



Human Resources  
Administration

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Department of  
Homeless Services

**Department of  
Social Services**

**Lesbian  
Gay  
Bisexual  
Transgender  
Questioning &  
Intersex  
(LGBTQI) Policy**

<p>POLICY/PROCEDURE # <u>DSS-PD-2017-01</u></p> <p>ISSUED BY: <u>The Office of Policy, Procedures, and Training</u></p> <p>DATE: <u>April 20, 2017</u></p>
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**Introduction**

*Agency Statement*

The New York City Department of Social Services (DSS), including the Human Resources Administration (HRA) and the Department of Homeless Services (DHS), is committed to providing all employees, clients and individuals who interact with our agencies a safe, healthy, inclusive, affirming and discrimination-free environment. This guide is intended to provide staff and clients with a single point of reference for best practices when working with Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex individuals. For the purposes of this policy, “the Agency” will refer to the Department of Social Services, The Human Resources Administration, and the Department of Homeless Services.

*The NYC Human Rights Law*

The New York City [Human Rights Law](#) is one of the most comprehensive civil rights laws in the nation. It prohibits harassment and discrimination against many protected classes, including actual or perceived race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and/or expression), sexual orientation, disability, pregnancy, marital status, and partnership status in employment, housing or places of public accommodation, including the Agency. It is also against the law to retaliate against an individual because that individual opposed a discriminatory practice or made a charge, or because the individual testified, assisted, or participated in an investigation, proceeding or hearing. Discrimination may take the form of unwelcome physical or verbal conduct, including, but not limited to, derogatory comments, jokes, graffiti, drawings, photographs, touching, or gestures. For more information refer to Appendix 1 for the complete NYC Human Rights Commission’s publication about [Discrimination on the Basis of Gender Identity or Expression](#).

## **Terminology**

### ***LGBTQI Definition***

LGBTQI is an acronym used to refer to Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex communities. This is the acronym that DSS uses; it is important to keep in mind that LGBTQI individuals - especially transgender and gender non-conforming individuals - may use a wide range of language to describe themselves. The best practice is to reflect the terms which individuals use to describe themselves. The individual is the best person to determine their own identity. Employees should avoid assigning terminology to identities and using terms that make individuals uncomfortable.

The following list includes definitions of all the terms that are contained in this acronym:

**Lesbian:** Typically refers to someone who identifies as a woman and who is attracted to women.

**Gay:** Typically refers to someone who identifies as a man and who is attracted to men. This term is sometimes used generally to refer to the LGBTQI communities as a whole or as a label for people who are homosexual.

**Bisexual:** A person attracted to the same and opposite genders. This attraction may show a preference for one gender over another.

**Transgender:** Is an umbrella term used to describe individuals whose sense of being male, female, or another gender (gender identity) and/or outward appearance of gender (gender expression) is different from what is typically associated with their birth sex.

**Questioning:** A term often used to describe a person who does not know whether they might be lesbian, gay, bisexual, queer, transgender, or intersex, or identify with those terms.

**Intersex:** Describes people who are born with anatomy that does not fit the typical definitions of female or male. Some intersex people may identify as transgender, and others may not.

### ***Additional Useful Terminology***

**Ally:** In this context, the term “ally” means a supporter of lesbian, gay, bisexual, transgender, questioning and intersex people.

**Birth Sex or “Assigned Sex”:** Refers to the sex a person was given at the time of birth. For many transgender, gender non-conforming, and intersex people, this sex does not match how they feel and may not match their biological traits.

**Cisgender:** Is a term that means “not transgender.” Cisgender means that a person identifies or expresses their gender in a way that matches their birth sex.

**Gender Expression:** Describes the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, mannerisms, and speech patterns.

**Gender Identity:** A person’s internal sense of their gender. For example: someone’s sense of being male, female, gender non-conforming, or another gender. For transgender people, their gender identity is typically different than the sex they were assigned at birth.

**Gender Dysphoria:** The distress a person feels when their internal sense of self does not match the sex that they were assigned at birth.

**Gender Non-Conforming or “Genderqueer/Gender Variant”:** A person who does not conform to cultural expectations of men or women.

**Gender Transition:** A gender transition is when someone decides to bring their external gender expression in line with how they see themselves on the inside. This can involve legal changes, social changes and medical changes. Transgender individuals may or may not begin or continue a medical process of hormone replacement therapy and/or gender confirmation surgery.

**Heteronormative:** Behavior that conforms to typical cultural male or female gender roles and expectations. This kind of behavior is often seen as normal and rewarded.

**Heterosexual:** Describes people who are attracted to people of the opposite gender. Also referred to as “straight”.

**No Gender:** Someone who does not identify with a particular gender.

**Pansexual:** A person who is sexually attracted to people of all or many gender expressions. Often described as “you love who you love”.

**Queer:** An umbrella term that refers to identities that are outside social norms when it comes to gender identity or sexual orientation. It is also used to refer to people who are attracted to all or many gender expressions, similar to “pansexual”. Queer is a reclaimed term with formerly derogatory connotation, and should not be used unless a person identifies that way.

**Same-Gender Loving:** A term used by some who may not identify with the terms gay or lesbian but engage in same-sex behavior.

**Sex or “biological sex”:** Refers to biological and physiological characteristics associated with a particular gender, such as organs, hormones, or chromosomes.

**Sexual Orientation:** The desire for love or sexual activity with people of the opposite sex, the same sex, or people of various identities. Terms like lesbian, gay, bisexual, asexual, heterosexual, and same-gender loving refer to sexual orientation.

**Two-Spirit:** A term used in many First Nations/American Indian communities. Two-spirit people are often seen as a third gender.

***Terms to Avoid***

These words typically have either complicated or derogatory meanings and you should avoid using them:

- Cross Dresser
- Drag Queen
- Dyke
- Fag
- Fag Hag
- Maricon (Spanish)
- Travesti (Spanish)
- Batty Man
- Hermaphrodite
- Homo
- Tranny/She-male/She-he
- Transvestite

# **I. General Guidance on LGBTQI** **Issues**

In order to ensure that all New Yorkers in need have equal access to our agencies' vital services and that everyone maintains a discrimination-free, affirming environment for Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) clients and employees, there are a few key areas where our staff must pay special attention:

***A. Non-Discrimination and Non-Harassment Policy***

DSS, HRA and DHS are committed to treating all staff members and clients with dignity and respect. Discrimination, harassment, or bullying by staff or clients on the basis of actual or perceived sex, sexual orientation, partner status, and gender identity or gender expression is a violation of the law and, for example, a violation of both HRA's and DHS's Codes of Conduct, which can be found in Appendix 2. DSS Employees should follow the HRA Code of Conduct.

***B. Professionalism and Staff Conduct***

It is the expectation all staff and vendors will model appropriate and affirming behavior at all times, as defined by the agencies' codes of conduct and in this policy. Discomfort felt by staff and/or clients about gender, perceived gender, or sexual orientation cannot affect the respectful offering and provision of appropriate services, or the respectful treatment of employees and clients. Under no circumstances is any staff member to attempt to convince an LGBTQI client or fellow employee to reject or modify their gender identity, sexual orientation, or gender expression. Additionally it is not appropriate to ask any staff member or client questions about their sexual practices, except as necessary for clinical assessment or reporting abuse. Authorized staff may inquire about sexual orientation, transgender status or intersex status only for the purposes of collecting demographic information or as necessary to provide affirming customer service. Clients must be told that disclosure of this information is voluntary and will not affect eligibility for benefits.

***C. General Confidentiality and Privacy Statement***

All clients and staff have a right to privacy and it is the expectation that all staff will respect this right. Sexual orientation, transgender status and related information should be kept private unless the information is necessary to provide appropriate services to the individual.

Example: It may be necessary to ask for information regarding transgender status when a client is requesting an exception code for gender specific services under Medicaid.
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Useful guidelines regarding disclosing an individual’s sexual orientation, transgender status, or intersex status:

When to Ask	When to Tell
<ul style="list-style-type: none"> <li>• Is the question something you would ask a non-LGBTQI person?</li> <li>• Is the question necessary in order to perform your job function?</li> </ul>	<ul style="list-style-type: none"> <li>• Will sharing the information help you perform your job?</li> <li>• Have you discussed with the individual that you need to share this information?</li> </ul>

Answering “yes” to the questions above is a good guideline for determining if you need to discuss an individual’s sexual orientation, transgender status, or intersex status.

***D. Titles Names and Pronouns***

One source of confusion about, and discrimination against, transgender and gender non-conforming individuals concerns the use of the appropriate titles, names, and pronouns when referring to the individual.

Once a preferred name has been established always address individuals by their preferred name in addition to their preferred title (e.g., Ms./Miss/Mrs./Mr.), and preferred pronoun (e.g., he/she, him/her, his/hers, they/theirs), regardless of their birth sex, whether the individual has undergone a legal name change, or what their gender expression is at the time, and without requiring identification or other forms of “proof” of gender identity.

Remember that:

- If you are unsure what title and name a person wishes or what pronoun they prefer, you should ask, “How would you like me to address you?”
- Having learned the title, preferred name, and pronoun chosen by an individual, refusing to refer to that person by the correct title, name and pronoun is a form of harassment and will be considered discrimination.
- In some cases the Agency may limit the preferred names that can be used. Please refer to the Agency’s Preferred Name Guidelines for further clarification in Appendix 3.
- An individual may choose to go by some variation of their name such as first name only or last name only

***E. Access to Restrooms and Other Gender Separated Facilities***

In New York City, it is unlawful discrimination to require an individual to use a restroom or other gender-separated facility that does not match that person’s gender identity or expression. Therefore it is the policy of the Agency that all individuals have the right to access single sex facilities consistent with their gender identity and gender expression. This policy includes vendor sites.

Additionally, all single occupancy restrooms must be made available to people of all genders. In situations where an individual does not identify as male or female or when gender expression does not match traditionally male or female roles or expectations, this individual is welcome to use the single sex facility they feel most closely aligns with their gender identity or use a single occupancy facility if available. When an individual does not feel comfortable or safe using either of the single sex facilities and there are no single-stall facilities available, employees should consider whether an alternative arrangement may be appropriate in order to ensure that the client is provided with access to a restroom where they will not be discriminated or harassed. If unsure what arrangements could be made, employees should seek guidance from their supervisor.

Example: Arrangements can be made for an individual to use the bathroom alone.

Under no circumstance is it acceptable to harass an individual for using a restroom that matches their gender identity even if their gender expression does not match expectations. Additionally it is not acceptable to force anyone to use single occupancy facilities because they are transgender or gender nonconforming. Clients and employees are entitled to use the facility that matches their gender identity or expression most closely and are entitled to do this without being required to show identification, medical documentation or any other form of proof or verification of gender. Intentional misuse of this policy will not be tolerated.

Example: It would be a violation of this policy if a transgender woman was barred from using the women’s restroom or forced to use a single occupancy restroom.

***F. Dress Code***

New York City law makes it clear that clients and staff should never be required to wear clothing or meet grooming standards that are inconsistent with their gender identity or

expression, or be forbidden from wearing clothing consistent with their gender identity or expression. Holding employees or clients to different dress and grooming standards based on gender or perceived gender is considered discriminatory and will not be tolerated. Refer to Appendix 4 for Agency Dress Code information.

### ***G. Required Staff Training***

It is Department of Social Services policy that all Agency staff members (including DSS, HRA and DHS) must attend training on LGBTQI issues. The purpose of this requirement is to make sure that all Agency staff members are familiar with Agency policies regarding LGBTQI clients and coworkers.

### ***H. Violations***

Any employee or contracted vendor who discriminates against, harasses, or violates the rights of lesbian, gay, bisexual, transgender, questioning or intersex individuals, or retaliates against any individual who opposes such action, is subject to disciplinary action as well as sanctions and penalties imposed by the courts and regulatory agencies, such as the New York City Commission on Human Rights and the New York State Division of Human Rights.

Complaints of harassment, discrimination, retaliation, or the creation of a hostile work environment may be reported to any of the following:

- By contacting the Agency's Director of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Advocacy at [lgbtqi@hra.nyc.gov](mailto:lgbtqi@hra.nyc.gov)
- By calling 311
- By contacting the Agency's Office of Constituent Services at (212) 331-4640 or [constituentaffairs@hra.nyc.gov](mailto:constituentaffairs@hra.nyc.gov)
- By contacting the Department of Homeless Services Ombudsman's Office at (800) 995-6464, or at [ombudsman@dhs.nyc.gov](mailto:ombudsman@dhs.nyc.gov)
- By contacting Agency's Office of Equal Employment Opportunity at (929) 221-5139 or [eeunit@hra.nyc.gov](mailto:eeunit@hra.nyc.gov)
- By letter to the Commissioner, Department of Social Services, 150 Greenwich Street, 42<sup>nd</sup> Floor, New York, NY 10007
- By calling the New York City Commission on Human Rights at 311 or (718) 722 3131
- By calling the New York State Division of Human Rights at (888) 392-3644

***I. For More Information***

Please contact the Office of LGBTQI Affairs at [lgbtqi@hra.nyc.gov](mailto:lgbtqi@hra.nyc.gov) for general questions, or to learn more about the agencies’ LGBTQI policies, including confidentiality, gender change, name change, health care, or best practices.

If you want to learn more about the Agency’s LGBTQI staff organization HRAinbow, please contact at [hrainbow@hra.nyc.gov](mailto:hrainbow@hra.nyc.gov).

If you are interested in learning more about LGBTQI related topics and issues, please refer to the resources available at DSS [McMillian Library](#) and the resources below.

For all other inquiries, please contact the Office of Constituent Services.

Organization	Website
Ackerman Institute for the Family- Gender and Family project	<a href="http://www.ackerman.org/gfp/">http://www.ackerman.org/gfp/</a>
Department of Citywide Administrative Services (DCAS)- Citywide Diversity and Equal Employment Opportunity	<a href="http://www.nyc.gov/html/dcass/html/about/eo.shtml">http://www.nyc.gov/html/dcass/html/about/eo.shtml</a>
PFLAG (Parents, Families and Friends of Lesbians and Gays) NYC	<a href="http://www.pflagnyc.org/">http://www.pflagnyc.org/</a>
Transgender Law Center	<a href="http://transgenderlawcenter.org">http://transgenderlawcenter.org</a>
NYC LGBT Community Center	<a href="https://gaycenter.org/">https://gaycenter.org/</a>
Lambda Legal	<a href="http://www.lambdalegal.org">www.lambdalegal.org</a>
National Center for Transgender Equality	<a href="http://www.transequality.org">www.transequality.org</a>
National LGBTQ Task Force	<a href="http://www.thetaskforce.org">www.thetaskforce.org</a>
New York Commission on Human Rights	<a href="http://www1.nyc.gov/site/cchr/index.page">http://www1.nyc.gov/site/cchr/index.page</a>

***J. Notes on this Policy***

This policy was developed by the Agency’s Office of LGBTQI Affairs, DHS’s Office of the General Counsel, HRA’s LGBTQI workgroup, advocates, Agency staff and leadership, and NYC Service Corps Member Holly Hirschi.

This policy supersedes and replaces HRA’s Transgender Best Practices Policy No. P-09-22.

## **II. LGBTQI In The Workplace** **(Employee LGBTQI Policy)**

### ***A. Expectations***

All employees have the right to be who they are and openly express their gender identity, characteristics, or expression without fear of consequence, as long as they do so in a manner that is consistent with the Agency's Code of Conduct and Dress Code. It is the expectation that all employees will treat each other with dignity and respect. In accordance with the Agencies' Codes of Conduct and Human Rights' Laws, discrimination on the basis of sexual orientation, partnership status, gender identity, gender expression, or any other protected category under the law will not be tolerated. If an employee feels they do not understand LGBTQI related issues they are expected to inform themselves about their rights and responsibilities towards others in performing their job. Discriminatory behavior is not tolerated and lack of awareness is not an acceptable excuse for discriminatory behavior.

For more information about employee rights and responsibilities refer to the Office of LGBTQI Affairs, [DSS's LGBTQI page](#), or DSS's Office of Equal Employment Opportunity. Additionally the NYC Department of Citywide Administrative Services (DCAS) may offer periodic trainings on LGBTQI issues. Contact information is listed in the general LGBTQI policy on page 12. Additional resources can be found in the Appendix of this policy.

### ***B. Employee Privacy and Confidentiality***

All employees have the right to keep their sexual orientation, partner status, transgender status, or intersex status private. Although they may choose to disclose this information to colleagues, no one, under any circumstance should share this information without the person's consent. Doing so contravenes the agencies' privacy and confidentiality rules and is a discriminatory act. All DSS, HRA, and DHS employees and clients have the right to a welcoming and affirming environment free of discrimination.

### ***C. Gender Separated Programs and Activities***

All employees have the right to participate in programs and activities that are consistent with their gender identity or expression. In no case shall an employee be forced to participate in a program or activity that does not match their gender identity. Discomfort with this policy is not a reason to deny individuals access to activities and programs that fit their gender identity or expression.

Example: A violation of this policy would be if a transgender male employee whose job it is to clean gender specific facilities, such as restrooms, was assigned to clean female restrooms because that is what matches his gender assigned at birth.

#### ***D. Healthcare***

All employees have the right to access healthcare plans that provide gender affirming care, comprehensive transgender care, and transition-related care. There currently are healthcare plans offered to employees that meet this standard. There is an annual period of open enrollment and if an employee does not enroll in one of these plans during the period of open enrollment they will, generally, have to wait until the next open enrollment cycle to enroll in the healthcare plan that best fits their needs. See Appendix 5 for a list of gender affirming and transgender healthcare providers available to employees. If you have questions about what is covered under your healthcare plan, you should contact your insurance provider or your Human Resources Business Partner (HRBP).

#### ***E. Leave***

In accordance with relevant policies, such as Procedures No. 13-04, No. 00-18 and the Family and Medical Leave Act (FMLA) eligible employees are entitled to take leave for child care, military purposes, and for their serious health condition or of covered family members (spouse, child, or parents). See e.g. procedure No. 00-18 in Appendix 6 for full FMLA Procedure.

**Family Leave:** The Agency is dedicated to ensuring that LGBTQI employees who are eligible for leave have the same opportunity to care for their families to which all eligible employees are entitled. As noted in the Agency's FMLA procedures the terms "child" and "parent" are inclusive of individuals who may not necessarily have a legal or biological relationship with the employee. This means that FMLA-eligible employees in some cases can take leave to care for their children or parents even if they are not legally or biologically related to them. Additionally an eligible employee with a domestic partner may take FMLA leave to care for this person so long as they meet all FMLA requirements and criteria.

For information about gender transition-related leave see section F below. For further general information about employee leave eligibility and requirements refer to Appendix 6, Procedure No.13-04.

#### ***F. Gender Transition of Employees***

A gender transition is when someone decides to bring their external gender expression in line with their internal sense of being male or female or a different gender. This can involve legal changes, social changes, and medical changes.

**Confidentiality and Privacy of Employee Transitions:** An employee has the right to confidentiality about their gender transition. At no time during their transition process must they be required to conform or engage in traditionally male or female roles. The Agency will make every effort to honor transition related accommodations in the workplace. An individual's choice to transition during their employment should be respected and should not be the basis for discrimination, gossip, or discussion. It is The Agency's policy that personnel involved in the process of name or gender changes keep this information confidential. Under no circumstances must this information be shared with anyone not authorized to be in possession of such information.

**Transition Leave:** Eligible employees who are in the process of a gender transition or are beginning this process may be eligible for FMLA leave for certain care associated with this transition so long as they meet all FMLA requirements and criteria. For a full list of eligibility criteria please refer to the FMLA policy in Appendix 6. If a transitioning employee is not eligible for FMLA leave, they may be able to take non-FMLA medical leave offered by the Agency during their transition if they meet FMLA leave criteria or present a serious health condition or a medically-related illness. Agency employees are strongly encouraged to consult with their supervisor and/or with their Human Resources Business Partner (HRBP) or human resources representative to discuss their options.

**Employee Policy for Changing Name and or Gender on Agency Records:** If an Agency employee decides they want to change their name or gender in agency records they have the right to do so, although in most cases documentation will be required. For more information see below and/or contact your human resources representative.

**Legal Name Change:** The first step to beginning the name change process at the Agency involves contacting your human resources representative and then submitting a name change request through NYCAPS. Once a report is generated through NYCAPS the staff member will be contacted to provide documentation. Refer to Appendix 7 for official checklist regarding changing your name at the Agency and for resources available to the public on how to change your legal name.

The following are examples of some Agency records that may require documentation of a legal name change in order for a change to be made:

- Employee ID card,
- Security ID,
- Benefits plan,
- Personnel records, and
- Payroll system.

Please note that this is not an exhaustive list and the type of documentation required to process these changes may vary. For example, if an employee requests to change their name in the Agency's payroll system(s), they may be required to show an updated social security card with the name that matches the requested change. The employee may also be required to fill out a new W-4 form as this is required to match the name on their social security card. Additionally, employees who change their name on Agency-issued identification cards are also entitled to change their signature on such cards, if they so choose.

**Preferred Name:** An employee may use a preferred name even if they have not legally changed their name. However, all preferred names must meet the standards of the Agency's official guidelines on preferred names. Please see Appendix 3 for DSS's Preferred Name Guidelines.

***G. Best Practices for Transitioning Employees and their Managers and Coworkers***

The following guidelines are intended to be seen as a potential tool that can make the workplace transition easier. By no means is this a comprehensive or absolute list. Each individual is different and, therefore, transitioning employees are going to have different experiences and needs.

### **Guidance for Transitioning Employees**

- How an employee informs their coworkers about their transition is entirely the decision of the employee. If you are an employee going through a gender transition, it is important to know that you have the right to choose your first point of contact, the method that you use to share information, and the number of people with whom you decide to share. That information will be kept strictly confidential.
- Recommended first point of contact could be your designated HRBP, or your direct supervisor. Having a first point of contact will ensure that every effort is made to facilitate a smooth transition. Ideally, this should take place as soon as possible before the transition.
- Eventually, you may need to inform your direct supervisor or manager so that they may collaborate with you to develop an individualized plan that works for you. If you do not feel comfortable with your supervisor, you may elect to reach out to your HRBP or EEO for assistance.
- You have the right to refuse to answer questions about your transition, gender identity, gender expression, and or sexual orientation.

### **Guidance for Managers**

- Your support is critical to facilitate a successful workplace transition for your employee. All employees have the right to transition their gender at work. If an employee informs you that they are going to transition and you feel that you will not be able to facilitate this process, you still have a responsibility to develop an alternative plan for assisting this employee and connecting them to necessary resources.
- It is crucial that you listen to the individual transitioning and what they tell you in regard to how they want to be treated and what their expectations are.
- Respect the privacy of a transitioning employee by asking and gaining approval from the employee.

### **Guidance for Coworkers**

- Always remember to respect the privacy of others. If an employee informs you of their transition, you should not share information without their consent. Doing so is considered “outing” someone and, if done intentionally, may be considered discrimination.
- Being uncomfortable or unfamiliar with transgender issues is not a justifiable reason for treating an employee, colleague, client, or member of the public in a disrespectful way. Additionally, keep in mind that individuals express their gender identity in different ways and may not conform to traditional gender roles or expectations.
- If you feel uncomfortable with an employee’s gender transition we recommend utilizing the resources available at DSS, DHS, or HRA.

### **Resources for Managers, Employees, and Gender Transitioning Employees**

DSS’s Office of LGBTQI Affairs, your HRBP, HRAinbow, DHS and HRA’s EEO Offices, and the Department of Citywide Administrative Services (DCAS) can provide more information and guidance. Please see the resources section at the end of this policy for contact information.

### **III. Working With LGBTQI Clients** **(Client LGBTQI Policy)**

***A. Confidentiality and Privacy of Client Information***

It is important to respect the privacy of all clients. You should keep an individual's sexual orientation, transgender status, or intersex status private with the exception of when you need to share the information so that the individual is served adequately and respectfully.

It is the expectation and requirement of the Agencies that all staff and contracted vendors:

1. Maintain the confidentiality of the clients they serve.
2. Treat sexual orientation, transgender status, and intersex status, information about a person's anatomy or medical history, and names other than the client's preferred name as confidential information.
3. Never disclose such information without the client's permission, unless such disclosure is required in order to properly serve the individual and is consistent with federal, State and local law.
4. If a client grants permission to share this information it is crucial that this is done in a professional and respectful manner.

***B. Collection of Demographic Information***

DSS, HRA and DHS may, at the discretion of the Agency leadership or the Mayor's Office, collect demographic information about sexual orientation and gender identity, called "SOGI" information. Answering these demographic questions would under all circumstances be completely voluntary and any such information gathered will only be used for analytic purposes. This information will not affect eligibility for benefits or services.

***C. Gender Separated Programs and Activities***

Some programs, activities, and facilities are gender specific. In no case shall a client be forced to participate in a program or activity that is inconsistent with their gender identity or expression. Everyone has the right to be free from harassment and participate in gender specific programs and activities that correlate with how they identify.

### **Homeless Shelters and Domestic Violence Shelters**

**Customer Service:** All shelter residents must be addressed by preferred name, pronoun, and title in oral interactions. Preferred name and gender identity should be reflected wherever possible, including case notes and incident reports.

**Placement:** As in all other gender separated facilities, transgender clients should be placed in shelters according to their gender identity and/or expression. No one should be denied access to a gender-affirming shelter because of birth sex. Every effort must be made to place individuals where they feel safest, and where the service provider can ensure appropriate and culturally competent delivery of services. For additional information please refer to the Shelter Access Policy in Appendix 8.

**Safety:** LGBTQI people may be subject to increased harassment, bullying, or violence. Protecting the safety of all shelter residents is paramount.

- All incidents involving LGBTQI shelter residents should be documented and addressed appropriately. Often times, discrimination is subtle and is not recorded accurately. For this reason, it is important to make sure harassment is documented.
- Staff members who observe harassment based on sexual orientation, gender identity, transgender status, or any other protected identity trait should take action immediately and document such action in relevant case notes. Staff may consult the Office of LGBTQI Affairs with questions about best practices.
- Shelter residents who feel unsafe in a particular placement may raise the issue with shelter staff, security, 311, constituent affairs, the Office of LGBTQI Affairs, or DHS Ombudsman Office. Any staff member or vendor receiving a complaint related to LGBTQI harassment must provide notification to the Office of LGBTQI affairs and/or DHS Ombudsman Office.

**Health Care:** LGBTQI shelter residents may need access to health services such as gender-affirming medications or surgeries or services or products that don't match their documented gender. LGBTQI and other shelter residents may also need access to HIV/AIDS testing or treatments, among other services. Staff should make every effort to connect residents with providers for any such medical needs and should reach out to Medical Director and/or the Office of LGBTQI Affairs for any assistance. Clients may contact the Office of Constituent Affairs to report any issues in accessing medically necessary care in shelters.

#### ***D. Eligibility for Benefits Administered by The Agency***

Generally, LGBTQI status will not affect eligibility for benefits. Pursuant to State and federal law, it is the policy of the Agency that same sex spouses are subject to the same eligibility requirements for benefits as spouses of the opposite sex. However, it should be noted that there are circumstances in which domestic partnerships may be treated differently than marriages for the purpose of benefit information. Additionally, there are some health services that may be restricted by gender. For more information please refer to the Agency's Procedure for Gender Change in Appendix 9.

#### ***E. Transgender Healthcare***

As of March 11, 2015, the New York State Medicaid program now provides coverage for transgender health care, subject to certain limitations. Managed care clients should direct coverage questions and appeals to their healthcare provider. Fee-for-service Medicaid clients may contact the HRA Medicaid Helpline at (888) 692-6116, the Office of Constituent Affairs, or the Office of LGBTQI Affairs at the contact information listed in the resources section of this policy. More information about transgender healthcare can be found in Appendix 9.

#### ***F. Documentation and Client Records***

For any individual seeking services from the Agency, documentation may be required by federal, State, and/or local laws or regulations to establish aspects of eligibility for services, including identity. It is important to explain to the client why certain documentation is required, when and why legal names must be used, and how information will be kept confidential.

**Preferred names and pronouns:** Preferred names and pronouns should be used in all in-person client interactions, regardless of the name or gender marker on the client's identification documents. A legal name change is not required. However, any written material created by the Agency must use the client's legal name. A note in a case file can serve as a reference to anyone working with the client in the future to use the preferred title, name, and pronoun, even though a different name might still come up on various matches.

**Name change:** Clients seeking to change their name in the New York State Welfare Management System (WMS) or on Agency notices must provide a legal name change order or equivalent proof of a legal name change. Clients who need assistance with obtaining a legal name change may contact the Office of LGBTQI Affairs at the contact information listed in the resources section of this policy. Where applicable, clients should change their name with the Social Security Administration prior to changing it with the Agency to avoid service disruption.

**Gender change:** The Agency understands how important it is to recognize a person's gender identity. However, the Agency must comply with State regulations regarding gender change. Gender should be changed in WMS and all related systems when a client submits any of the following:

- New York State ID
- Amended Birth Certificate
- Passport
- Letter from Social Security Administration indicating change in gender
- Signed and dated letter from physician, nurse practitioner, or physician's assistant who has treated or reviewed the gender-related medical history of the applicant and states that the applicant has undergone "appropriate clinical treatment for a person diagnosed with gender dysphoria."

Please note:

- When an individual requests a gender change in WMS, a special code may be applied to their case to remove gender based restrictions on healthcare. Please see Appendix 9 for further information.
- Currently WMS does not provide a third gender or intersex option.

More information about gender change can be found in Appendix 9.

### ***G. Benefit Cards***

All clients who are entitled to a Common Benefit Identification Card (CBIC) with a photo image may request to have a photo that resembles them currently. Accurate, current photographs allow transgender individuals to verify their identity and reduce discrimination.

Pursuant to State requirements, a CBIC card must display the client's legal name. The documentation required for establishing the individual's legal name should be consistent with federal, State and local law and regulations. Where applicable, clients should change their name with the Social Security Administration prior to updating their CBIC card to avoid service disruption. However, it is not required that an individual change other forms of ID prior to updating their CBIC card. Signatures must be updated when the legal name is updated.

As of May 1, 2015, the CBIC card no longer displays the gender marker of the card-bearer. If an individual with an active Cash Assistance, Supplemental Nutrition Assistance Program or Medicaid case would like to obtain a replacement card with no gender on it, they may follow the procedure for obtaining a new card. The client should bring the old CBIC card and another form of picture identification (if available) to an HRA CBIC office.

CBIC Locations:

Manhattan: 109 East 16<sup>th</sup> Street - Ground Floor

Brooklyn: 227 Schermerhorn Street - Ground Floor

The CBIC sites are operational Monday through Friday from 8:30 am to 7:15 pm (excluding holidays).

## APPENDICES

**NOTE:** These appendices are provided as a reference. For the most up-to-date information about a particular topic, please check the Agency's internal document management systems, [www.nyc.gov](http://www.nyc.gov), or contact one of the resources listed elsewhere in the LGBTQI Best Practices Policy.

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**Appendix 1:** [NYC Human Rights Law Publication on Discrimination on the Basis of Gender Identity or Expression](#)

**Appendix 2:** [HRA Code of Conduct and DHS Code of Conduct](#)

**Appendix 3:** [Preferred Name Guidelines](#)

**Appendix 4:** Agency Dress Codes

**Appendix 5:** [Employee Transgender Health Care](#)

**Appendix 6:** Agency Time and Leave Policies

**Appendix 7:** [Legal Name Change Resources and HRA Name Change Checklist \(See attached\)](#)

**Appendix 8:** Shelter Access Policy

**Appendix 9:** Gender Change Procedure and Healthcare Codes

**Appendix 10:** Bathroom Signage Non-Discrimination Requirements

**APPENDIX 1**

**NYC HUMAN COMMISSION PUBLICATION ON DISCRIMINATION ON THE BASIS  
OF GENDER IDENTITY OR EXPRESSION (2015)**

**Hyperlink:**

- [NYC Human Rights Law Publication on Discrimination on the Basis of Gender Identity or Expression](#)

**APPENDIX 2**

**HRA AND DHS CODES OF CONDUCT**

**Hyperlink:**

- [HRA Code of Conduct](#)
- [DHS Code of Conduct](#)

### APPENDIX 3

#### HRA PREFERRED NAME GUIDELINES

HRA understands that many individuals choose to use a first name other than their legal first name to identify themselves. HRA will make every effort to use the name you want when we talk to you. When we have to write to you, such as when we send notices, we have to use your legal name. When this happens, we cannot use your preferred name.

HRA is a large Agency that uses many computer systems. While some of our systems will show the name you choose to use, there are still other systems beyond the City's control where your legal name will appear. Because many systems require a legal name, you should always be prepared to provide your legal name and to show identification when necessary.

This policy is not meant to include random or repeated name changes. The chosen name you give us may not be used for misrepresentation or to avoid legal obligation. HRA may refuse to use a name you prefer. HRA may refuse a preferred name without notice, if it is used for inappropriate purposes or includes offensive language.

If you would like help changing your legal name, please contact the Office of LGBTQI Affairs at [lgbtqi@hra.nyc.gov](mailto:lgbtqi@hra.nyc.gov).

#### ***Preferred Name Guidelines***

#### ***You may indicate a preferred name that is:***

- A different first name than the legal first name (David Craig to "Christy"; Mary Jane to Jane; Jian Hui to Sam)
- Initials of your legal name (David Craig to "D. C."; Mary Ann to "M.A."; Teresa Jeanette to "T.J.").
- A shortened version of the full legal name (for example, Patrick to Pat)

**APPENDIX 4**  
**AGENCY DRESS CODE**

**Hyperlink:**

- [DSS-HRA-DHS Agency Dress Code](#)

## APPENDIX 5

### EMPLOYEE TRANSGENDER HEALTHCARE

#### List of Healthcare Providers that have Covered Transgender Healthcare

This list was last updated May 2<sup>nd</sup> 2016 and is subject to change without notice; please reach out to your healthcare provider to confirm that transgender healthcare is covered.

Please click the link for each provider to find out more information about what care is covered.

- [Empire](#)
- [Aetna](#)
- [Metro Plus](#)
- [Emblem](#)

**APPENDIX 6**

**EMPLOYEE TIME AND LEAVE POLICIES**

**Hyperlinks:**

- [Long-Term Leave of Absence Procedure No. 17-04](#)
- [Family and Medical Leave Act of 1993 Procedure No. 00-18](#)

## APPENDIX 7

### LEGAL NAME CHANGE RESOURCES

#### **Available Resources for Everyone:**

- **New York City Civil Court**

Website: <http://www.nycourts.gov/courts/nyc/civil/namechanges.shtml>

#### **Available Income Restricted Resources:**

- **Transgender Legal Defense and Education Fund**

Website: [http://tldef.org/work\\_show.php?id=7](http://tldef.org/work_show.php?id=7)

- **Sylvia Rivera Law Project**

Website: <http://srlp.org/resources/namechange/>

- **New York Legal Assistance Group**

Website: <http://nylag.org/units/lgbt-law>

Phone: LGBTQ legal issues Call 212.613.5000 ext. 5107 Monday through Friday

- **Legal Services New York**

Website: <http://www.legalservicesnyc.org/what-we-do/practice-areas-and-projects/lgbtq-advocacy>

- **City Bar Justice Center**

The LGBT Advocacy Project provides free representation to change your legal name. They will match you with a trained lawyer to prepare and file the legal documents to change your name, attend court with you, and finalize the process. Email or call to schedule an intake to begin the process. In your communication requesting an intake, provide your preferred name and phone number, email, or other means to reach you.

Email: [NAMECHANGE@NYCBAR.ORG](mailto:NAMECHANGE@NYCBAR.ORG)

Phone: 212-382-6759

**APPENDIX 8**

**DHS Shelter Access Policy**

**Hyperlink:**

- [Transgender/Intersex Clients Procedure No. 15-500](#)

## APPENDIX 9

### WMS AND EMEDNY GENDER CHANGE PROCEDURE

**Hyperlink:**

- [Transgender Individuals: Changing Gender Designation in the Welfare Management System \(WMS\); Updating eMedNY With New Medicaid \(MA\) Restriction/Exception \(R/E\) Codes HRA-PB-2016-02](#)

**APPENDIX 10**

**BATHROOM SIGNAGE NON-DISCRIMINATION REQUIREMENTS**

**Hyperlink:**

- [DSS PB #2017-01, Facility Bathroom Signage Non-Discrimination Requirements](#)