

SAN JOSE POLICE DEPARTMENT



Transgender, Gender Non-Conforming, and Non-Binary Employee Guide (2023)

November 2023

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Transgender, Gender Non-Conforming, and Non-Binary Employee Guide



PURPOSE

It is the policy of the City of San José and the San José Police Department to promote and maintain a work environment free of illegal discrimination and harassment. The City does not tolerate or condone discrimination or harassment from any employee, regardless of employment status ([City Administrative Policy Manual 1.1.1 Discrimination and Harassment](#)). Additionally, the City’s Transgender Policy provides guidance for all City employees in creating and maintaining an environment free of discrimination and/or harassment of employees who are transgender or in gender identity transition ([City Administrative Policy Manual 1.1.2 Transgender Policy](#)).

The City’s Discrimination and Harassment Policy identifies several protected categories and statuses, including but not limited to, sex, gender, sexual orientation, gender identity, and gender expression. This guide does not anticipate every possible situation and the needs of each employee must be assessed on a case-by-case basis.

DEFINITIONS AND TERMINOLOGY

- **“Sex”** includes, but is not limited to, a person's gender, gender identity, and gender expression, or perception by a third party of any of the aforementioned.
- **“Gender”** means sex, and includes a person's gender identity and gender expression.
- **“Gender Identity”** means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender.
- **“Gender Expression”** means a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth.

Refer to the following Department publications for further definitions, terminology, and information:

- [Training Bulletin #2021-004 : LGBTQ+ Community Interactions](#)
- [Memorandum #2021-004 : Duty Manual Additions – Transgender or Intersex Individuals](#)
- Memorandum #2023-029 : Duty Manual Revision – C 1311 — Behavior Involving Discrimination or Harassment.

EMPLOYEE RECORDS

If a new or transitioning employee has questions about changes to City records, identification cards, or other personnel records, the employee should contact City of San José Human Resources at (408) 535-1285.

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NAME AND PRONOUNS

The City does not tolerate or condone discrimination or harassment. The intentional or persistent refusal to respect an employee's gender identity (e.g., intentionally referring to the employee by a name or pronoun that does not correspond to the employee's gender identity) may constitute a violation of City policy. If you are unsure what name or pronoun a co-worker uses, you may politely ask them how they would like to be addressed.

Supervisors and managers shall use the name and pronouns requested by the employee.

RESTROOM AND LOCKER ROOM ACCESSIBILITY

As provided for in the City's Transgender Policy, "The employee should use the restroom facility of the employee's choosing. The employee may also use a single-occupant bathroom (male or female). In employee only areas, an inside lock or latch may be installed to ensure privacy when only multiple-occupant male only or female only restroom facilities are available."

TRANSITIONING ON THE JOB

As provided for in the City's Transgender Policy, "Department management will provide assistance to the employee and the employee's workgroup to affect a smooth and positive adjustment to the employee's gender identity change, as needed. This can be done by developing clear communication regarding the transition process, maintaining a discrimination free workplace, and providing training or consultation by outside consultants or speakers specializing in workplace transition issues, as needed. Managers who supervise transgender or transitioning employees are encouraged to contact the Office of Employee Relations for guidance if they have questions regarding this policy."

DISCRIMINATION/HARASSMENT

The City of San José and the San José Police Department are committed to creating a safe work environment for all employees.

A report of discrimination or harassment can be made verbally or in writing through the chain of command, to Internal Affairs, to the Office of Employee Relations at (408) 535-8150, or via email at employee.relations@sanjoseca.gov, or to the Civil Rights Department or Equal Employment Opportunity Commission. Additionally, anonymous complaints may be made to the City's Whistleblower Hotline at (408) 535-8200 or via email to hotline@sanjoseca.gov. Refer to the Discrimination and Harassment Policy and the Duty Manual for additional information.

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ADDITIONAL RESOURCES

CITY OF SAN JOSE

| Office: | Point of Contact: | Phone/Email: |
|---|------------------------------|---|
| • Office of Employee Relations | Jennifer Schembri – Director | (408) 535-8150 |
| • Johnson & Rivera Queer and Trans People of Color United Advocates (QTPOC) | | daniel.lazo@sanjoseca.gov nicole.altamirano@sanjoseca.gov jeremy.corrales@sanjoseca.gov |

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| • Office of the Chief of Police | Anthony Mata – Chief of Police | (408) 277-4212 |
| • LGBTQ+ Liaison | Ofc. Denise Alvarez | (669) 226-0950 |
| • Wellness Employee Support Team | Sgt. Jason Barton | (408) 277-4418 |
| Peer Support | | (408) 477-0944 |
| Concern EAP | | (800) 344-4222 |
| | | <i>Company Code: sanjose</i> |
| Safety Officer | Kathryn Moore | (408) 537-1331 |
| • SJPD Chaplaincy | Chaplain Jim Becknall | (408) 234-9771 |
| | Chaplain Bryan Allen | (408) 828-9496 |