

STATE OF MAINE
GENDER TRANSITION POLICY

I. Policy Statement

The State of Maine does not discriminate in any way on the basis of sex, sexual orientation, gender identity, or gender expression. This policy is designed to create a safe and productive workplace environment for all employees.

This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. In all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

II. Definitions

“Gender Identity” means a person’s internal, deeply-felt sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth.

“Gender Expression” means an individual’s characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

“Transgender” is an umbrella term that can be used to describe people whose gender identity and/or expression is different from their sex assigned at birth. A person whose sex assigned at birth was female but who identifies as male is a transgender man (also known as female-to-male transgender person, or FTM). A person whose sex assigned at birth was male but who identifies as female is a transgender woman (also known as male-to-female transgender person, or MTF).

“Gender Non-Conforming” means people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations.

“Transition” means the process of changing one’s gender from the sex assigned at birth to one’s gender identity. There are many different ways to transition. For some people, it is a complex process that takes place over a long period of time, while for others it is a one- or two-step process that happens more quickly. Transition may include “coming out” (telling family, friends, and coworkers); changing the name

and/or sex on legal documents; and, for many transgender people, accessing medical treatment such as hormones and surgery.

III. Privacy

Transgender employees have the right to discuss their gender identity and/or expression openly, or to keep that information private. The transgender employee gets to decide when, with whom, and how much to share their private information.

Management, human resources staff, or coworkers should not disclose information that may reveal an employee's transgender status or gender non-conforming presentation to others. That kind of personal or confidential information may only be shared with the transgender employee's consent, except to comply with federal or state law, or other business necessity.

IV. Official Records

The State of Maine will change an employee's official record to reflect a change in name or gender upon request from the employee. Certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be changed. Most records, however, can be changed to reflect a person's preferred name without proof of a legal name change.

A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. Official records will also be changed to reflect the employee's new name and gender upon the employee's request. Questions about changing records should be directed to the Department's EEO Coordinator.

V. Names/ Pronouns

An employee has the right to be addressed by the name and pronoun that correspond to the employee's gender identity, upon request. A court-ordered name or gender change is not required. The intentional or persistent refusal to respect an employee's gender identity (for example, intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) can constitute harassment and is a violation of the State policy. If you are unsure what pronoun a transitioning coworker might prefer, you can politely ask your coworker how they would like to be addressed.

VI. Transitioning on the Job

The transitioning employee is encouraged to contact the department's EEO coordinator to discuss any problems, issues, or concerns that arise in the course of their gender transition. A transitioning employee is also encouraged to meet with the department's EEO Coordinator to develop a transition plan. An Employee Transition Plan Guidance is attached to this policy.

VII. Restroom and Locker Room Accessibility

Employees shall have access to the restroom/locker room corresponding to their gender identity. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, may be provided access to a single-stall restroom or changing area, when available. No employee, however, shall be required to use such an alternative. All employees have a right to safe and appropriate facilities, including the right to use a restroom/locker room that corresponds to the employee's gender identity.

VIII. Dress Code

Transgender and gender non-conforming employees have the right to comply with their department/agency's dress codes in a manner consistent with their gender identity or gender expression. This also includes employees who are gender non-conforming, who may select among any approved options regardless of gender designation. (e.g. a gender non-conforming employee may select to adhere to the male dress code's policy for haircut but adhere to the female dress code for fingernails.) No accommodation request is necessary for an employee to comply with an established Dress Code policy.

If an employee's gender identity and/or gender expression are such that the established Dress Code policy does not allow for proper expression of their gender identity or expression, the employee may submit a request for accommodation consistent with standard practice. Review of the accommodation request will be done in regular course and the employee will be informed of the decision.

IX. Policies Against Discrimination and Harassment

Discrimination or harassment against a person because of their gender identity is illegal and against State policy. Please review the Policy Against Harassment and a Policy on Non-Discrimination in Employment for more information.

X. Effective Date

The effective date of this Policy is June 10, 2024.

STATE OF MAINE
EMPLOYEE TRANSITION PLAN RECOMMENDATIONS

I. Advisory

This guidance is advisory only. The specifics of each transitioning employee will be unique and the steps in this guidance may not work in all situations. The State EEO Coordinator is available to consult on the development of all employee transition plans.

II. Before the Workplace Transition Begins

- A. The transitioning employee should get together with their selected first point of contact to make them aware of the employee's upcoming transition. The first point of contact can be someone from HR or a supervisor/manager.
- B. If the point of contact is not in HR, then the transitioning employee should be referred to the EEO Coordinator based in HR. The EEO Coordinator will make sure the employee knows about the company's transgender-related policies and the availability of transition-related health care benefits.
- C. The transitioning employee and the EEO Coordinator should meet to discuss all of the individuals who will need to be included in the workplace transition plan. This should include the employee, the employee's immediate supervisor, a union representative (if applicable), and the EEO Coordinator. All members of this transition team should familiarize themselves with the company's policies and any other relevant resources that provide educational information about transgender issues.
- D. The transitioning employee and the EEO Coordinator should next discuss which members of management are aware of or should be made aware of the employee's transition. The EEO Coordinator should ask the transitioning employee which members of management they are comfortable sharing their transition. The EEO Coordinator should schedule a meeting between the transitioning employee and appropriate management – and others, if desired by the transitioning employee. The purpose of this meeting is to make management aware of the employee's transition and to discuss the scheduling of the transition. Note: Management beyond the transitioning employee's supervisor can be made aware of the employee's planned transition, with the employee's consent, so that leaders can express their support when the employee's transition is made known to the employee's work team.
- E. Create the Workplace Transition Plan. Make sure it addresses all of the following areas:

1. The date when the transition will officially and formally occur. This means the date that the employee will change their gender expression, name, and pronouns. The transitioning employee may choose to begin using the restroom and locker room associated with their gender identity on this date as well. The transitioning employee will know best when this should occur as they will be able to determine all relevant factors to be considered when choosing this date.
2. Allow the transitioning employee to decide if, and if so how and in what format, the transitioning employee's co-workers should be made aware of the employee's transition. It is up to the transitioning employee to decide if they would like to make some co-workers aware of their transition on a one-on-one basis before it is officially announced.
3. Decide what, if any, training will be given to co-workers.
4. Determine what updates should be made to the transitioning employee's records, and when they will be made.
5. Determine dates of any leave that may be needed for pre-scheduled medical procedures. Review the State's leave policies.
6. Ensure that all name changes and photographs are updated in advance so that they can go live on the transition day. This includes email addresses. Make sure to keep in mind that name changes within certain processes could take longer than in others. Figure this into your Transition Plan timeline.

III. The Day the Transition Will Be Made Known to the Work Team

- A. Have a work team transition meeting that includes the transitioning employee, the employee's supervisor, the employee's co-workers, and any other team or regional leadership if they are able to attend. If the employee thinks it would be helpful, a handout about transgender issues can be provided at this meeting. It is up to the employee whether they feel comfortable attending or would prefer not to be there.
- B. The head of the employee's work team should announce the transition, along with any other high-level management who are there in order to show solidarity for the transitioning employee. The speaking supervisor should:
 1. Emphasize the department and the management's complete support of the employee's transition.
 2. Review the State's relevant harassment policies.

3. Indicate that the transitioning employee will be presenting themselves in accordance with their gender identity and this should be respected. The manager should also advise co-workers about the transitioning employee's new name and preferred pronoun.
4. Be a behavioral model by using the transitioning employee's new name and pronoun in all communication – written and oral, formal and informal.
5. Make a point that the transition will not change the workplace and that everything should go on as it did previously.
6. Solicit any questions. Refer questions the manager cannot answer to the EEO Coordinator.
7. If training is going to occur, the date should be announced at this meeting. If possible, the training should occur before the date of the employee's official workplace transition.

IV. The First Day of the Employee's Official Workplace Transition

The transitioning employee's supervisor should be clear that all elements are in place, in the same way the supervisor would for a new hire or transferred employee. These elements include:

- A. Making sure that the transitioning employee has a new ID badge and photo if necessary.
- B. Ensuring all work documents have the appropriate name and gender and checking that these have been changed in all of the places an employee's name may appear.