



2.04 GENDER IDENTITY NON-DISCRIMINATION

Rule

No individual will be discriminated against in any aspect of employment including recruitment, selection, hiring, wages, hours and promotion based upon the individual's publicly and exclusively asserted gender identity, or any declaration of intention to change the individual's perceived gender.

The City will not tolerate disrespectful language or behavior from its employees toward or about a person on the basis of their gender identity or sexual orientation. Individuals have a right to be addressed in a manner that is consistent with the individual's expressed gender. The refusal of managers, supervisors, co-workers and other persons to address individuals in a manner consistent with their expressed gender identity will not be tolerated.

Sex-Specific Facilities

The City will make reasonable efforts to treat male to female transsexuals equitably with other women, and female to male transsexuals equitably with other men in sex-specific facilities. The term "transsexual" refers to individuals who identify as one gender at all times, which gender is perceived to conflict with their congenital reproductive anatomy.

It is the intent of the City that there will be no discrimination against a transsexual who has fully transitioned from female to male or male to female in their use of sex-specific facilities. In sex-specific facilities where nudity in the presence of other people is unavoidable (e.g., communal showers in locker rooms), it is the City's requirement that only post-operative women will be allowed in the women's facility and only post-operative men will be allowed in the men's facility.

Documentation such as a court order establishing change of sex, a letter from a reputable surgeon verifying the performance of sex reassignment surgical procedures, a passport or a birth certificate will be required prior to using such sex-specific facilities. All City employees using sex-specific facilities where nudity is unavoidable are expected to deal with others in a respectful and responsible fashion.

Efforts will be made, however, to accommodate other transgendered individuals regardless of where they are on the continuum of gender identity transition. Other sex-specific facilities, such as restrooms, will be inspected to determine the feasibility of making these one person at a time restrooms.

Dress Codes

Transgendered employees have the right to comply with sex-specific dress codes according to their gender identity. Nothing in this rule or in the City of Portland's Affirmative Action Plan, however, requires any bureau or office within the City of Portland to allow the occasional dressing in clothing that is conflicting with the person's established legal sex.

Implementation

Bureau EEO representatives are available to respond to questions, including but not limited to, an individual's right to use a sex-specific facility and compliance with dress codes according to their gender identity. The Diversity Development/Affirmative Action Office is also available as a resource.

**Administrative Rule
History**

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
