changed your gender marker, contact the Benefits Department at bene@llnl.gov or x2-9955 to make this change in the HR system.

- When your name is updated in LAPIS and your gender updated by SHRM, your new name and gender will be updated with the benefit carriers within a couple of weeks.

- Update your entrust certificate name if you use entrust for email. Contact LivIT for help with this.

- There will be other lab applications that will need to be changed. As you come across these, reach out to the administrator in charge to request the change.

NAVIGATING ACTIVITIES outside the LABORATORY

KEY POINTS FROM the "ID PLEASE" GUIDE

There is no requirement for surgery or hormones in order to change your name and/or gender in the state of California. In some cases, a doctor’s letter may be required, but rarely does it require a “strict standard for medical treatment.” The following provides the general order of the name/gender marker change process, but you do not have to follow this order nor change all your documents.

This section addresses: court procedures, Social Security Administration (SSA), Department of Motor Vehicles (DMV) and additional documents such as one’s passport, birth certificate, and other non-governmental records.

GETTING a COURT-ORDERED NAME and/or GENDER CHANGE in CALIFORNIA

Currently, it is not necessary to provide any medical documentation to obtain a court-ordered change of gender. Instead, you only need to sign a personal affidavit stating that your request for a change in gender is to conform your legal gender to your gender identity and not for any fraudulent purpose. Additionally, you may request a court-ordered change of gender to nonbinary.

Different agencies have different processes. In many cases, simply having a gender change court order is not enough in itself to update the gender marker on any forms of ID issued by California or the gender marker on one’s documents or records, and many agencies can only issue documents with male or female gender markers. In California, you do not need a gender change court order to update the gender marker on any forms of ID issued by California or the federal government. A gender change court order is necessary for people who were born in a state that requires one to update the gender marker on a birth certificate.

NOTE: The processing fee and paperwork for receiving a name change is the same for receiving a name and gender change. You may want to consider getting both to save time and avoid re-work and inconvenience in the future.

DOCUMENTATION NEEDED to PETITION for a NAME and/or GENDER CHANGE COURT ORDER

- Name change only for an adult or minor (NC-100 series)
- Change of name and gender for an adult (NC-200 series)
- Change of gender only for an adult (NC-300 series)
- Change of name and gender OR change of gender only for a minor (NC-500 series)

Links to these forms can be found on page 18 of ID Please! Guide to Changing California and Federal Identity Documents to Match Your Gender Identity or at California Courts. For additional name change information in California, visit Self-Help at California Courts.

FOR HELP

- Most superior courts have a "help" room. They will go through your files with you (for free) to make sure you have everything filled out correctly and have the correct number of copies, etc., prior to filing.
- The LLNS legal insurance plan (ANAG), if enrolled, can also assist you with the process.
- Another option is an attorney or name-change service that will help you fill out the forms and file them for you.

FINAL APPROVAL

As of September 2018, adult petitioners will not have to attend a hearing if no one has contested the name and/or gender change. The deadline for contesting the order is 6 weeks after the filing date (or 28 days after the filing date for gender change only). You should hear from the court clerk if a hearing is scheduled for your case. You can call the county clerk after 6 weeks to confirm that the filing has been uncontested. After the filing has been approved, you can pick up the official court order. You will need several certified copies of the court order to proceed with document changes. The certified court order copies are signed, stamped, and have a slight indentation. Generally, certified copies are $25 each.

UPDATING YOUR INFORMATION with the SOCIAL SECURITY ADMINISTRATION (SSA)

SS-5 Form: Application for a Social Security Card is needed to process name and gender change. Name change will require:
- Proof of identity (driver’s license), and
- Certified court order

Gender change will require one of the following:
- A medical certification of “appropriate clinical treatment for gender transition” in the form of an original signed statement from a licensed physician, e.g., an M.D. or D.O. (a model physician’s statement is provided as Appendix II of ID Please! Guide to Changing California and Federal Identity Documents to Match Your Gender Identity (updated 01/19),
- A full-validity 10-year passport with the new gender marker,
- A state-issued birth certificate with the new gender marker, or
- A court order directing legal recognition of the new gender.

NOTE: Currently, the SSA can only recognize court orders directing a change of gender to male or female.

UPDATING YOUR INFORMATION with the CALIFORNIA DEPARTMENT of MOTOR VEHICLES (DMV)

Wait to receive your new social security card before you begin to update your driver’s license with your new name and gender.