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Equity and
Inclusion

Area Equity &
Inclusion

Gender Identity and Expression Procedure - PR-0212.A

Purpose

The Oregon Employment Department fosters fairness, equity, and inclusion. We maintain a workplace environment where everyone is treated with respect and dignity regardless of race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age, veteran status, disability, or status as a victim of domestic violence, harassment, sexual assault, or stalking.

This procedure explains how the agency:

- Treats people in a way that aligns with their gender identity
- Follows laws and policies related to gender identity and expression
- Protects legal rights and safety in employment and public services

This procedure cannot address every situation. Employees should review each situation on a case-by-case basis.

Our goal is to provide an inclusive and respectful environment for agency customers, employees, contractors, subcontractors, vendors, and interns of all gender identities. This will benefit the agency by increasing productivity and quality of services for all Oregonians.

Application

This procedure applies across all agency services and work sites. It addresses how agency representatives (including its employees, contractors, subcontractors, vendors, and interns) conduct official agency business with customers, partners, employees, contractors, subcontractors, vendors, and interns.

Definitions

These definitions provide general guidance. They are not exhaustive.

Always respect how individuals describe themselves. Do not label someone using these terms unless they use them for themselves.

- A. **Gender identity:** A person's internal sense of being a man, woman, or another gender. A person's gender identity cannot be assumed based on their appearance, voice, sexual orientation, or other characteristics.

B. **Gender expression:**

How a person presents themselves outwardly, such as through behavior, clothing, hairstyle, voice, or body characteristics. These traits may reflect societal expectations for gender and vary across cultures and change over time. Do not assume a person's gender identity or sexual orientation based on their gender expression.

C. **Sex assigned at birth:** The assignment of a person as male, female, undetermined, or X at birth, usually based on physical characteristics. This designation is decided by medical practitioners or parents and is recorded on the birth certificate.

D. **X:** A gender-neutral marker on state identification. Oregon offers "X" as an option for people who do not identify as male or female or prefer not to specify their gender.

E. **Cisgender:** A term used when a person's gender identity aligns with the sex they were assigned at birth. "Cis" is often used as a shortened form

F. **Transgender:** A broad term for people whose gender identity or expression differs from expectations based on the sex they were assigned at birth. "Trans" is often used as a shortened form.

1. Transgender man: A man who was assigned female at birth.
2. Transgender woman: A woman who was assigned male at birth.
3. "Use "transgender" as an adjective (for example, "transgender people"). Avoid terms like "transgenders" or "transgendered," which are often viewed as disrespectful.
4. Some people may use other terms or may identify simply as a man or woman.

G. **Gender non-conforming:** A term used by people whose gender identity or expression does not follow traditional or societal expectations. These expectations vary across cultures and change over time.

H. **Gender nonbinary; gender expansive; genderqueer:** Terms used by people who identify as neither a man nor a woman, as a combination of both, or outside these categories.

I. **Chosen, preferred, or adopted name:** A name a person uses that may differ from the name on their government-issued identification.

J. **Pronoun:** A word used instead of a noun to refer to a person. A person's name, gender expression, or outward appearance does not necessarily indicate how they would like to be addressed or what pronouns they use. Examples of pronouns include she, her, he, his, they, their, ze, and zir. "They" can be used as a singular pronoun when pronouns are unknown or by a person's choice.

1. Ex. *She* arrived at 8 a.m.
2. Ex. *He* gave *their* manual to *them*.
3. Ex. "There is someone on the phone for you." "What do *they* want?"
4. Ex. "Fatima called for you. *They* said *they'll* meet you in 10 minutes."
5. Ex. Ashe is here. Ze is ready for *zir* intake now.

K. **Transition or gender affirmation:** The process of living in alignment with one's gender identity when it differs from the sex assigned at birth. Each person's experience is unique and may happen over time or in stages. This process may include, but is not limited to::

1. Changing their clothing, appearance, or usage of gender-specific facilities.
2. Asking others to use a different name or pronoun when speaking about or to them.
 - a. People in transition may change their pronoun more than once, such as changing to "they" for several months before changing their pronoun to "he" or "she."
3. Changing their name or gender marker on government-issued identification, such as their driver's license or passport.
 - a. Legal name or gender marker changes may take time, and therefore individuals may have different names or gender markers on different forms of identification

4. Accessing medical treatment such as hormone therapy, surgery, counseling, etc.

Procedures

The agency treats all customers, employees, contractors, subcontractors, vendors, interns, and service providers in a manner consistent with their gender identity and chosen name and pronouns, regardless of the sex assigned at birth, to the fullest extent possible.

A. Discrimination and Harassment

1. The Employment Department provides a safe environment for all employees and customers. The agency will promptly review and address any discrimination, harassment or violence based on a protected class, including gender identity or expression. The agency may take corrective action, up to and including dismissal. Employees may submit complaints verbally or in writing to any manager, Employee Services, the agency director, or the Department of Administrative Services Chief Human Resources Office.
2. State law and agency policy prohibit discrimination in employment based on a protected class, including actual or perceived gender identity or expression. This includes, but is not limited to, failing to hire, promote or train; terminating employment; or engaging in harassment. State law and agency policy also prohibit retaliation against any person who objects to discrimination or supports enforcement of anti-discrimination laws or policy.
 - a. Ex. A hiring panel interviews an applicant who shares that they are transgender. During the hiring panel's discussion, one panelist expresses concern that agency customers may not want to interact with a transgender employee. The hiring manager appropriately reminds the panelist that failing to hire based on a protected class is an example of employment discrimination and that making employment decisions based on customer or coworker preferences is also discriminatory.
3. In accordance with ORS 659A.403, agency employees must not discriminate against or harass individuals in the agency's delivery of services, programs, facilities, privileges, or any other type of public accommodation based on a protected class, including gender identity and expression.

B. Names and Pronouns

1. All agency customers, employees, contractors, subcontractors, vendors, and interns have the right to be addressed by their chosen name and pronouns in everyday interactions. They are encouraged to let agency representatives know how they want to be addressed. A court order or other government-issued identification is not required. Refusing to use a person's chosen name or pronouns may be considered harassment and in violation of State of Oregon policy.
 - a. A person's gender expression, name on government-issued identification, voice, or outward appearance is not necessarily an indicator of how they would like to be addressed.
 - b. Any employee, contractor, subcontractor, vendor, or intern who is unsure how to address a coworker or customer may politely ask, "How would you like to be addressed?"
 1. Ex. "I want to make sure that we're addressing you correctly. When I spoke with your employer, she used a different name and gender pronoun to refer to you. I wasn't sure if there was a typo on your claim or if you use a different name or pronoun than what Social Security has on file. Is there a different name or pronoun you'd like us to use?"
 - c. When there is a business need to collect or confirm the name found on government-issued identification, employees should explain the reason and ask only what is

necessary.

1. Ex. "To verify your identity, would you please confirm the name and gender on file with the Social Security Administration? [Customer provides name]. Thank you, and how would you like to be addressed? [Customer provides name]. Thank you, and let me know if there are different pronouns that we should use in our notes."
- d. Any employee, contractor, subcontractor, vendor, or intern who makes a mistake when using a person's name or pronouns should correct it promptly without drawing excessive attention.
 1. Ex. An employee calls Person A "Mr. A." Person A responds by saying, "I go by Mrs. A." The employee then replies, "I'm sorry for my mistake, and thank you for letting me know" or "Thank you for letting me know, Mrs. A." The employee uses the correct name moving forward.
- e. Regardless of name on government-issued identification, employees, contractors, subcontractors, vendors, and interns who use the statewide human resources management system Workday may display their chosen name publicly and use their legal name only when required for business purposes, such as payroll. Employees may also include chosen names in email addresses, signatures, internal and external directories, official badges, publications, business cards, etc. They may share pronouns wherever supported by current systems, such as in email signatures and on business cards.
 1. The agency will cover reasonable costs to update workplace photographs, directories, badges, publications, and business cards.
- f. Some legacy, public-facing systems do not support chosen names or pronouns. If a system does not have this functionality, employees should record chosen names and pronouns in available notes fields, with the customer's consent, and use the notes to support respectful interactions. Employees must inform customers of any limits to confidentiality in this situation.
- g. When systems must collect sex or gender and only allow male or female options due to federal requirements, the agency will include an explanation and, when possible, provide additional options that align with state law and policy.
 1. The agency will regularly survey its workforce to collect optional information on gender identity to support equal employment opportunity efforts and gather employee feedback.
- h. When a legitimate business need requires collecting the name on government-issued identification, employees must explain the requirement and its purpose. Employees should also explain that the agency will use the person's chosen name when communicating with them, to the extent current systems and legal requirements allow.

C. Official Records

- a. The Employment Department will update official records to reflect a change in gender marker or name upon request.
 1. This includes customer information, workplace photographs, internal and external directories, official badges, publications, business cards, etc. so that a customer, employee, contractor, subcontractor, vendor, or intern's gender identity, gender expression, or chosen name is accurately represented.
 2. The agency covers reasonable costs associated with these updates.
 3. Some records, such as payroll or federal tax information, may require updated

government-issued identification before the agency can make changes. The agency processes these updates in the same way as other legal changes, such as name changes due to marriage or divorce. The agency accepts copies of legal documents whenever possible and returns original legal documents whenever possible to reduce the expense to employees and customers.

D. Confidentiality

- a. Agency customers, employees, contractors, subcontractors, vendors, and interns may choose whether to share their gender identity or expression. They decide when, with whom, and how much information to share.
- b. Agency employees, contractors, subcontractors, vendors, and interns must not disclose information about whether another person is transgender or cisgender without that person's explicit consent, unless disclosure is necessary to conduct official agency business
 1. Ex. An agency employee interviews an unemployment insurance claimant who filed under the name Michael Washington. The agency employee correctly starts the conversation by asking how the claimant would like to be addressed. The claimant states she goes by Michaela and uses she/her pronouns. The claimant adds that while working for her former employer, she went by Michael, which is the name on file with the Social Security Administration, and used he/him pronouns. She also explains that her former employer knows her as Michael and uses he/him pronouns. The employee asks how to refer to her when speaking with the employer. The claimant requests that the employee use Michael and he/him pronouns in that context, as she would like her gender identity kept confidential from her former employer. The employee follows this request and only uses Michaela and she/her pronouns when speaking directly with the claimant
 2. When employees create official correspondence or case notes for someone who wants to keep their gender identity confidential, or when pronouns are unknown, employees should handle each situation case by case, with the goal of maintaining confidentiality and respect. Possible solutions include using the person's last name, Claimant/Employer, or initials, and using "they" as a singular pronoun instead of using "he" or "she."
 - i. Ex. When writing discoverable notes regarding Michaela from the example above - and after checking with Michaela to determine how to refer to her in discoverable notes - the agency employee correctly writes, "Complainant stated they were discharged while in the hospital recovering from a car accident."

E. Facilities

- a. Customers, employees, contractors, subcontractors, vendors, and interns may use facilities, including restrooms and locker rooms, that align with their gender identity without being harassed or questioned by others.
- b. Individuals who are transitioning or who identify as nonbinary, genderqueer, or gender expansive may choose the facility that feels safest and most appropriate for them.
- c. When available, the agency will provide access to more private facilities, such as single-user restrooms, for anyone who requests additional privacy. The agency will not require anyone to use these facilities.
- d. The agency will make a good faith effort to provide gender-inclusive facilities at all worksites, including making a good faith effort to have gender-inclusive signage for all single-user facilities (whether for customers or employees).

F. Dress Codes

- a. The Employment Department does not have a dress code that restricts clothing or appearance

based on gender.

G. Workplace Transition/Gender Affirmation

- a. The agency supports employees and interns who transition in the workplace or who are in the process of transitioning when they join the agency (whether the transition is social, medical, involves changing government-issued identification, or any combination of these). The agency will work with the individual to develop an individualized workplace transition plan and will adjust the plan as needed based on the individual's requests.
 1. Employees or interns who want support during their transition should contact Employee Services, the Equity and Inclusion Office or a manager. A manager who receives a request will ask for consent to involve Employee Services to help develop and implement the transition plan, including identifying requested changes and who will be involved.
 2. The individual who is transitioning will decide when, with whom, and how much information will be shared about their transition.
 3. An individualized transition plan may include, but is not limited to:
 - a. Updating the individual's email address and email signature, including pronouns.
 - b. Updating the individual's name in the phone directory.
 - c. Updating the individual's name and photo in the internal employee directory.
 - d. Removing previous workplace photographs and updating the name of the individual in internal or external newsletters, social media posts, etc. as is reasonable and to the extent allowed by public records law.
 - e. Deciding whether and how to inform coworkers about the transition.
 - f. Requesting temporary or permanent change in work site or workspace location.
 1. Ex. An individual might request a temporary reassignment to a different WorkSource center or a different workspace during their transition. The agency will review each request on a case-by-case basis, with the goal of supporting the individual to the extent possible.
 - g. Deciding whether and how the individual's coworkers will receive information or training related to workplace transition or gender identity in the context of the individual's transition.
- b. Employees or interns receiving medical treatment related to their transition may use otherwise-qualifying in accordance with applicable collective bargaining agreements or State of Oregon policies.
- c. Eligible employees or interns who qualify under the Family Medical Leave Act (FMLA), Oregon Family Leave Act (OFLA), and/or Paid Family and Medical Leave (Paid Leave Oregon) may be entitled to take medical leave for the transition-related needs of themselves or their families. Employees are encouraged to contact Employee Services for the appropriate medical leave eligibility information.

Review Schedule

We will review this procedure every three years or more often as needed.

References

29 CFR part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act: <https://www.ecfr.gov/current/title-29/subtitle-A/part-38>

[Discrimination and Harassment Free Workplace Policy 50-010-01](#)

[Unlawful Discrimination in Employment and Places of Public Accommodation](#)

[Bureau of Labor and Industries Discrimination Oregon Administrative Rules](#)

[Bureau of Labor and Industries \(BOLI\): Gender/Gender Identity at Work](#)

[Workplace Transition Plan \(Model Transgender Employment Policy\)](#)

[Valuing Transgender Applicants and Employees](#)

[Statement of Anti-Sexual Assault and Domestic Violence Organizations in Support of Equal Access for the Transgender Community](#)

[OED – E&I – ON DEMAND: LGBTQIA2S+ Basics](#)

Questions or Training

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Training	Equity and Inclusion Director 503-586-9240, Teresa.L.Rainey@employ.oregon.gov

Approved

Approval Signatures

Step Description	Approver	Date
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Executive Team Review	Perla Brambila-Arechiga: Policy Coordinator	07/2026
Employee Review	Teresa Rainey: Director of Equity and Inclusion	07/2026
Communications Review	Rebeka Gipson-King: Communications Director [PB]	07/2026
Equity and Inclusion Council Review	Teresa Rainey: Director of Equity and Inclusion	07/2026
Division Director Review	Teresa Rainey: Director of Equity and Inclusion	07/2026
Initial Review	Perla Brambila-Arechiga: Policy Coordinator	07/2026
Initial Review	Teresa Rainey: Director of Equity	06/2026

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