



May 29, 2024

RECEIVED
JUN 03 2024

Mr. Ivan Butts
President
National Association of Postal Supervisors
1727 King Street, Suite 400
Alexandria, VA 22314-2753

Dear Ivan:

As a matter of information, the Postal Service is revising Management Instruction EL-670-2019-1, *Best Practices for Supporting Gender Transition in the Workplace*.

The purpose of the revisions is to strengthen compliance with discrimination laws. The revisions include the following:

- Revise the protections statement of Title VII of the Civil Rights Act of 1964
- Update language in Attachment A, Manager's Quick Guide Gender Transition in the Workplace to include the preferred use of name, pronoun, etc.
- Update language in Attachment B, Stand-Up Talk to include the preferred use of name, pronoun, etc.

We have enclosed two copies of changes, one with and without changes identified. The revisions will be published in an upcoming Postal Bulletin.

Please contact me with any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "Paulita Brindley".

Handwritten initials "fah" in blue ink.

Bruce A. Nicholson
Director
Labor Relations Policies and Programs

Enclosures

Management Instruction

Best Practices for Supporting Gender Transition in the Workplace

This management instruction (MI) establishes Postal Service™ policies and processes for supporting gender transition in the workplace.

The processes described in this MI are informed by regulations and guidance from the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission.

Purpose

The Postal Service is committed to providing a safe workplace that is free from discrimination to its employees. Further, Postal Service policies prohibit harassing behavior and has responsibilities under the law and its collective-bargaining agreements. The major federal laws that apply are Title VII of the Civil Rights Act of 1964 and the Occupational Safety and Health Act of 1970, made applicable to the Postal Service on September 28, 1998. This MI carries forward the Postal Service’s commitment to its lesbian, gay, bi-sexual, and transgender employees (LGBT) and its employees in gender transition.

Core Concepts

Gender identity is the individual’s internal sense of being male or female or an identity other than the traditional definitions of male or female. The way an individual expresses his or her gender identity is frequently called “gender expression,” and may or may not conform to social stereotypes associated with a particular gender. Gender identity, which is an individual’s internal sense of being male, female, or something else, is distinct from sexual orientation, which describes to whom a person is attracted. Most people have a fixed identity as male or female; those who do not may describe themselves as “non-binary” or “gender queer.”

Transgender. Transgender individuals are people with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth but who identifies as female is a *transgender woman*. Likewise, a person assigned the female sex at birth but who identifies as male is a *transgender man*. A person who has a gender identity other than the traditional definitions of male or female may simply self-identify as transgender. Moreover, some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their gender identity.

Date	December January
Effective	Immediately
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Unit	Employee Resource ManagementDev
<i>Simon M.</i> Vice President Employee Resource	

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The guidance discussed in this MI applies whether or not a particular individual explicitly self-identifies as transgender.

Gender Non-conforming: A broad term used to refer to individuals whose gender expression is different from social expectations related to gender.

Transition: Some individuals will find it necessary to transition from living and working as one gender to another. Social role transition – that is, living full-time in the gender role that is consistent with an individual's gender identity – is an important, and often the most important, aspect of a person's gender transition. Transgender individuals may also seek some form of medical treatment such as counseling, hormone therapy, electrolysis, and surgical interventions as part of their transition. These treatments may be deemed medically necessary for many individuals, based on determinations of their medical providers. Some individuals, however, will not pursue some (or any) forms of medical treatment because of their age, medical condition, lack of funds, or other personal circumstances, or because they may not feel the treatment is necessary for their well-being.

Not all transgender individuals will follow the same pattern and decisions about which steps are necessary as part of an individual's transition are highly personal ones made by the individual in consultation with appropriate health professionals. Whatever form a specific employee's transition takes, treat all employees with dignity and respect.

Moreover, the medical aspects of an individual's transition will often be less apparent, and in most cases are less important from a personnel management perspective, than an individual's social transition at the workplace. As used below, the term "transition" refers primarily to an individual's social transition, as this is the point at which an employee will usually bring these issues to the attention of the employee's employer.

Policy

Title VII Protections

Title VII of the Civil Rights Act of 1964 (Title VII) protects Postal Service Employees from discrimination on the basis of their race, color, national origin, religion, and sex; (including pregnancy, sexual orientation and gender identity including transgender status). ~~The Equal Employment Opportunity Commission (EEOC) has found that the protections against discrimination on the basis of sex extend to individuals who have been discriminated against based on their gender identity, their sexual orientation, and their transgender status.~~

The ~~EEOC applies the~~ full range of protection against disparate treatment and hostile ~~environment~~ environment applies to LGBT employees. For example, all of the following could be considered illegal discrimination or harassment:

- a. Intentionally misusing the new name or pronouns of a transitioning employee.
- b. Directing derogatory language at an LGBT employee.
- c. Restricting a transgender woman from using the common female restroom.

Furthermore, any of these examples may violate Postal Service policies, even if they did not rise to the level of illegal discrimination or harassment, and could result in disciplinary action against those responsible for the misconduct.

Roles and Responsibilities

Managers and Supervisors

In addition to ensuring compliance with this MI, a primary responsibility for managers and supervisors is to set the tone in their workplaces such that employees know that they are expected to be respectful of one another. Managers and supervisors must neither engage in nor tolerate jokes, taunting, provocative statements, or inappropriate questions aimed at, or having the effect of, making LGBT or any other employees feel unwelcome in the Postal Service's work environment. When someone in management becomes aware of such activity, he or she must respond promptly to end the inappropriate conduct and ensure that it does not recur. Address complaints of harassment as explained in Publication 552, *Manager's Guide to Understanding, Investigating, and Preventing Harassment*.

If an employee discloses that he or she intends to undergo a gender transition, managers treat the situation as one that is unique to the individual employee. The manager contacts Human Resources to obtain guidance and reviews Attachment A of this MI, *Manager's Guide to Gender Transition in the Workplace*. In all cases, managers and supervisors ensure that the transitioning employee's privacy and confidential information are protected.

Human Resources

The role of local Human Resources (HR) includes supporting operational managers, supervisors, and other employees in their interactions with a transitioning employee. An employee's gender transition can raise complex and sensitive issues. HR professionals must be knowledgeable about gender transition in the workplace and the information provided in this MI.

HR assists managers and supervisors in preparing for their conversations with transitioning employees and the other employees in the work group.

HR also assists transitioning employees with changes to official records and items, such as identification badges, official personnel folder, and benefits enrollment, when necessary and changes to unofficial documents, e.g., name tags, business cards, and name plates.

HR also reviews communications that managers and supervisors intend to provide to other employees in the workgroup in consultation with the transitioning employee prior to their presentation to employees, including any stand-up talks.

HR professionals reinforce the importance of respectful communication with and about transitioning employees at all times and ensure the safety and privacy of all employees in the workplace and the confidentiality of their private information.

Issues Raised By Gender Transition in the Workplace

Communication

Management's communications with a transitioning employee must be respectful, sensitive, and confidential. Transitioning employees often want as little publicity as possible, and managers and supervisors must respect the employee's privacy. Specific medical conditions or surgical procedures are not required to be disclosed. Managers and supervisors must not request that this information be provided, outside requirements for leave documentation provided in the appropriate collective bargaining agreement or in the *Employee and Labor Relations Manual (ELM)*. Rather, a manager or supervisor offers to meet with the employee to discuss his or her needs and expectations during the transition.

To underscore the Postal Service's commitment to non-discrimination, the manager or supervisor does the following:

- a. Informs the employee that the Postal Service does not discriminate on the basis of gender identity.
- b. Listens to the employee's concerns.
- c. Works with the employee to develop a transition timeline.

Timeline

If the transitioning employee is amenable to doing so, management and the employee collaboratively develop a timeline of transition-related events. Each timeline will be unique and based on the employee's individual circumstances.

To the extent possible, the timeline covers all major aspects of the transition, including the following:

- a. The date the employee will begin presenting as his or her identified gender.
- b. If the employee will use a new name, the date the employee will begin to use that name.
- c. If the employee will use new gender pronouns, the date he or she will begin to use those pronouns.
- d. If the employee will use a new common restroom, the date the employee will begin using that restroom.

Management and the employee work together to select the most appropriate dates. The employee, not management, selects the date for each event. If, after the transition timeline has been developed, the employee later communicates to management that a different timeframe should apply to any aspect of the transition process, management follows the employee's wishes.

Restrooms and Locker Rooms

Postal Service management must allow the employee to use the common restrooms and locker rooms that correspond to the employee's gender identity. In some cases, the employee may not feel comfortable using the common restroom or locker room immediately. In such a case, management works with the employee to create a temporary solution. For example, the employee may feel more comfortable using a single-user or gender-neutral restroom for a limited time during the transition. Such an arrangement is proper if it is voluntary and the facility is available.

However, even if such an arrangement is made, the employee may later decide that he or she wants to use the common restroom/locker room associated with his or her gender identity. If the employee makes such a choice, management may not prevent the employee from using the appropriate common restroom or locker room.

Other employees may initially feel uncomfortable with the transitioning employee's use of the common restroom or locker room. In such a case, management may offer any employee who feels uncomfortable access to a single-user or gender-neutral restroom, if available.

Dress Code

Dress codes in Postal Service facilities are gender-neutral and appropriate for the business operations being conducted in the facility. Whether business attire, business casual, or casual attire is required, all employees must present a clean, neat appearance.

Bargaining unit employees must comply with the uniform policies set forth in ELM, Section 930, Work Clothes and Uniforms. Transgender employees are not entitled to an additional annual uniform allowance unless provided for under the appropriate collective bargaining agreement.

Information Plan

Generally, management announces the employee's transition to coworkers before it occurs. Management seeks the transitioning employee's consent before making any such announcement. Management asks the employee how much information he or she is comfortable with including in the announcement and whether an in-person announcement, such as a stand-up talk, or a written announcement sent to each employee's home would be preferable.

The transitioning employee may or may not want to be present during the in-person announcement. If the employee does not consent to a more specific announcement, management may provide coworkers with only general information about the transition. Specifically, management may tell coworkers that, where applicable, the employee will go by a new name and be referred to by a new pronoun, will wear women's or men's clothes, and will use a new common restroom or locker room.

In the interest of promoting harmonious labor-management relations, management informs the relevant unions before informing the transitioning employee's coworkers. Management may not, however, provide specific

personal information about the transitioning employee other than the employee's name, craft and work location, and the information provided in the general announcement. Management may not provide details about any medical conditions or procedures.

In addition, management reminds the transitioning employee's coworkers that the Postal Service is committed to providing a workplace that is free from harassment and discrimination, including harassment or discrimination based on gender identity. Management encourages coworkers to use the employee's chosen name and gender-appropriate pronouns. Management also cautions coworkers to respect the employee's privacy. While coworkers may ask the employee questions about his or her transition, the employee does not have to answer any questions he or she does not want to answer.

In no case should coworkers ask questions that are likely to make the transitioning employee uncomfortable. Questions about any employee's medical procedures, body, or sexuality are inappropriate. If management perceives that any of an employee's questions make the transitioning employee feel uncomfortable, intentional or not, the manager or supervisor counsels the employee asking the questions that they are inappropriate and must stop. If there is a recurrence of this type of questioning, the manager or supervisor considers taking disciplinary action.

Managers are encouraged to engage an employee who is transitioning in a dialogue about his or her transition. Part of this process may involve discussing with the employee when he or she will begin presenting as his or her identified gender and whether the employee wishes to purchase gender-specific uniform items with his or her annual uniform allowance to reflect the employee's gender transition. Managers can reduce the risk of liability for discriminatory harassment by keeping all communications with the employee respectful, professional, and confidential.

See Attachment A, Manager's [Quick Guide – Gender Transition and Identity](#) in the Workplace, and Attachment B, Sample [Stand-Up](#) Talk, for additional guidance.

Attachment A

Manager's Quick Guide and Gender Transition in the Workplace

Timeframe for Transition: Discuss with the employee the timing of ~~his or her~~their transition. If the employee does not have a transition timeframe, work with the employee to create a transition plan, explaining that the Postal Service needs to understand the transition plan so it may offer assistance and support. A transition plan includes the following:

- The date the employee will begin presenting as ~~his or her~~their identified gender.
- If the employee will use a new name, the date the employee will begin to use that name.
- If the employee will use new gender pronouns, the date ~~he or she~~they will begin to use those pronouns.
- If the employee will use a new common restroom, the date the employee will begin using that restroom.

Also, ~~you may~~ discuss with the employee how the employee would like to communicate the transition to ~~his or her~~their coworkers. Remember, it is the employee who decides when, with whom, and how much of their private information to share. However, it is helpful to remind the employee that their coworkers cannot know how to properly address them if they are not advised the employee's name, pronouns, etc. have changed If the employee wishes management to make an announcement or comment to ~~his or her~~their fellow employees, a sample Stand-Up Talk is ~~attached~~included in Attachment B for guidance. Discuss actual Stand-Up Talks or other announcements with Human Resources prior to delivery.

Language: The employee has the right to be addressed by the name and pronouns corresponding to the employee's gender identity. A legal document or legal name change is not required to fulfill this request (some limited official documentation requires a legal name change). Intentional misuse of the employee's name or appropriate pronouns is ~~not~~neither condoned nor tolerated. Work with the employee to ensure all appropriate communications and documents reflect the employee's name and pronouns.

Restrooms and Locker Rooms: Employees have the right to use the restroom or locker room that corresponds to the employee's gender identity – not the employee's sex at birth. Any employee, who desires or needs increased privacy, can be provided with a reasonable alternative facility, if available.

Equality: It is unlawful to discriminate in any way against an employee because of the employee's actual or perceived gender identity or transgender status. Any incidents of discrimination, harassment, or violence based on the employee's gender identity or expression must be given immediate and effective action.

Confidentiality: Managers must treat an employee's transition with the same respect and confidentiality as they would any other employee's private information. Inquiries into any employee's medical procedures, body, and sexuality are always inappropriate. Any medical information received about the employee is protected under the Privacy Act and other laws. If an employee qualifies for Family Medical Leave Act (FMLA) leave, an employee may take FMLA-protected leave for qualifying reasons related to the employee's transition, and management cannot interfere with this right.

The Postal Service is committed to providing a workplace free from discrimination and harassment. ~~As you would with an employee who came to you with personal matters,~~ Always treat an employee's gender transition and gender identity with dignity and respect and work to help them navigate any workplace changes they need consistent with this MI.

Attachment B

Stand-Up Talk

The Postal Service has strong workplace policies encouraging diversity—and prohibiting discrimination. I am committed to ensuring our workplace is free of harassment and will work to foster a climate in which all employees may ~~participate, grow, and~~ contribute to their fullest extent.

A co-worker has decided that it is right for [him, ~~or her~~, them, etc.]¹ to transition to [his, ~~or her~~, their, etc.] identified gender. [He, ~~or She~~, They, etc.] has/have the full support of management as [he, ~~or she~~, they, etc.] makes/make this transition. After today, [he, ~~or she~~, they, etc.] will be recognized and addressed as [employee's preferred name]. [Employee's preferred name] will use the pronouns [employee's preferred pronouns].

[He, ~~or S~~he, They, etc.] will start using the bathroom facilities today that are designated for [his, ~~or her~~, their, etc.] identified gender.² I understand that some of you may be uncomfortable when this occurs, at least in the beginning. However, everyone has the right to take care of their personal needs in a private, safe, and respectful environment consistent with their gender identity.

I expect that each of us will treat every co-worker with the respect and dignity that we all deserve, regardless of personal opinions and beliefs. Jokes, inappropriate comments /questions, or use of adjectives or pronouns that may possibly demean [employee's preferred name]~~him or her~~ are not acceptable and will not be tolerated. I have encouraged [employee's preferred name]~~He or she~~ is encouraged to immediately report any harassment or inappropriate behavior towards [him, ~~or her~~, them, etc.]. Please be assured that we will take prompt remedial action if it is warranted.

If you have questions about gender identity and transitioning and how best to interact in the workplace, I encourage you to contact me. Management welcomes any and all reasonable questions and concerns and will work with you to address them.

Thank you.

1. Instruction to management: please edit the document to use the appropriate pronoun for of the gender to which the employee is transitioning, not the gender of the employee's birth.
2. Instruction to management: if your facility only has gender-neutral restrooms, or if the transitioning employee initially chooses to use a gender-neutral restroom, you may omit this paragraph.

Management Instruction

Best Practices for Supporting Gender Transition in the Workplace

This management instruction (MI) establishes Postal Service™ policies and processes for supporting gender transition in the workplace.

The processes described in this MI are informed by regulations and guidance from the Office of Personnel Management, the Department of Labor, and the Equal Employment Opportunity Commission.

Purpose

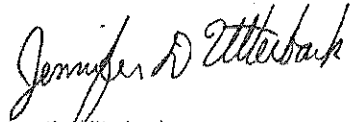
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Gender identity is the individual's internal sense of being male or female or an identity other than the traditional definitions of male or female. The way an individual expresses his or her gender identity is frequently called "gender expression," and may or may not conform to social stereotypes associated with a particular gender. Gender identity, which is an individual's internal sense of being male, female, or something else, is distinct from sexual orientation, which describes to whom a person is attracted. Most people have a fixed identity as male or female; those who do not may describe themselves as "non-binary" or "gender queer."

Transgender: Transgender individuals are people with a gender identity that is different from the sex assigned to them at birth. Someone who was assigned the male sex at birth but who identifies as female is a *transgender woman*. Likewise, a person assigned the female sex at birth but who identifies as male is a *transgender man*. A person who has a gender identity other than the traditional definitions of male or female may simply self-identify as transgender. Moreover, some individuals who would fit this definition of transgender do not identify themselves as such, and identify simply as men and women, consistent with their

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Jennifer Utterback
Vice President
Organization Development

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Transition: Some individuals will find it necessary to transition from living and working as one gender to another. Social role transition – that is, living full-time in the gender role that is consistent with an individual's gender identity – is an important, and often the most important, aspect of a person's gender transition. Transgender individuals may also seek some form of medical treatment such as counseling, hormone therapy, electrolysis, and surgical interventions as part of their transition. These treatments may be deemed medically necessary for many individuals, based on determinations of their medical providers. Some individuals, however, will not pursue some (or any) forms of medical treatment because of their age, medical condition, lack of funds, or other personal circumstances, or because they may not feel the treatment is necessary for their well-being.

Not all transgender individuals will follow the same pattern and decisions about which steps are necessary as part of an individual's transition are highly personal ones made by the individual in consultation with appropriate health professionals. Whatever form a specific employee's transition takes, treat all employees with dignity and respect.

Moreover, the medical aspects of an individual's transition will often be less apparent, and in most cases are less important from a personnel management perspective, than an individual's social transition at the workplace. As used below, the term "transition" refers primarily to an individual's social transition, as this is the point at which an employee will usually bring these issues to the attention of the employee's employer.

Policy

Title VII Protections

Title VII of the Civil Rights Act of 1964 (Title VII) protects Postal Service employees from discrimination on the basis of their race, color, national origin, religion, and sex, including pregnancy, sexual orientation and gender identity including transgender status.

The full range of protection against disparate treatment and hostile environment applies to LGBT employees. For example, all of the following could be considered illegal discrimination or harassment:

- a. Intentionally misusing the new name or pronouns of a transitioning employee.
- b. Directing derogatory language at an LGBT employee.
- c. Restricting a transgender woman from using the common female restroom.

Furthermore, any of these examples may violate Postal Service policies, even if they did not rise to the level of illegal discrimination or harassment, and could result in disciplinary action against those responsible for the misconduct.

Roles and Responsibilities

Managers and Supervisors

In addition to ensuring compliance with this MI, a primary responsibility for managers and supervisors is to set the tone in their workplaces such that employees know that they are expected to be respectful of one another. Managers and supervisors must neither engage in nor tolerate jokes, taunting, provocative statements, or inappropriate questions aimed at, or having the effect of, making LGBT or any other employees feel unwelcome in the Postal Service's work environment. When someone in management becomes aware of such activity, he or she must respond promptly to end the inappropriate conduct and ensure that it does not recur. Address complaints of harassment as explained in Publication 552, *Manager's Guide to Understanding, Investigating, and Preventing Harassment*.

If an employee discloses that he or she intends to undergo a gender transition, managers treat the situation as one that is unique to the individual employee. The manager contacts Human Resources to obtain guidance and reviews Attachment A of this MI, *Manager's Guide to Gender Transition in the Workplace*. In all cases, managers and supervisors ensure that the transitioning employee's privacy and confidential information are protected.

Human Resources

The role of local Human Resources (HR) includes supporting operational managers, supervisors, and other employees in their interactions with a transitioning employee. An employee's gender transition can raise complex and sensitive issues. HR professionals must be knowledgeable about gender transition in the workplace and the information provided in this MI.

HR assists managers and supervisors in preparing for their conversations with transitioning employees and the other employees in the work group. HR also assists transitioning employees with changes to official records and items, such as identification badges, official personnel folder, and benefits enrollment, when necessary and changes to unofficial documents, e.g., name tags, business cards, and name plates.

HR also reviews communications that managers and supervisors intend to provide to other employees in the workgroup in consultation with the transitioning employee prior to their presentation to employees, including any stand-up talks.

HR professionals reinforce the importance of respectful communication with and about transitioning employees at all times and ensure the safety and privacy of all employees in the workplace and the confidentiality of their private information.

Issues Raised By Gender Transition in the Workplace

Communication

Management's communications with a transitioning employee must be respectful, sensitive, and confidential. Transitioning employees often want as little publicity as possible, and managers and supervisors must respect the employee's privacy. Specific medical conditions or surgical procedures are not required to be disclosed. Managers and supervisors must not request that this information be provided, outside requirements for leave documentation provided in the appropriate collective bargaining agreement or in the *Employee and Labor Relations Manual* (ELM). Rather, a manager or supervisor offers to meet with the employee to discuss his or her needs and expectations during the transition.

To underscore the Postal Service's commitment to non-discrimination, the manager or supervisor does the following:

- a. Informs the employee that the Postal Service does not discriminate on the basis of gender identity.
- b. Listens to the employee's concerns.
- c. Works with the employee to develop a transition timeline.

Timeline

If the transitioning employee is amenable to doing so, management and the employee collaboratively develop a timeline of transition-related events. Each timeline will be unique and based on the employee's individual circumstances.

To the extent possible, the timeline covers all major aspects of the transition, including the following:

- a. The date the employee will begin presenting as his or her identified gender.
- b. If the employee will use a new name, the date the employee will begin to use that name.
- c. If the employee will use new gender pronouns, the date he or she will begin to use those pronouns.
- d. If the employee will use a new common restroom, the date the employee will begin using that restroom.

Management and the employee work together to select the most appropriate dates. The employee, not management, selects the date for each event. If, after the transition timeline has been developed, the employee later communicates to management that a different timeframe should apply to any aspect of the transition process, management follows the employee's wishes.

Restrooms and Locker Rooms

Postal Service management must allow the employee to use the common restrooms and locker rooms that correspond to the employee's gender identity. In some cases, the employee may not feel comfortable using the common restroom or locker room immediately. In such a case,

management works with the employee to create a temporary solution. For example, the employee may feel more comfortable using a single-user or gender-neutral restroom for a limited time during the transition. Such an arrangement is proper if it is voluntary and the facility is available.

However, even if such an arrangement is made, the employee may later decide that he or she wants to use the common restroom/locker room associated with his or her gender identity. If the employee makes such a choice, management may not prevent the employee from using the appropriate common restroom or locker room.

Other employees may initially feel uncomfortable with the transitioning employee's use of the common restroom or locker room. In such a case, management may offer any employee who feels uncomfortable access to a single-user or gender-neutral restroom, if available.

Dress Code

Dress codes in Postal Service facilities are gender-neutral and appropriate for the business operations being conducted in the facility. Whether business attire, business casual, or casual attire is required, all employees must present a clean, neat appearance.

Bargaining unit employees must comply with the uniform policies set forth in ELM, Section 930, Work Clothes and Uniforms. Transgender employees are not entitled to an additional annual uniform allowance unless provided for under the appropriate collective bargaining agreement.

Information Plan

Generally, management announces the employee's transition to coworkers before it occurs. Management seeks the transitioning employee's consent before making any such announcement. Management asks the employee how much information he or she is comfortable with including in the announcement and whether an in-person announcement, such as a stand-up talk, or a written announcement sent to each employee's home would be preferable.

The transitioning employee may or may not want to be present during the in-person announcement. If the employee does not consent to a more specific announcement, management may provide coworkers with only general information about the transition. Specifically, management may tell coworkers that, where applicable, the employee will go by a new name and be referred to by a new pronoun, will wear women's or men's clothes, and will use a new common restroom or locker room.

In the interest of promoting harmonious labor-management relations, management informs the relevant unions before informing the transitioning employee's coworkers. Management may not, however, provide specific personal information about the transitioning employee other than the employee's name, craft and work location, and the information provided in the general announcement. Management may not provide details about any medical conditions or procedures.

In addition, management reminds the transitioning employee's coworkers that the Postal Service is committed to providing a workplace that is free from harassment and discrimination, including harassment or discrimination based on gender identity. Management encourages

coworkers to use the employee's chosen name and gender-appropriate pronouns. Management also cautions coworkers to respect the employee's privacy. While coworkers may ask the employee questions about his or her transition, the employee does not have to answer any questions he or she does not want to answer.

In no case should coworkers ask questions that are likely to make the transitioning employee uncomfortable. Questions about any employee's medical procedures, body, or sexuality are inappropriate. If management perceives that any of an employee's questions make the transitioning employee feel uncomfortable, intentional or not, the manager or supervisor counsels the employee asking the questions that they are inappropriate and must stop. If there is a recurrence of this type of questioning, the manager or supervisor considers taking disciplinary action.

Managers are encouraged to engage an employee who is transitioning in a dialogue about his or her transition. Part of this process may involve discussing with the employee when he or she will begin presenting as his or her identified gender and whether the employee wishes to purchase gender-specific uniform items with his or her annual uniform allowance to reflect the employee's gender transition. Managers can reduce the risk of liability for discriminatory harassment by keeping all communications with the employee respectful, professional, and confidential.

See Attachment A, Manager's Quick Guide – Gender Transition in the Workplace, and Attachment B, Stand-Up Talk, for additional guidance.

Attachment A

Manager's Quick Guide

Gender Transition in the Workplace

Timeframe for Transition: Discuss with the employee the timing of their transition. If the employee does not have a transition timeframe, work with the employee to create a transition plan, explaining that the Postal Service needs to understand the transition plan so it may offer assistance and support. A transition plan includes the following:

- The date the employee will begin presenting as their identified gender.
- If the employee will use a new name, the date the employee will begin to use that name.
- If the employee will use new gender pronouns, the date they will begin to use those pronouns.
- If the employee will use a new common restroom, the date the employee will begin using that restroom.

Also, discuss with the employee how the employee would like to communicate the transition to their coworkers. Remember, it is the employee who decides when, with whom, and how much of their private information to share. However, it is helpful to remind the employee that their coworkers cannot know how to properly address them if they are not advised the employee's name, pronouns, etc., have changed. If the employee wishes management to make an announcement or comment to their fellow employees, a sample Stand-Up Talk is included in Attachment B for guidance. Discuss actual Stand-Up Talks or other announcements with Human Resources prior to delivery.

Language: The employee has the right to be addressed by the name and pronouns corresponding to the employee's gender identity. A legal document or legal name change is not required to fulfill this request (some limited official documentation requires a legal name change). Intentional misuse of the employee's name or appropriate pronouns is not tolerated. Work with the employee to ensure all appropriate communications and documents reflect the employee's name and pronouns.

Restrooms and Locker Rooms: Employees have the right to use the restroom or locker room that corresponds to the employee's gender identity – not the employee's sex at birth. Any employee, who desires or needs increased privacy, can be provided with a reasonable alternative facility, if available.

Equality: It is unlawful to discriminate in any way against an employee because of the employee's actual or perceived gender identity or transgender status. Any incidents of discrimination, harassment, or violence based on the employee's gender identity or expression must be given immediate and effective action.

Confidentiality: Managers must treat an employee's transition with the same respect and confidentiality as they would any other employee's private information. Inquiries into any employee's medical procedures, body, and sexuality are always inappropriate. Any medical information received about the employee is protected under the Privacy Act and other laws. If an employee qualifies for Family Medical Leave Act (FMLA) leave, an employee may take FMLA protected leave for qualifying reasons related to the employee's transition, and management cannot interfere with this right.

The Postal Service is committed to providing a workplace free from discrimination and harassment. Always treat an employee's gender transition and gender identity with dignity and respect and work to help them navigate any workplace changes they need consistent with this MI.

Attachment B

Stand-Up Talk

The Postal Service has strong workplace policies encouraging diversity and prohibiting discrimination. I am committed to ensuring our workplace is free of harassment and will work to foster a climate in which all employees may contribute to their fullest extent.

A co-worker has decided that it is right for [him her, them, etc.]¹ to transition to [his, her, their, etc.] identified gender. [He, She, They, etc.] has/have the full support of management as [he, she, they, etc.] makes/make this transition. After today, [he, she, they, etc.] will be recognized and addressed as [employee's preferred name]. [Employee's preferred name] will use the pronouns [employee's preferred pronouns].

[He, She, They, etc.] will start using the bathroom facilities today that are designated for [his, her, their, etc.] identified gender.² I understand that some of you may be uncomfortable when this occurs, at least in the beginning. However, everyone has the right to take care of their personal needs in a private, safe, and respectful environment consistent with their gender identity.

I expect that each of us will treat every co-worker with the respect and dignity that we all deserve, regardless of personal opinions and beliefs. Jokes, inappropriate comments/questions, or use of adjectives or pronouns that may possibly demean [employee's preferred name] are not acceptable and will not be tolerated. I have encouraged [employee's preferred name] to immediately report any harassment or inappropriate behavior toward [him, her, them, etc.]. Please be assured that we will take prompt remedial action if it is warranted.

If you have questions about gender identity and transitioning and how best to interact in the workplace, I encourage you to contact me. Management welcomes any and all reasonable questions and concerns and will work with you to address them.

Thank you.

1. Instruction to management: please edit the document to use the appropriate pronoun for the employee, not the gender of the employee's birth.
2. Instruction to management: if your facility only has gender-neutral restrooms, or if the transitioning employee initially chooses to use a gender-neutral restroom, you may omit this paragraph.