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OSC Issues Gender Transition Policy Amidst LGBT Education Efforts

FOR IMMEDIATE RELEASE

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Last week, the U.S. Office of Special Counsel (OSC) issued a gender transition policy aimed at ensuring a diverse and inclusive workplace free of discrimination against transgender and gender non-conforming employees and applicants (“employees”). Although each gender transition is unique, the policy seeks to address common issues and questions that may arise when an employee is transitioning, addressing, for example: privacy and confidentiality; changing one’s name and gender in OSC and government records; using an employee’s proper name and pronouns; accessing appropriate facilities, including restrooms; and receiving medical leave as part of the transition process. The policy also covers hiring, requires training for OSC employees, and outlines a sample workplace transition process.

OSC’s policy is based on a review of existing gender transition policies at other agencies and organizations, and is consistent with federal non-discrimination requirements. It can be accessed at: <https://osc.gov/Resources/OSC-Gender-Transition-Policy.pdf>.

The policy states: “OSC—like all of the federal government—must maintain a workplace free from any discrimination, including harassment, based on sex—including transgender status, gender identity or expression, sexual orientation, gender non-conformity, or sex stereotyping of any kind. OSC also seeks to promote an inclusive working environment for transgender and gender non-conforming employees, and to facilitate workplace gender transitions, where appropriate.”

OSC receives and investigates complaints alleging prohibited personnel practices in the federal workplace, including those involving discrimination based on sexual orientation and gender identity. Associate Special Counsel Louis Lopez frequently presents on, among other topics, the legal protections that federal lesbian, gay, bisexual, and transgender (LGBT) employees have. Mr. Lopez is available for media interviews and to conduct trainings at federal agencies and before other audiences interested in protections for LGBT individuals. His upcoming presentations include:

- June 15, 1:30 pm – LGBT Pride month presentation at the Office of Personnel Management, Washington, D.C.
- June 22, noon – LGBT Pride month presentation at the Consumer Financial Protection Bureau, Washington, D.C.
- July 20, 10:30 am – LGBT presentation at the EXCEL Conference, San Francisco, California
- August 3, 2:15 pm – Prohibited personnel practices presentation at Federal Dispute Resolution Conference, New Orleans, Louisiana (this will include a brief discussion of OSC’s jurisdiction over sexual orientation and gender identity discrimination claims)

OSC has created a webpage with LGBT resources at: <https://osc.gov/pages/LGBT-Resources.aspx>.

“Discrimination against LGBT employees in the federal workplace is illegal. OSC will continue to vigorously enforce the law and conduct training and outreach to educate managers and employees on how to make their agencies diverse and inclusive,” said Special Counsel Carolyn Lerner. “We hope our policy inspires other agencies to craft their own gender transition policies.”

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: the Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at www.osc.gov.