



City of Portland Core Values:

Anti-racism | Equity | Transparency | Communication | Collaboration | Fiscal Responsibility

2.04 Gender Identity and Non-Discrimination

Purpose

The City of Portland prohibits discrimination on the basis of gender identity and gender expression. Gender identity (sometimes simply referred to as “gender”) refers to a person’s internal, deeply-felt sense of being female, male, woman or man, or another gender identity, regardless of their anatomy or sex they were assigned at birth. Gender expression refers to an individual’s characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as feminine, masculine, or another gender expression. No person shall be discriminated against based on the individual’s gender identity or gender expression in any aspect of employment including but not limited to recruitment, selection, hiring, wages, hours, benefits, assignment or promotion.

Applicability

The City will not tolerate disrespectful language or behavior from its employees toward anyone. Every person shall be addressed in a manner that is consistent with the person’s expressed request. This includes the use of a person’s specified pronouns or lack of pronoun, as well as their self-identified name, even if it is different from the name on government documents. The refusal of managers, supervisors, co-workers and other employees to address individuals in a manner consistent with their self-identification or expression including, but not limited to misgendering and deadnaming will not be tolerated under this rule, HRAR 2.02 and/or 5.01.

Gender-Specific Facilities

The City will make reasonable efforts to accommodate all employees who use gender-specific City facilities.

All City employees shall have access to use City bathroom facilities corresponding to their gender identity. The employee decides

which bathroom facility to use, which may or may not align with how an observer interprets their gender expression. In facilities, such as locker rooms, where undressing in the presence of others may be unavoidable, the City will make reasonable efforts to accommodate the privacy concerns of all users.

All City employees using facilities where undressing in the presence of others may be unavoidable are expected to deal with each other in a respectful and responsible manner. Unless there is a disciplinary issue as a result of employee behavior related to facilities use, no employee should be questioned about or barred from using the facility of their choice.

Names/Pronouns

An employee has the right to be addressed by the name and pronouns that they request. A court-ordered name or gender marker 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 pronoun that does not correspond to the employee's gender identity, or an old name that they no longer use) can constitute harassment and is a violation of this policy.

Example Terms:

Deadnaming is the act of referring to a person (typically one who is transgender, non-binary, gender expansive, or similar) by a name they have previously used, such as their given birth name, that they have since stated is no longer the correct way to address them.

Misgendering is the act of referring to someone (especially – but not limited to – a transgender or non-binary person) by using a word, pronoun, or form of address (Mr., Ms., Mx. Sir, Ma'am, etc.) that does not correctly reflect the gender with which they identify.

Outing is the public disclosure of the non-public sexual orientation, previous name(s), or gender identity of a person. Outing a person is not only a violation of privacy and City policy but is also dangerous for the outed individual.

Additional definitions relating to this rule are included and may

be updated within associated guidance and glossary documents.

Dress Codes

There is no gender or cultural restriction on what clothing an employee may wear. Employees should reference HRAR 4.03 for other guidance and rules regarding work-appropriate attire. Uninvited comments on an employee's clothing or appearance may constitute harassment and be subject to discipline under this rule, HRAR 2.02, or 5.01.

Health Insurance Benefits

The City of Portland's benefit coverage supports gender affirming and culturally competent care for our plan participants.

Links to resources on City's provision of gender affirming care and culturally specific resources can be found on the [City's website](#)

Privacy

All employees, no matter what their gender identity or gender expression is, have the right to discuss their gender identity or expression openly, or to keep that information private. The employee gets to decide when, with whom, and how much to share their private information.

Management, Bureau of Human Resources (BHR) staff, or coworkers must not "out" their colleagues or other individuals at the City and must not disclose information that may reveal an employee's transgender status or gender non-binary or non-conforming presentation to others, without that employee's express permission. In some circumstances, public records requests may require the City to share documents which contain an employee's former identity information. As related local, state or federal public record and privacy disclosure laws may apply, production of public records pursuant to a public record request consistent with HRAR 1.03 is not a violation of this rule. The City honors that individuals must choose for themselves how and when to come out. Outing a City employee may be subject to discipline under this rule, or other City rules, including but not limited to HRAR 2.02 and 5.01.

Official Records

The City will make reasonable efforts to change an employee's official record to reflect a change in name or gender upon request from the employee, as quickly as possible. Certain types

of records, like those relating to payroll and retirement accounts, and/or healthcare related information required by Medicare or the Social Security Office may require a governmental name change before the person’s name can be changed in City systems.

Employees have the right to be addressed by the name and pronouns they have stated.

As quickly as possible, and according to procedures included in the guidance included for this rule, the City will make every effort to update any ID badge or similar photographs at the transitioning employee’s workplace located at City of Portland facilities, so the transitioning employee’s gender identity and expression are represented accurately. If a new or transitioning employee has questions about company records or ID documents, the employee should contact helloBHRtransitions@portlandoregon.gov.

**Transitioning,
Detransitioning, or
Retransitioning While
Employed at City**

Employees who transition, detransition, or retransition while employed at the City can expect the support of management and BHR staff. BHR will work with each such employee individually to ensure a successful workplace transition, detransition, or retransition. Management, BHR staff, and employees in any form of transition should review Attachment A as a model or guide. An employee may choose to engage with some, all, or none of the model plan. The attachment is a model procedure only and is not part of the binding Human Resources Administrative Rule.

Training and Resources

The City will provide training on this Rule to all current City employees and to employees upon hire.

BHR will be available to respond to questions regarding this rule. Additional contact information for resources to assist with this rule are included in the guidance attachment.

**Administrative Rule
History**

Adopted by Council March 6, 2002, Ordinance No. 176302
Effective April 5, 2002
Revised November 4, 2011
Revised April 25, 2016
Revised January 10, 2024
