

## Questions and Answers: EEOC's Internal Non-Discrimination and Inclusion Policy Regarding Gender Identity and Sexual Orientation

### Introduction

Our Agency's commitment to equal employment opportunity includes not merely creating a workplace free from discrimination as required by law, but also striving to maintain an inclusive workplace where all employees and applicants for employment are evaluated solely on their merits. To ensure compliance with the EEOC's internal *Non-Discrimination and Inclusion Policy Regarding Gender Identity and Sexual Orientation* and to foster an inclusive workplace for all employees, the following frequently-asked questions and answers from the Office of the Chief Human Capital Officer (OCHCO) provide practical information for managers and staff.

Gender identity, gender transition, and sexual orientation are inherently personal matters. Some individuals may request workplace assistance, whereas others will seek no workplace acknowledgement or changes at all. This document does not anticipate every workplace situation that might arise, and the needs of an individual employee should be addressed on a case-by-case basis.

### Common Terms

Common terms used in these questions and answers are defined as follows:

- **Gender identity** is an individual's internal sense of being male, female, or "gender non-binary." **Gender non-binary** is a term that has sometimes been used for an individual who may not have the gender identity of either a male or female, or who may identify as both male and female. Gender non-binary individuals may prefer pronouns other than the traditional male and female pronouns.
- **Gender expression** refers to outward appearance, behavior, and other characteristics that are culturally associated with masculinity and femininity, such as name, pronouns, clothing, haircut, voice, grooming, mannerisms, etc.
- **Transgender** refers to people whose gender identity and/or expression is different from the sex assigned to them at birth (e.g. the sex listed on an original birth certificate). The term **transgender woman** typically is used to refer to someone who was assigned the male sex at birth but who identifies as a female. Likewise, the term **transgender man** typically is used to refer to someone who was assigned the female sex at birth but who identifies as male. A person does not need to undergo any medical procedure to be considered a transgender man or a transgender woman.
- **Gender non-conforming** is a broad term that has sometimes been used to refer to people who do not appear, behave, or identify in conformity with gender norms, stereotypes, expectations, or preferences, or whose gender expression does not fit neatly into commonly-used categories.

- **Gender transition** refers to the process of shifting from living and presenting as one gender to the other. This may, but need not, involve such steps as dressing differently, changing hair styles or other grooming practices, and/or using a different name. Gender transition also may, but need not, involve medical steps such as hormone therapy, and/or surgery.
- **Sexual orientation** is a person's physical, romantic, or emotional attraction to people of the same or opposite sex. Sexual orientation is distinct from gender identity. A person's gender identity does not have anything to do with attraction. For example, transgender individuals (like any individuals) may identify as gay, lesbian, bisexual, asexual, or heterosexual.
- **LGBT** is an acronym often used as an umbrella term referring to lesbian, gay, bisexual, and transgender individuals.

## **Gender Identity and Transition**

### *Transgender Resource Coordinator and Requesting Workplace Changes*

#### ***1. Does the EEOC have a central resource person to assist employees and management with workplace issues relating to gender identity?***

Yes. The Chief Human Capital Officer (CHCO) has designated a Transgender Resource Coordinator in OCHCO to assist with any workplace changes, questions, or concerns that any manager or employee may have regarding a gender transition. **The Coordinator can be reached by e-mail at [TransgenderResourceCoordinator@eoc.gov](mailto:TransgenderResourceCoordinator@eoc.gov); name and contact information for the current Coordinator may be obtained from the OCHCO's InSite Page or by calling OCHCO at 202-663-4306.** The District Resources Managers (DRMs), Administrative Officers (AOs), managers, and supervisors will often need to work with the Coordinator to handle workplace gender transitions. DRMs/Administrative Officers, with appropriate supervisory approvals will initiate and complete related personnel actions.

Because individual circumstances differ, the Coordinator will strive to ensure the agency's process is adaptable. A guide with potential topics for workplace transition discussions between the Coordinator and employee who has requested assistance is included as Attachment A.

#### ***2. How does an EEOC employee request workplace changes related to a gender transition, and how should managers and supervisors respond?***

Employees who want to request workplace-related changes due to a gender transition may contact a supervisor or manager, or the Coordinator. If the transitioning employee notifies a supervisor or manager first of the impending transition or related request, the supervisor or manager should promptly contact the Coordinator, who will directly assist the employee and the supervisor/manager.

### Names and Records

#### **3. *Are transgender employees entitled to be addressed by their preferred name and pronoun even if they have not had a legal name or gender change?***

Yes. A legal name or gender change is not required for employees to obtain a change in the name used at work due to transgender status or gender identity. Employees should be addressed by, and referred to, with their preferred name and pronoun, both verbally and in writing.

While co-workers may inadvertently make mistakes in name and pronoun usage after a person's preferred name or pronouns change, the persistent intentional misuse of an employee's name or pronoun could constitute sex-based harassment in violation of Title VII or the agency's internal policy on [Prevention and Elimination of Harassment in the Workplace](#) (2006). *See Lusardi v. Dep't of the Army*, EEOC Appeal No. 0120133395, 2015 WL 1607756 (Mar. 27, 2015). Therefore, supervisors and managers should ensure that employees are addressed and referred to appropriately.

As a best practice, if unsure of the correct pronoun to use, politely ask what pronoun the person prefers, or simply use the person's preferred first name.

#### **4. *May an EEOC employee obtain a change to the name and gender listed in official personnel records?***

Yes. If an employee requests such a change, the EEOC will work with the employee to identify the records at issue and to arrange requested changes in a timely manner. Managers or supervisors receiving a request should work with the Transgender Coordinator for processing.

The Coordinator, and/or OCHCO staff handling the matter, will advise the employee what documentation the individual should provide, and will coordinate with the individual to determine specifically which documentation the individual seeks to have changed. For federal employees, this process is currently handled as set forth in the Office of Personnel Management's "[The Guide to Personnel Recordkeeping](#)," Chapter 4, *How to Reconstruct a Personnel Folder Due to a Change in Gender Identity* ("OPM Guide").

The employee will be responsible for providing documentation requested by the Coordinator to accomplish the records change (such as completing and submitting to the agency or third parties any necessary forms, or follow up information). The Coordinator will identify, in consultation with the employee, what workplace-related records need to be changed, determine the appropriate individuals to contact for these changes, and act as a liaison to the various offices responsible for changing the records. The Coordinator will follow up with the appropriate individuals, such as OCHCO staff, District/Office Directors, and District Resources Managers/Administrative Officers, to ensure that the requested record changes within their purview are made in a timely manner.

Working with OCHCO, the Office of Information Technology (OIT), the Office of Research, Information and Planning (ORIP), the Office of the Chief Financial Officer (OCFO), the District/Office Director, District Resources Manager/Administrative Officer, and any other applicable office, the Coordinator will maintain a checklist of work-related records an employee might seek to have changed related to a gender transition. The Coordinator will review the checklist with the employee, as necessary, and determine which are applicable. Relevant records may include personnel records, health care records, email addresses, identification tags, door name plates, and software or computer system login information.

A list of examples of workplace records that an individual might request to have changed as a result of a gender transition is included as Attachment B.

***5. Will an EEOC employee have to provide any documentation to obtain a change to the name and gender listed in official personnel records?***

Yes. If an employee requests a change to the name or gender listed in official personnel records, the Coordinator will request that the employee submit acceptable evidence as set forth in the *OPM Guide*.

The Social Security Administration has established a process for individuals seeking to obtain a legal change of sex on their official federal government social security records, <https://secure.ssa.gov/poms.nsf/lnx/0110212200>, so that the employer can then change payroll records. The SSA form provides several documentation options, including obtaining a revised passport from the U.S. State Department reflecting the individual's new name and gender, <http://www.state.gov/r/pa/prs/ps/2010/06/142922.htm>, for submission to SSA.

State and local laws vary as to whether a driver's license or other state-issued forms of identification may be issued to reflect a gender change. The *OPM Guide* provides instructions for human resources on how to reconstruct an official personnel file to reflect a change in gender identity based on a medical certification when revised documents cannot be obtained because of state or local requirements or for any other reason.

If an employee needs agency involvement to effectuate a change in documentation related to health insurance, OCHCO will work with insurance carriers and other benefits providers to ensure that the agency's records reflect the employee's correct name and gender. Current OPM policy provides that during this process, employees in transition who already have federal insurance benefits will be allowed to continue their participation in their insurance plan, and new employees must be allowed to elect participation based on the gender with which they identify.

**6. *Will the Coordinator, managers and supervisors, and other EEOC employees involved in changing records or other transition-related workplace changes be expected to keep the information confidential?***

Yes. Employees involved in the record-changing process are expected to maintain confidentiality, as with other matters reflected in official records handled as part of their duties.

Moreover, disclosure by management of information about an employee's transgender status (such as the fact that an individual is undergoing transition-related medical treatment) may result in disclosure of confidential medical information prohibited under laws such as the Rehabilitation Act and/or the Privacy Act. This type of personal information should only be shared with the employee's consent.

**7. *What should hiring officials do if an applicant's documentation of past employment references a different name or gender?***

Applicants are not obligated to disclose information related to a transition during the hiring process. Application materials relating to an individual who previously transitioned may indicate a name and/or gender that do not correspond with information gathered during background or reference checks. A hiring official should not automatically assume that the inconsistency is a mistake or the result of deception or intentional misrepresentation, and should not ask an applicant about gender identity. Rather, if a hiring official has any questions or concerns about the inconsistency of names or genders on hiring documentation, the official should contact OCHCO, which will obtain any needed clarification from the applicant.

**Access to Facilities**

**8. *How should EEOC managers and supervisors ensure access to the appropriate restrooms for a transgender employee?***

A transgender employee is not required to have undergone any particular medical procedure, or to provide proof of such a procedure, in order to have access to a restroom that corresponds with the employee's gender identity. A transgender woman must be permitted to use the women's restroom, and a transgender man must be permitted to use the men's restroom. *Lusardi v. Dep't of the Army*, EEOC Appeal No. 0120133395, 2015 WL 1607756 (Mar. 27, 2015) (holding that denying an employee equal access to a common restroom corresponding to the employee's gender identity is sex discrimination, and that an employer cannot condition this right on the employee undergoing or providing proof of surgery or any other medical procedure); see also *OPM Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace*, <https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/gender-identity-guidance/> (“[T]ransitioning employees should not be required to have undergone or to provide proof of any particular medical procedure (including gender reassignment surgery) in order to have access to facilities designated for use by a particular gender.”).

**9. *May EEOC managers and supervisors require a transgender employee to use a unisex or individual-user restroom?***

No. If a unisex or individual-user restroom is available for general employee use in an agency facility, along with restrooms designated for a single sex, *any* employee may use the unisex or single stall restroom when it is available. While use of a single stall restroom might be incorporated into a transition plan, the agency will never require that an employee use such a restroom instead of the common restroom designated for a single sex.

More information is available in the EEOC's *Fact Sheet: Bathroom Access Rights for Transgender Employees Under Title VII*, <https://www.eeoc.gov/eeoc/publications/fs-bathroom-access-transgender.cfm>, and in *A Guide to Restroom Access for Transgender Workers*, issued by the Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA), <https://www.osha.gov/Publications/OSHA3795.pdf>.

**10. *If an EEOC facility has locker rooms designated for use by a particular gender, are employees allowed access to locker rooms corresponding to their gender identity?***

Yes. For example, a transgender woman must be permitted to use the women's locker room, and a transgender man must be permitted to use the men's locker room. At no time will the EEOC require a transgender employee to have undergone any particular medical procedure, or to provide proof that the employee underwent any procedure, to have access to a locker room designated for use by a particular gender that corresponds with the employee's gender identity.

Any employee who has a need or desire for additional privacy, for any reason, may request use of an already available private room or the use of a curtain in the locker room, where feasible.

If an access issue arises due to actions of non-EEOC staff in a building in which the Commission as tenant shares or does not have direct control over, the facilities at issue, the affected employee should ask EEOC management or the Coordinator for support and assistance in resolving the matter under the rental agreement's non-discrimination clause and/or other applicable legal protections.

***Dress and Grooming***

**11. *Are there any rules that apply if an EEOC employee begins dressing for work in clothing typically associated with a different gender?***

The EEOC does not restrict employees' clothing, hair style, or other aspects of appearance on the basis of gender or gender stereotypes. Any requirements or expectations imposed regarding appropriate attire will not be applied based on gender.

### Leave for Medical Treatment

#### ***12. Is medical leave available for treatment related to a gender transition?***

Employees receiving medical treatment as part of a gender transition may use sick or other leave available under applicable regulations, just as with medical treatment sought for any other reason. Similarly, an employee who wants to request leave through the Family and Medical Leave Act (FMLA) for leave related to transition or for leave related to the transition of family members, must follow the agency's procedures to request FMLA leave and cannot do so through this policy. See [EEOC Order 550.007](#) for more detailed information on the EEOC's Leave Policy.

A transgender employee who wants to request medical leave as a reasonable accommodation for reasons related to a disability must request the accommodation through the agency's reasonable accommodation process. See [EEOC Order 560.003](#) for more detailed information on the EEOC's internal reasonable accommodation process.

### **Identifying and Responding to Gender Identity & Sexual Orientation Discrimination in the Workplace-Inclusion and Training**

#### ***13. What are some examples of workplace discrimination issues that might arise with respect to gender identity?***

Sex discrimination based on gender identity may include, for example, harassment or adverse actions such as non-selection, failure to promote, discipline, termination, or discrimination in benefits or other terms, conditions, or privileges of employment that is motivated by an applicant or employee's gender identity.

For example, sex discrimination includes: failing to hire an applicant because she is a transgender woman; firing an employee because he is planning or has made a gender transition; denying an employee equal access to a common restroom corresponding to the employee's gender identity; or harassing an employee because of a gender transition, such as by intentionally and persistently failing to use the name and gender pronoun that correspond to the gender identity with which the employee identifies, as communicated to management and employees.

#### ***14. What are some examples of workplace discrimination issues that might arise with respect to sexual orientation?***

Sex discrimination based on sexual orientation may include, for example, harassment or adverse actions such as non-selection, failure to promote, discipline, termination, or discrimination in benefits or other terms, conditions, or privileges of employment that is motivated by an applicant or employee's sexual orientation. For example, sex discrimination includes: rescinding a job offer because of an applicant's sexual orientation; denying an employee a promotion because he is gay or straight; terminating an employee for entering into a same-sex marriage; denying benefits or privileges of employment to employees for same-sex legal spouses that are made available to employees for opposite-sex legal spouses; or harassing an employee because of his or her sexual orientation by derogatory terms, sexually oriented

comments, or disparaging remarks for associating with a person of the same or opposite sex.

***15. How are contrary personal beliefs reconciled with the LGBT non-discrimination and inclusion policy?***

Like all non-discrimination and inclusion principles, LGBT-related protections address conduct in the workplace, not personal beliefs. Some employees may not agree with the applicable legal protections for transgender status, gender identity, or sexual orientation, just as they may not agree with other workplace policies. However, these protections do not require any employee to change beliefs. Rather, these protections ensure appropriate workplace treatment so that all employees may perform their jobs free from discrimination.

***16. What should a manager or supervisor do who becomes aware of potential workplace mistreatment of an employee relating to gender transition, gender identity, or LGBT status?***

Gender-based stereotypes, perceptions, or comfort level must not interfere with the ability of any employee to work free from discrimination, including harassment. As the Commission has observed: “[S]upervisory or co-worker confusion or anxiety cannot justify discriminatory terms and conditions of employment. Title VII prohibits discrimination based on sex whether motivated by hostility, by a desire to protect people of a certain gender, by gender stereotypes, or by the desire to accommodate other people's prejudices or discomfort.” *Lusardi v. Dep't of the Army*, EEOC Appeal No. 0120133395, 2015 WL 1607756 (Mar. 27, 2015). Therefore, managers or supervisors who become aware of pejorative remarks or demeaning behavior toward an employee relating to gender identity, transgender status, or sexual orientation should take appropriate steps to immediately and effectively stop these actions, as they would with respect to potential harassment on any other basis. Managers and supervisors should lead by example, and communicate clearly with employees about inappropriate behavior and its consequences.

***17. When will the EEOC provide additional internal training on LGBT non-discrimination and inclusion?***

The agency will incorporate information regarding these issues with new employee orientation materials, in related general agency-wide internal EEO or diversity training, and specific staff training, as appropriate. If a manager or supervisor would like to arrange for delivery of customized training for staff, please contact the OCHCO Transgender Coordinator. The creation of and future changes to this training will be coordinated with the Office of the Chief Human Capital Officer, Office of Equal Opportunity, the Office of Federal Operations, the Office of Field Programs, the Office of General Counsel, and the Office of Legal Counsel. Moreover, when a transgender employee notifies the agency of a planned transition, the Coordinator and the employee's management or supervisory officials can determine with the employee whether training would be beneficial for management, supervisors, and co-workers in the employee's office. Consideration should be given to the transgender employee's perception of the work environment and desire for confidentiality. As an example, training could include



cultural competency education and/or training on sex-based discrimination and harassment under Title VII.

The agency's Coordinator is available to discuss any transition-related concerns with management or any employee, and may refer individuals to the Office of Equal Opportunity (OEO) or the RESOLVE program as appropriate.

### **Further Information and Assistance**

The agency's *Non-discrimination and Inclusion Policy Regarding Gender Identity and Sexual Orientation* creates no new enforceable rights under any law or the collective bargaining agreement. The EEOC has always aspired to treat all employees respectfully. This policy reflects updates in the law ensuring that transgender employees and applicants are protected from discrimination based on sex in the conditions of their employment. If at any time an employee has concerns about planning or implementing a transition, or with any other issue related to this policy, the employee should feel free to bring those concerns directly to management, the Coordinator, or the CHCO. As with discrimination on any other prohibited basis, an applicant or employee who believes discrimination based on gender identity (including transgender status) or sexual orientation has occurred may raise the matter directly to OEO, or as appropriate to the U.S. Merit Systems Protection Board (MSPB) or the U.S. Office of Special Counsel (OSC), within any applicable timeframes.

The following resources may also be helpful for addressing EEOC workplace issues relating to transgender status or gender identity in the EEOC's workplace:

- EEOC policy on [Prevention and Elimination of Harassment in the Workplace](#)
- EEOC Resolve Program at 202-663-4545, 202-663-4897 (TTY), or via internal e-mail at "RESOLVE Program"
- EEOC Office of Equal Opportunity at 202-663-7081 or [contact\\_oeo@eeoc.gov](mailto:contact_oeo@eeoc.gov)
- EEOC's Union, AFGE National Council of EEOC Locals, No. 216: , [council216lgbtissues@eeoc.gov](mailto:council216lgbtissues@eeoc.gov)
- Employee Assistance Program at 1-800-222-0364 or 1-888-262-7848 (TTY)
- EEOC Pride, a voluntary employee organization for LGBT employees, allies, and friends [Pride@eeoc.gov](mailto:Pride@eeoc.gov)
- U.S. Office of Special Counsel at <https://osc.gov/> or 800-872-9855.
- U.S. Office of Personnel Management, *Guidance Regarding the Employment of Transgender Individuals in the Federal Workplace*

<https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/gender-identity-guidance/>

- Office of Personnel Management’s “[The Guide to Personnel Recordkeeping](#),” Chapter 4, *How to Reconstruct a Personnel Folder Due to a Change in Gender Identity*
- U.S. Department of Labor/OSHA, *Guide to Restroom Access for Transgender Workers*  
<https://www.osha.gov/Publications/OSHA3795.pdf>
- EEOC Fact Sheet: Bathroom Access Rights for Transgender Employees Under Title VII, <https://www.eeoc.gov/eeoc/publications/fs-bathroom-access-transgender.cfm>
- EEOC Fact Sheet: Processing Complaints of Discrimination by Lesbian, Gay, Bisexual, and Transgender (LGBT) Federal Employees  
[http://www.eeoc.gov/federal/directives/lgbt\\_complaint\\_processing.cfm](http://www.eeoc.gov/federal/directives/lgbt_complaint_processing.cfm)
- OPM-EEOC-OSC-MSPB Guide: *Addressing Sexual Orientation and Gender Identity Discrimination in Federal Civilian Employment*  
<https://www.opm.gov/policy-data-oversight/diversity-and-inclusion/reference-materials/addressing-sexual-orientation-and-gender-identity-discrimination-in-federal-civilian-employment.pdf>
- *What You Should Know About EEOC and the Enforcement Protections for LGBT Workers*  
[http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement\\_protections\\_lgbt\\_workers.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm)

## **Attachment A – Guide to Developing a Workplace Transition Plan for an EEOC Employee: Potential Topics to Address**

### ***A. Developing a Transition Plan***

If a transitioning employee seeks workplace changes that require extensive employer assistance, the Coordinator may, in consultation with the transitioning employee, develop an individualized transition plan that addresses the workplace changes and assistance the employee seeks and that is tailored to the employee's circumstances and comfort level.

Workplace changes or a workplace transition plan may not be necessary or appropriate in all circumstances. For example, some transgender employees may not request any workplace changes, or may only seek discrete changes that need not be known to other employees. Additionally, if a newly hired or transferred employee presents as the gender identified with when the employee first meets co-workers, managers, and supervisory officials, a gender transition plan and changes may not be requested at all. In this situation, the employee will either disclose the information or not in accordance with the employee's preference.

Examples of items that the workplace transition plan might address, subject to what the employee seeks, include:

- The workplace transition date. This is the date on which the transgender employee will begin to present in the workplace consistent with the employee's gender identity. The date chosen is entirely within the discretion of the transgender employee. An employee is not required to give the agency advance notice of when the employee will begin to present in the gender with which the employee identifies, and the employee may not know for certain. At the same time, transitioning employees are encouraged to consider that giving management and coworkers advance notice may help accomplish any workplace changes the employee requests as part of the transition process.
- The employee's preferred name and pronoun, and the date that the employee would like to begin being called by the preferred name and pronoun. This date should correspond with the date the transgender employee will begin to present in the workplace consistent with the employee's gender identity.
- The date the employee will begin using the bathroom and locker room (if available) of the gender with which the employee identifies. This date should correspond with the date the transgender employee will begin to present in the workplace.
- Information regarding record changes. This may include: the required documentation the employee may need to provide for requested record changes; the date by which the employee should provide the documentation; the planned date by which the agency will change all employee personnel records to reflect the correct name, pronoun, and gender of the employee; and a date for a follow-up to ensure that all record changes have occurred. The agency will coordinate record changes to

coincide with the official transition date or soon thereafter so as not to reveal sensitive information prior to the transgender employee's transition. The employee should expect approximately 60 days between the date the employee initially informed the Coordinator of the transition and when the records will be completely changed.

- Informing others about the transition. The transitioning employee has discretion whether, how, and when to inform others, such as managers or supervisors, co-workers, and external parties (i.e., individuals who do not work for the EEOC but who may interact with the transgender employee on a regular basis for work purposes). The employee may choose to tell others about the transition personally, or may ask the Coordinator or agency management or supervisory official to help communicate transition-related information. Similarly, the employee may choose to tell managers, supervisors, coworkers, and/or external parties individually, or as part of a group. If the employee asks for a manager or supervisor to inform others about the transition, the Coordinator should be present or readily available to help answer any questions. The manager or supervisor should only provide the information that the employee wants to be shared, and should share it in the manner the employee requests.

If an employee asks to have the Coordinator, a manager, or a supervisor inform co-workers about transition-related workplace changes, the following summary of information to be communicated may be of use, subject to the individualized needs of the transitioning employee, office, and situation:

- The employee will be transitioning to the gender the employee identifies with, and will begin presenting in accordance with that gender identity;
- The employee will be using the following name and pronoun (to be used correctly throughout the meeting);
- Management expects employees to treat the individual in a respectful and professional manner;
- The agency's non-discrimination and harassment policies, including the Non-Discrimination and Inclusion Policy on Gender Identity and Transgender and Applicants/Employees are applicable;
- The transition is not expected to change the workplace and everything should go on as it did previously;
- The Transgender Resource Coordinator is available (give name and contact information) if employees have any questions; and
- (Where the employee has explicitly indicated that questions or discussions regarding the transition are welcome) coworkers may discuss the transition

with the employee as long as the discussion is respectful in tone and appropriate in content.

- **Leave or Accommodations.** The Coordinator will refer the employee to the information for requesting leave or accommodations under existing authorities.
- **Training.** The transition plan should also address whether training will be provided to coworkers and managers and supervisors, and the date by which the training will be provided.

To help ensure a smooth workplace transition, the Coordinator and the transitioning employee should determine which records should be changed. As records and forms change from time to time, the Transition Resource Coordinator should determine what is currently applicable and should be addressed in the transition plan. This may include, for example, the items listed in Attachment B.

### ***B. Implementing the Plan***

The Coordinator will ensure that the agency timely implements the transition plan. An employee should feel free to raise any concerns about planning or implementing the workplace transition directly to the Coordinator or the CHCO.

### ***C. Follow Up***

The Coordinator will follow up with management and supervisory officials and the transgender employee to ensure that any workplace changes were completed, that all records were changed, that there are no further questions, and that the employee does not allege his or her gender identity is motivating harassment or disparate treatment.

If the Coordinator receives information about potential discrimination, the Coordinator may contact the Director of the Office of Equal Opportunity and/or the Harassment Coordinator, or the Resolve Program, as appropriate. If the information potentially concerns harassment, or conduct that may lead to unlawful harassment if allowed to continue, the Coordinator **MUST** notify the Harassment Coordinator. However, it is the individual's legal obligation to timely raise any potential EEO issue with the appropriate designee under 29 C.F.R. Part 1614.

**Attachment B – Examples of Workplace Records That Employee Might Request Be Changed as a Result of a Gender Transition**

The following are examples of current records that a transitioning employee might seek to change; we note that not all of these records will apply to every individual, and the applicable records will change over time. The Transgender Resource Coordinator will act as a liaison between the employee and the individuals in the various offices responsible for obtaining needed changes to applicable records due to a gender transition. This process is currently handled as set forth in the Office of Personnel Management’s [“The Guide to Personnel Recordkeeping,”](#) Chapter 4, *How to Reconstruct a Personnel Folder Due to a Change in Gender Identity*.

<b>Office of the Chief Human Capital Officer</b>	
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<input type="checkbox"/>	Notice of Change in Health Benefits Enrollment: FEHB/SF2810 <a href="https://www.opm.gov/forms/pdf_fill/sf2810.pdf">https://www.opm.gov/forms/pdf_fill/sf2810.pdf</a>
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<input type="checkbox"/>	Thrift Saving Plan Election Form: TSP/ TSP-1 <a href="https://www.tsp.gov/PDF/formspubs/tsp-1.pdf">https://www.tsp.gov/PDF/formspubs/tsp-1.pdf</a>
<input type="checkbox"/>	TSP Designation of Beneficiary: TSP-3 <a href="https://www.tsp.gov/PDF/formspubs/tsp-3.pdf">https://www.tsp.gov/PDF/formspubs/tsp-3.pdf</a>
<input type="checkbox"/>	FEDVIP: Dental and Vision <a href="https://www.opm.gov/healthcare-insurance/dental-vision">https://www.opm.gov/healthcare-insurance/dental-vision</a>
<input type="checkbox"/>	FLTCIP: Long Term Care <a href="http://www.ltcfeds.com/">http://www.ltcfeds.com/</a>
<input type="checkbox"/>	FSA: Flexible Spending Account <a href="https://www.fsafeds.com/GEM">https://www.fsafeds.com/GEM</a>
<input type="checkbox"/>	Office of Workers’ Compensation Program (OWCP) <a href="http://www.dol.gov/owcp/">http://www.dol.gov/owcp/</a>
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<b>Office of the Chief Financial Officer</b>	
<input type="checkbox"/>	E-2: Government Travel Access

<input type="checkbox"/>	Government Travel Credit Card
<input type="checkbox"/>	Federal Employee ID & PIV Credentials, and Building Proxy Access Card
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<b>Office of Information Technology</b>	
<input type="checkbox"/>	Service Now: Change Form/ Access to computer (LAN), GroupWise (e-mail), Novell Messenger, telephone, or other system access (i.e. IMS, DMS, etc.) <a href="https://eeoc.service-now.com/">https://eeoc.service-now.com/</a>
<b>Local Office</b>	
<input type="checkbox"/>	Request for Personnel Action SF-52 <a href="https://www.opm.gov/forms/pdf_fill/sf52.pdf">https://www.opm.gov/forms/pdf_fill/sf52.pdf</a>
<input type="checkbox"/>	Notification of Personnel Action SF-50 <a href="https://www.opm.gov/forms/pdfimage/sf50.pdf">https://www.opm.gov/forms/pdfimage/sf50.pdf</a>
<input type="checkbox"/>	Local Building Access Card
<input type="checkbox"/>	Local Transit Benefits
<input type="checkbox"/>	Office Name Plate
<input type="checkbox"/>	Business Cards
<b>Office of Research Information and Planning</b>	
<input type="checkbox"/>	Accruint <a href="http://eeoclib/htdocs/news/extend.php3?idx=415">http://eeoclib/htdocs/news/extend.php3?idx=415</a>
<input type="checkbox"/>	BNA Labor & Employment Law Resource Center (includes the Daily Labor Report, EEOC Compliance Manual, etc) <a href="http://eeoclib.eeoc.gov/htdocs/news/extend.php3?idx=159">http://eeoclib.eeoc.gov/htdocs/news/extend.php3?idx=159</a>
<input type="checkbox"/>	cyberFEDS <a href="http://eeoclib/htdocs/news/extend.php3?idx=415">http://eeoclib/htdocs/news/extend.php3?idx=415</a>
<input type="checkbox"/>	Lexis and Courtlink <a href="http://eeoclib/htdocs/news/extend.php3?idx=415">http://eeoclib/htdocs/news/extend.php3?idx=415</a>
<input type="checkbox"/>	SecureUSA <a href="http://eeoclib/htdocs/news/extend.php3?idx=415">http://eeoclib/htdocs/news/extend.php3?idx=415</a>
<input type="checkbox"/>	Westlaw <a href="http://eeoclib/htdocs/news/extend.php3?idx=415">http://eeoclib/htdocs/news/extend.php3?idx=415</a>