Improving Transgender Policy for a More Equitable Workplace

Nicole M. Elias
City University of New York, nelias@jjay.cuny.edu

Rana Lynn Johnson
City University of New York, rana.johnson@jjay.cuny.edu

Danny Ovando
City University of New York, danny.ovando@jjay.cuny.edu

Julia Ramirez
City University of New York, julia.ramirez@jjay.cuny.edu

Follow this and additional works at: https://digitalscholarship.tsu.edu/jpmsp

Part of the Political Science Commons, Public Affairs, Public Policy and Public Administration Commons, and the Urban Studies and Planning Commons

Recommended Citation

Improving Transgender Policy for a More Equitable Workplace

Nicole M. Elias
Rana Lynn Johnson
Danny Ovando
Julia Ramirez
The City University of New York

Sex and gender categories have become more fluid in recent years. With evolving understandings of sexual orientation and gender identity, public administrators are confronted with questions of how to craft policy and make decisions based on new conceptions of sex and gender for transgender employees. Policy and practice is especially challenging in the workplace where sex and gender encompass both personal and professional dimensions. Within the public sector, the federal government is recognized as a leader on these issues, and this work examines federal transgender policy to answer the following questions: 1) how are federal agencies addressing transgender issues in the workplace through formal policy? and 2) what can be done to improve future transgender policy? To gain a better understanding of what constitutes an effective transgender workplace policy, we conducted a qualitative content analysis of nine transgender plans from the following federal agencies: Consumer Financial Protection Bureau, Equal Employment Opportunity Commission, Internal Revenue Service, National Aeronautics and Space Administration, United States Office of Special Counsel, United States Department of Interior, United States Department of Labor, United States Environmental Protection Agency, and United States Office of Personnel Management. Our analysis includes the identification of major themes within the nine policy documents. From this analysis, we propose best practices and future policy directions, as well as suggest ways of expanding the limited scholarship on transgender issues in the public sector.

The purpose of this article is to answer the following questions: how are federal agencies addressing transgender issues in the workplace through formal policy, and what can be done to improve future transgender policy? In answering these questions, our analysis provides recommendations for policy and practice as a starting point for future improvements. To gain a better understanding of what constitutes an effective transgender workplace policy, we conducted a qualitative content analysis of nine transgender plans from nine federal agencies. Our qualitative analysis includes the identification of major themes within the nine plans. Themes were placed in categories and subcategories that were then individually

analyzed and compared. Categories included themes such as transition plans, restroom and locker room use, and confidentiality. From this analysis, we propose best practices and future policy directions as well as suggest ways of expanding the limited scholarship on transgender issues in the public sector.

The expected contribution of this article is to grow a policy area that has received very little attention in the public administration literature. Focusing greater attention on transgender policy will ultimately strengthen both the public sector and research community by pushing practitioners and scholars to rethink some of our most-basic assumptions surrounding public service and equity.

Introduction

Sex and gender categories have become more fluid in recent years. With new understandings of sexual orientation and gender identity, the public sector is now crafting policy and making decisions based on these new conceptions of sex and gender for transgender employees. Policy and practice is especially challenging in the workplace, where sex and gender encompass both personal and professional dimensions. Few federal agencies have officially addressed transgender employee issues through formal policy. Often, such issues are handled on a case-by-case basis and retroactively, making for an uncertain organizational environment with unclear leadership. This is a key area of public administration practice and scholarship in need of greater attention.

Within the public sector, the federal government is recognized as a leader on these issues, and this work examines federal transgender policy to answer the following questions: 1) how are federal agencies addressing transgender issues in the workplace through formal policy? and 2) what can be done to improve future transgender policy? To gain a better understanding of what constitutes an effective transgender workplace policy, we conducted a qualitative content analysis of nine transgender plans from the following federal agencies: Consumer Financial Protection Bureau (CFPB), Equal Employment Opportunity Commission (EEOC), Internal Revenue Service (IRS), National Aeronautics and Space Administration (NASA), United States Office of Special Counsel (OSC), United States Department of Interior (DOI), United States Department of Labor (DOL), United States Environmental Protection Agency (EPA), and United States Office of Personnel Management (OPM).

Our qualitative analysis includes the identification of major themes within the nine plans. Themes were placed in categories and subcategories that were then individually analyzed and compared. Categories included themes such as transition plans, restroom and locker room use, and confidentiality. From this analysis, we propose best practices and future policy directions, as well as suggest ways of expanding the limited scholarship on transgender issues in the public sector.

Literature Review

LGBT (Lesbian, Gay, Bisexual, and Transgender) employment in public service has only recently been addressed in the public administration scholarship. Much of the existing research focuses on the challenges that gay, lesbian, and bisexual individuals faced in the workplace (Dietert and Dentice 2009; Federman and Elias 2017; Grant 2010; Lewis 2001; Lovaas 2003). The work on transgender issues, specifically, is even more limited (Beemyn et al. 2005; Currah and Minter 2000; Elias 2017; Jost 2006). The scholarship on transgender issues in the public sector can be divided into three major themes: sex/gender expression of

employees in the workplace; employee transitions and organizational factors; and finally, legal frameworks and legislative measures impacting transgender employment.

Sex and Gender in the Workplace

Much of the existing scholarship targets the ways in which transgender individuals self-identify and express their gender identity in the workplace, which can vary depending on the individual. A transgender person, rather than simply assuming the opposite of the gender binary after transitioning, may redefine gender identity in a non-binary manner, which can be a major source of disapproval (Badgett, 2007; Dunson, 2001; Elias, 2017; Federman and Elias, 2017; Gilden, 2008). These individuals often align themselves somewhere along the male/ female gender identity continuum, but do not always fit into the traditional categories of "male" and "female." Moving away from traditional categories toward a continuum approach creates several workplace challenges.

Most public organizations continue to operate under the male-female binary when it comes to organizational expectations surrounding gender presentation, behavior, and employee processes. Not complying with organizational gender norms can lead to gender harassment (Dietert and Dentice 2009; Gilden 2008; Lovaas 2003). Many of the transgender individuals who participated in Dietert and Dentice's study explained cross-gender boundaries to their colleagues and felt that their transition challenged the organization's binary culture and expectations. As a result, many of them experienced harassment and discriminatory slurs. This discrimination can include informal behaviors along with stigmatization (Collins et al. 2015), which influences workplace culture and relationships. The expectations of masculine and feminine behavior can lead to gender inequality when those expectations are not met by employees. To create a space for transgender employees and promote a more equitable gender dynamic in public organizations, "a serious reconsideration of binary thinking on gender is required" (Dieter and Dentice 2009, p. 601).

Transgender individuals in the workplace are not only expected to conform to traditional gender binaries in the workplace, they are subjected to improper, and often poor, guidance and support from supervisors, managers, and other leaders when transitioning in the workplace (Elias, 2017; McNicle 2009; Lovass 2003; Dietert and Dentice 2009). For example, Barclay and Scott (2005) examine the role of supervisors in Susan's case. Susan was a male at birth and transitioned to a female after working in the same public sector organization since 1998. In 2001, she announced her transition to her manager. Susan's manager claimed to lack knowledge of legal and policy guidance regarding transitions in the workplace. Like Susan's manager, many other managers, supervisors, and administrative staff members do not know what steps to take when handling an employee's transition. To acquire proper knowledge and guidance, many organizations adopt transgender policies and procedures from other organizations that have them in place (Eliason, Dibble, and Robertson 2011; Law et al. 2011; Federman and Elias 2016), and devise their own version of a transgender policy. This can be troublesome, because not every organization has a well-detailed and equitable transgender policy, leading to organizational uncertainty and skepticism. Additionally, most administrative and human resource development scholarship on the LGBT community has focused largely on the topic of sexual orientation (Collins et al. 2015). There is little scholarship on gender identity and the transition process for transgender individuals in the workplace. Scholarship and practice both need greater resources for understanding and implementing transgender policy.

The "bathroom issue" is perhaps the best illustration of the need for internal agency policy. Currently, there is a lack of policies outlining the use of bathroom facilities in many

federal, state, and local organizations. As a result, many transgender individuals are forced to make decisions on their bathroom use based on informal workplace norms and agency cultures (Griffin 2008; Badgett, et. al., 2007; Brewster, et. al., 2014). The issue of bathroom use has gained greater attention; for example, Washington DC's Human Rights Act, which was amended in 2006 to include "gender identity or expression" (Herman 2013). Though this is a positive first step, there remains a need for specific policy guidance within each public agency. It is essential to incorporate policy and training in the workplace to ensure all employees are aware of transgender employee needs, particularly during the transitioning process. There is little information on what transgender training should include and how to adapt it to different workplaces. However, there is a growing concern surrounding the need for LGBT cultural competency and means of including competencies in aging organizations, such as federal government agencies (Federman and Elias 2016; Meyer 2011; Ward 2008).

In addition to formal policy, organizational relationships surrounding new approaches to sex and gender in the workplace have been greatly understudied (Ward 2010; Metcalf and Rolfe 2011; McNickle 2009). Law, Martinez, Ruggs, Hebl, and Akers (2011) surveyed transgender employees to determine what aspects of the workplace could improve the transgender experience. A key issue identified by the survey participants was being able to openly discuss their decision to transition with their superiors and colleagues that ultimately leads to job satisfaction (p. 719). Likewise, the organizational culture dynamic of every staff member taking responsibility for fostering inclusive and welcoming work environment was a top concern (Lovass 2003; McNickle 2009; Dietert and Dentice 2009). The decision of an employee to openly discuss their gender identity or sexual orientation should be taken seriously and dealt with cautiously by all members of an organization. The nineteen transgender-identified individuals who participated in a workplace study indicated that the support of their co-workers and supervisors was particularly helpful during their transition process (Budge et al. 2010). Additional research demonstrates that the support provided to transgender individuals, specifically during the transition process, is essential to their relationship building and experience in the workplace (Carroll et al., 2002). This also highlights the critical role supervisors, managers, and other organization leaders occupy for transgender employees.

The rate at which LGBT individuals retire and receive wage raises are topics of concern. According to Dietert and Dentice (2009), "tall, white female to male transgender individuals (FTMs) received more benefits than short FTMs and FTMs of color" (p. 125). Furthermore, comparing FTMs and MTFs (male to female transgender employees) before and after their transition in the workplace, it was found that FTMs experienced either no change or a slight increase in pay after transitioning (Dietert and Dentice 2009; Schilt and Wiswall, 2008). These findings suggest that FTMs may experience male privilege as a result of their transition in a labor market that appears not to be gender neutral (Dietert and Dentice, 2009; Schilt and Wiswall, 2008). The topic of retirement for the LGBT population has revealed that there are increasing barriers for LGBT individuals to retire (Cahill and South 2002; Shankle, et. al., 2003). This again highlights the role of gender segregation and male-female binaries that do not include transgender individuals, thus creating barriers beyond workplace dynamics to include retirement and other agency administration related issues that affect transgender individuals.

Employee Transitions and Organizational Factors

Many transgender employees express concern or fear surrounding the prospect of transitioning at work. Pepper and Lorah (2008) explain, these concerns may include "deciding whether to transition at their present job, losing their current job because of their transition, losing job experience under their previous name, and experiencing prejudice and discrimination as well as coworkers' negative responses" (p. 335). Even bathroom usage presents a challenge for transgender employees. In 2016, North Carolina's governor signed a controversial bill known as the Public Facilities Privacy & Security Act. This act banned individuals from using public bathrooms that do not correspond to their biological sex at birth (Kopan and Scott 2016, p. 1). This bill was overturned in 2017. This is just one example of organizational factors impacted by a legal landscape fraught with uncertainty.

Workplace relationships and environments surrounding LGBT issues are critical to transgender employee experiences, especially when considering a transition in the workplace (Elias 2017; McNickle 2009; Metcalf and Rolfe 2011; Ward 2010). Being able to openly discuss one's decision to transition with superiors and colleagues leads to greater job satisfaction (Law et al. 2011, p. 719). Scholars have argued that every member of the organization should be responsible for contributing to an inclusive and welcoming work environment for LGBT employees (Dietert and Dentice 2009; Lovass 2003; McNickle 2009). There is a need for more training for all employees, particularly those in leadership positions, to understand and become familiar with the transitioning period and transgender coworkers.

There are critical aspects in an individual's transition that have yet to be addressed in workplace policies, which, in turn, limits the support an organization can offer a transitioning employee. There is often confusion surrounding how a transgender employee self-identifies and expresses their gender identity. A transgender person, rather than simply assuming the opposite of the gender binary, may assume a gender identity that is non-binary. Non-binary genders can lead to disapproval in society and within the workplace (Dunson 2001; Gilden 2008; Badgett 2007). According to Lewis and Pitts (2010), "empirical research on LGBs is hampered by the virtual impossibility of drawing random samples of this population and by controversy over whether the population should be defined by sexual orientation/attraction, homosexual behavior, or LGB identity" (p. 164). These individuals often situate themselves somewhere along the male/female gender identity continuum, but they do not always fit into the traditional categories of "male" and "female." Moving away from traditional categories toward a continuum approach raises several workplace challenges. Scholars have found that transgender individuals experience a mix of emotions during their transition (Lee 2016; Carson 2016; Budge et al. 2013), and many express concern or fear related to the prospect of transitioning at work. As Pepper and Lorah (2008) explain, these concerns may include "deciding whether to transition at their present job, losing their current job because of their transition, losing job experience under their previous name, and experiencing prejudice and discrimination as well as coworkers' negative responses" (p. 335). It is evident that policies and practices within the workplace can drastically impact a transgender employee's work experience (Elias 2017; Lewis 1997, 2001; Lewis and Pitts 2010).

Though, at times, workplace transitions can be seen as burdensome and complex, transgender individuals have proven to be valuable assets to organizations, both in terms of intellect and innovation (Berry 2015; Walworth 2003; Schilt and Connell, 2007). To move past negative conceptions surrounding workplace transitions, gendered expectations that are deeply embedded in workplace structures need to be examined (Acker 1990; Britton 2004; Gherardi 1995; Padavic and Reskin 2002; Valian 1999; Williams 1995). Employers often

bring their gender schemas about men and women's abilities to bear on hiring and promotion decisions, leading men and women to face very different relationships to employment and advancement (Acker 1990; Britton 2004; Valian 1999; Williams 1995). Employers who adhere to traditional gender roles may find gender transitions challenging to comprehend and accept. Being transgender does not affect a person's ability to perform well at their job. Ensuring that workplace transitions are conducted professionally and efficiently increases transgender employees' confidence and strengthens the bond between them and their coworkers. Organizational factors shape the experience of a workplace transition, though these factors do not exist in isolation. Legal and legislative measures dictate key aspects of transgender policy and workplace transitions.

Legal Frameworks and Legislative Measures

Federal, state, and local policy that is external to the workplace can have a significant impact on LGBT employees within the employment setting. For example, safe-school policies seeking to protect the LGBT population in schools (Russell, et. al., 2010; Black, Fedewa and Gonzalez 2012) have positive implications for the LGBT population. However, there has been less written about the effects of these policies on the transgender population (Griffin and Ouellett 2003; Ryan and Martin 2000; Kosciw, et. al., 2012). There are only a few studies performed specifically on the transgender population within schools (Greytak, et. al., 2004), and most find that transgender students have negative experiences in schools largely because of interventions aimed at the Lesbian, Gay, and Bisexual (LGB) population (McGuire, Anderson, Toomey and Russell 2010). Some research the relationship between the criminal justice system and the LGBT population (Hanssens 2014; Faithful 2009; Ford, et. al., 2013). In additional to legal and criminal justice studies, healthcare and impacts on health policy for LGBT individuals are gaining greater attention (Lombardi 2001; Stromusa 2014; Gehi and Arkles 2007). Most scholars find that healthcare policies have a negative effect on the transgender population in regards to inadequate health care to address their needs. Stromusa (2014) "suggest[s] a preliminary outline to enhance health care services and recommend the formulation of explicit federal policies regarding the provision of health care services to transgender people in accordance with recently issued medical care guidelines, allocation of research funding, education of health care workers, and implementation of existing nondiscrimination policies" (p. e31). For example, the Obama administration released a memorandum regarding rights of patients at hospitals to receive compassionate care and equal treatment during their hospital stays ("Presidential Memorandum" 2010). This memorandum is a reminder that in politically volatile environments, the LGBT population is at risk of protections being repealed. To create more stability, formal legislation should be enacted to ensure LGBT rights. Despite the lack of progress with education, criminal justice, and healthcare, the legal landscape of transgender rights has made significant gains in recent years.

The legal environment of LGBT policy has evolved drastically over the past four decades. In the 1970s, homosexuality was still classified as a sociopathic illness and criminalized in 46 states (Knauer 2012, p. 755). Beginning in the 1990s, federal and state employers put specific protections in place for transgender employees. The EEOC ruled that discrimination against a transgender individual, under the umbrella of gender identity discrimination, can be punishable in accordance with Title VII of the Civil Rights Act of 1964. In 1993, Minnesota became the first state to enact an anti-discrimination law that includes express protections for transgender employment, housing, education, and public accommodations, as well as enhanced penalties for hate crimes committed against

transgender individuals (Dunson 2001, p. 486). In 1999, the governor of Iowa became the first to issue an executive order prohibiting discrimination against state employees based on gender identity (Dunson 2001, p. 486). In 2000, bills that would create statewide nondiscrimination law for transgender individuals were introduced in the legislatures of at least seven states. By March 2000, over 9.5 million people, or 3.8 percent of the nation's population, lived in jurisdictions with some kind of transgender-inclusive law (Dunson 2001; Burns and Krehely 2011).

Employers must consider the legal rights of transgender employees in the absence of agency-specific policy, and especially prior to implementing new policy. Barclay and Scott (2005) discuss the importance of "providing support, resources and training to those in higher positions in the workplace" (p. 493). Much of the current guidelines and support mechanisms that are easily accessible do not provide advice for the leaders of an organization (Elias 2017; Eliason, Dibble, and Robertson 2011; Law et al. 2011; Fassinger et al. 2010). Inadequate guidance for managers and supervisors can lead to insufficient support for transgender employees, which can also negatively affect the communication between the employee and their superior along with their sense of acceptance within the organization. In the example of Susan's case above, her manager's lack of training and knowledge on the gender transition process led to an unprofessional and insensitive announcement regarding her transition (Barclay and Scott 2005, p. 494). The negative announcement portrayed Susan as unfit to continue to work for the agency and damaged her relationship with her colleagues (Eliason, et. al. 2011). In Susan's case, she was criticized and one of her co-workers went as far as relocating to a different desk to avoid working near her. This dynamic should be avoided through mutual respect, valuing sex/gender diversity, clear communication, and explicit organizational policy. To understand the most promising avenues for promoting positive organizational dynamics, federal transgender plans are examined and new approaches to agency-specific guidance based on this analysis is offered.

Although scholarship on external policies affecting the LGBT community exists, there is little scholarship that focuses on the working environment an LGBT individual experiences. Additionally, little has been found on the role that external policies at the federal, state, and local level have on LGBT individuals in the workplace. However, current literature finds that workplace discrimination and harassment against the LGBT population is prevalent (Pizer, et. al.; 2011; Eliason, Dibble, and Robertson 2011; Ng, Schweitzer and Lyons 2012). This demonstrates the need for more inclusive policies, particularly at the federal level. In fact, federal organizations are known to lack enough training and education on transgender employment.

Though the scholarship on LGBT and, specifically, transgender experiences within and beyond the workplace is growing, there is still much work to be done. Building on the extant literature, this study explores policy within federal agencies to better understand existing transgender plans and practices. Questions surrounding how federal agencies can best address and support transgender transitioning employees have not been fully addressed. These topics are crucial to understanding and adopting transgender policies. This project provides guidance on what could be done to improve future transgender policy and create a more inclusive and supportive organizational environment.

Research Design

The goal of this research is to produce a qualitative analysis of federal transgender plans, with the ultimate aim of improving the practice of transgender policy in public workplaces. The texts analyzed here function as "practice" in that they serve as the discursive

building blocks that lay the groundwork for future policy, implementation, and social norms to develop from these texts. This is the most fundamental means of capturing the normative and practical goals of transgender policy at work in federal agencies.

Documents for Analysis

This analysis focuses primarily on the following nine federal agency plans: Consumer Financial Protection Bureau (CFPB), Equal Employment Opportunity Commission (EEOC), Internal Revenue Service (IRS), National Aeronautics and Space Administration (NASA), United States Office of Special Counsel (OSC), United States Department of Interior (DOI), United States Department of Labor (DOL), United States Environmental Protection Agency (EPA), and United States Office of Personnel Management (OPM). These texts were selected for two primary reasons. First, the federal government, through mandate or through informal practice, is often looked to as the leader in defining and promoting diversity. The former Chair of the Equal Employment Opportunity Commission (EEOC), Jacqueline A. Berrien, explains the central role of the federal government: "President Obama's Executive Order reinforces the leadership that federal agencies can play in ensuring that every qualified worker has an equal opportunity to succeed and advance in the workplace." According to Berrien, "The Executive Order will help the nation fulfill the promise of equal employment opportunity, in every workplace, beginning with the federal government" (EEOC Press Release 2012). This yields the most fundamental definitions and treatments of transgender policy with the federal government providing leadership in promoting such understandings of gender identity and policy. Secondly, the nine plans included in our analysis were obtained from a federal employee who specializes in government-wide drafting and assisting with on-the-job transitions. This leading official explained that, to her knowledge, these were the only plans available at the time this analysis began (August 2016). These documents provide insight into some of the most recent approaches to transgender policy to date.

Data Strategies

The data strategies utilized in this analysis involve continuous construction and reworking on categories and textual interpretation over the course of three months. Crabtree and Miller (1992) present a continuum of ideal-type analysis strategies, ranging from objectivist to immersion strategies (p. 155). This analysis falls between the "immersion strategies, in which categories are not prefigured and rely heavily on the researcher's intuitive and interpretive capacities," and the 'template" and "editing" strategies, with the "template process being more prefigured and stipulative than the editing process" (Crabtree and Miller 1992, pp. 17-18, cited in Marshall and Rossman 2006, p. 155).

Our analysis was separated into two major phases. During the first phase that took two months, we constructed a coding scheme. To do this, an initial reading of the plans was performed, paying attention to their larger purpose and to their implications for practice on both the individual and organizational level. From the initial readings of the plans, general themes, or "categories," were constructed in which to code the text. These categories were refined by distilling more precise descriptions of the discourse at work. Next, several closer readings of each plan were performed, focusing on the content sentence-by-sentence and phrase-by-phrase to "uncover new concepts and novel relationships and to systematically develop categories in terms of their properties and dimensions" (Strauss and Corbin 1998, p. 71). For example, "privacy and comfort issues" was a category that was further distilled from its more general understanding in our earlier analyses. As the plans were re-read, the former category was split into two more refined themes: "organizational culture" and "restroom/

locker room" in order to capture more specific meanings and intentions of the plans. Finally, we created a list of five major categories, which include the Transition Process, Privacy and Comfort Issues, Harassment and Discipline, Resources and Proactive Programs and Document Details. Each of these major themes was further distilled into three to seven subcategories (see Table 1). We utilized our categorical coding scheme and Microsoft Excel to input text and organize our analysis. This analysis focuses on language that specifically targeted transgender policy within federal agencies as well as justifications for particular definitions of representation in single words, phrases, entire sentences, and whole passages.

In the second phase of the analysis that took an additional month, open coding technique was used to categorize the text of each plan. Consistent with Berg's (2007) understanding of discourse, the goal is to "open inquiry" widely in this stage (p. 317). The research questions outlined in our introduction were the foundation of this analysis. From these questions, categories and themes that were constructed in phase one of our analysis guided our coding process. According to Marshall and Rossman (2006), "For editing and immersion strategies, [the researcher] generates the categories through prolonged engagement with the data—the text. These categories then become buckets or baskets into which segments of the text are placed" (p. 159). As the analysis was conducted, further refinement of these categories was necessary. Marshall and Rossman (2006) emphasize that generating categories and themes is important: "For researchers relying on editing or immersion strategies, this phase of data analysis is the most difficult, complex, ambiguous, creative, and fun. Although there are few descriptions of this process in the literature, it remains the most amenable to display through example" (p. 158).

Analysis and Findings

The five major categories that guide this analysis include: Transition Process; Privacy and Comfort Issues; Harassment and Discipline; Resources and Proactive Programs; and Document Details (see Table 1). Of these categories, the Transition Process received the most codes, and the Resources and Proactive Programs category received the least codes. These major categories were divided into the following subcategories: Transition Plan, Point of Contact, Human Resource Functions, Record Change, Medical Leave, Managerial Responsibilities, Follow up, Organizational Culture, Confidentiality with Documentation, Restroom/Locker Room Use, Gender Presentation, Complaint Process, Prohibited Practices, General Anti-Harassment Blanket Statement, Employee Resource Group, Training, Format and Structure, Tone, Templates, Definition, Purpose Titles, Transfer or Broader Focus. Before detailing the specific findings within each category and subcategories, some key observations are worth noting. All nine of the plans had codes within each of the five major categories. Of the nine plans analyzed, only two of the plans, the IRS and EEOC policies, had significantly different formats and tones. Both the IRS and EEOC policies were written in question and answer format. It is also important to note that out of the nine plans, only two plans, the CFPB and NASA policies, were coded for having a formal complaint process for the transgender employees. Additionally, all nine plans were coded for the inclusion of a transition plan was well as the inclusion of a template to guide the transition process. Only two of the nine plans, the IRS and EPA, were coded as including gender non-conforming employee concerns. Our findings are summarized consistently with our coding scheme in Table 1. Each major and sub-category is described with findings and samples of text to support our analysis.

Harassment and Discipline

We defined *Harassment and Discipline* as punitive actions that seek to address the violations of organizational policies. A subcategory of harassment and discipline is the *complaint process*. The complaint process is the detailed protocol that outlines how to file a grievance against an employee or organization based on the policy. NASA was coded as the only organization out of the nine with a policy that includes a detailed protocol that outlines a process and form of initiating a complaint, through the EEO complaints process. The NASA process has a time frame; the complaint must be processed within 45 days of the discrimination occurrence. The policy reads, "If an employee believes he/she has been discriminated against based on gender identity, the right to file a complaint of sex discrimination under the EEO complaints process may be exercised. To do so, contact an EO Counselor within 45 days of the date the discrimination occurred" (NASA Guidelines on Gender Transition, p. 4). The policy makes explicit who a transgender employee should contact and also allows the employee to contact other individuals should the transgender employee feel "uncomfortable contacting the above-mentioned individuals." NASA goes further into detail by providing a direct link to contact information for the EO Counselors, the representative in charge of the complaint process. NASA's detailed complaint process is specific enough to provide the transgender employee with steps to take if harassment and discrimination occurs in the organization. This policy also allows the transgender employee to seek help with comfort, and offers additional contact information of professionals who are willing to assist in the complaint process. It is surprising that only one of nine policies contains such direction and language.

We defined *Prohibited Practices* as the informal and formal actions that could run counter to the organization's policy. Four out of the nine policies were coded with prohibited practices in the workplace. Three of these policies—the EEOC, CFPB, and EPA—gave examples of what these prohibited practices include. The EEOC's policy gives specific examples of what is considered sex discrimination stating, "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" (EEOC, Questions and Answers: EEOC's Internal Non-Discrimination and Inclusion Policy Regarding Gender Identity and Sexual Orientation, p. 7). The EPA policy uses more general language in regard to what is prohibited to discriminate against by stating, "maintain a work environment free from discrimination including any type of harassment -either sexual or nonsexual -of any employee or applicant for employment, including discrimination based on gender identity, expression, or perceived non-conformity" (EPA Transgender and Non-Conforming Employees Policy, p. 6). The CFPB policy calls for a workplace free of discrimination and harassment based "on race, religion, color, sex (including pregnancy, sexual orientation, transgender status, gender identity or expression, gender non-conformity, or sex stereotyping of any kind), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other non-merit based factors" (CFPB Non-discrimination and Inclusion Policy for Transgender Applicants and Employees, p. 1). The CFPB's policy encompasses a large and more general and traditional call for a discrimination and harassment free workplace, without going into specific detail on discrimination on the transgender community, as do the EPA and EEOC policies. The fourth policy to be coded for prohibited

practices in their policy is the IRS. The IRS's policy briefly mentions prohibited practices. It states, "Delaying or preventing an employee's gender transition is not allowable" (IRS Memorandum for Heads of Office). The remaining five policies failed to mention prohibited practices; rather, these five organizations instead included language of anti-harassment and discrimination employee behavior expectations in general blanket statements in their policies.

       General Anti-Harassment Statement was defined as a blanket statement of support for transitioning or transgender employees, emphasizing that harassment will not be tolerated within the organization. This statement is essential in setting the tone and expectations of the organization's employees, making the general anti-harassment statement essential to the establishment of an inclusive workplace environment. Four out of the nine organization policies included a general anti-harassment statement; these include NASA, IRS, EEOC, and OSC. The IRS policy states, "The Internal Revenue Service is committed to promoting equal opportunity in employment." The policy states, "we will not tolerate discrimination against, or harassment of, employees or applicants for employment on the basis of their race, national origin, color, sex (including gender identity and pregnancy), religion, age, disability, sexual orientation, parental status, or protected genetic information" (IRS Gender Identity Guidance, p. 1). The incorporation of inclusive language also became important in general anti-harassment statements. Only four of the nine policies included a general anti-harassment statement: NASA, IRS, EEOC, and OSC. However, out of these four, only two policies—the EEOC and OSC—specifically identified the purpose of the general anti-harassment blanket statement as being to provide "a more inclusive" working environment. Only the OSC policy went further by promoting an inclusive workplace environment for "transgender and gender non-conforming employees," being the only policy that included the gender non-conforming population. It is thus clear that a general anti-harassment blanket statement needs to clearly state its purpose and include language addressing the gender non-conforming population in the workplace, and this way ensure all employees, including the transgender population as well as the gender non-conforming population, are considered. Including these populations in organizational policy allows the organization to lead by example through their policy language, making it more inclusive and ensuring the policy matches the expectation of an inclusive workplace environment.

       The EEOC and OSC went beyond general anti-harassment statements and explicitly provided support for "a more inclusive" working environment. The OSC policy went even further by promoting an inclusive workplace environment for "transgender and gender non-conforming employees," and to facilitate workplace gender transitions, where appropriate. The OSC policy reads, "[OSC] must maintain a workplace free from any discrimination and harassment based on sex, including transgender status, gender identity or expression, sexual orientation, gender nonconformity, or sex stereotyping of any kind. OSC also seeks to promote an inclusive working environment for transgender and gender non-conforming employees, and to facilitate workplace gender transitions, where appropriate" (OSC Gender Transition Policy, p. 1). This is the first policy to include a general anti-harassment blanket statement that covers gender nonconforming individuals.

       Additionally, the OSC policy is the first to include and mention a transition plan before the transition plan is introduced in the policy in the general anti-harassment and discrimination blanket statement. This introduces the employees and staff of the organization to a transition plan in the very beginning of the policy and reinforces and associates the transition plan with an inclusive and positive workplace environment. The specificity and call to an inclusive work environment for the transgender and even the gender non-conforming employees gives a more inclusive tone to this policy. In doing so, it calls the readers and

employees attention to the root and purpose of these documents, ensuring these populations are identified and in this way further ensuring implementation towards the correct population and widening the spectrum of those under its protection.

Document Details

Many of the policies varied in regard to the written format and structure. The format and structure of any document indirectly and directly affects how a document is understood. We defined *format and structure* of these policies as the general layout of the document. Two organizations' policies were formatted in question-and-answer format: the EEOC and IRS policies. These policies included the largest breakdown of categories and subcategories, such as restroom use, dress and appearance adherence, etc., within the policy, opening up the organization and answering different questions the organization created. These two policies were effective in clearly identifying prohibited practices and specific step-by-step plans in a transition process. An example of this is demonstrated through the EOC's policy where it states, "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, hairstyle, 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" (EEOC Questions and Answers: EEOC's Internal non-discrimination and Inclusion Policy Regarding Gender Identity and Sexual Orientation, p. 5).

In contrast, the EPA's policy was formatted by listing roles and responsibilities for members within the organization. This included dividing the roles and tasks of the HR officer versus the responsibilities of the supervisor or manager. This listing made the structure very rigid and contributed to the organization's categorical roles for employees, making it very difficult to incorporate employee participation and adaptability. By formatting and structuring the policy with the roles and responsibilities of those in higher leadership positions within the organization, it places the transgender employee as a secondary concern within the policy structure. This structure has the potential to render transitioning or transgender employees reluctant to adapt and actively express their needs for the creation of the future transition plan. The CFPB's policy was the only policy coded as both inclusive and formal. The format and structure allowed for the topic of transgender individuals in the workplace to be taken formally and seriously, in this way ensuring the implantation of the policy in the organization. The remainder of the policies followed a memorandum format and created space for flexibility and greater employee discretion in the transition process.

Tone, like format and structure, of organizational policy also greatly contributes to the adherence to these policies in the workplace. In this analysis, *tone* was defined as the language used throughout the document, including formality, inclusiveness, and punitive. Four out of the nine policies were coded as having an inclusive tone. The CFPB policy was coded as inclusive due to the information provided directly on the policy through checklists and reference documents included. This policy also retained formality and inclusiveness about targeting beyond transgender employees and expanding to include all gender non-conforming employees. In contrast, the EPA's policy was coded as technical and broad. This was a result of the rigid language, format, and structure of having roles and responsibilities as the theme of the policy. The tone of this document was very rigid, leaving little space for inclusion regarding the transgender employee's participation and ability to change transition plans. CFPB and EPA policies were the only policies coded for transgender and broader focused policy targets. The EEOC and IRS's transition plans were the other two plans out of the nine that were formatted in question-and-answer format. The Q&A format and

conversational tone presented more inclusive and participatory policy documents. However, the transition plan in the IRS's policy was less specific, potentially leading to multiple interpretations and confusion for employees and supervisors. For example, the IRS policy states: "When an employee notifies an IRS official that he or she intends to undergo a gender transition, the employee's supervisor, Human Capital Office staff, and Equal Employment and Opportunity Office staff shall work with the employee to develop a reasonable Workplace Transition Plan for the organization, to include all organizational components with which the employee interacts on a regular basis" (IRS Workplace Transition Plan Resource p.1). This statement suggests that a transition plan is mandatory and does not leave room for the transgender individual to decide if s/he wants to follow a transition plan. The tone of these policies is crucial for fostering a transgender-supportive organizational culture. The CFPB policy was coded as the most inclusive. The format and structure of this policy greatly contributed to this, as well as its inclusion of the gender non-conforming population. This policy also used tone and language that expressed the expectation of a positive workplace environment and a formal expectation of policy implementation. Many other policies lacked formality in tone and policy terminology, which in turn may impact the implementation of the policy. For example, some federal management officials do not feel compelled to follow a policy, because it is "just guidance" and is not a mandated directive. Thus, federal agencies need to balance inclusiveness and formality of the tone and language throughout their policies.

Along with the format and structure and tone, templates can serve as useful supplements to these policies. We defined *templates* as the sample policy documents typically found in the appendix that provide a guide for the transitioning process or transgender employee issues. Seven of the nine policies were coded to include a template or templates for a transition plan. Thus, indicating that a majority of these polices have a guiding document to structure the transition process. All seven organizations with templates included transition plan templates, while others, such as NASA, had additional appendices for policy definitions and other resources. The templates for transition plans serve as an essential part of the practical application of these policies. Including appendices and templates allows for the point of contact of the transition to have more structure and in this way also allows for more explicit guidance and understanding by all members of the organization.

Definitions within these policies are important for promoting shred understandings and inclusion. Transition policy is a new organizational construct, and providing clear guidelines within the policy as to how to define and refer to transgender individuals in the workplace is critical. We termed the category of *definitions* as statements that clarify the meaning of terms. All nine policies were coded for definitions. Every policy had different terms important to the understanding and implementation of their organization's policy. The EEOC's policy included additional definitions specific to transgender individuals; these definitions include "gender expression" and "LGBT," definitions that are only additionally found in the IRS's policy. The IRS policy states, "What is gender expression? Gender expression refers to how a person represents, or expresses, his or her gender identity to others -- through appearance, dress, mannerisms, speech patterns, social interactions, and other characteristics and behaviors" (IRS Gender Identity Guidance, p. 2). The inclusion of terms such as "gender expression" and "LGBT" provide for a larger spectrum of behavior changes that can be expected to be enacted because of policy implementation. The lack of definitions for "gender expression" and "LGBT" in the remaining eight policies leave room for misunderstanding and limitations to who and what is protected under the policy guidance.

Transition Process

An organization's transitioning process that works to accommodate the new sex/gender identity of a federal employee in the workplace is often the heart of an agency's transgender policy. Elements of the *transition process* include: a transition plan, a point of contact or transition team, human resources functions, record change, medical leave, managerial responsibilities, and follow-ups. Each of these elements provide support, inclusion, and guidance to the transitioning employee during their gender change process. A transitioning plan, for example, serves as the blueprint of the transitioning process. It outlines the tasks and steps that help guide the transitioning employee to achieve a successful transition. Four of the nine plans—CPFB, EPA, EEOC, and IRS—provide employees a range of detail and level of specificity in the policy plan. For example, CPFB states, "The U.S. Equal Employment Opportunity Commission has ruled that gender-based stereotypes, perceptions, or comfort level of coworkers and supervisors should not interfere with any employee to work free from discrimination or harassment" (CPFB, p. 4). Also, the CPFB advises that managers and supervisors must lead by example and convey to other employees lawful behavior and penalties for participating in discrimination and harassment toward another employee. In addition, some employees might need examples of discriminatory behavior so they are aware of the inappropriate behavior. Examples of discrimination are "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" (EEOC, p. 7).

Comparing two different approaches to the transition process, the Department of Labor's (DOL) policy does not have a section that specifically discusses a transition process like that of the CFPB's. However, the DOL did an extraordinary job addressing the who, what, and why of the issue. According to their transgender policy, the DOL strongly emphasizes that "gender identity discrimination can affect anyone." Furthermore, "policies barring gender identity discrimination not only protect those who openly identify as transgender or express their gender in a non-conforming way. They also protect other people against sex stereotyping" (p. 2). By strongly standing against discrimination, the DOL has established a set of values for members of the organization to follow. According to the Department of Interior (DOI), "the discussion plan should discuss expectations, education and awareness requirements for co-workers and management, legal and personnel requirements, reasonable accommodation plans and other logistics as necessary" (p. 6). DOI goes more in detail in their transition process than the CFPB. CFPB summarizes the values that should be incorporated in the establishment of an effective transition plan. The DOI explains each aspect of its transition plan by even adding a communication plan as part of the transition process. The only part of the DOI's transition plan that is a bit restrictive states: "employees intending to undergo gender transition are responsible for providing the department advance notice of at least 60 days" (p. 6). This 60-day policy brings up the following questions: Will the DOI allow the employee to begin their transition prior to the 60-day mark if they wish to? How would that affect the DOI's willingness to work with them?

Similar to the DOI, all other policies have a fairly detailed transition plan. The EEOC, for example, addresses numerous elements of a transition process. It serves as a guide to other agencies as to what to include in their transition plan. This would include the response that managers and supervisors should have when an employee announces that they plan on transitioning to a different gender, and the steps required to be taken by an employee who wants workplace changes related to a gender transition. The EPA's, OPM's, NASA's, OSC's,

and IRS' transitioning plans follow a similar template to that of DOI and EEOC in terms of detail, format, and structure.

The DOI transition process can be problematic, however, when it comes to delegating the responsibility of point of contact to its higher-ranking employees. A *point of contact* is a designated person or group of people who serve to plan, initiate, guide, and follow up on the transition process along with the transitioning employee. The DOI entrusts supervisors to ensure that "all employees in their work area comply with the policy" (p. 3). It also entrusted human resources personnel with the responsibility of providing consulting service to the employer and employee. As part of its transition plan, DOI has an assistance team whose mission is to assist the transitioning employee throughout every step of their transition process. Yet, with all of these services available to the transitioning employee, there is not one specific person who is the primary point of contact to initiate and oversee the entire transition process. In contrast, the EEOC's Chief Human Capital Officer (CHCO) is the primary point of contact. The CHCO designates a Transgender Resource Coordinator to assist with any workplace changes, questions, or concerns that any manager or employee may have regarding a gender transition. It is important to designate one specific person as the point of contact. It complements the organizational structure of an agency and its willingness to hold one person accountable for the entire transition. All agencies have a designated point of contact, except DOL, OCS, and OPM. These agencies do not specify who the point of contact is. One can assume that it would be the employee's manager or supervisor. Either way, it is important for an organization to specify who the point of contact is in order to make the transition process consistent and ensure the transitioning employee has a strong understanding of the process.

Human resources (HR) departments play a critical role in transgender policy. HR deals with hiring, transfers, promotions, and all other personnel matters that relate to the employee's status in the workplace. All nine organizations are specific about the role of the HR Department in the selection and handling of transitioning individuals. For example, some of the EPA's human resources functions are to advise transgender, gender non-conforming, or transitioning employees on the required procedures, documentation, and forms necessary to change employee records, process personnel actions as necessary for transgender and transitioning employees, and ensure that employees in transition are allowed to continue their benefits and participate in all benefit programs (p. 3). Unlike the other eight policies that have a specific human resources section, the IRS's HR functions are implied within the text. For example, under the IRS's advanced preparation section, their HR-implied tasks state: "consider specific issues that need to be addressed, such as the date of the transition, i.e., the first day of the change of gender presentation, pronoun usage and name" (p. 2). It is indirectly guiding the agency's HR department to assist the transition employee with updating personnel records. The IRS could strengthen this language by explicitly listing the tasks of the HR Department.

Unlike OPM, which has step-by-step guidelines on how to update an employee's personnel records, DOL and DOI do not have such guidelines in their policies. However, the U.S.C. 552a(d) assures that a record change does happen, making it an implied task for all organizations, even if they disagree with the employee's decision to transition. The IRS' record change instructions read, "the records in an employee's Official Personnel Folder (OPF) and other employee records (pay accounts, training records, benefits documents, etc.) should be changed to show the employee's new name and gender once they have been legally changed" (pp.7-8). Nonetheless, even if agencies do not have a record change section on their

policy, the law still requires that records be changed. For organizational structure and transparency, every agency should have a record change section in their policy.

U.S.C. 552a(d) mandates personnel records be updated, while FMLA necessitates employee entitlement to medical leave. All policies have a medical leave section except DOI. According to the Department of Labor's Family and Medical Leave Act (FMLA), eligible employees are entitled to "twelve workweeks of leave in a 12-month period for: the birth of a child and to care for the newborn child within one year of birth; the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement; to care for the employee's spouse, child, or parent who has a serious health condition; a serious health condition that makes the employee unable to perform the essential functions of his or her job; any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave)" (p. 6). Medical leave is optional for transitioning employees and is not necessarily requested or required for every transition. The EEOC's medical leave policy, for example, states: "Any employee who wants to request leave through the FMLA must follow the agency's procedures (Order 550.007)" (p. 7).

As well as having a section in the policy that lists all HR functions, the same should be made clear for managerial responsibilities. *Managerial Responsibilities* is defined as a superior's duties associated with an employee's transition and the impact on the organization, which can be detailed in the transition plan or may occur more informally. All nine policies have a managerial responsibilities section. Some responsibility descriptions are broader than others. For example, CFPB gives a general overview of the manager's responsibilities by stating, "managers should make sure that there is no discrimination or harassment in the workplace, and setting an example for all employees by following the CFPB's policy" (p. 13). The IRS, however, lists the responsibilities of the manager from the day of the employee's announcement to the first day of full-time workplace gender transition. According to the IRS, the manager should: "A. Make it clear that the transitioning employee is valued and has management's full support in making the transition. B. Explain IRS policy and recommendations. C. Stress that on the transition day the employee will present him/herself consistently with his or her gender identity and should be treated as such; for example, he or she should be called by the new name and new pronouns" (p. 4). All policies should be as detailed as the IRS's, because more detail leads to less ambiguity and uncertainty for employees and HR representatives during the transition process.

Clear managerial responsibilities also contribute to effective follow-up procedures. *Following up* ensures that the transition plan was followed, all records were changed, and the workplace is operating effectively post-transition. EEO, OSC, and CFPB are the only three policies that have a follow-up section. We believe that all agencies should ensure the transition is successful from start to finish, but also go beyond the initial transition with their employee by checking on their progress and explaining the follow-up process in their policy. Having a follow-up section would help identify the responsibilities of the manager/ supervisor, HR personnel, and point of contact, which would make it easier to ensure that the transition plan was accurately followed and no post-transition issues arose.

The IRS, for example, only conducts a follow up on the first day that the transgender employee returns to work. The IRS policy states, "On the first day of transition, the employee's supervisor should ensure the following steps are taken, just as they would for a

new or transferred employee: A. Issue a new identification badge with a new name and photo. B. Place a new nameplate on door/desk/cubicle/workstation. C. Update any organization charts, mailing lists, email directory and other references to the new name. D. Follow-up on any name change related issues (email, etc.) as explained on prior page under "Name Changes" section. E. The supervisor should plan to be on site (if co-located) with the worker the first day to make introductions, support the employee, ensure respectful and inclusive treatment and make sure that work returns to normal" (p. 5). Follow ups should not only take place on the transitioned employee's first day of work. Follow ups should be continuous. This would allow the organization to make sure that all employees are routinely following the policy.

Privacy and Comfort Issues

Privacy and comfort issues are inherently tied to the transition process. We defined *privacy and comfort issues* as the organizational culture and practices that promote an inclusive environment for all employees. All plans mention privacy and comfort issues in the workplace, such as addressing the confidentiality of documents, promoting a respectful and friendly work environment, and gender presentation. Only two of the nine plans had detailed policy regarding privacy and comfort issues. The EPA provides a strong example of addressing privacy and comfort for transitioning employees in the workplace: "An employee's transition should be treated with as much sensitivity and confidentiality as any other employee's significant life experiences, such as hospitalization. Medical information received about individual employees is protected under the *Privacy Act* and may only be released in accordance with routine uses or with the employee's consent" (EPA 2016, p. 6).

Organizational culture is linked to ensuring privacy and addressing a transgender employee's comfort issues. We defined *organizational culture* as the workplace dynamics, shared practices, and values that promote positive or negative feelings of inclusion for employees. Three of the nine plans inform employees and applicants of their rights in the workplace. For example, the IRS plan states, "If the transgender employee wishes to keep information about the details of his or her transition as private as possible, respect those wishes. Do not ask the employee questions about his or her medical status or treatment unless such questions are necessary to address any workplace issues that may arise with the employee's medical plans" (IRS, p. 6). Also, the IRS advises the transgender employee to contact their EEO office immediately if they have experienced any discrimination versus going to the supervisor, which can cause a delay in the process. IRS is committed to promoting equal opportunity in employment. IRS policy is similar to NASA policy regarding privacy of the transgender employee. NASA has an Agency Diversity Program Manager that is able to directly assist the transgender employee. If the transgender employee feels like they have been discriminated against, they have the option of contacting the EEO to discuss the incident. As a reminder, the Privacy Act (5 U.S.C. 552a) "protects an individual from having their personal information disclosed without their permission" (NASA 2014, p. 5).

We defined *confidentiality* as the keeping of personal information private as it relates to the transitioning process or transgender employee. It is unethical for an employer to ask a transgender employee about their gender identity, medical process, or any body changes. In their policy, all agencies listed rules that address the confidentiality of transgender employee personal documents. The transitioning process should be treated with sensitivity and confidentiality. All supervisors should ensure that the employee's information is protected under the Privacy Act. For example, the OSC policy states, "If any OSC staff member learns that an employee is going through, has gone through, or is contemplating a gender transition,

the information should be treated with the same sensitivity and confidentiality as would be accorded information about any other employee who is going through a significant life experience" (p. 3). Like the OSC, EPA's confidentiality policy provides a strong example of transgender privacy protection. According to the EPA (2016), "An employee's transition should be treated with as much sensitivity and confidentiality as any other employee's significant life experiences, such as hospitalization. Medical information concerning individual employees is protected under the *Privacy Act* and may only be released in accordance with routine uses or with the employee's consent" (p. 6).

The use of facilities, such as *restrooms and locker rooms*, are a major concern for employees when it comes to the privacy of employees, especially because such facilities fall under the traditional male and female gender categories. All nine agencies stated that transgender employees should use "the restroom that best fits their gender identity." According to the OSC, "if a unisex or single stall restroom is available for general employee use in an OSC facility, along with restrooms designated for a single sex, any employee may use that unisex or single-stall restroom. While use of a single stall restroom might be incorporated into a transition plan at the employee's request, OSC will not require that an employee use such a restroom instead of the common restroom designated for a single sex" (OSC, p. 6). If the transgender employee does not feel comfortable using the restroom and requests additional privacy, that person would be allotted more time and space. EPA was the only policy that mentioned the Department of Labor's Occupational Safety and Health Administration in their elaboration of regulating sanitary facilities for transgender employees. Under no circumstances may an agency require an employee to use facilities that are located at an unreasonable distance from the employee's work station. Two of the nine policies do not have gender-neutral restroom(s)/locker room(s), unlike NASA (2014) where "restroom access issues need to be handled with sensitivity, not only due to their obligation to provide transitioning individuals with the same level of restroom access available to non-transgendered individuals, but also due to the emotional responses of co-workers related to the idea of sharing facilities with a transgender co-worker. Unisex restrooms avoid this potential issue" (p. 8). This language is detrimental to the purpose of the policy, which is to promote a positive workplace environment for all employees. Additionally, focus must be primarily placed on the policy purpose, rather than objects based on personal discomfort to transgender coworkers. OPM's language suggests that personal discomfort with transgender individuals in the workplace is a priority and will be given consideration in policy decisions. In *Lusardi v. Department of the Army*, EEOC recently issued a decision that supervisory or co-worker confusion, discomfort, or anxiety does not justify discriminatory terms and conditions of employment for transgender employees, including denial of access to particular restrooms, as this is a violation of Title VII's sex discrimination prohibition (*Lusardi v. Department of the Army* 2015). It is essential for federal organizations to include language consistent with *Lusardi*, ensuring transgender employees have appropriate access to restrooms and can use the restroom and locker room according to their gender identity.

The way that employees dress in the workplace is an expression of their gender identity. We defined *gender presentation* as gender expression within the masculine and feminine continuum in grooming and dress standards. An organization's dress code should not prevent a transgender employee from expressing their gender identity. Dress and appearance is a common theme in all nine policies, stating that "transgender employees must dress according to the gender they identify with and the organization's mandated attire." According to the IRS (2014), "Once an employee has informed management that he or she is transitioning, the employee will begin wearing the clothes associated with the gender to which

they are transitioning. Dress codes, where they exist, should be applied to employees transitioning to a different gender in the same way that they are applied to the employees of that gender" (p. 6). In addition, the transgender employee does not have to undergo any medical procedures to dress in accordance with their gender identity. All nine policies have similar verbiage to the IRS surrounding gender representation.

Resources and Proactive Programs

To promote a more inclusive and positive work environment for transitioning and transgender employees, we recommend that organizations include resources and proactive programs consistent with the recommendations and examples highlighted below in their policies. *Employee resource group* is defined as an organizational entity that supports transitioning and transgender employees. The resource group within federal agencies should help educate employees about the transgender community. The resource group can be considered an advocate body for transgender employees. NASA and OPM, for example, are two of the nine agencies that provide such transgender specific employee resource groups. The World Professional Association of Transgender Health (WPATH) (OPM policy) and HRC (NASA policy) are additional resources the transgender employee can use in conjunction with their Human Resources Coordinator. "The World Professional Association of Transgender Health (WPATH), an international organization devoted to the study and treatment of gender-identity-related issues, has published the WPATH Standards of Care, which explains gender transition as a process that may include therapy, hormones, and possibly surgical procedures, or any combination of them" (OPM 2014, p. 2). These resource groups encourage equality for all employees in the workplace.

All nine policies contain proactive programs that explicitly warn against any type of harassment and encourage all employees to report harassment, if it occurs. To minimize the chances of a harassment occurring, organizations train employees to be aware of their actions and to speak up if ever witnessing such an event. We defined *training* as the action of teaching employees proper behavior and protocol related to an employee transition or transgender employee issues. For organizations to have full compliance with their policies, they need to implement effective training on their agency-specific policies. The training should provide concise guidance on appropriate work behavior and list consequences for those who violate the rules. For example, culture awareness, anti-discrimination, and anti-harassment training are basic means of promoting awareness and preventing negative behavior. CFPB, DOI, EPA and OPM do not have a training section in their transgender policy. Consulting employee resource groups that address LGBT issues in the workplace can be instrumental in educating management and the workforce about transitioning and transgender employees in the workplace. According to the DOI (2013), "training office personnel are expected to assist the supervisor in establishing appropriate training for co-workers and other interested individuals regarding issues associated with transgender and transitioning employees" (p. 5). Agency training should be a proactive and collaborative process, involving transgender employee resource groups and transgender employees to ensure accuracy and sensitivity. These findings provide a basis for future organizational policy and practice, as well as direction for further study of pressing transgender issues.

Conclusions and Future Research

Existing transgender policy within federal agencies demonstrates the complexity of shifting sex and gender categories. Going beyond the traditional male-female binary to include multiple sexual orientations and gender identities, the public sector is at a turning

point in its development of new policy to fit the lived experience of transgender employees. This emerging policy area deserves far more attention than the confines of this study allow for. The goal of ensuring all transitioning employees are supported in their workplace environment is rooted in fundamental public values. Although policies are being adopted by federal agencies to address transgender employee needs, many of these policies require modifications to improve practice.

We performed our analysis of only nine federal organization policies, because at the time of this research project, these were the only policies in existence. There are hundreds of federal agencies that have yet to implement an agency policy addressing transgender issues. Our major findings demonstrate that every agency should create and implement a transgender policy to support transitioning and transgender employees. Furthermore, we found that all transgender policy should include the following: a detailed transition process, inclusive language throughout the policy that prohibits harassment and discrimination, and explicit restroom and locker room use guidance. We call for every public organization to have a policy that is flexible and employee guided. Below, we offer some initial conclusions and next steps for the development of transgender policy and practice within the five major categories of our coding scheme. Finally, we pose future research questions and directions for scholarship.

Harassment and Discipline

Based on the analysis of the first major category in our study, Harassment and Discipline, we believe that inclusive language should be incorporated throughout the policy. We found a lack of clear and inclusive language related to harassment and discipline in the workplace. Only four of the nine policies were coded as "prohibit practices in the workplace." Out of these four policies, only three—the EEOC, CFPB and EPA—gave explicit examples of what prohibited practices include. Providing examples of prohibited practices and action against a transgender individual is crucial as it sets an expectation of what is acceptable behavior in the workplace. Without these examples, policies fail to identify prohibited behavior and, as a result, leave the door open to misinterpretation and manipulation on what practices are prohibited. This in turn may lead to uncertainty when deciding what behavior to discipline and when choosing a course of discipline. Organizations that failed to fully address and identify prohibited practices and discipline actions in their policy, instead relied on the "General Anti-Harassment Blanket Statements" to promote a harassment-free and inclusive workplace environment. Although the inclusion of a general blanket statement within a policy may seek to promote a positive and inclusive workplace environment, these statements alone do not present enough detail to identify prohibited practices and discipline; therefore, general anti-harassment blanket statements alone do not fully create or promote an inclusive workplace environment.

Document Details

Similar to the incorporation of inclusive language is the need for the use of an inclusive tone throughout transgender policy documents. Presenting an inclusive tone requires that certain document details, such as the structure and definitions included in the document, are all-encompassing and promote a climate of understanding and inclusiveness. We found that the document structure was very important as it guided the presentation and tone of the document. For example, we found that two organizations' policies were formatted in question-and-answer format; those being the EEOC and IRS policies. The policies of these two organizations were also coded for positive and inclusive tone. Conversely, documents structured in terms of listing roles and responsibilities, such as the EPA's policy, were coded

as rigid and less inclusive. In the EPA's policy, the structure and format of the document reflect the responsibilities and roles of those in leadership positions and gave greater focus and priority to the delegation of responsibility over the needs of the transgender individuals. This leaves the interest and protection of the transgender individuals with less emphasis in the policy. To ensure the promotion and support of an inclusive workplace environment, it is essential for transgender individuals to be a priority within these policy documents. The document details should reflect the primary purpose of these policies, which is the protection of transgender employee rights to promote equality in the workplace, not the clarification of roles and responsibilities of those in leadership positions.

The last component we found crucial to the tone and inclusiveness of a policy was the definition section included in the policy. Definitions within these policies proved to be necessary to the understanding of the terms and details of transitioning and transgender employees. All nine federal policies included a section with a list of definitions. However, every policy identified different terms to define in their policy. Only three of the federal agencies included additional definitions specific to the transgender individuals, such as "gender expression" and "LGBT," definitions that are only found in the IRS's policy. Other policies do not go far enough to cover all individuals who fall under the definition of "transgender." For example, OPM's definition of "transgender" includes individuals who transition to a gender that is different from the sex assigned to them at birth, but it does not specifically address transgender individuals who may not be gender binary and those who may identify as gender neutral, agender, genderqueer, or another identity. Furthermore, while these policies call for the correct name and pronoun use when addressing transgender employees, who transition from one gender to another, it does not specifically address transgender individuals who may not be gender binary and may prefer pronouns other than traditional male or female pronouns, such as "xe," "ze," or "they." These pronouns may be unfamiliar to many managers and coworkers in the federal workplace, and it is important that these individuals' needs are addressed through policy in order to have a more inclusive federal workplace. It is also important that all agencies expand their definition of "transgender" to include gender non-binary and gender non-conforming employees. Similarly, agency policies should also clarify that gender non-binary and gender non-conforming employees should be addressed by their preferred pronouns, which may be different from traditional male and female pronouns.

Transition Process

The inclusion of a transition plan in every organizational policy is crucial, largely because knowledge of transgender individuals and their transition process is relatively new to many non-transgender individuals. An organization's policy and transition plan should be flexible and employee-oriented, meaning the priority throughout the transition plan should be guided by the transitioning employee's preferences. The transition process serves to create a plan to accommodate the new gender identity of the federal employee. All nine policies studied included a transition plan template. The template provides an example for supervisors, HR administrators, coworkers, and transitioning employees as to what steps should be taken when creating a transition plan. Of the nine plans, templates differed in regards to the format. Some templates were in a form format, meaning that they outlined what should be done and then could be adapted and completed by the transgender individual and the organization's transition team. Other templates are more open-ended and list considerations to assist in the creation of the transition plan. Many organization policies do not go into depth regarding the specifics as to what should be done in the transition process. Although we call for more

guidance in transition plans, it is important to note that this guidance should be employee-based and allow the transitioning employee to participate in their transition plan creation as much as possible. This would ensure the transitioning employee's needs are addressed and supported. Overall, we realized a need for more flexible transition plans that are both individualized and employee-guided.

The transition plan can only be inclusive if the transitioning employee is supported by the organization, and if there is a proper method of deliberation and communication throughout the creation of the transition process. Therefore, a designated point person is essential to the transition process as it ensures a specific person will correspond with the transitioning employee and provides encouragement throughout the transition. However, various organizations, like the DOI, lacked a designated point person, making the transition process and transition difficult in regards to communication and delegation of responsibilities. All other agencies have a designated point of contact except the DOL, OCS, OPM, and DIO. Having a specific point person is important, because this promotes accountability. Similar to having a designated point person in charge of the transition plan, the human resources department should have an explicit role in the transition. All nine organizational policies had a section outlining the responsibility of the human resource department within the transition plan, except the IRS, where the role is implied rather than specifically detailed. It is essential to identify the roles of the HR department and designated point person in the transition to be sure that transitioning employees receive clear and consistent information and attention.

A supportive and inclusive workplace environment also entails the need for confidentiality with the handling of transitioning and transgender employee records. Emphasizing confidentiality when handling transitioning employee records is essential, because these records can include sensitive information, such as name change and medical records. We found that six of the nine plans included a record change section within their policy that outlined steps to take to for confidentiality and record changes. OPM was coded for having the most specific step-by-step directives on record keeping. Having specific guidance surrounding record changes makes the name and identity changes priority to the organization. Likewise, specifying managerial responsibilities is essential to a smooth transition process. All nine policies have a managerial responsibilities section, however, not all policies were as detailed and descriptive of what constitutes managerial responsibilities. The IRS, for example, specifically detailed managerial responsibilities, from the creation of the transition plan to the follow up. The delegation of managerial responsibilities should be as detailed as that of the IRS to ensure a positive supervisor support and accountability within the leadership positions.

Privacy and Comfort Issues

From our examination of privacy and comfort issues, we found that all plans contained a section describing the need for privacy and comfort issues to some extent. However, only two out of the nine plans had detailed guidance for privacy and comfort issues in practice. These two plans provided specific guidance to ensure transitioning employees' personal information and considerations are handled with sensitivity and confidentiality. Medical information and personnel records of transgender employees are particularly sensitive and protected under the Privacy Act. All policies should model OSC's language for ensuring transgender employee information is kept confidential. The OSC policy states: "If any OSC staff member learns that an employee is going through, has gone through, or is contemplating a gender transition, the information should be treated with the same sensitivity and confidentiality as would be accorded information about any other employee who is going

through a significant life experience" (OSC, p. 3). It is crucial to include specific and detailed guidance on how to handle transgender employee personnel records, because transgender employees are put at risk for discrimination and harassment if their information is shared.

Policy language used to describe restroom and locker room designations is crucial, as it sets the tone of the agency's inclusive or exclusive workplace culture. Each federal agency should detail restroom and locker room use policy in order to foster a positive work environment for transgender and all gender non-conforming employees. It is critical to address this topic in an agency policy document, because it involves basic, daily interactions in the workplace. We found that most agency plans promote transgender employees using the restroom that best fits their gender identity. It is important to note that the conditions, such as the safety and sanitary conditions, of the restrooms and locker rooms were only mentioned in the EPA policy. All federal agencies should explicitly include "sanitary" language for transgender employees to ensure the safety and equality of all restroom and locker room facilities. OPM's guidance contains troubling language regarding restroom use: "a reasonable temporary compromise may be appropriate in some circumstances." This language gives the impression that a short-term and uncertain policy rooted in other employees' comfort will be at the expense of transgender employees.

Resources and Proactive Programs

Resources and proactive programs are essential in a workplace to promote a positive and inclusive environment for transgender employees. Employee resources groups can be helpful to transgender individuals, as they can provide additional support during and after their transition. These resources and programs can also educate other employees about the transgender community. We found that only NASA and OPM included these resources in their policies. All policies should inform employees of resources and proactive programs that may assist in handling transitions and transgender issues. Detailing these resources in agency policy documents helps organizations inform employees about outlets available to them. Likewise, training is needed to inform all employees of policy details, promote basic understanding, and increase acceptance of transgender coworkers, particularly those undergoing a transition in the workplace. We found that four organizations, the CFPB, DOI, EPA, and OPM do not have a training section in their transgender policy. Lack of training in the workplace can limit employee and supervisor knowledge of transgender concerns, especially because this is a new policy area in which many employees may lack knowledge and experience. Therefore, it is crucial to include training details in all agency policies. We also see a need for not only managerial training, but also for employee-to-employee trainings. Having employee-to-employee training provides a space to discuss transitions, privacy and comfort concerns, and any other topics that are pertinent to the organizational culture.

Future Research and Next Steps

From this analysis, it is evident that transgender policy in federal agencies is essential, and the recommendations for policy and practice outlined here should serve as a starting point for future improvements. This analysis is a first step in addressing transgender policy; however, more research is needed. Future analyses should include multiple and differing agency types and levels of government. For example, exploring transgender policy in state and local agencies, as well as comparing agencies with different organizational cultures, would provide useful data on policy intent and design. Delving into the motivations, actors, and processes of policy construction would also provide fruitful details to encourage transgender policy adoption in more government agencies. The most significant omission in

the current literature is transgender employee perspectives on policy and practice matters. More qualitative work is needed to capture transgender viewpoints. In-depth interviews of transgender public employees, especially those who have transitioned in the workplace, must be conducted in order to have a richer understanding of how policy and practice impacts individual employees. Beyond these approaches to future research, the following questions can serve as a basis for theory-building and conceptual development of transgender topics in the public sector: Do equity issues such as equal pay, promotion rates, leadership, and workplace biases impact transgender employees? How do new categories of sex/gender shape public values? How can sex/gender competency be defined and promoted? Ultimately, transgender issues present challenging and exciting new possibilities for both practice and scholarship. These topics will strengthen the public sector and research community by pushing practitioners and scholars to rethink some of our most basic assumptions surrounding public service and equity.

Nicole M. Elias is an Assistant Professor in the Department of Public Management at John Jay College of Criminal Justice, CUNY and co-founder of Women in the Public Sector at John Jay College. Her research addresses diversity and representation in governance with a focus on sex/gender orientation and identity. She is a Research Fellow with the U.S. Department of Defense's Equal Opportunity Management Institute (DEOMI). Her recent work appears in *Public Administration Quarterly* and *Public Integrity*. She is the co-editor of a symposium on the future of women in public administration appearing in *Administration & Society*.

Rana Lynn Johnson is a Masters of Public Administration student in management operations at John Jay College of Criminal Justice, CUNY. She also has a dual service career and currently works for New York City Police Department in Operations, while serving in the United States Air Force Reserves as a personnel manager. Rana holds a B.S. in Criminal Justice from Rutgers University, B.A. in Forensic Psychology from Jay John College, and a Paralegal Certificate from Pace University. She now has a science fiction novel being edited for publication in 2018. Rana plans to continue to work on public issues that challenges her field of work and hopes to provide more data in creating more transparent relationships with the community. Email: rana.johnson@jjay.cuny.edu

Danny Ovando is a second year Masters of Public Administration student at John Jay College of Criminal Justice, CUNY, specializing in Human Resources Management. He earned his Bachelor of Arts degree in International Criminal Justice with a minor in Psychology from John Jay College of Criminal Justice. Danny is now a Human Resources Officer in the Army National Guard and a Human Resources Generalist at the Institute for Community Living Inc. His research interests include gender equity, homeland security, and the criminal justice system. Email: danny.ovando@jjay.cuny.edu

Julia Ramirez is a Masters of Public Administration student at John Jay College of Criminal Justice, CUNY. Her research interests include public policy, citizen participation, criminal justice, immigration, and Latino experiences. Julia focuses on the intersectionality of criminal justice and the immigrant community. Email: julia.ramirez@jjay.cuny.edu

References

Badgett, M. V., Lau, H., Sears, B., & Ho, D. (2007). Bias in the workplace: Consistent evidence of sexual orientation and gender identity discrimination. *The Williams Institute*.

Barclay, J.M., & Scott, L.J. (2005). Transsexuals and workplace diversity: A case of "change" management. *Division of Human Resource Management and Development*, 487-500.

Berry, S. (2015). Workplace gender identity and transition guidelines. *Out and Equal*, 1-27.

Black, W. W., Fedewa, A. L., & Gonzalez, K. A. (2012). Effects of "Safe School" programs and policies on the social climate for sexual-minority youth: A review of the literature. *Journal of LGBT youth*, *9*(4), 321-339.

Brewster, M. E., Velez, B. L., Mennicke, A., & Tebbe, E. (2014). Voices from beyond: A thematic content analysis of transgender employees' workplace experiences. *Psychology of Sexual Orientation and Gender Diversity*, *1*(2), 159.

Centre, A. C. (2012). Trans--identified people in the workplace. *Alberta Civil Liberties Research Centre* , 1-4.

Consumer Financial Protection Bureau. (2016). *Non-Discrimination and Inclusion Policy for Transgender Applicants and Employees (CFPB Publication No. DO-OCR-01-2016).* Washington, DC: U.S. Government Printing Office.

Budge, Stephanie L., Tebbe, Esther N., & Howard, Kimberly A. S. (2010). The work experiences of transgender individuals: Negotiating the transition and career decision-making processes. *Journal of Counseling Psychology, 57*(4), 377-393.

Cahill, S. and South, K. (2002). Policy issues affecting lesbian, gay, bisexual and transgender people in retirement. *Generations, 26*, 49-54.

Carroll, L., Gilroy, P., & Ryan, J. (2002). Counseling transgendered, transsexual, and gender-variant clients. *Journal of Counseling & Development, 80*(2), 131-139.

Collins, J., McFadden, C., Rocco, T., & Mathis, M. (2015). The problem of transgender marginalization and exclusion. *Human Resource Development Review, 14*(2), 205-226.

Department of Labor. (2015). *DOL Policies on Gender Identity: Rights and Responsibilities (DOl No. 1)*. Retrieved from https://www.dol.gov/oasam/programs/crc/20150422GenderIdentity.pdf

Dietert, M., & Dentice, D. (2009). Gender identity issues and workplace discrimination: The transgender experience. *Journal of Workplace Rights, 14*(1), 121-140.

Elias, Nicole Rishel. (2017). Constructing and implementing transgender policy for public administration. *Administration & Society*, 49 (1), 20-47.

Eliason, M., Dejoseph, J., Dibble, S., Deevey, S., & Chinn, P. (2011). Lesbian, gay, bisexual, transgender, and queer/questioning nurses' experiences in the workplace. *Journal of Professional Nursing : Official Journal of the American Association of Colleges of Nursing, 27*(4), 237-44.

Eliason, M. J., Dibble, Suzanne L., & Robertson, Patricia A. (2011). Lesbian, gay, bisexual, and transgender (LGBT) physicians' experiences in the workplace. *Journal of Homosexuality, 58*(10), 1355.

Equal Employment Opportunity Commission. (2016). *Questions and Answers: EEOC's Internal Non-Discrimination and Inclusion Policy Regarding Gender Identity and Sexual Orientation (EEOC Publication No. 560.008).* Washington, DC: U.S. Government Printing Office.
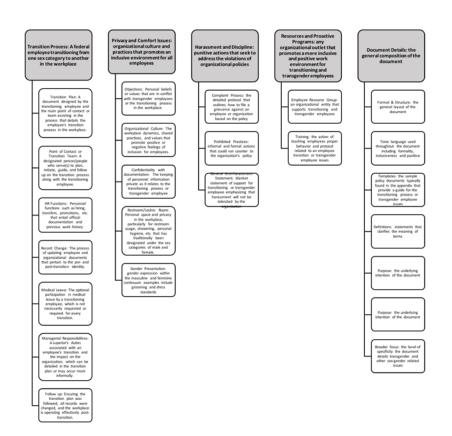
Faithful, R. (2009). Transitioning our prisons toward affirmative law: Examining the impact of gender classification policies on US transgender prisoners. *Modern America*, *5*, 3.

Fassinger, R., Shullman, S., Stevenson, M., & Anderson, Norman B. (2010). Toward an affirmative lesbian, gay, bisexual, and transgender leadership paradigm. *American Psychologist, 65*(3), 201-215.

Federman, P. S., & Elias, N. M. R. (2017). Beyond the Lavender Scare: LGBT and heterosexual employees in the federal workplace. *Public Integrity, 19*, 22-40.

Ford, C. L., Slavin, T., Hilton, K. L., & Holt, S. L. (2013). Intimate partner violence prevention services and resources in Los Angeles: Issues, needs, and challenges for assisting lesbian, gay, bisexual, and transgender clients. *Health Promotion Practice*, *14*(6), 841-849.

Gehi, P. S., & Arkles, G. (2007). Unraveling injustice: Race and class impact of Medicaid exclusions of transition-related health care for transgender people. *Sexuality Research & Social Policy*, *4*(4), 7.

Gilden. A. (2008). Toward a more transformative approach: The limits of transgender formal equality. *Berkeley Journal of Gender, Law & Justice, 23*, 83-392.

Grant, J. M., Mottet, L., Tanis, J. E., Harrison, J., Herman, J., & Keisling, M. (2011). Injustice at every turn: A report of the National Transgender Discrimination Survey. *National Center for Transgender Equality*.

Grant, J. M., Koskovich, G., Frazer, S., & Bjerk, S. (2010). Outing age 2010: Public policy issues affecting gay, lesbian, bisexual, and transgender elders. *National Gay and Lesbian Task Force*.

Greytak, E. A., Kosciw, J. G., & Diaz, E. M. (2009). Harsh realities: The experiences of transgender youth in our nation's schools. *Gay, Lesbian and Straight Education Network* (GLSEN). 121 West 27th Street Suite 804, New York, NY 10001.

Griffin, P., & Ouellett, M. (2003). From silence to safety and beyond: Historical trends in addressing lesbian, gay, bisexual, transgender issues in K-12 schools. *Equity & Excellence in Education*, *36*(2), 106-114.

Griffin, C. J. (2008). Workplace restroom policies in light of New Jersey's gender identity protection. *Rutgers Law Review*, *61*, 409.

Hanssens, C., Moodie-Mills, A. C., Ritchie, A. J., Spade, D., & Vaid, U. (2014). A roadmap for change: federal policy recommendations for addressing the criminalization of LGBT people and people living with HIV. *New York: Center for Gender & Sexuality Law at Columbia Law School*.

Herman, J. (2013). Gendered restrooms and minority stress: The public regulation of gender and its impact on transgender people's lives. *Journal of Public Management & Social Policy, 19*(1), 65-80.

Herman, Lauren. (2012). A non-medical medical deduction? O'Donnabhain v. Commissioner & the IRS' understanding of transgender medical care. *Harvard Journal of Law & Gender, 35*(2), 487-514.

Hollis, L. P., & McCalla, S. A. (2013). Bullied back in the closet: Disengagement of LGBT employees facing workplace bullying. *Journal of Psychological Issues in Organizational Culture*, 4(2), 6-16.

Internal Revenue Service, Department of the Treasury. (2014). *Gender Identity Guidance (DOT No. 1)*. Washington, DC: U.S. Government Printing Office.

Knauer, N. (2012). Legal consciousness and LGBT research: The role of the law in the everyday lives of LGBT individuals. *Journal of Homosexuality*, *59*(5), 748-756.

Kosciw, J. G. (2004). The 2003 National School Climate Survey. The school-related experiences of our nation's lesbian, gay, bisexual and transgender youth. *GLSEN (Gay, Lesbian and Straight Education Network)*.

Kosciw, J. G., Greytak, E. A., Bartkiewicz, M. J., Boesen, M. J., & Palmer, N. A. (2012). The 2011 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools. *Gay, Lesbian and Straight Education Network* (GLSEN). 121 West 27th Street Suite 804, New York, NY 10001.

Law, Charlie L., Martinez, Larry R., Ruggs, Enrica N., Hebl, Michelle R., & Akers, Emily. (2011). Trans-parency in the workplace: How the experiences of transsexual employees can be improved. *Journal of Vocational Behavior, 79*(3), 710.

Lewis, T.T. (2005). Watkins v. United States Army. *LGBT History*, 1988-1992, pp. 86-89.

Lewis, G. B. (2001). Barriers to security clearances for gay men and lesbians: Fear of blackmail or fear of LGBT individuals*? Journal of Public Administration Research and Theory, 11*(4), 539-558.

Lewis, G. B., & Pitts, D. W. (2010). Representation of lesbians and gay men in federal, state, and local bureaucracies. *Journal of Public Administration Research and Theory, 21*(1), 159-180.

Lewis, G. B. (1997). Lifting the ban on gays in the civil service: Federal policy toward gay and lesbian employees since the Cold War. *Public Administration Review, 57*(5), 387-395.

Lipman-Blumen, J. (1976). Toward a homosocial theory of sex roles: An explanation of the sex segregation of social institutions. *Signs, 1*(3), 15-31.

Lloren, A., & Parini, L. (2017). How LGBT-supportive workplace policies shape the experience of lesbian, gay men, and bisexual employees. *Sexuality Research & Social Policy: A Journal of The NSRC*, *14*(3), 289-299.

Lombardi, E. (2001). Enhancing transgender health care. *American Journal of Public Health*, *91*(6), 869-872.

Los Angeles County Sheriff's Department. (2015). *Transgender & Gender Non-Conforming Employees (LASD Publication No. 1)*. Retrieved from http://www.theiacp.org/portals/0/documents/pdfs/lasdtransgenderemployeeguide.pdf

Lovaas, K. (2003). Speaking to silence: Toward queering nonverbal communication. *Journal of Homosexuality, 45*(2/3/4), 87.

Metcalf, H., & Rolfe, H. (2011). Barriers to employers in developing lesbian, gay, bisexual and transgender-friendly workplaces. *ResearchGate*, 44-46.

Minter, S. (2003). Representing transsexual clients: Selected legal issues. *Transgender Law and Policy Institute*. Retrieved from: http://www.transgenderlaw.org/resources/translaw.htm.

McGuire, J. K., Anderson, C. R., Toomey, R. B., & Russell, S. T. (2010). School climate for transgender youth: A mixed method investigation of student experiences and school responses. *Journal of Youth and Adolescence*, *39*(10), 1175-1188.

National Aeronautics and Space Administration. (2016). *NASA Guidelines on Gender Transition (NASA Publication No. 4-01)*. Retrieved from https://odeo.hq.nasa.gov/documents/Gender_Trans_Guide.pdf

National Archives and Records Administration. Presidential memorandum-hospital visitation. (2017). *White House Archives*. Retrieved October 20, 2017: https://obamawhitehouse.archives.gov/the-press-office/presidential-memorandum-hospital-visitation.

New York City Commission on Human Rights. (2015). *Discrimination on the Basis of Gender Identity or Expression: Local Law No. 3 (2002); N.Y.C. Admin. Code 8-102(23). (NYCHR Publication No. 1)*. Washington, DC: U.S. Government Printing Office.

Ng, E. S., Schweitzer, L., & Lyons, S. T. (2012). Anticipated discrimination and a career choice in nonprofit: A study of early career lesbian, gay, bisexual, transgendered (LGBT) job seekers. *Review of Public Personnel Administration*, *32*(4), 332-352.

O'toole, R. (2017). Transitioning in the workplace: A discussion of transgender employee rights and best practices for employers . *Erie Institute of Law*, 1-50.

Patterson, C. J. (2017). Lesbian, gay, bisexual, and transgender family issues in the context of changing legal and social policy environments. In K. A. DeBord, A. R. Fischer, K. J. Bieschke, R. M. Perez, K. A. DeBord, A. R. Fischer, ... R. M. Perez (Eds.) , *Handbook of sexual orientation and gender diversity in counseling and psychotherapy* (pp. 313-331). Washington, DC, US: American Psychological Association.

Pizer, J. C., Sears, B., Mallory, C., & Hunter, N. D. (2011). Evidence of persistent and pervasive workplace discrimination against LGBT people: The need for federal legislation prohibiting discrimination and providing for equal employment benefits. *Loyola of Los Angeles Law Review*, *45*, 715.

Russell, S. T., Kosciw, J., Horn, S., & Saewyc, E. (2010). Safe schools policy for LGBTQ students. Social policy report. Volume 24, Number 4. *Society for Research in Child Development*.

Ryan, D., & Martin, A. (2000). Lesbian, gay, bisexual, and transgender parents in the school systems. *School Psychology Review*, *29*(2), 207.

Schilt, K., & Connell, C. (2007). Do workplace gender transitions make gender trouble? *Gender, Work, and Organization*, 596-617.

Stromusa, D. (2014). The state of transgender health care: Policy, law, and medical frameworks. *American Journal of Public Health, 104*, e31-e38

The American Federation of Government Employees. (2015). *Federal Employees Transgender Model Policy (AFGE Publication No. 1).* Retrieved from https://www.afge.org/globalassets/documents/leaders-and-activists/federal-employees-transgender-model-policy.pdf.

United States Department of the Interior. (2013). *Transgender and Other Gender Non-Conforming Employee Policy (DOI Personnel Bulletin No. 13-03)*. Washington, DC: U.S. Government Printing Office.

United States Environmental Protection Agency. (2016). *Transgender and Gender Non-Conforming Employees (EPA No. 1000.31B)*. Washington, DC: U.S. Government Printing Office.

United States Office of Personnel Management. (2011). *The Guide to Personnel Recordkeeping (OPM Publication No. 4-01)*. Washington, DC: U.S. Government Printing Office.

Walworth, J. (2003). Managing transsexual transition in the workplace. *Lesbian Gay Bisexual Transgender (LGBT) Resource Center* , 1-25.

Ward, J. (2010). Gender labor: Transmen, femmes, and collective work of transgression. *Sexualities, 13*(2), 236-254.

Addendum

Table 1: Analysis Category Scheme

Transition Process: A federal employee transitioning from one sex category to another in the workplace

- Transition Plan: A document designed by the transitioning employee and the main point of contact or team assisting in the process that details the employee's transition process in the workplace.

- Point of Contact or Transition Team: A designated person/people who serve(s) to plan, initiate, guide, and follow up on the transition process along with the transitioning employee.

- HR Functions: Personnel functions such as hiring, transfers, promotions, etc. that entail official documentation and previous work history.

- Record Change: The process of updating employee and organizational documents that pertain to the pre- and post-transition identity.

- Medical Leave: The optional participation in medical leave by a transitioning employee, which is not necessarily requested or required for every transition.

- Managerial Responsibilities: A superior's duties associated with an employee's transition and the impact on the organization, which can be detailed in the transition plan or may occur more informally.

- Follow up: Ensuring the transition plan was followed, all records were changed, and the workplace is operating effectively post-transition.

Privacy and Comfort Issues: organizational culture and practices that promotes an inclusive environment for all employees

- Objections: Personal beliefs or values that are in conflict with transgender employees or the transitioning process in the workplace.

- Organizational Culture: The workplace dynamics, shared practices, and values that promote positive or negative feelings of inclusion for employees.

- Confidentiality with documentation: The keeping of personnel information private as it relates to the transitioning process or transgender employee

- Restroom/Locker Room: Personal space and privacy in the workplace, particularly for restroom usage, showering, personal hygiene, etc. that has traditionally been designated under the sex categories of male and female.

- Gender Presentation: gender expression within the masculine and feminine continuum examples include grooming and dress standards

Harassment and Discipline: punitive actions that seek to address the violations of organizational policies

- Complaint Process: the detailed protocol that outlines how to file a grievance against an employee or organization based on the policy

- Prohibited Practices: informal and formal actions that could run counter to the organization's policy

- General Anti-Harassment Statement: blanket statement of support for transitioning or transgender employee emphasizing that harassment will not be tolerated by the organization.

Resources and Proactive Programs: any organizational outlet that promotes a more inclusive and positive work environment for transitioning and transgender employees

- Employee Resource Group: an organizational entity that supports transitioning and transgender employees

- Training: the action of teaching employees proper behavior and protocol related to an employee transition or transgender employee issues

Document Details: the general composition of the document

- Format & Structure: the general layout of the document

- Tone: language used throughout the document including formality, inclusiveness and punitive

- Templates: the sample policy documents typically found in the appendix that provide a guide for the transitioning process or transgender employee issues

- Definitions: statements that clarifies the meaning of terms

- Purpose: the underlying intention of the document

- Purpose: the underlying intention of the document

- Broader focus: the level of specificity the document details transgender and other sex-gender related issues

.