

CITY OF OAKLAND

ADMINISTRATIVE INSTRUCTION



SUBJECT	Gender Inclusion Policy	NUMBER	73
REFERENCE	Administrative Instruction 71	EFFECTIVE	March 7, 2022
SUPERSEDE	None		

I. PURPOSE

The City of Oakland welcomes transgender, gender-nonconforming, gender-nonbinary, and gender-transitioning employees, applicants, and contractors. This policy promotes a safe, professional, inclusive, and productive workplace for everyone, regardless of gender identity or gender expression.

II. POLICY

All employees, applicants, and contractors must be treated with dignity and respect, regardless of gender, gender identity, and gender expression. City employees may not harass, discriminate, or retaliate against anyone based on their gender expression, gender identity, or transition status.

III. DEFINITIONS AND CORE CONCEPTS

These definitions help explain this policy and clarify gender differences. Individuals may or may not use these terms to describe themselves. These terms may change as our understanding evolves:

- **Cisgender**: Describes someone whose gender identity matches what is typically associated with the sex assigned at birth.
- **Gender expression**: The way people show their gender. Appearance, dress, hairstyle, voice, speech patterns, social interactions, names, gender pronouns (she, he, they, etc.), and mannerisms can all express gender. The gender a person expresses may not be male or female. It may be masculine, feminine, neither, or both.
- **Gender identity**: A person’s sense of being male, female, or something other or in-between. This is regardless of the sex assigned at birth. Gender identity is not the same as gender expression or sexual orientation.
- **Gender-nonbinary**: Describes someone whose gender identity is something other than male or female. Nonbinary people may identify as genderfluid, genderqueer, off the binary, agender (without gender), or something else.
- **Gender-nonconforming**: Describes those whose gender traits and/or behavior do not fit into society’s “traditional” standards. These individuals may or may not be transgender.

- Sexual orientation: An individual’s attraction to people. Straight, gay, and bisexual are some ways to describe sexual orientation. Sexual orientation is distinct from gender identity and expression. For example, transgender people can be gay, lesbian, bisexual, or straight.
- Transgender: Broadly describes those whose gender identity or gender expression is different from the sex assigned at birth:
 - A transgender man is someone who identifies as a man, and whose sex assigned at birth was female.
 - A transgender woman is someone who identifies as a woman, and whose sex assigned at birth was male.
 - Those who identify as androgynous, genderqueer, nonbinary, or other identities may also consider themselves transgender.
 - Some people described by this definition do not consider themselves transgender and may use other words. They may simply identify as a man or a woman.
- Medical and Social Transition: The process of aligning one’s gender identity socially and/or with the use of medical interventions. Medical and/or social transition can vary significantly depending on a person’s identity and/or goals. Social transition may include telling family, friends, co-workers, and others (coming out); changing names and/or gender on legal documents. Medical transition related care may involve accessing medical interventions, such as hormones and/or surgeries. It is important to note that medical and social transition is not always linear and can vary greatly person-to-person. Not all Transgender individuals follow the same medical or social transition process.

IV. CONFIDENTIALITY AND PRIVACY

City employees, applicants, and contractors have the right to discuss their gender identity or gender expression openly or keep that information private. The medical, personal, or intimate details about someone’s gender identity, transgender status, or transition are personal business. They decide when, with whom, and how much of their private information to share.

Information relating to gender identity or expression is confidential under state privacy laws. Individuals must consent before anyone besides themselves shares any of their personal, confidential information.

Managers and supervisors must also be sensitive to transgender or gender-nonconforming employees’ special concerns, such as safety, privacy, transitioning, etc.

Spreading rumors or gossiping about anyone’s gender identity or gender expression is inappropriate and in violation of this policy. This type of behavior also violates the City’s Anti-Discrimination Policy (Administrative Instruction 71) and the Code of Conduct Policy (Administrative Instruction 596). These policies are available to employees through the New Employee Orientation, the City’s Intranet, and their supervisors.

V. TRANSITIONING

Many employees continue to work while they socially transition or pursue gender affirming medical interventions. Some employees seek gender affirming medical interventions as part of their gender transition, while others may not. Departments and Human Resources Management staff must foster a respectful work environment for individuals socially transitioning or seeking gender affirming medical care.

Aside from name and pronouns, all other personal information about a transgender and/or gender

diverse employee remains confidential and must not be discussed or released without the employee's prior consent, as noted in the confidentiality section of this policy.

VI. NAMES AND PRONOUNS

Employees, applicants, and contractors must be addressed by the names and pronouns they choose. An employee may request a chosen name on the identification badge issued by the Department of Human Resources Management (DHRM). Employees may also request that their email addresses reflect their chosen names.

Employees must use their legal names for certain purposes, such as payroll, retirement accounts, benefit accounts, departmental badges, and other official documents.

City employees are encouraged, but not required, to include in their email signatures and other correspondence the pronouns to be used in referring to them.

VII. APPEARANCE AND ATTIRE

Transgender and gender non-conforming employees have the right to dress in a way that corresponds with their gender identity and/or gender expression. Attire must align with departmental dress codes. Dress codes shall not vary based on gender.

VIII. ACCESS TO GENDER-SPECIFIC FACILITIES

Restrooms, locker rooms, and other facilities are open to City employees, applicants, and contractors, regardless of their gender identities. Employees may use gender-specific facilities that correspond with their gender identity. The City encourages departments to use all-gender restrooms, although transgender and gender-nonconforming employees are not required to use these restrooms. City employees cannot harass or question individuals about their facility choices.

IX. GENDER-SPECIFIC WORKPLACE ASSIGNMENTS AND DUTIES

Transgender and gender-nonconforming employees will be assigned in a manner consistent with their gender identity and/or gender expression for gender-specific job assignments (including sleeping arrangements).

Employees are entitled to use facilities and shared spaces that correspond to their gender identity and/or gender expression. Managers and supervisors must make reasonable efforts to provide access to facilities in a way that allows employees to keep their transgender or gender-nonconforming status confidential.

X. REPORTING VIOLATIONS

Discrimination or harassment based on sex, gender, gender identity, or gender expression is a violation of this and other City policies, including the City's Anti-Discrimination Policy, Administrative Instruction 71, and could result in discipline, up to and including termination.

The City requires managers and supervisors (and encourages all employees) to report harassing,

retaliatory, or discriminatory behavior. It does not matter if the behavior is directed at themselves or co-workers. The [City's Anti-Discrimination Policy \(Administrative Instruction 71\)](#) has more information about reporting violations. City policy prohibits retaliation against anyone who reports or files a complaint or helps in the investigation of a complaint.

If a supervisor receives a complaint, or if a supervisor becomes aware of potential discriminatory, harassing, or retaliatory behavior, the supervisor must *immediately* report it to the Department Head or to the City's Employment Investigations and Civil Rights Compliance Department (EICRC). Any supervisor who fails to report such a complaint or behavior may be subject to discipline pursuant to Administrative Instruction 71.

Employees or applicants who believe they have experienced discrimination, harassment, or retaliation in violation of this policy should report the incident and the individuals involved right away.

For more information, to request training for your workgroup, or to file a complaint, contact any of the following, either verbally or in writing:

- Any City supervisor or manager.
- The [Employment Investigations and Civil Rights Compliance Department](#) (EICRC) at (510) 238-3500.

Responsible Party

Action

Department Heads, Managers and Supervisors

1. Responsible for conducting themselves appropriately and in accordance with this Policy.
2. Responsible for ensuring a copy of this Policy is provided to current employees and newly hired employees, in addition to redistributing the policy to current employees on a regular basis.
3. Responsible for monitoring the work environment to ensure that it is free from discriminatory, harassing or retaliatory behavior based on gender.
4. Responsible for participating in the City's gender inclusion related training programs.
5. Responsible for making all subordinates, including interns, volunteers, and part-time employees, aware of this policy.
6. Responsible for reporting all complaints and potential violations of which they become aware, as required by this Policy.
7. Responsible for taking appropriate remedial actions, as required by EICRC and Employee Relations.
8. Understanding that a failure to report complaints or violations of this Policy may result in disciplinary action.

All Employees

1. Responsible for conducting themselves appropriately and in compliance with this Policy.
2. Required to cooperate to the fullest extent possible during an EICRC complaint investigation.
3. Responsible for reporting violations of which they become aware, even if they are not the target of the prohibited conduct, in accordance with this Policy.



EDWARD D. REISKIN
City Administrator