

San Diego Police Department

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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TITLE

A SAN DIEGO POLICE DEPARTMENT GUIDE

TRANSGENDER EMPLOYEES

I. PURPOSE

This Training Bulletin communicates guidelines regarding transgender and gender non-conforming employees and provides information for all personnel to enhance understanding and prevent discrimination and conflict. These guidelines do not anticipate every situation that might occur and the needs of each individual employee must be assessed on a case-by-case basis.

II. SCOPE

This Training Bulletin applies to all members of the Department.

III. BACKGROUND

The San Diego Police Department is committed to providing a safe and productive workplace for all employees regardless of gender identity, which includes gender expression, transgender and gender non-conforming characteristics.

Department Procedure 5.03, Equal Employment Opportunity, states the San Diego Police Department does not tolerate discrimination on the basis of race, color, creed, sex, age, national origin or ancestry, religion, pregnancy, physical or mental disability, veteran status, genetic information, marital status, medical condition, gender identity, sexual orientation, or any other categories protected by federal, state, or local laws.

IV. DEFINITIONS

The definitions provided here are not intended to label employees, but rather to assist in understanding this Training Bulletin and the San Diego Police Department's legal obligations. Employees may or may not use these terms to describe themselves.

- A. Gender Identity: A person's sense of being a man, a woman, or both or neither. Gender identity is generally determined in the early years of an individual's life.
- B. Gender Expression: How a person represents or expresses one's gender identity to others; for example, external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms may vary widely, and some characteristics which may be accepted as masculine, feminine, or neutral in one culture may not be assessed similarly in another.
- C. Transgender: A term used to refer to a person who is born with the genetic traits and anatomy of one gender but self-identifies as another gender. A transgender person may be pre-operative, post-operative, or non-operative.
- D. Transition: The process of changing one's gender from the gender assigned at birth to one's gender identity. This process may include personal, medical and legal aspects.
- E. Sexual Orientation: A term describing a person's physical and/or emotional attraction to members of the same sex and/or a different sex. Straight, gay, lesbian and bisexual are some ways to describe sexual orientation. It is important to note that sexual orientation is distinct from gender identity and expression. Transgender people can be straight, gay, lesbian, or bisexual, just like non-transgender people.
- F. LGBT: A common abbreviation that stands for Lesbian, Gay, Bisexual, and Transgender.

V. PRIVACY

- A. 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 right to discuss their gender identity or expression openly, or to keep that information private. Transgender employees decide when, with whom, and how much to share

their private information. If a transgender employee does choose to share information about his or her own gender transition, the employee is reminded that he or she is subject to Department Policy 5.03, Equal Employment Policy, which protects all employees from discrimination and sexual harassment.

- B. Personal information is confidential information and may only be shared with City employees who have a need to know and a right to know the information to perform their jobs.
- C. Operations staff, Human Resources staff, and co-workers may not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. Inappropriately disclosing information about an employee's transgender status (such as the sex the employee was assigned at birth) violates Department Procedures and may constitute a violation under privacy laws like Health Insurance Portability and Accountability Act (HIPAA).

VI. OFFICIAL RECORDS

- A. The San Diego Police Department may change an employee name in the Department's Human Resources database upon request of a transgender employee. This change will update Outlook, PD Roster Plus, RedBook and other linked databases within the Police Department.
- B. Official City records will be changed upon request of the transgender employee. The City's Personnel Department requires documentation in support of legal name changes. The Human Resources staff will assist with this process, including notification of Risk Management and SDCERS.
- C. If a new or transitioning employee has questions about Department records, identification cards, transitioning on the job, or other related issues, the employee should contact the Human Resources Unit for assistance.

VII. NAMES / PRONOUNS

- A. Transgender employees have the right to be addressed by the name and pronoun corresponding to the employee's gender identity, upon request. If unsure what name or pronoun a transitioning co-worker might prefer, you may politely ask the co-worker how he or she would like to be addressed.
- B. All personnel shall use the name and pronoun requested by the employee.

- C. Supervisors and managers should monitor the workplace regularly to make sure the employee's desired name and pronoun are being used.

VIII. RESTROOM ACCESSIBILITY

- A. 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.
- B. Transgender women may use the women's restroom and transgender men may use the men's restroom. Transgender employees determine the most appropriate and comfortable option for them.
- C. Any employee may desire additional privacy. Single-stall restrooms should be designated as gender neutral and may be used by any employee. If a gender neutral single-stall restroom is not available, contact Facilities to discuss other options, such as installing "Occupied /Unoccupied" signage and an interior slide lock on the door of a multi-stall restroom, which could be used by any employee desiring additional privacy.
- D. Under no circumstances may the Department require any employee to use facilities that are unsanitary, potentially unsafe for the employee, or located at an unreasonable distance from the employee's work station.

IX. LOCKER ROOM ACCESSIBILITY

- A. All employees have the right to use the locker room that corresponds to the employee's gender identity. Transitioning employees are not required to provide proof or have undergone any particular procedure (including gender reassignment surgery) in order to have access to facilities designated for use by a particular gender.
- B. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, may be provided with a reasonable alternative changing area, such as the use of a private room.

An employee's schedule may also be slightly adjusted so that the employee may use the locker room that corresponds to his or her gender identity before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep his or her transgender status confidential, according to the needs of the employee.

X. UNIFORM SPECIFICATIONS MANUAL

While transitioning, employees may conform to the Appearance and Grooming standards outlined in Section XVI of the Uniform Specifications Manual that they feel are most appropriate for them.

XI. GENDER-SEGREGATED JOB ASSIGNMENTS

For gender-segregated job assignments, transgender employees will be assigned consistent with their gender identity at the time of assignment.

XII. DISCRIMINATION / HARASSMENT

- A. It is a violation of City and Department policy to discriminate, harass or retaliate against an employee because of the employee's actual or perceived gender identity (DP 5.03 Equal Employment Opportunity). Additionally, it is also a violation of these policies to retaliate against any person objecting to, or supporting enforcement of legal protections against gender identity discrimination in employment.
- B. The City of San Diego and the Police Department have a 100% Response Policy regarding discrimination, harassment and retaliation, as defined in D.P 5.03, and are committed to creating a safe work environment for all employees, including transgender employees. This means the Department will respond, document and, if necessary, investigate reports of discrimination, harassment, retaliation or violence based on gender identity or gender expression. The result of this action may range from training and informal counseling to disciplinary action, up to and including termination, even if it is the first time such behavior occurs.

For example, the intentional or persistent refusal to respect an employee's gender identity by intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity may constitute harassment.

XIII. TRANSITIONING ON THE JOB

- A. Employees who transition on the job can expect the assistance and support of Department management and Human Resources Unit staff.
- B. The employee's Commanding Officer should assign a supervisor to serve as the employee's primary point of contact regarding day-to-day transition issues at the command and to support the transitioning employee.

- C. Transitioning employees are strongly encouraged to contact a Human Resources Unit Analyst. The employee's Command may also, with consent, contact HR on behalf of the employee. HR will assign a single point of contact to work with the employee and assist in making the transition as smooth as possible.

XIV. TRANSITION PLAN GUIDE

- A. This Transition Plan Guide lists standard issues to discuss, however, plans should be customized to fit each unit's staffing structure and procedures, and be modified for each transitioning employee to meet their individual preferences. It is important to remember that every employee is unique and the individual preferences of one person may be different than the preferences of another.
- B. Developing a Transition Plan
 - 1. Once it is known an employee plans to transition to a different gender, the employee's Commanding Officer and the Human Resources Commanding Officer should be notified so that a liaison may be assigned to the transitioning employee, with the employee's consent.
 - 2. Select supervisor to assist employee at the command.
 - 3. Select an HR Analyst to assist employee.
 - 4. Obtain name and contact information of single point of contact at Risk Management.
 - 5. Obtain name and contact information of single point of contact at SDCERS.
 - 6. Schedule a meeting with the employee, supervisor and HR Analyst (with employee's consent). Include a representative from the local LGBT law enforcement employee support group if the employee would prefer. (Contact Sergeant Dan Meyer for further info.)
 - 7. Provide copies of the Department's transgender-related policies.
 - 8. Discuss the availability of transition-related support available through the Wellness Unit.
 - 9. Determine the date, if known, when the employee will change his

or her gender expression, name, and pronouns.

10. Discuss the use of restroom and locker room facilities and determine the preferences of the employee.
 11. Discuss how, and in what format, co-workers will be made aware of the employee's transition.
 12. Discuss how and when the chain of command should be made aware of the planned transition.
 13. Discuss what training, if any, will be given to co-workers.
 14. Plan when training will be provided - before, during or after transition.
 15. Determine what changes should be made to the transitioning employee's records and when changes will be made.
 16. Determine the dates of any known leave that is needed, explain FMLA, medical leave programs, and Requests for Special Leave of Absence.
- C. When a Transition Plan has been developed, the HR liaison, assigned supervisor, and the transitioning employee should work together to ensure the plan is implemented successfully. Continue to follow up with the transitioning employee and ask if there are any other issues that need to be addressed.
- D. Meeting to Inform Co-Workers of a Planned Transition
1. Hold a mandatory briefing/meeting including:
 - a. Co-workers, supervisors, Commanding Officer
 - b. Chiefs, HR liaison, Wellness Unit personnel
 - c. It is up to the employee to choose to attend or not
 2. The Commanding Officer should announce the transition.
 - a. Emphasize the transitioning employee's value within the Department;
 - b. Management's complete support of the employee's transition;

- c. Review pertinent sections of DP 5.03;
- d. State the transitioning employee will be presented in accordance with the employee's preferred gender identity, which must be respected;
- e. Advise co-workers of the transitioning employee's new name and preferred pronoun which must be used from this point forward;
- f. Address restroom use;
- g. Use the transitioning employee's new name and pronoun;
- h. Advise the Department is an inclusive employer and disrespectful behaviors will not be tolerated;
- i. Solicit questions and refer to HR/Wellness representatives as appropriate; and
- j. The date of any planned training should be announced at this meeting.

Note: If possible, training should occur before the date of the employee's official workplace transition.

E. The First Day of the Employee's Official Workplace Transition

The transitioning employee's supervisor should ensure that all elements are in place, in the same way the supervisor would for a new hire or transferred employee, including:

- 1. Ensure the transitioning employee has a new Department ID, if needed;
- 2. Ensure the employee has an updated locker assignment if necessary;
- 3. Ensure all work documents and timesheets have the appropriate name and gender;
- 4. Monitor the workplace to ensure the employee's new name and pronoun are being used; and
- 5. Follow up to ensure any additional issues not originally planned for are addressed timely.

Department Procedure 5.03 will be updated to include segments of this Training Bulletin.

RESOURCES

For additional directions or information, feel free to contact LGBT Liaison Sergeant Dan Meyer (619) 277-8267 or (MeyerD@pd.sandiego.gov).

Human Resources Unit (619) 531-2126 or PoliceHR@pd.sandiego.gov

Wellness Unit (619) 531-2243 or Zwibele@pd.sandiego.gov

Employee Assistance Program (EAP) - (619) 236-6373 or EAP@sandiego.gov

Los Angeles Sheriff's Department Resource for LGBT Issues - Lieutenant Donald Mueller - DMMuelle@lasd.org

Transgender Community of Police & Sheriffs (TCOPS) - <http://www.tcops-international.org/>

Transgender Law Center - <http://transgenderlawcenter.org/>

Gay Peace Officers Association of Southern California - <http://www.gpoasc.org/>