

WORK IT, NYC

A Comprehensive Guide to LGBTQI+ Workplace Inclusivity



NYC Center for Youth
Employment

QUICK START GUIDE

The NYC Unity Project and the NYC Center for Youth Employment, in collaboration with the Department of Youth and Community Development and the Department of Social Services/Human Resources Administration, present this manual as a tool for supporting workforce development program professionals in their efforts to create more inclusive environments, and successful outcomes, for lesbian, gay, bisexual, transgender, queer, questioning, and intersex (LGBTQI+) people. While this manual is particularly relevant to workforce providers operating in New York City, there are key concepts and best practices that would be appropriate for implementation in other jurisdictions.

HOW THE INFORMATION IS ARRANGED

This manual is written to explain the specific employment and training-related needs of the LGBTQI+ community to workforce professionals. It offers an in-depth overview of what workforce practitioners should do to create affirming services for LGBTQI+ people.

To enable the reader to skim this manual's contents more easily, the introduction of each chapter provides a summary of the chapter's contents entitled: "What are the most important things I should know?"

HOW TO USE THIS MANUAL

While this manual presents a comprehensive body of knowledge, and can be read cover to cover, readers might choose other ways to utilize its content.

Those using it as a reference tool can find information by locating the correct chapter and section via a table of contents.

This manual also can serve as a complement to training sessions, and as a resource brought back to workforce programs by people who have undergone training, to digestibly summarize their training to those who were not able to attend.

APPLICABILITY OF THIS MANUAL ACROSS THE AGE RANGE

This manual provides vital information for creating affirming workforce programming services to LGBTQI+ people of various ages. While there is specific information about disparities that face LGBTQI+ youth, as well as some specific resources to support youth, the authors have written this manual to be applicable to LGBTQI+ people across the age span.

Thank you for reading this manual, and for taking the time to ensure LGBTQI+ people in your program receive the most affirming services possible.

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

CONTENTS

01

INTRODUCTION

PG. 7

02

MAJOR LGBTQI+ CONCEPTS AND VOCABULARY

PG. 19

03

OBLIGATIONS UNDER THE LAW

PG. 45

04

MAKING YOUR PROGRAM A SAFER SPACE FOR LGBTQI+ PEOPLE

PG. 62

05

ENSURING THAT POTENTIAL PLACEMENT SITES OFFER SAFE SPACE

PG. 110

A

DEFINITIONS

PG. 120

B

LEGAL OBLIGATIONS IN THE WORKFORCE CONTEXT

PG. 128

C

ACKNOWLEDGEMENTS

PG. 144



Dear Friends:

New York City is home to the largest LGBTQI+ community in the country and has some of the most comprehensive legal protections of any government in the world. Even so, at work, LGBTQI+ New Yorkers are too often not able to be their full selves, are mistreated, or not hired in the first place.

A workplace should be fair, safe, and supportive of all workers. To that end, the NYC Unity Project is excited to present this comprehensive, innovative LGBTQI+ workplace manual, developed through interviews with LGBTQI+ workers, non-profits, employers, and workforce providers. Our goal: to meaningfully address the work challenges of our LGBTQI+ communities.

We cannot accept the status quo. We know that many employers and workforce providers want to create safer spaces but may not know how. This guide is designed to help them and promote a more thoughtful and inclusive approach to our work environments.

Since 2017, the citywide NYC Unity Project has supported and empowered LGBTQI+ communities through innovative policy and program change providing programs and services to some of our most vulnerable LGBTQ young people who have been rejected by family members and are experiencing homelessness, health discrimination, and economic insecurity.

Our work is not done. But we are committed to continuing these efforts and are proud to offer this guide as one piece of that ongoing commitment.

Sincerely,

A handwritten signature in black ink that reads "Chirlane McCray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chirlane McCray
First Lady of New York City



Dear New Yorkers,

Youth participation in the workforce is an important part of creating a vibrant, progressive, and prosperous city. Young people who lack educational attainment, work experience, and a 21st-century skill set face a much higher risk of un- or underemployment in low-paying jobs with limited potential for growth.

For LGBTQI+ young people, these issues can often be compounded. Young LGBTQI+ New Yorkers, especially people of color, face a confluence of factors that contribute to their greater likelihood of living in poverty than their peers. These factors include disproportionate involvement in the justice and foster care systems, housing instability, family rejection, higher rates of violence victimization, and employer discrimination.

The nonprofit provider community, especially workforce providers, plays a vital role in supporting young LGBTQI+ New Yorkers toward career-track work and economic security. Cultural competency is key to performing this role well: young people facing discrimination, harassment, and rejection are less likely to seek services that fail to affirm their identity.

Our responsibility as a city is to guarantee that our services are culturally reflective of our citizens' needs. The recommendations and best practices in this manual will further our provider community's ability to serve the employment and education needs of LGBTQI+ young people in a way that provides holistic support.

New York City takes enormous pride in being a beacon and safe haven for the LGBTQI+ community. It is our hope that this manual reaffirms the City's commitment to serving and supporting our most vulnerable communities, and ensuring that LGBTQI+ young people have safe and affirming spaces to work on and realize their goals and dreams.

Sincerely,

A handwritten signature in blue ink that reads "J. Philip Thompson". The signature is written in a cursive style.

J. Philip Thompson

01

INTRODUCTION





WHAT ARE THE MOST IMPORTANT THINGS I SHOULD KNOW?



This guide is offered to assist people in building their knowledge, language, and tools for supporting LGBTQI+ people through the course of workforce programming.

It provides information about various disparities—economic, educational, and safety, among others—in LGBTQI+ communities, and the philosophical visions that run throughout this guide.

It outlines best practices and vital pieces of information (e.g., vocabulary, laws, and respectful ways for addressing people) for ensuring that LGBTQI+ people—youth and adults alike—have a safe and successful environment within New York City’s workforce programs.

Note: You may see many different acronyms to refer to LGBTQI+ communities, but this guide uses the term “LGBTQI+ people” with the plus sign after the LGBTQI acronym used to represent identity groups not represented, such as asexual, pansexual, and others, who are also part of the LGBTQI+ communities. A guide on expanded vocabulary is offered in Chapter 2 and Appendix A.¹

WHAT IS THE NEED FOR THIS MANUAL?

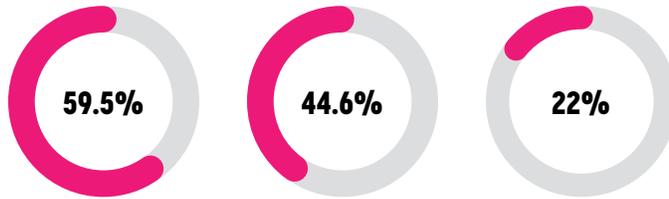
This manual exists because many LGBTQI+ people face distinct barriers to meaningful employment opportunity, and therefore, workforce practitioners should be prepared with relevant knowledge to help LGBTQI+ participants succeed in the job market. The barriers LGBTQI+ people face are often a direct result of stigma, discrimination, and violence experienced in work and educational settings.

From youth onward, members of LGBTQI+ communities face a society that rejects them emotionally, physically, and economically. The manifestations of that rejection include inflicting violence upon LGBTQI+ people; making them feel unwelcome at home, school, government agencies, and workplaces; refusing them entry or pushing them out of these institutions; and otherwise forcing many LGBTQI+ people, including youth, to the margins of society.

These various forms of societal rejection, violence, and impoverishment are most deeply felt by LGBTQI+ people of color, whose experiences of these disparities can be more pronounced than white Americans due to past, present, and future racism.

EDUCATION

A prominent site of hostility towards LGBTQI+ people across the U.S. are schools. In a major 2017 nationwide survey of LGBTQ² students, “59.5 percent of LGBTQ students felt unsafe at school because of their sexual orientation, 44.6 percent because of the gender expression,” and upward of 22 percent of LGBTQ students “were physically harassed.”³



It has been well established that LGBTQI+ youth, nationwide, are “pushed out” of school due to varying types of victimization from bullying to disciplinary policies.⁴ Generally, youth who do not complete high school are more likely to be unemployed, and face other adverse health and social outcomes down the line.⁵

10



HOME LIFE

Mistreatment in the home is also a major obstacle for LGBTQI+ youth. This partially explains why LGBTQI+ youth are disproportionately represented in the homeless youth population—upwards of 40 percent nationwide.⁶ A survey from the True Colors Fund, the Palette Fund, and the Williams Institute analyzed data from a survey of homeless youth providers, and found that the top reasons that LGBTQ youth were homeless were:

 <p>Forced out by parents/ran away because of sexual orientation, gender identity/expression</p>	 <p>Family issues</p>	 <p>Family poverty/lack of affordable housing</p>
 <p>Forced out by parents/ran away because of other issues</p>	 <p>Aged out of the foster care system</p>	 <p>Physical, emotional, or sexual abuse at home⁷</p>

POVERTY

Considering that LGBTQI+ youth are pushed out of homes, pushed out of schools, and denied access to employment—regardless of skill level—it is not surprising that they face poverty in various forms.



A 2015 NEW YORK STATE HEALTH AND HUMAN SERVICES NEEDS ASSESSMENT FOUND THAT ONE IN SIX LGBTQI+ YOUTH, AGES 16-24, REPORTED HAVING BEEN HOMELESS AT SOME POINT IN TIME IN THEIR LIFE DUE TO BEING LGBTQI+, WITH LGBTQI+ YOUTH OF COLOR “MORE LIKELY TO SAY [THAN WHITE RESPONDENTS] THEY HAD EVER BEEN HOMELESS BECAUSE OF BEING LGBTQI+ (26.9 PERCENT VS. 9.1 PERCENT).”⁸

Of course, not every LGBTQI+ youth experiences these same struggles, but these examples and statistics serve to illustrate how many LGBTQI+ youth can enter adulthood at a unique economic disadvantage. The New York State Health and Human Services Needs Assessment showed that adults over 25 are more likely to be unemployed than the rest of the U.S. population. Approximately 12 percent of LGBTQI+ survey respondents over the age of 25 were neither employed, in higher education, or retired.⁹ Furthermore, that study showed that many LGBTQI+ people in New York State reported food insecurity, trouble paying for housing and utilities, and homelessness. Unsurprisingly, these disparities were more pronounced for LGBTQI+ people of color.

These numbers are even more troubling for transgender, gender non-conforming, and non-binary (TGNCNB) members of the LGBTQI+ community. The New York State LGBT Needs Assessment found that transgender respondents above 24, compared to their cisgender (people who are not transgender) counterparts, were “twice as likely to be unemployed.” Furthermore, “it was less common for transgender respondents who sought job training to successfully access it compared to non-transgender respondents (59.7 percent vs. 46.8 percent), suggesting barriers that are specific to transgender people.”¹⁰

With all of this said, there is no single profile of an unemployed transgender, gender non-conforming, or non-binary person. A recent survey about employment disparities in the transgender, gender non-conforming, and non-binary community from the New York City Anti-Violence Project “found that despite being more likely to have a bachelor’s degree than other New Yorkers, only 45 percent had full time jobs and 52 percent of respondents had an income lower than \$30,000 a year.” Beyond that, “ten percent of respondents worked in a job, such as sex work, in which they did not have legal protections or recourse.”¹¹

⁸Again, this study is not referred to as LGBTQI+ because that is not how the study was framed. This manual strives to be faithful to language utilized in various studies, and that language is not always “LGBTQI+.”

VIOLENCE

Unfortunately, violence is also a deep reality for many LGBTQI+ people. LGBTQI+ people face not only family violence (as noted above), but intimate partner violence. A review of studies from 1989 to 2015 found that intimate partner violence among LGBT people “is as high as or higher than the U.S. general population.”¹²

Violence against transgender people, with perpetrators ranging from intimate partners to strangers, has been a particular point of concern and advocacy. In addition to a worldwide Transgender Day of Remembrance on November 20, there is an organization called the New York City Anti-Violence Project that responds to violence against LGBTQI+ people with direct service and policy advocacy.





POSITIVE OUTLOOK

Despite these struggles, LGBTQI+ communities are responsible for much of New York City's and America's vibrancy. LGBTQI+ people have led New Yorkers and other Americans to reconceive how our society can think about sexuality and gender and social justice, while making seminal contributions in countless industries and art forms. Even under desperate circumstances, LGBTQI+ people in New York City helped start one of the 20th century's great revolutions. In the 1980s, with many members of LGBTQI+ communities suffering from HIV/AIDS, LGBTQI+ activists changed much about modern medicine, protest, and building political power amidst apocalyptic conditions. LGBTQI+ people continue changing our city and wider world.



WHAT IS SPECIFIC TO WORKFORCE PROVIDERS IN THIS MANUAL?

Workforce providers play an integral role in improving the livelihoods of LGBTQI+ people, and helping them reach their full potential.

While this manual outlines many specific recommendations and processes in support of this mission, it is also grounded in a few key values, specific to how workforce providers engage in their work:

- As a workforce professional, you should always aspire to treat everyone with respect. This means acknowledging that some communities face greater risk of discrimination, and have different experiences in the workplace than others. And while it would be a legal and ethical problem to deny a particular service to someone or mistreat them because of their identity, it is advisable to make sure you are knowledgeable about the issues faced by your program participant's specific community – whether that be African-American, Latinx, one or more identities within LGBTQI+ communities, or intersecting identities.

Workforce providers have a few specific prerogatives in working with LGBTQI+ participants:

- You need to know which practices, policies and laws will both affirm LGBTQI+ participants, and meet your ethical and legal obligations as an organization.
- In order to make a good match between an LGBTQI+ participant and an employer, you need as much information as possible about two things:
 - The employee's interests (including their interest in being open about their LGBTQI+ identity);
 - The employer's environment and openness to varieties of LGBTQI+ identity, which may also intersect with other identities.
 - When obtaining information about participants, you must do so sensitively and discretely. Clients may not always want to talk about their sexuality or gender identity, or may only want to discuss it in certain safe environments.

Finally, you should be mindful that as a workforce program practitioner, you can have obligations that might seem in tension or conflict with each other. You always have an obligation to share information that will provide program participants the services they need, but sometimes you may need to use information the program participant does not want known to obtain such services. For example, a client may go by “Joanne” but have legal forms that refer to her as “John,” and you might need to use the forms that say “John” to get Joanne the services she needs.

This manual speaks to workforce practitioners to ensure that LGBTQI+ program participants can get jobs in a welcoming environment, which requires keeping in mind the points outlined above. With awareness, preparation, and strategic interventions targeted to LGBTQI+ peoples' unique needs, workforce providers can deliver the resources and services needed to support LGBTQI+ people.







02

MAJOR LGBTQI+ CONCEPTS AND VOCABULARY



WHAT ARE THE MOST IMPORTANT THINGS I SHOULD KNOW?*



*This section, and others throughout this manual, use material, with permission, from Green, E.R. & Maurer, L.M. (2015). The Teaching Transgender Toolkit: A Facilitator's Guide To Increasing Knowledge, Decreasing Prejudice & Building Skills. Ithaca NY: Planned Parenthood for the Southern Finger Lakes: Out for Health. ISBN: 978-0-9966783-0-8 Available at www.teachingtransgender.com

To serve the LGBTQI+ community well, you need to understand the different LGBTQI+ identities and be familiar with LGBTQI+ terminology, to ensure your program uses the most respectful language.

Language is always changing. It's imperfect, and no matter what one's community is, people are always striving to find words that describe what they feel, and who they are. Thus, it is helpful to keep in mind two key principles of learning about LGBTQI+ vocabulary and norms:

- Vocabulary will change, and people will identify with sexual and gender identities that you may not have heard of. This doesn't mean the identities are new—it's just that the language is new to you, or people may have found new language to describe something that other people have felt but not put words to. Language is complex and imperfect (have you ever lacked the words to describe something you felt?), and people are always striving to find new phrases to understand and explain themselves.
- If someone tells you they identify as something you've never heard of, or you learn about a concept related to sexual orientation and gender identity that's challenging to understand, accept and affirm the concept. and/or identity as valid and respect it.

21

The definitions in this manual draw primarily from definitions previously listed in NYC government documents.

LGBTQI+ communities are comprised of people who are united by shared experiences on the basis of their:

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 [referenced later in this chapter] refer to sexual orientation”¹³

GENDER IDENTITY

“the internal, deeply-held sense of one's gender which may be the same as or different from one's sex assigned at birth. A person's gender identity may be male, female, neither or both”¹⁴

GENDER EXPRESSION

“the representation of gender as expressed through one's name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics.”¹⁵



THIS CHAPTER ALSO DIFFERENTIATES BETWEEN SEX ASSIGNED AT BIRTH, GENDER IDENTITY AND EXPRESSION.

If someone's gender identity differs from their sex assignment at birth, they may identify as:

TRANSGENDER

"sometimes shortened to 'trans'—is a term used to describe a person whose gender identity does not conform with the sex assigned at birth."¹⁶ Not all people who find conflict between their gender identity and assignment at birth identify as transgender, but many do.

NON-BINARY

"a term used to describe a person whose gender identity is not exclusively male or female. For example, some people have a gender identity that blends elements of being a man or a woman, or a gender identity that is neither male nor female."¹⁷

This chapter also explores concepts such as:

GENDER NON-CONFORMING

"a term used to describe a person whose gender expression differs from gender stereotypes, norms, and expectations in a given culture or historical period."¹⁸

CISGENDER

"a term used to describe a person whose gender identity conforms with their sex assigned at birth."¹⁹

Note: Years ago, one may have seen "transgender" used as a catch-all to refer to "non-binary," "gender non-conforming," and "transgender" people. Presently, some variation of the acronym TGNCNB (transgender, gender non-conforming, and non-binary) is used for these distinct, yet connected communities. Because people of these different identities face specific discriminations and challenges, avoid using "transgender" or "trans" to talk about all people whose gender identity is different from sex assignment at birth.



SEX AND ASSIGNMENT AT BIRTH

When discussing “sex,” this manual refers to one of two things, depending on the context:

01

How people relate to each other and interact physically, e.g., I am sexually attracted to men, or I like to have sex;

02

“A combination of chromosomes, hormones, internal and external reproductive organs, facial hair, vocal pitch, development of breasts, gender identity, and other characteristics.”²⁰



23

Increasingly, people in and allies of the LGBTQI+ community will refer to “sex assigned at birth,” or “assignment at birth,” which is helpful terminology because it indicates a difference between what medical authorities said someone was at birth from who that person actually is—e.g., just because someone was assigned female at birth, it doesn’t mean they have to do things society typically associates with women.

WHAT IS INTERSEX?

The intersex advocacy organization InterACT explains that intersex “describes a person with a genetic, genital, reproductive or hormonal configuration that results in a body that often cannot be easily categorized as male or female. Intersex is frequently confused with transgender, but the two are completely distinct and generally unconnected.”²¹

Doctors have frequently made a choice to alter young intersex peoples' bodies to make the intersex person's body align more closely with medical and societal preconceptions of a male or female body. These surgeries, as one can imagine, are invasive, and for many people, are quite traumatic.

Due to the fact that intersex people have faced the imposition of specific ideas about sex and gender, intersex people are in a connected, though distinct, struggle alongside other LGBTQI+ communities.



GENDER IDENTITY

“Gender identity,” refers to “the internal deeply-held sense of one’s gender which may be the same as or different from one’s sex assigned at birth. A person’s gender identity may be male, female, neither or both, i.e., non-binary or genderqueer. Gender identity is not the same as sexual orientation or gender expression.”²² This could be the same thing as one’s sex, or it could be different. For example:



Tariq was assigned male at birth, and he has no internal conflict between that sex marker and how he lives his life. He’s comfortable living in a world where he’s expected to wear a tie and masculine dress pants to work. He likes sports (which women can like too, but Tariq associates it with men) and when he talks about sports with other men, he thinks of it as “male bonding.” He thinks of himself as male. His gender identity is male.



O was assigned female at birth (the sex on O’s birth certificate is female), but he internally feels masculine or male, and wants to do things people consider masculine or male. O’s gender identity is male.



Juana was assigned male at birth but as she grew up, she realized that she felt, internally, that she was female. She felt uncomfortable in all-male segregated spaces and felt more comfortable in the company of women. She also yearned to have a body that looked like those of women who has been assigned female at birth. While men can also feel uncomfortable in all-men’s spaces and prefer the company of women, Juana’s discomfort with the male identity she lived with as a younger person, and her desire to be a woman, set her apart. Her gender identity is female.



Jo was assigned male at birth, but thinks of themselves as not quite male and not quite female. They’re comfortable identifying with things society tends to think of as male (they like heavy metal and really physical concerts). They also get a yearning, when walking by women’s clothing stores, for a somewhat feminine look. However, they don’t want to identify as male or female. They tell their friends to say “they” and “them” as their pronouns, instead of “he/him” or “she/hers.” Jo’s not quite sure what word they’d use to describe their gender identity, but male, female, man, and woman are not correct.

GENDER EXPRESSION

“Gender expression” refers to “the representation of gender as expressed through one’s name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. Gender expression may or may not conform to gender stereotypes, norms, and expectations in a given culture or historical period. Gender expression is not the same as sexual orientation or gender identity.”²³ Some people may have other terms they use to describe how they express their gender, such as gender “presentation,” which refers to the way someone dresses, wears their hair, interacts with people—essentially, what one shows to the world, and what one uses to signal gender.

Using the characters discussed above regarding gender identity, the examples below highlight how gender expression can work in relation to their gender identity.

Tariq exclusively wears men’s fashion. He likes a skinny tie with his men’s suits. When on his off days, he wears a T-shirt and jeans. His gender expression is masculine.

O, regardless of what the “F” on his birth certificate says, wears skinny ties and banker’s vests. In his leisure time, he likes to wear men’s polo shirts, and enjoys what he calls a “sailing dude” aesthetic. His gender expression is masculine.

Since Juana was 24, she has almost always worn a dress and red lipstick. Currently, she has a feminine gender expression. But before she was 24, she didn’t feel comfortable showing her femininity. She worked in a very masculine environment, so she wore her hair short, wore a men’s shirt and tie. She was afraid of being harassed or attacked on the street, so she wore unisex T-shirts and men’s jeans when going out. During this period, her gender expression was masculine, even though she didn’t want it to be.

After wearing really large unisex T-shirts and black jeans with wide bottoms for many years, Jo is starting to wear a lot of black crop tops and black skinny jeans, and more recently, eyeliner. At the same time, they enjoy wearing a fairly conservative, short hairdo, and dark gray wing-tipped dress shoes they bought in the men’s section of a department store. Jo doesn’t really have a term for what this gender expression is; it’s partially feminine, partially masculine, but whenever anybody tries to bring up the subject of what exactly Jo looks like, Jo replies, “I look like Jo. End of discussion.”



ADDITIONAL CONSIDERATIONS



The examples given thus far are from a particular United States context, and there are identities from other cultural contexts, too. Indigenous peoples in the U.S. and elsewhere have long had identities that involve varying gender identities, expressions, and sexual orientations.²⁴ One of these terms used in the U.S., “in many First Nations/American Indian communities” is “Two Spirit” people, “who are often seen as a third gender”²⁵

There are other terms for indigenous identities, both in the U.S. and across the world, that resemble transgender, gender non-conforming, and non-binary identities as well. In Mexico’s Oaxaca state, there are muxes, who dress as women and sometimes assume “traditional female roles within the family and society.”²⁶ Hijra is an identity from South Asia that the Supreme Court of India recognized in 2014 a “third gender,” though some hijra also prefer to be known as simply women or men.²⁷ Though some people may classify these identities as transgender, some people of these identities may reject the label of transgender as being a term imposed upon indigenous cultures by colonizing powers.

It should also be said that gender expression does not have to align with gender identity, and this can be someone’s comfortable state in life. Consider a woman who identifies as a woman, but operates a crane for a living, and typically wears jeans and men’s steel-toed boots. While her presentation may align more closely to our societal idea of masculinity, this does not mean she cannot or does not identify as a woman. Or simply consider a woman who wears her hair short in a more masculine cut, or a man who has long hair and wears a ponytail or bun.

SEXUAL ORIENTATION – THE BASIC DEFINITION

“Sexual orientation” refers to “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.”²⁸ Sexual orientation includes what gender or genders a person is attracted to, and also includes whether a person is sexually or romantically attracted to people at all. Some people have low to no romantic sexual attractions to other people, and the lack of romantic or sexual attraction is a sexual orientation. Some people would even argue that things such as whether one prefers multiple romantic partners at one time, or things that one enjoys when engaged in a sexual interaction, are a part of sexual orientation (though that is not necessarily widespread or commonly discussed).

THE MANY KINDS OF SEXUAL ORIENTATION

Note: This list is not exhaustive, as people are always seeking new language to describe their previously unlabeled sexual orientations.

These terms refer to sexual orientations that involve people who are primarily attracted to one sex or gender:

29

GAY

“typically refers to someone who identifies as a man and who is attracted to men.”²⁹

LESBIAN

“typically refers to someone who identifies as a woman who is attracted to women.”³⁰

SAME-GENDER-LOVING” (SGL)

“A term used by some who may not identify with the terms gay or lesbian but engage in same-sex behavior,”³¹ used primarily in African-American communities to refer to same sex/gender attraction, viewing gay and lesbian as being terms too closely associated with white people. This term was coined by Cleo Manago.³²

There are also identities to refer to those who are attracted to more than one gender:

BISEXUAL

“A person attracted to the same and opposite genders. This attraction may show a preference for one gender over another.” Some people use bisexual to say they are attracted to both men and women. Some people use it to say they are attracted to their “gender and other genders,” which may sound more expansive than the definition that has frequently been utilized in popular culture.³³ Regardless of which of these definitions one uses, bisexual still basically refers to being attracted to two groups—those that are same gender as the person who identifies as bisexual, and those not the same as the person who identifies as bisexual.

PANSEXUAL

which refers to “A person who is sexually attracted to people of all or many gender expressions. It is often described as ‘you love who you love.’”³⁴

POLYSEXUAL

which refers to people who are attracted to people of multiple genders. Some people say this refers to being attracted to people of many but not all genders.

ALL-GENDER-LOVING

(AGL) is another term arising out of African-American communities, referring to people who are attracted to multiple or all genders.

There are reasons why there are many terms for ideas that seem similar, or have subtle differentiations. People have a lot of deeply held, personal reasons for identifying in one way or another. For example, some people feel strongly that bisexual is misunderstood, and that it describes their identity.³⁵ Other people might feel more strongly that “polysexual” or “All-gender-loving” is a more accurate label.



The term “queer” also relates to this conversation. Queer is a complicated term that serves many roles: Queer is “An umbrella term that refers to identities that are outside social norms when it comes to gender identity or sexual orientation. But it is also used to refer to people who are attracted to all or many gender expressions, similar to “pansexual”. It should also be noted that queer is a reclaimed term with formerly derogatory connotation, and should not be used unless a person identifies that way.”³⁶ In short, how someone uses the word “queer” is highly individualized.

OTHER TERMS**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.”³⁷

ASEXUAL

This term refers to the lack of a sexual attraction, and it is a sexual orientation unto itself. It may also be used as an umbrella term for other attractions that are not primarily sexual. While asexual people may have sex, sex isn't a major way in which asexual people relate to others.

Ultimately, peoples' sexualities may never come up in conversation when engaging in workforce program activities. However, it is vital to avoid assuming all people are straight, or that sexuality can be simplified to straight, gay, lesbian, and bisexual.



SEXUAL ORIENTATION VS. GENDER IDENTITY AND EXPRESSION

33

Sexual orientation does not predict gender identity or expression, and vice versa. For example, someone whose gender identity and expression differ from the sex on their original birth certificate is not necessarily gay, straight, or any particular sexual orientation.

THE MANY KINDS OF GENDER IDENTITIES AND EXPRESSIONS

There are many different terms for peoples' varying gender identities and expressions that people may or may not identify with. As with sexual orientation, what works for one person may not work for another. In general, respect and honor people's self-conception.

"Transgender," "sometimes shortened to 'trans,'" is an umbrella term that generally refers to "a person whose gender identity does not conform with the sex assigned at birth."³⁸ Not all people who find conflict between their assignment at birth and gender identity identify as transgender, but many do.

The most commonly known identities under the transgender umbrella are transgender men and transgender women.

"TRANSGENDER MEN"

were assigned female at birth, but their gender identity is male.

"TRANSGENDER WOMEN"

were assigned male at birth, but their gender identity is female.

It is respectful to simply think of and refer to transgender men as men, and transgender women as women.

TRANSGENDER VS NON-BINARY, GENDER NON-CONFORMING AND OTHER IDENTITIES

Transgender women are women. Transgender men are men. These are what one may call “binary” genders, because there are two options: male or female. But there are also “non-binary” identities, which are not necessarily male or female, may have qualities of both male and female, or are beyond male or female.

Non-binary can be defined as “a term used to describe a person whose gender identity is not exclusively male or female. For example, some people have a gender identity that blends elements of being a man or a woman or a gender identity that is neither male nor female.”³⁹

Connected to the idea of being non-binary, though not precisely the same, is the idea of being gender non-conforming: “a term used to describe a person whose gender expression differs from gender stereotypes, norms, and expectations in a given culture or historical period. Terms associated with gender non-conformity include, but are not limited to, gender expansive, gender variant, or gender diverse.”⁴⁰

Additional definitions to be mindful of include:

GENDER EXPANSIVE

“An adjective describing a person whose gender expression does not conform to social expectations or stereotypes. Also known as gender non-conforming, gender variant, or gender creative.”⁴¹

GENDERQUEER, GENDER VARIANT, AND GENDER DIVERSE

akin to gender non-conforming, “A person who does not conform to cultural expectations of men or women.”⁴²

Transgender, gender non-conforming, non-binary, gender expansive and genderqueer all relate to a difference between one's assignment at birth and how one understands oneself. It can be instructive to offer examples as to how they differ in particular contexts:



One can be transgender and gender conforming. E.g., a transgender man who conforms to typical masculine gender expression.

One can be gender non-conforming but not necessarily think of oneself as transgender. E.g., a woman who dresses in masculine attire but does not think of herself as transgender.



One can be gender non-conforming but not think of oneself as non-binary. Gender non-conforming people may be cisgender (see below section for definition) but simply not adopt the gender norms associated with that sex assignment (e.g., the previous example of a woman who works in a typically male-dominated profession, tends to wear masculine dress, but still identifies as a woman).

One who is non-binary, in contrast, inherently thinks of oneself as “not exclusively male or female,”⁴³ and is therefore never cisgender.



In short, some people feel that “non-binary,” “gender non-conforming,” and “transgender” are distinct enough to not all be categorized as the same. Where years ago, one may have seen “transgender” refer to all of these, presently, some variation of the acronym TGNCNB (transgender, gender non-conforming, and non-binary) indicates that these communities are connected, but not all the same. These communities also face specific discriminations and challenges. Thus, as a workforce practitioner, avoid using “transgender” or “trans” to talk about all people whose gender identity is different from sex assignment at birth.

CISGENDER

There is also a term to describe “to describe a person whose gender identity conforms with their sex assigned at birth”⁴⁴: cisgender.

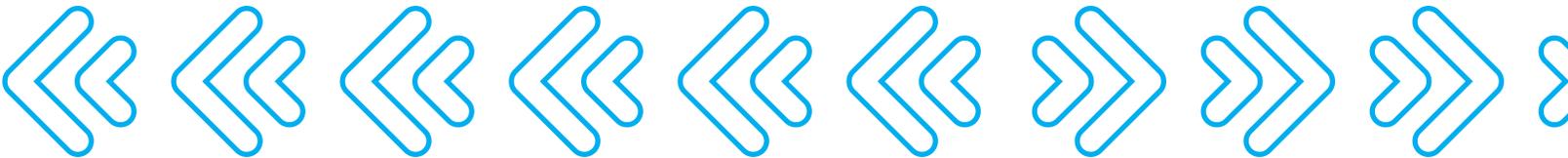
This word exists because some in the LGBTQI+ community thought that if people simply conceived of gender identity as “trans” and “not-trans,” the language people use would necessarily suggest that transgender people are odd, not acceptable, something *other*. Thus, the term “cisgender” was coined to indicate that there are “cisgender” people and “transgender” people, but a transgender man or woman is every bit as much a man or woman as a cisgender man or woman.



GENDER TRANSITION

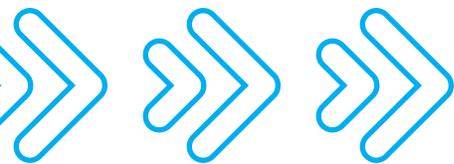
“Gender transition,” or transition, “is when someone decides to bring their external gender expression in line with how they see themselves on the inside. This can involve legal changes, social changes and medical changes. Transgender individuals may or may not begin or continue a medical process of hormone replacement therapy and/or gender confirmation surgery.”⁴⁵ Furthermore, some people don’t transition from one gender to another, and simply exist as something other than the binary of male or female. Transition, as defined above, involves:

- **Social transition**, which is the process of coming to understand oneself as something other than what one was assigned at birth, may include telling people that one is transgender (or non-binary, if one considers being non-binary something that one transitions to), dressing in a manner that matches one’s gender identity, or generally showing people that one is something other than what one was assigned at birth through various social means, such as a change in pronouns.
- **Legal transition**, which includes changing one’s documents to reflect one’s identity, such as a birth certificate or a driver’s license.
- **Medical transition**, which involves a variety of medical activities, including but not limited to:
 - seeking mental health treatment to explore one’s identity and cope with the stresses of transitioning,
 - taking hormones to make one’s secondary sex characteristics (breasts, body hair, voice) match one’s gender identity;
 - having surgeries that may help one’s body better align with one’s gender identity. These surgeries are widely known as “gender affirmation surgeries” within TGNCNB communities, though you may hear them referred to as “gender reassignment surgeries.”



The exact composition of what transitioning is, and how long it takes, differs from person to person. Some people feel they have finally transitioned after telling people about their gender identity; some people feel they have finally transitioned after they have certain medical procedures done; some people feel that their transition is life-long, and they're always coming into their own as the person they want to be.

Regardless of the path someone takes toward transitioning, or how far they consider themselves to be in their transition, service providers should always affirm a program participant's identity. Providers should also understand that a lack of access to financial resources or healthcare insurance can be an impediment in transitioning.





GENDER PRONOUNS

People have pronouns that match one’s gender identity. While some people would call these “preferred pronouns,” it is more appropriate and accurate to call them “affirming pronouns” or even “gender pronouns,” as the pronouns are not merely “preferred,” but are the correct ones that identify who a person really is. *This manual will use the term “gender pronouns.”*

Your organization should be in the practice of knowing which pronouns people want to use, and when someone tells you to use a certain pronoun, use it. A deeper exploration of how to use gender pronouns is included in Chapter 4.

HOW TO DIFFERENTIATE BETWEEN GENDER IDENTITY, AND SEX/GENDER

A person's gender identity is who they are, in terms of whether they think of themselves as masculine, feminine, or something other than just masculine or just feminine.

This may be different than one's sex/gender as known by government authorities – this manual will say “sex/gender as known by government authorities” because governments are generally inconsistent with whether they refer to “gender” or “sex,” and what the government thinks one's gender/sex is does not necessarily equate to someone's gender identity.

If a program participant's gender identity is not the same as their sex/gender as known by government authorities, and the participant needs to identify their sex/gender to government authorities, this manual recommends:

- Using the Social Security Administration (SSA) gender field. If one's SSA gender field is corrected to match one's gender identity, then in New York State, that person can correct their gender marker to match their gender identity on nearly any form of government-issued identification.
- If your participant does not know what their SSA record says, but they need to put down their sex/gender as identified by government authorities, the participant should use what is on whatever form of government-issued identification they utilize for services (which should conform with the SSA record). The government ID change process is outlined in Chapter 4, as well as guidelines for sensitively discussing with program participants how you will use any information about sex/gender as known by government authorities.



NAMES

Just as many people in the transgender, gender non-conforming, and non-binary communities utilize pronouns that affirm their gender identity, many trans, gender non-conforming, and non-binary people use names that affirm their identity. These names may differ from their legal name, if they have not yet changed or lack the resources to change their identity documents.

Conversationally, always use someone’s “affirming name” rather than their legal name, and set up your organization’s culture and document infrastructure to capture this information from all participants.

This manual uses “affirming name” to refer to the name someone goes by, with the specific connotation of being gender affirming. Other people use “preferred name,” though it is more appropriate and accurate to use “affirming name,” since people do not choose to be LGBTQI+. “Preferred name” is therefore potentially offensive and should be avoided.⁴⁶

It is important to know that some people refer to their legal names as their “deadnames.” If you hear “deadname,” know that someone is referring to their birth name, which may or may not be their legal name. Someone’s name could be dead because they don’t recognize it as their legitimate name, or it could be dead because both the former and they have legally changed it. Regardless, “deadname” means that name is generally not to be used, though, as is explained in Chapter 4, that name may be required for your program participant to receive services in the event that the deadname is still the person’s legal name. Intentional or repeated use of someone’s deadname is a violation of the New York City Human Rights Law.⁴⁷





AFFIRMING HONORIFIC

Make sure you try to use the correct honorific, as in Mr., Ms., Mrs., or an option that some gender non-conforming or non-binary people prefer, Mx. (pronounced “Mix”). If your organization refers to people by such honorifics, be sure to utilize an honorific for the person that matches their identity. This may require updating forms to include Mx., which many forms with honorifics do not include.



LANGUAGE TO AVOID

There are many slurs and derogatory language referring to LGBTQI+ people. There are also many terms LGBTQI+ community members generally don’t use anymore. These terms include:

- Homosexual*
- Transsexual**
- Queer***
- Tranny, or Trannie
- Hermaphrodite
- Transvestite
- Transgendered
- Transgendering
- Transgenders
- It
- She-Male, or He-She
- “The Surgery”
- Pre-Op, or Post-Op
- Deviant
- Fooling, or Deceiving
- “Real” sex
- Sex change



*This was originally used to diagnose people with a mental illness, and has been used so frequently by people opposed to LGBTQI+ communities that it has taken on a negative connotation.

**This is a medical term that used to refer to people who lived as their gender identity. It is not something that feels good or kind to a lot of transgender people.

***Derogatory if one doesn’t identify that way, or if you’re not using it to specifically refer to someone who identifies as such.

BELOW ARE TERMS TO USE INSTEAD OF OTHER THINGS YOU MAY HAVE HEARD*:

INSTEAD OF SAYING THIS:

SAY THIS:

44

“Real” sex, “real” gender, genital sex



Sex assigned at birth

Transgender, transgenders, transgendered



Transgender person, or person who is transgender, people of transgender experience

FTM, used to be a woman, born a female



Transgender man, or Transman, or man of transgender experience

MTF, used to be a man, born a male



Transgender woman, or Transwoman, or woman of transgender experience

Sex change, The Surgery, Transgendering, pre-operative, post-operative



Medical transition

Hermaphrodite



Intersex person or Person who is intersex

Sexual preference, homosexual



Sexual orientation

*This chart is modified, with permission, from Green, E.R, Maurer, L. (2015).

03

OBLIGATIONS UNDER THE LAW



WHAT ARE THE MOST IMPORTANT THINGS I SHOULD KNOW?



This chapter provides a concise guide to the legal obligations that organizations and employers have to LGBTQI+ people, as well as resources that are available to LGBTQI+ people. Most of this chapter will be a listing of legal subjects relating to LGBTQI+ rights and resources in alphabetical order, explicitly showing the issue area, specifying the rights or resources for LGBTQI+ people relating to those issue areas, and what the legal right or resource means for workforce providers. These same citations are also provided as an Appendix B, which also features legal citations.

Key points regarding LGBTQI+ protections in law include:

- LGBTQI+ people are protected from discrimination in employment, education, public accommodations, housing, attainment of credit, and workforce programs. These protections are enshrined in New York State law, New York City law, the policies and guidance of City agencies (including the Department of Youth and Community Development [DYCD], the Department of Social Services [DSS] or Human Resources Administration [HRA], the Department of Education [DOE]), and federal law (primarily regulations and court precedent).
- New York State nondiscrimination law, which protects people on the basis of gender identity and expression, specifically targets workforce programs as spaces protected from discrimination.* All workforce programs should take that impetus to ensure that they are a model of LGBTQI+ inclusivity among various entities covered by nondiscrimination law in NYC and NYS.
- Participants have a right to confidentiality. There is nothing in law that forces people to out themselves, and it's both ethical, and in many cases agency policy, to maintain participants' confidentiality.
- NYC Human Rights Law (NYCHRL) and its accompanying guidance enforced by the New York City Commission on Human Rights (CCHR) outline specific instances of discrimination.⁴⁸ As a baseline, the NYCHRL prohibits discrimination on the basis of sexual orientation, gender identity, and gender expression. The guidance lists explicit examples of discrimination to give people more tools to understand what that means, which are provided in full detail at <https://on.nyc.gov/36xqtNe>
- New York City and State have some of the best protections and opportunities for people to have medical treatments that allow peoples' bodies to better match their gender identity and ideal gender expression. While not every transgender, gender non-conforming, or non-binary person necessarily wants medical treatment related to medical transition (e.g., hormones, various surgeries), for many people, such treatments can greatly improve one's quality of life. The basics of transition are discussed in Chapter 2.

*This is the text: "It shall be an unlawful discriminatory practice for an employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs...To deny to or withhold from any person because of race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, age, disability, familial status, or marital status, the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, executive training program, or other occupational training or retraining program"

CONFIDENTIALITY

It is well established—within agency policies, as well as ethical obligations of fields such as social work, and trauma-informed principles—that the provider will maintain the confidentiality of participants’ LGBTQI+ status. DSS has outlined guidelines “regarding disclosing an individual’s sexual orientation, transgender status, or intersex status,” and they should be broadly applicable to all workforce environments.

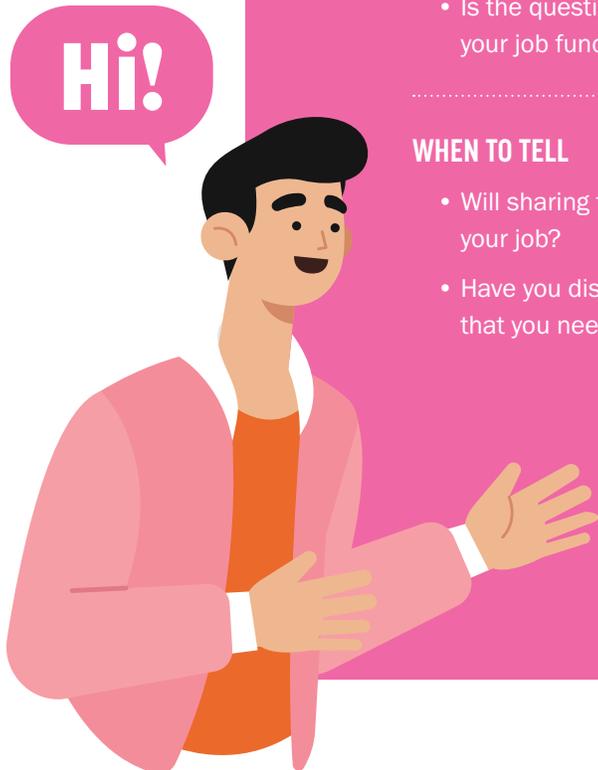
As DSS’s policy notes: “Answering ‘yes’ to the questions below is a good guideline for determining if you need to discuss the individual’s sexual orientation, transgender status, or intersex status.”⁴⁹

WHEN TO ASK

- Is the question something you would ask a non-LGBTQI+ person?
- Is the question necessary in order to perform your job function?

WHEN TO TELL

- Will sharing the information help you perform your job?
- Have you discussed with the individual that you need to share this information?



LEGAL RIGHTS, RESOURCES, AND IMPLICATIONS FOR WORKFORCE PROVIDERS

49

The following is an alphabetical listing of issues, rights and resources under law, and what it means for workforce providers. For a table version, which includes legal citations, see Appendix B.

BENEFIT CARD

- **Right or resource:** One can change one’s NYS social services record with an accurate birth certificate, NYS ID (driver or non-driver), letter from Social Security, medical note, or passport with correct gender information. Common Benefit Identification Cards (CBIC) issued since August 1, 2016 have not had gender markers on them. Name can be changed on CBIC, but not gender. See “Health Care” entry within this chapter for more information about gender codes with benefits records, and medical implications.
- **What this means for workforce providers:** People can update their Benefits card to reflect a new legal name. Correct legal documentation is key to lowering barriers to attaining services. Encourage your participants (and, if relevant, colleagues) to update their benefits cards to reflect their gender identity. People can also have their benefits case information corrected to reflect their gender. This is particularly helpful in ensuring that they are not wrongfully denied any health care that may be associated with gender.

BIRTH CERTIFICATES

- **Right and/or resource:** People born in NYC can change their birth certificate based on self-attestation of gender identity, and that identity can be M, F, or X (as a gender-neutral option). In NYS, outside of NYC, people can correct their gender marker to M, F, or X based on self-attestation. Birth certificate law/policy differs based on where someone was born. Outside of NYS, see National Center for Transgender Equality’s ID Documents Center: <https://transequality.org/documents>.
 - Cost of City Birth Certificate Correction: \$55; State Birth Certificate: First corrected copy is free, subsequent copies are \$30
- **What this means for workforce providers:** If someone was born in NYS, including the City, they can easily correct their birth certificate, which can help them have a full array of identity documents that align with their gender identity. Birth certificate correction processes in different states and municipalities differ, and one must follow the rules in the birth certificate-issuing jurisdiction of one’s birth. Again, see <https://transequality.org/documents>. Correct legal documentation is key to lowering barriers to difficulty, and risk of discrimination, in attaining services.

CITY CONTRACTORS

- **Right and/or resource:** City contractors, as employers, cannot discriminate against people on the basis of sexual orientation, gender identity, or gender expression, and that encompasses intersex status. DYCD and DSS maintain specific policies asserting that this applies to their vendors. See “Workforce” entry within this chapter for more specific information about workforce providers.
- **What this means for workforce providers:** Workforce providers under contract from the City have an obligation to provide services to people regardless of sexual orientation, gender identity or gender expression.

CONFIDENTIALITY

- **Right and/or resource:** Participants have a right to keep their LGBTQI+ identity to themselves. As DSS notes in its LGBTQI+ policy, “All participants 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.”
- **What this means for workforce providers:** Workforce providers legally cannot force participants to out themselves, and workforce providers have an obligation to maintain participants’ confidentiality.

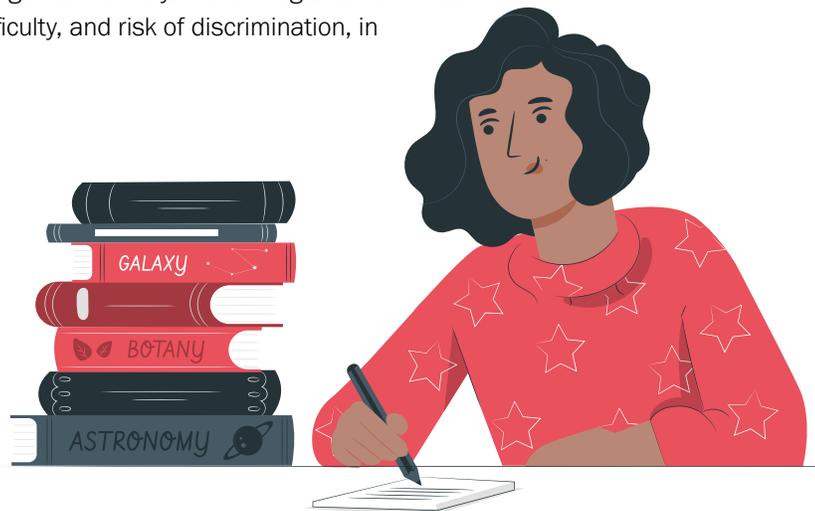
51

CREDIT

- **Right and/or resource:** People cannot be denied credit on the basis of sexual orientation, gender identity, or gender expression, and that encompasses intersex status. Furthermore, one’s credit history cannot be used against them by employers, labor organizations, and employment agencies. It is illegal under the New York City Human Rights Law (NYCHRL) to ask about credit or run a credit check for employment, with limited exceptions.
- **What this means for workforce providers:** If a workforce program participant (or potentially one of your colleagues) encounters an employer who inquires about credit history, that inquiry is not allowed under NYCHRL. Furthermore, a workforce program participant cannot be discriminated against in application for credit on the basis of LGBTQI+ identity.

DRIVERS LICENSE

- **Right and/or resource:** People can get their names and gender markers corrected (X to be offered by end of 2021) on their drivers' licenses with an application for a permit, driver's license, or non-drivers ID; a current permit, license, or ID; proof of gender change via written statement from a "physician, psychologist, or psychiatrist, life counselor, social worker, or other professional on their letterhead certifying the applicant's gender of male or female." [from the National Center for Transgender Equality (NCTE): <https://transequality.org/documents/state/new-york>] Full NYS DMV process outlined at <https://dmv.ny.gov/address-change/how-change-information-dmv-documents>
- **What this means for workforce providers:** People can have their drivers' license corrected to reflect their gender identity. Correct legal documentation is key to lowering barriers to difficulty, and risk of discrimination, in attaining services.



EDUCATION

- **Right and/or resource:** People cannot be denied access to non-sectarian, tax-exempt educational institutions on the basis of sexual orientation, gender identity, gender expression, intersex status. People also have the right to be treated according to their gender identity/expression; to be called by pronouns and names that match one's gender identity; to not be bullied; to use restrooms and locker rooms consistent with one's identity; to dress and present oneself according to gender identity/expression; protect privacy around identity; and start an LGBTQI+ student club from NCTE: <https://transequality.org/know-your-rights/schools>; DOE policy: <https://on.nyc.gov/3emQLVk>
- **What this means for workforce providers:** LGBTQI+ youth retain protections in schools. If you're a case manager and your program participant (or perhaps a colleague) is in an educational institution, and faces some sort of discrimination, your program participant has means of redress.

EMPLOYMENT

- **Right and/or resource:** People cannot be discriminated against in hiring, firing, promotion, compensation, terms and conditions of employment.
- **What this means for workforce providers:** Employers of LGBTQI+ people cannot be discriminated against in any capacity by employers. See also “facilities,” “harassment,” “grooming standards,” “name,” “pronouns,” “retaliation,” and “workforce programs.”

FACILITIES (E.G., BATHROOMS)

- **Right and/or resource:** People must be permitted to use facilities that align with their gender, as per NYCHRL rules.
- **What this means for workforce providers:** Workforce organizations, employers, and any referral sites must allow people to use facilities that match their gender identity.

FORMS

- **Right and/or resource:** Various City agencies, following recent City laws and their own policies, are updating forms to capture voluntary data about sexual orientation, gender identity, and expression.
- **What this means for workforce providers:** Forms from DYCD, HRA, DOE, ACS, and other City agencies will, by 2021, ask for voluntary information about sexual orientation, gender identity, and expression. Your organization should also include forms with fields collecting information about sexual orientation, gender identity, and expression, and know how to help participants fill out these fields.



GROOMING STANDARDS

- **Right and/or resource:** “employers and covered entities may not require dress codes or uniforms, or apply grooming or appearance standards, that impose different requirements for people based on gender.” [NYCHRL: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page#3.4>]
- **What this means for workforce providers:** Employers cannot have “grooming and appearance standards” with “gender-based distinctions,” and so there cannot be rules “requiring employees of one gender to wear a uniform specific to that gender,” or “Permitting only women to wear jewelry or requiring only men to have short hair.” An employer or program can have dress codes and uniform options, but an entity putting out a dress code cannot force people perceived as women to wear one version of the uniform and people perceived as men to wear another. People can choose for themselves. [NYCHRL: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page#3.4>]

HARASSMENT

- **Right and/or resource:** A wide variety of harassment is rendered illegal under City and State law. As implied by other sections, repeatedly refusing to use someone’s affirming name, pronoun, title, or other things related to one’s gender identity (e.g. making fun of someone’s non-binary gender presentation) is illegal and against various City policies.
- **What this means for workforce providers:** Many things can constitute harassment under City and State law. This is further reason to ensure that all staff and employers are cognizant of LGBTQI+ cultural competency and how to treat LGBTQI+ communities with respect.



HEALTH CARE

- **Right and/or resource:** NYS Medicaid covers transition-related care. If a health insurance policy is issued in New York, and thus regulated by the NYS Department of Financial Services, the plan must cover transition-related care, so long as a treatment is deemed medically necessary for “gender dysphoria,” which is a mental health diagnosis. Each plan will have different criteria for how to determine medical necessity. For more information about private plans, see <https://bit.ly/2yx7lgi>. NYC Human Rights Law guidance asserts that employers in NYC specifically must cover gender-affirming care with health insurance policies.
 - You should request a G-1 billing exception code if you identify as female or G-2 code if you identify as male so you will not be denied services that have typically been restricted based on sex designations. [See Sylvia Rivera Law Project’s (SRLP) website on changing ID documents for more information: <https://srlp.org/resources/changeid/#NYBen>]
- **What this means for workforce providers:** While not every transgender, gender non-conforming, or non-binary person necessarily wants medical treatment related to medical transition (e.g., hormones, various surgeries), for many people, such treatments can greatly improve one’s quality of life. Access to these affirming treatments could be a major step in helping a participant or colleague live a happier life, and potentially be more successful in the workplace.

55

HOUSING

- **Right and/or resource:** People cannot be denied access to housing, or credit for attaining housing, on the basis of LGBTQI+ identity. Properties that are for sale or rent cannot be presented to LGBTQI+ people as if the properties are not for sale or rent.
- **What this means for workforce providers:** LGBTQI+ participants or colleagues have a right to take action against discriminatory actions in attaining housing.

IDNYC

- **Right and/or resource:** NYC provides municipal ID cards, which are government IDs, for people over the age of 14, that allow someone to identify as M, F, X (Not Male or Female) or no gender option based on self-attestation of gender. ID NYC is also available to undocumented people, unlike drivers licenses or state non-drivers IDs. For more info see SRLP: <https://srlp.org/resources/idnyc/>
- **What this means for workforce providers:** IDNYC cards are available as government issued IDs that can also be used to access social services. DYCD has an agreement to share enrollment data within the Youth Employment Program System (YEPS) with HRA, so that a Summer Youth Employment Program participant can have streamlined access to obtaining an IDNYC.

NAME (PREFERRED AND LEGAL)

- **Right and/or resource:** Statewide, people can change their names with a court ordered name change, and potentially publication of the change in a newspaper (though there's a chance that could be waived). However, under NYC law, if someone engages in "intentional or repeated refusal to use a person's [preferred/affirming] name," that's a violation of City Human Rights law.
- **What this means for workforce providers:** If one is engaging in a legal transition, the first step of changing one's legal documents is changing one's name. Furthermore, if someone repeatedly refuses to use someone's affirming name, regardless of whether that person has had a legal name change, that is discrimination. Ergo, this should not happen in your agency, nor should it happen to a participant or colleague of yours on a job site. (See information about deadnames in Chapter 2).

56



NONDISCRIMINATION (GENERAL)

- **Right and/or resource:** State and City laws protect LGBTQI+ people from discrimination in employment, public accommodations, housing, and educational institutions. The City outlines very specific instances of what constitutes discrimination. There are also a variety of federal protections through court decisions and some agency decisions.
 - The City Commission on Human Rights will pursue cases in which there is disparate impact, wherein an entity covered by the NYC Human Rights Law (e.g., an employer) has policies that appear neutral, but in practice impact a particular group. A person can also pursue a CCHR claim for individual discrimination incidents.
- **What this means for workforce providers:** Nondiscrimination laws, agency policies, guidance, etc. are wide-ranging, and create widely encompassing protections, including requirements to refrain from misuse of appropriate gender pronouns/names/honorifics, within workforce programs, employment sites, and educational programs. Also, in NYC, the City Human Rights Law will allow participants to pursue claims that an employer's activities negatively impact a particular group even if the employer's policies appear neutral. Again, people can also pursue CCHR claims for individual discrimination incidents. Your LGBTQI+ program participants and colleagues have a wide variety of protections if they're mistreated, or suspect mistreatment, within the range of your work with them.



PASSPORTS

- **Right and/or resource:** So long as one has changed one's Social Security Record, and one can provide proof of citizenship, an ID with the correct gender identity, one of several forms denoting a change in gender (potentially name), an appropriate photograph of oneself, fees, and a letter from a medical professional explaining one has had appropriate treatment for gender identity (ideally using model letter standards), one can attain a new passport. See NCTE: <https://transequality.org/know-your-rights/passports> for fuller instructions.
- **What this means for workforce providers:** Passports are yet another ID document that can be corrected to affirm someone's gender identity, and allow for attainment of services using one's affirming name and appropriate gender pronouns. Correct legal documentation is key to lowering barriers to difficulty, and risk of discrimination, in attaining services.

PRONOUNS

- **Right and/or resource:** “employers and covered entities... [must] use the name, pronouns, and [honorific] (e.g., Ms./Mrs./Mx.) with which a person self-identifies.” [CCHR: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page#3.4>]
- **What this means for workforce providers:** If your program participant (or a colleague) has made clear that he/she/they/etc. use a particular name, pronoun, honorific that is not the same as their legal information, “intentional or repeated refusal” to follow your participant’s directives is a violation of City law.

PUBLIC ACCOMMODATIONS

- **Right and/or resource:** LGBTQI+ people are entirely protected in utilization of public accommodations in both NYC and NYS broadly.
- **What this means for workforce providers:** LGBTQI+ participants and colleagues cannot be discriminated against in utilization of public accommodations (e.g., bathrooms, retail establishments). Specific types of discrimination outlined in “facilities,” “grooming standards,” “harassment,” “name,” and “pronouns” apply to public accommodations in NYC.

58

RETALIATION

- **Right and/or resource:** LGBTQI+ people cannot be retaliated against for making discrimination complaints against, or requesting a reasonable accommodation from, a particular party.
- **What this means for workforce providers:** LGBTQI+ participants and colleagues have a right to make reasonable accommodations and make discrimination complaints without retaliation, and any party that engages in retaliation is breaking yet another nondiscrimination law.

SHELTER

- **Right and/or resource:** Under City and State law, LGBTQI+ people cannot be discriminated against in homeless shelters, and people have a right to use housing that matches their gender identity.
- **What this means for workforce providers:** If a program participant utilizes a homeless shelter, they have a right to use a shelter in NYC and NYS that matches their gender identity.

SOCIAL SECURITY RECORDS

- **Right and/or resource:** Social Security records can be corrected to reflect one's gender identity, and new Social Security cards can be issued under a previously-assigned Social Security Number with a changed legal name. Thus, if someone changes their legal records to align with their gender identity, part of that legal document change can and should include one's Social Security record.
- **What this means for workforce providers:** Correcting one's Social Security information is key to making sure any gender marker or name change corrections on identification is widely acknowledged. For example, if a person has a government ID with their gender marked in a way that conflicts with their Social Security record, they could have trouble with taxes, airplanes, any system that tries to match identity markers across various government systems.

59

TRAINING

- **Right and/or resource:** Various City agencies, following recent City laws as well as internal policies, are training their staff on LGBTQI+ cultural competency.
- **What this means for workforce providers:** More agency staff will be cognizant of the issues you're reading about in this manual.



WHAT DO I DO IF THESE RIGHTS ARE VIOLATED?



There are many routes to follow if your program participants' rights are violated.

CITY COMMISSION ON HUMAN RIGHTS

- Call via 311 or (718) 722-3131
- Report online:
 - File a complaint at <https://www1.nyc.gov/site/cchr/about/report-discrimination.page>
 - You can also send questions to CCHR via Facebook Message at <https://www.facebook.com/NYCCHR/>, or at Twitter @nycchr

DSS/HRA

- Contact the Agency's Director of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Advocacy at lgbtqi@hra.nyc.gov
- Contact the Agency's Office of Constituent Services at (212) 331-4640 or constituentaffairs@hra.nyc.gov
- Contact the Department of Homeless Services Ombudsman's Office at (800) 995-6464, or at ombudsman@dhs.nyc.gov
- Contact the Agency's Office of Equal Employment Opportunity at (929) 221-5139 or eeounit@hra.nyc.gov
- Send a letter to the Commissioner, Department of Social Services, 150 Greenwich Street, 42nd Floor, New York, NY 10007

61

NEW YORK STATE DIVISION OF HUMAN RIGHTS

- Get a complaint form online at <https://dhr.ny.gov/complaint>, and follow instructions online
- Call (888) 392-3644

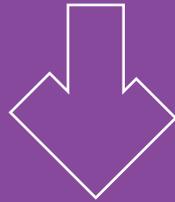
FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- File online at <https://publicportal.eeoc.gov/Portal/Forms/NewEditForm.aspx?templateId=160>
- Contact the New York EEOC Field Office at 1-800-669-4000
- Go in person to 33 Whitehall Street, 5th Floor, New York, NY 10004. Intake hours are Monday through Friday, 9am – 3pm



04

MAKING YOUR PROGRAM A SAFE SPACE FOR LGBTQI+ PEOPLE

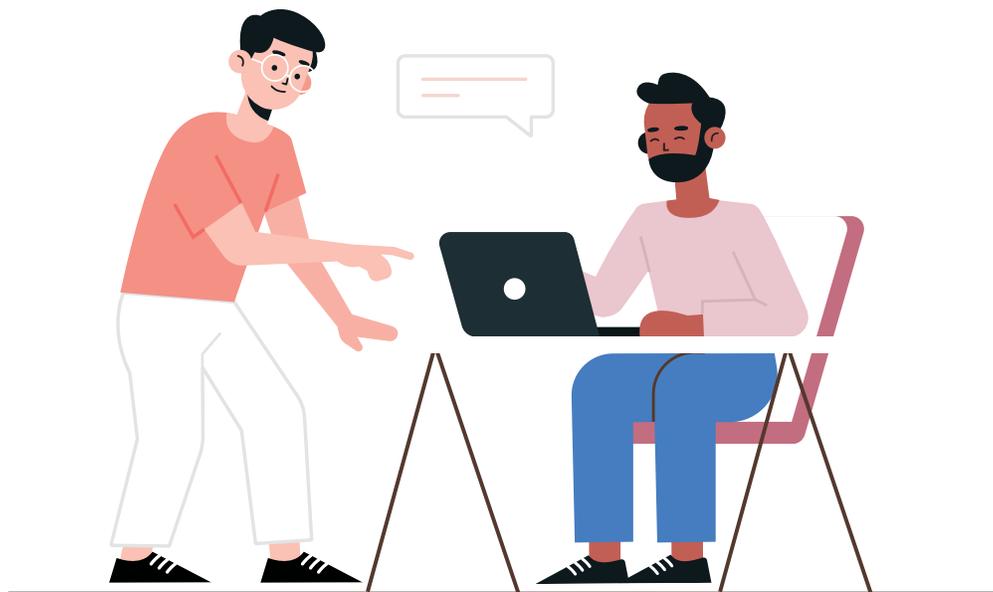


WHAT ARE THE MOST IMPORTANT THINGS I SHOULD KNOW?



This chapter will touch on a wide variety of subjects, including:

- The importance of maintaining a trauma-informed lens in work with LGBTQI+ communities.
- Pertinent information for supporting many transgender, gender non-conforming, and non-binary (TGNCNB) program participants, as TGNCNB people face several issues that are distinct from cisgender lesbian, gay, bisexual, queer, and questioning (LGBQ+) people.
- Basic tips on establishing an LGBTQI+-friendly ecosystem in your workforce program, followed with more extensive methods of building that ecosystem:
 - Best practices regarding use of pronouns.
 - How to help participants correct their legal documents if they do not align with a person's gender identity.
 - Safety planning when attempting to attain services.
 - Best practices around creation of forms.
 - How to prepare your program participants for interviews, and self-advocacy.





WHILE WORKFORCE PRACTITIONERS SHOULD NOT ASSUME THAT AN LGBTQI+ PROGRAM PARTICIPANT IS NAVIGATING TRAUMA, WORKFORCE PRACTITIONERS SHOULD BE AWARE THAT THEIR PARTICIPANTS MIGHT BE MANAGING TRAUMA.



THE IMPORTANCE OF THE TRAUMA-INFORMED PERSPECTIVE IN WORKING WITH LGBTQI+ PEOPLE

The federal Substance Abuse and Mental Health Services Administration (SAMHSA) has long educated social service and medical professionals about taking on a trauma-informed approach to provision of care, and these methods should be followed in working with LGBTQI+ program participants, and all workforce program participants.⁵⁰

SAMHSA defines individual trauma as resulting “from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being.”⁵¹

To support those who are working through trauma, SAMHSA advocates a trauma informed approach, which involves:

- helping participants feel “physically and psychologically safe”.
- undertaking “organizational operations and decisions” with transparency for the sake of “building and maintaining trust with participants”.
- utilizing “peer support and mutual self-help”.
- “leveling power differences between staff and participants”.
- providing participants “empowerment, voice and choice” throughout their services.
- providing services that are “gender responsive,” and responsive to “racial, ethnic and cultural needs of individuals served” while addressing “historical trauma” (e.g., the trauma experienced collectively by a particular population of people).

66

Everything within this chapter, and more widely in this manual, is meant to help workforce practitioners ensure that a trauma-informed approach is always being taken with any LGBTQI+ people present, whether they are program participants, or LGBTQI+ staff.

When making an affirming space for LGBTQI+ people, you should not force program participants to out themselves or tell you their personal stories. Peoples’ backgrounds relating to their sexual orientation, gender identity and/or expression could involve trauma, and telling these stories may be re-traumatizing. Allow program participants to reveal their traumas to you on their own schedule, and only if they are comfortable doing so.



CASE STUDY

CONFIRM CLIENTS WILL WELCOME SUPPORT

Nahima was a new case manager who identified as a transgender woman. She had what she thought was a strong clinical alliance with a new cisgender male participant, Albert. Albert was quiet, but seemed open to letting Nahima know details about his life. Albert gave indications to Nahima that he had had relationships with several men. He mentioned these interactions in a hushed tone, but Nahima was excited that Albert felt comfortable telling these details. Nahima told the participant about a local medical clinic that specialized in health care for LGBTQI+ people, and Albert seemed interested at first. But shortly after that, Albert began lashing out, acting more aggressive and angry than usual. Then, he suddenly left the program.

Nahima talked the situation over with her supervisor, realizing it would have been better if she hadn't mentioned the LGBTQI+ clinic, but rather had let Albert come out and ask for resources at his own pace. Furthermore, Nahima and her supervisor thought, the program was not doing enough to outwardly support LGBTQI+ people, offering no visible indications within the physical environment of the shelter to indicate openness toward LGBTQI+ people. In fact, other, out LGBTQI+ participants had said at various points in time that the facility didn't make them feel safe.

Nahima ultimately determined the participant may have had trauma around his sexuality. By pushing him to receive affirming services when the participant wasn't ready to come out, and doing so in a space where being out wasn't necessarily safe, Nahima might have triggered Albert's response.



THINGS TO CONSIDER WHEN SUPPORTING TRANSGENDER, GENDER NON- CONFORMING AND NON-BINARY PARTICIPANTS

Transgender, gender non-conforming, and non-binary (TGNCNB) participants may have concerns that you might not necessarily find in cisgender lesbian, gay, bisexual, queer, and questioning (LGBQ+) program participants. (It can be helpful to separate TGNCNB from LGBQ+ just to specify whether one is discussing TGNCNB issues separate from cisgender LGBQ+ issues. That is the case in this section.) These TGNCNB-specific concerns include:

- Recognizing gender identity through gender pronouns, honorifics, and affirming names: These subjects are often of singular importance to TGNCNB people, compared to cisgender people, who do not have the same conflicts between their sex assignment at birth and gender identity, and may not consider pronouns and honorifics as significant issues. The use of deadnames and incorrect pronouns could trigger traumatic responses for TGNCNB people.
- Fear of violence: As was also noted in Chapter 1, the threat of violence to TGNCNB people is intense and has occurred recently in New York City. The threat of violence, and even murder, is likely on the mind of TGNCNB people you know.
- Navigating multiple systems, and specific health and legal needs: As was noted in Chapter 2, there are many types of transition, and TGNCNB participants will possibly be navigating any number of complex bureaucracies and systems, including medical and legal systems.
- Feeling ostracized from multiple communities: If you talk to enough TGNCNB people, you will hear complaints about “transphobic” LGBQ+ people, and a desire to have TGNCNB-specific spaces within social and social service spaces. Transgender people were not a solidified part of “the acronym” (e.g., LGBTQI+) among the major movement organizations until the 2000s. As late as 2007, major gay and lesbian organizations approved of removing transgender protections from a federal employment nondiscrimination bill, prompting a bitter intra-LGBTQI+ fight.

For these reasons, and others, it is important to make sure your organization is in conversation with TGNCNB people in addition to cisgender LGBQ+ people. Within their larger LGBTQI+ communities, TGNCNB people have deeper disparities, including employment disparities (discussed at length in Chapter 1) that make a specific focus on TGNCNB people integral to culturally competent work with LGBTQI+ communities.

BASIC POINTS IN ESTABLISHING AN LGBTQI+ FRIENDLY PROGRAM ECOSYSTEM

71

The following recommendations are primarily focused on how to make the workforce program ecosystem maximally supportive of LGBTQI+ people. This section is broken into four areas: direct interaction with participants, building organizational knowledge, making an affirming physical environment, and building community in your program. Some items within this list are adapted, with permission, from the Teaching Transgender Toolkit, and cited accordingly.⁵²

DIRECT INTERACTION WITH PARTICIPANTS

- **“Don’t rely solely on your participants to educate you.** Do your own homework as well.”⁵³ Check out resources such as the Unity Project, the LGBT Center, Sylvia Rivera Law Project, National Center for Transgender Equality, Transgender Law Center, and other organizations led by LGBTQI+ people. If the subject is about TGNCNB people, seek out information from TGNCNB-led organizations.
- **“Focus on the participant’s specific needs, rather than on their [sexual orientation or] gender identity,”**⁵⁴ While it is important to be LGBTQI+ affirming, do not make a program participant’s LGBTQI+ identity the only thing you focus on. For example, if their concern is how to frame their middling high school Grade Point Average within the context of an interview, you do not have to bring LGBTQI+ issues into the discussion unless the participant thinks it relevant. The client could have simply had a difficult time with math, and that had nothing to do with their being LGBTQI+.
- **When using the term “family,” include “chosen family” for people who are neither connected nor supported by their family of origin.** Ball Scene families, as mentioned later in this chapter, are an example of chosen family.
- **Don’t use gendered, collective terms like “guys,” “girls,” “gentlemen,” “ladies.”** Instead use inclusive language like “colleagues,” “everybody,” “folks,” and even “y’all.”
- **Don’t make an assumption about a client’s romantic partners’ gender.** Wait until it’s expressly stated. If dating does come up for some reason in the meantime, keep the gender pronouns neutral. In general, it is unprofessional to talk about clients’ relationships unless a client mentions it of their own accord.

- **Have affirming workplace clothing on hand.** People who were assigned male at birth but are living more femininely may need feminine clothes in larger sizes, and people who are assigned female at birth but are living more masculinely may need clothes and shoes in smaller sizes. These can include shoes, make-up, chest-binders (masculinizing) or gaffs (feminizing).
- **Make sure your job/certification offerings meet needs of LGBTQI+ communities.** Consider conducting a needs assessment of LGBTQI+ program participants, or community members that might fit your program's eligibility criteria. Or, do key informant interviews with community leaders, or focus groups with community members. Take community feedback, make sure the jobs/certifications people ask for actually have pipelines to greater job opportunities, and develop the jobs the community has asked for.
- **Have affirming physical and mental health referrals on hand.** LGBTQI+ people may want to see doctors and other health professionals who are knowledgeable about LGBTQI+ communities. For example, transgender, gender non-conforming, and non-binary people may want affirming medical treatments, sometimes known as transition-related care (see Chapter 2), that help their bodies match their ideal gender expression. The NYC Unity Project has an outstanding directory of resources, geared toward LGBTQI+ youth, but applicable for youth and adults: <https://growingupnyc.cityofnewyork.us/generationnyc/topics/lgbtq/>
- **Provide food and housing resources or referrals to your program participants.** This is especially important given the higher likelihood of food insecurity and homelessness among LGBTQI+ people. Organizations should strive to provide food to participants—full meals, and not merely finger food—or partner with an organization that can provide food to your participants.
- **“Network with [LGBTQI+]-affirming workforce providers in your field.** They may be able to offer additional models and strategies for creating more [LGBTQI+ and specifically TGNCNB-affirming] environments, and can serve as referrals for participants when needed.”⁵⁵



- **“Understand the power you have as a provider when navigating...bureaucratic challenges.”**⁵⁶ You are likely to have access to, and respect from, employment and social service worlds that your participants do not necessarily have. Advocate for your participants. See additional ideas on how to advocate for your participants at the end of this chapter.
- **Make sure participants have state benefits cards that match their identity.**
- **Contact highly knowledgeable government resources about housing options for LGBTQI+ people.**
 - Contact DSS’s Director of Lesbian, Gay, Bisexual, Transgender, Questioning and Intersex (LGBTQI) Advocacy at lgbtqi@hra.nyc.gov
 - Contact DYCD’s Youth Connect services at 1-800-246-4646 or 1-646-343-6800 – inquire into Runaway and Homeless Youth Services.

BUILDING ORGANIZATIONAL KNOWLEDGE

- **Provide training to everyone in your organization about LGBTQI+ affirming practices.** Contact local LGBTQI+ organizations about providing these trainings—many will, and want to help.
- **Ensure that you have policies that support all the practices outlined in this manual.** It is your duty to explicitly protect participants, employees, and vendors on the bases of sexual orientation, gender identity, and gender expression. Models to base your policy on include the DSS/HRA/DHS LGBTQI+ policy, NYCHRL - including its guidance on discrimination on the basis of gender identity and expression - the *DOE's Transgender and Gender Nonconforming Student Guidelines*, and *DYCD's LGBTQ guidelines*.⁵⁷
- **“Understand the importance of intersectionality.** [LGBTQI+] people who are People of Color, disabled, female-identified, or a member of another oppressed group may struggle with discrimination on multiple levels.”⁵⁸



MAKING AN AFFIRMING PHYSICAL ENVIRONMENT

- **Have visible and audible indications that you're friendly to LGBTQI+ people.**
 - Put the rainbow flag, the transgender flag, and other flags of LGBTQI+ identities around your office.
 - City agencies also have LGBTQI+ affirming materials you can put on your walls, including DYCD's collection at <https://on.nyc.gov/2M16D3v>
 - Place images of LGBTQI+ people in the program space (if you have pictures/posters of heroes and role models up, you should include Audre Lorde, Sylvia Rivera, Bayard Rustin, or other heroes of LGBTQI+ communities).
 - If you play music in your location, see if you're playing music by LGBTQI+ artists. If not, there are plenty of LGBTQI+ artists in any popular genre, so search for choices appropriate to your space.
- **Ensure participants have access to facilities that match their gender identity.**

These include bathrooms and locker rooms. You should also provide a gender-neutral space (e.g., a gender-neutral bathroom or changing room), but please do not force participants to use it if they're TGNCNB.



BUILDING COMMUNITY IN YOUR PROGRAM

- **Maintain connections to LGBTQI+ communities to stay informed.** You should always try to be aware of what people are facing, whether it's a community death, or something troublesome that happened to a TGNCNB person at a particular business or service provider. Talk to community organizers and advocates from LGBTQI+ organizations, TGNCNB-serving and -led organizations, and your program participants. It can be helpful to build connections with:
 - LGBTQI+ service providers.
 - LGBTQI+ community organizers and advocates, including, specifically, TGNCNB people. Community organizers and other advocates should know about your program, and why you're special for LGBTQI+ communities, while also letting you know about key events occurring in LGBTQI+ communities.
 - The Ball Scene – this is a particular institution where LGBTQI+ people, particularly LGBTQI+ people of color, compete for prizes in dance competitions, modeling walk-offs, and other aspects. Service providers have been advertising services to the Ball Scene for years, and many of these providers meet and collaborate via an entity known as the KiKi Collective.
- **Hire LGBTQI+ staff, and promote LGBTQI+ people to leadership positions.**⁵⁹ Show you're supportive of these communities by hiring members of LGBTQI+ communities, especially LGBTQI+ people of color. Furthermore, if LGBTQI+ people are in your organization, promote them to leadership positions. If you want to focus on recruiting members of the TGNCNB communities, hire TGNCNB people—they're un- and underemployed, and will make an important signal that you're serious about serving LGBTQI+ communities.
- **Ensure that LGBTQI+ participants have access to LGBTQI+ role models.** This can be accomplished with LGBTQI+ staff, or bringing in LGBTQI+ mentors, or through events with LGBTQI+ mentors as mentioned above.

- **Create LGBTQI+-related content for workshops or events.** Bring in successful LGBTQI+ professionals to talk about being LGBTQI+ in a workplace. New York City has many LGBTQI+ nonprofits and LGBTQI+ focused government entities; workforce staff can invite those organizations to put on a career fair, or talk about jobs available in the LGBTQI+ nonprofit (and potentially government) space. You can also develop workshops around some of the ideas mentioned in this manual, such as what constitutes discrimination for LGBTQI+ people.
- **Maintain LGBTQI+ networking opportunities.** Literature shows that LGBTQI+ people lack the networks of their cisgender counterparts.⁶⁰ Workforce programs across the country that specifically focus on transgender, gender non-conforming, and non-binary people have “Job Clubs,” where participants can look for work together, discuss issues in finding work and challenges on the job. This manual recommends that this model be adopted if there’s a concentration of LGBTQI+ participants at your program, and they’re interested in such an opportunity.
- **Host events celebrating the accomplishments of LGBTQI+ people.** These include Pride Month, which occurs every year in June, and Trans Day of Remembrance on November 20th.
- **Hold discussion groups designed to center the lives of LGBTQI+ people.** These can include coming out groups, transgender/gender non-conforming/non-binary (TGNCNB) groups, etc.
- **Determine whether TGNCNB program participants might prefer their own specific space.** These spaces can include an affinity group or simply a safe space for conversation. For example, there is a specific TGNCNB services contract separate from services to the cisgender LGBTQ+ people in HRA’s CareerAdvance program.
- **Provide participants space to have feedback on all aspects of your program.** Giving voice and empowerment is a key element in making a trauma-informed space. You can do this in several ways, including conducting focus groups, or something less formal, to get participant feedback on a regular basis, or creating participant satisfaction surveys.

BEST PRACTICES ON PRONOUN USAGE

It is also a legal obligation to respect peoples' affirming pronouns. Furthermore, doing so shows respect for TGNCNB people, and provides a teaching experience for cisgender colleagues. Below are best practices and key points around pronoun usage that workforce practitioners and organizations should always keep in mind.

Key pronoun notes:

- Best practices indicate that organizations should ask people for their gender pronouns on intake forms, in email signatures, at the beginnings of meetings, and other environments where staff and management can normalize pronoun use. That way, you ask everybody, and you can simply follow through on what people self-identify as.
- People who identify as non-binary or gender non-conforming may want to use what some call a “gender-neutral” pronoun set that is neither male nor female.
- Gender neutral pronouns may include “they,” “them,” and “theirs.” To use in a sentence: “TJ just gave me their intake form. Do you want to look it over?”
- There are also other gender-neutral pronoun sets. Some people may use a set that uses “ze” (pronounced: zee) and “hir” (pronounced: here). To use in a sentence: “TJ just gave me hir intake form.” Or, “TJ’s waiting to start a career counseling session, but ze wants to look over the goals they wrote when they first came in.”
- You can’t always assume someone’s gender identity from the pronouns they use. While “he” and “him” are masculine pronouns, you could encounter someone who appears as masculine or feminine but is actually non-binary. For example, there are people who identify as both trans-masculine and non-binary, wherein their gender expression is basically masculine, but they do not identify as solely male, and they are affirmed by a “they/them/theirs” pronoun set.
- Ask everyone what pronouns they use when you first meet them, so you can always affirm their identity. If, for whatever reason you can’t ask someone’s pronoun when you first meet them, and/or you don’t remember someone’s pronouns, it’s polite in LGBTQI+ communities to ask, “What pronoun do you use?”
- If you misidentify someone’s pronoun, apologize succinctly and move on. A simple and sincere, “I’m sorry,” followed by correct pronoun usage, is ideal. Don’t over-emphasize the mistake or redirect the conversation to be about the apology.
- If someone you know misuses someone’s pronoun, simply correct them by saying something such as, “Malik actually goes by they and them,” and move on. (There will be a list of sample conversations at the end of the chapter to reinforce these ideas.)

SAMPLE CONVERSATIONS ASKING ABOUT PRONOUNS

WORKFORCE PRACTITIONER:

“Hi, I’m _____. My pronouns are ___/____. What pronouns do you use?”

TRANSGENDER WOMAN:

“She and her.”

WORKFORCE PRACTITIONER:

“Thank you!”

WORKFORCE PRACTITIONER:

“Hi, I’m _____. My pronouns are ___/____. What pronouns do you use?”

NON-BINARY PERSON:

“They and them.”

WORKFORCE PRACTITIONER:

“Thank you!”

SAMPLE CONVERSATIONS CORRECTING SOMEONE WHO USE THE WRONG PRONOUN

WORKFORCE PRACTITIONER:

“She said—”

TRANSGENDER MAN:

“I actually go by masculine pronouns.”

WORKFORCE PRACTITIONER: “I’m sorry. He said...”

WORKFORCE PRACTITIONER:

“He said—”

NON-BINARY PERSON:

“I go by ‘they,’ ‘them,’ and ‘theirs.’”

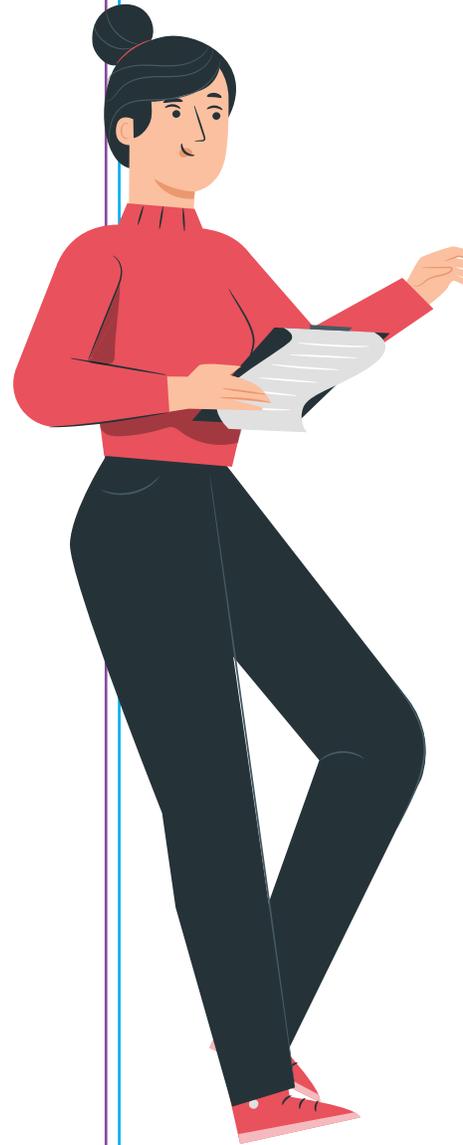
WORKFORCE PRACTITIONER:

“I’m sorry. They said—”

“

IDENTITY DOCUMENTS ARE LEGAL DOCUMENTS, AND PROGRAM PARTICIPANTS—PRIMARILY, THOUGH NOT SOLELY, TGNCNB PARTICIPANTS—ARE ADVISED TO USE LEGAL SUPPORT TO OBTAIN DOCUMENTS THAT MATCH THEIR AFFIRMING NAMES AND GENDER IDENTITIES.

”



ASSISTING PARTICIPANTS IN CORRECTING ID DOCUMENTS

Some people may have documents that have been “corrected,” by which people in LGBTQI+ communities mean that the documents reflect one’s identity, and not the information assigned at birth. Other program participants may not have gotten these documents, for a variety of reasons.

The best approach in helping a program participant correct ID documents is via one of the city’s many lawyers, legal clinics and organizations that specialize in these matters. The Unity Project summarizes these resources at <https://growingupnyc.cityofnewyork.us/generationnyc/topics/lgbtq/#peer-&-professional-support>.

Please note that your program participant can’t change every document at once. A typical order through which documents can be corrected in NYC specifically is included below:

- Generally, participants will first need a name change, obtained through a petition to the court, in addition to published notice of their name in a newspaper within 60 days of the court’s name change order (though there are some conditions where the publication requirement can be waived).
- While a legal name change will still be needed to reflect an affirming name, participants can get an IDNYC without having any sort of legal documentation of their gender identity—self-attestation of gender identity is fine. Also, a third option (using “X”) is available if your participant does not identify as either male or female. With that, participants will have at least one form of government identification that matches their gender identity.
- Participants should note that it is vital to have a letter from a medical authority attesting that the participant underwent “appropriate clinical treatment for transition to the new gender”; a sample letter can be seen at <https://transequality.org/know-your-rights/social-security>. That said, participants do not need such a letter to correct an NYC birth certificate, wherein self-attestation of gender is now the law.
- With the letter and a court-ordered name change in hand, a program participant can get their name on their Social Security card along with their correct name and gender on their accompanying SSA information, which will consequently update their Medicare card as well. A legal name change and updated Social Security Administration info help ensure your participant’s identity is consistent in identity searches. Unfortunately, SSA will not allow you to utilize any gender marker other than M or F.

- In addition to Social Security cards and Medicare cards, immigration IDs can also be corrected, and according to Sylvia Rivera Law Project, could even start off with correct name and gender markers as soon as the participant receives them.
- Correcting one's New York State Benefits Card is also hugely important, and Sylvia Rivera Law Project has outlined the process for correcting this at <https://srlp.org/resources/changeid/#NYBen>;
- A New York State drivers' license or non-driver ID can be changed, too, though it requires a fair amount of legal documentation to prove your participant's identity, as well as a note from a doctor.
- Finally, while a NYC birth certificate can be corrected relatively easily, the process for correcting a NYS birth certificate can be more difficult.

For a thorough and accessible walk-through of how to change documents in NYC (e.g., diplomas), Sylvia Rivera Law Project provides all of the information:

- Name changes: <https://srlp.org/resources/namechange/>
- Other ID docs: <https://srlp.org/resources/changeid/>

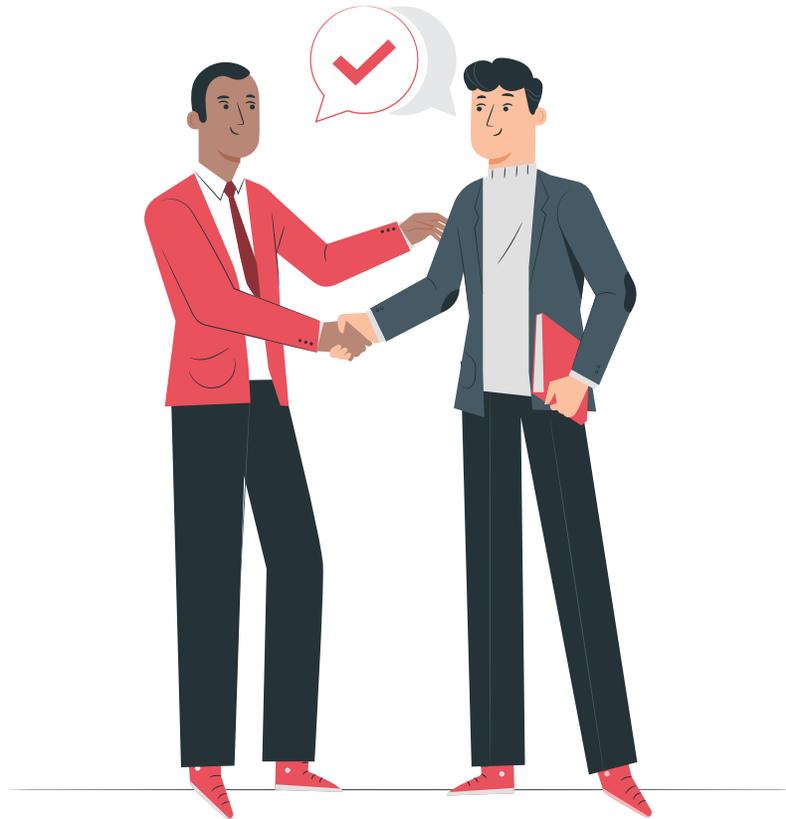
If your program participant was born in another state and wants their birth certificate corrected, you can look up that state's policies through the National Center for Transgender Equality's ID Documents Center (<https://transequality.org/documents>).



Remember that different documents require different fees. Below is a table of New York's fees for various document changes:

ITEM	FEE
Court fee for name change	\$65
Name change publication (Irish Echo, which is the cheapest); it is the law that a person needs to publish notice of their name change in the newspaper, though you could potentially receive a waiver for the requirement. For more details, see https://srp.org/resources/namechange/	\$35
Social Security Record	No fee
NYC Birth Certificate	\$55
NYS Birth Certificate	First copy is free upon correction, \$30 for subsequent copies
NYS ID	\$64.25 - 120 depending on age and vehicle class (see https://dmv.ny.gov/driver-license/fees-refunds)
US Passport	\$145
USCIS Replace Permanent Resident Card	\$540
USCIS Replacement Naturalization/Citizenship Document	\$555
Name change on GED or TASC Diploma	\$10

**SUPPORTING
PROGRAM
PARTICIPANTS
WHEN THEY
HAVEN'T
CORRECTED
THEIR ID
DOCUMENTS**



Not everyone has the resources to change their ID documents and government records; it costs money, takes time, might require legal assistance, and can exact an emotional toll. As to the last point, it could be emotional because it necessarily involves entering spaces that are part of the criminal justice system (e.g., getting a court-ordered name change), which could trigger traumas involving negative experiences your program participants may have had with the criminal justice system. Some program participants may also feel some attachment to aspects of their identities, and feel ambivalent about correcting information in their ID documents.

If your participant does not have corrected ID documents, it will be helpful for you to work with your participant on a plan for how and when the participant's ID information will be shared and how you and other program staff will use their legal name and other legal information versus affirming names and gender pronouns.

While you should maintain flexibility from participant to participant, here are some best practices that you can keep in mind:

- In general, defer to how someone introduces themselves. If a participant introduces himself as Mark (even if his legal name is Margot), you should default to using Mark
- If your program participant goes by a name and pronoun that is not the same as their legal name and their ID documents - including their Social Security record - still list their sex assignment at birth.
- It will be useful to have a transparent conversation with the participant about how you will utilize their legal information. However, your program participant needs to be ready to have this conversation. If you do not immediately need to address this situation—i.e., your program only collects affirming names and gender identity information in intake—then you should wait for your clinical alliance to strengthen to the point where you can broach this subject, and your program participant will understand that they are having the conversation in a safe space.
- If you are ready to have the conversation, here are some items to keep in mind regarding your program participant:
 - They are under no obligation to out themselves.
 - Referral sources, employers, and other legal authorities (the IRS, Social Security Administration, etc.) are not always advanced enough to have forms and systems where people can easily change their information, or ensure that people can write their affirming information without also providing legal information.
 - As a workforce program practitioner, you have conflicting obligations: to share information that will provide program participants the services they need, and protect legal information that the program participant does not want known in order to obtain such services.
 - Before talking with your program participants, determine which referrals require legal information, as opposed to those that will accept a referral using an affirming name and your participant's affirming gender.
 - If you're working with a referral source that requires legal information, ask your participant how they would like to handle the situation. Give them the option to contact the referral source on their behalf and inform the referral source that irrespective of the legal information provided about the program participant, the participant actually goes by a particular affirming name, and should be referred to with the participant's gender pronoun set.
 - You should also discuss what you and the participant will do if a referral source does not respect that participant's identity.

There may be situations beyond referrals to other social services that your program participant will want to discuss. For these scenarios, things to keep in mind include:

- If a participant uses different names or pronouns in varying environments, ask how they would like you to refer to them on an ongoing basis. If you've noticed that the name and/or pronoun usage is fluid, ask if there is something you can do to know when to use which pronoun. You can also ask the participant if they want you to ask other people in the program to follow the same rules. Follow the participant's lead.
- Other participants, other staff, or employers and their staff, could potentially mis-gender your participant. Discuss with your program participant how they want to handle the situation, when to bring you and/or other workforce program staff in, and when to bring City government resources in.
- Participants may have a wealth of other circumstances they've experienced that neither you nor this manual can predict. You don't want to force your participants to discuss potentially traumatizing situations, but you can leave it up to your participant to reveal to you if they have other circumstances they want to discuss with you. It is appropriate to ask if the program participant wants to plan for other circumstances such as these.
- Advocating for your program participant when they are placed in a job directly with the employer, including but not limited to, how to make the worksite a safe space and being affirming during an interview. Workforce provider staff should advocate and mediate only at the discretion of the participants' consent.

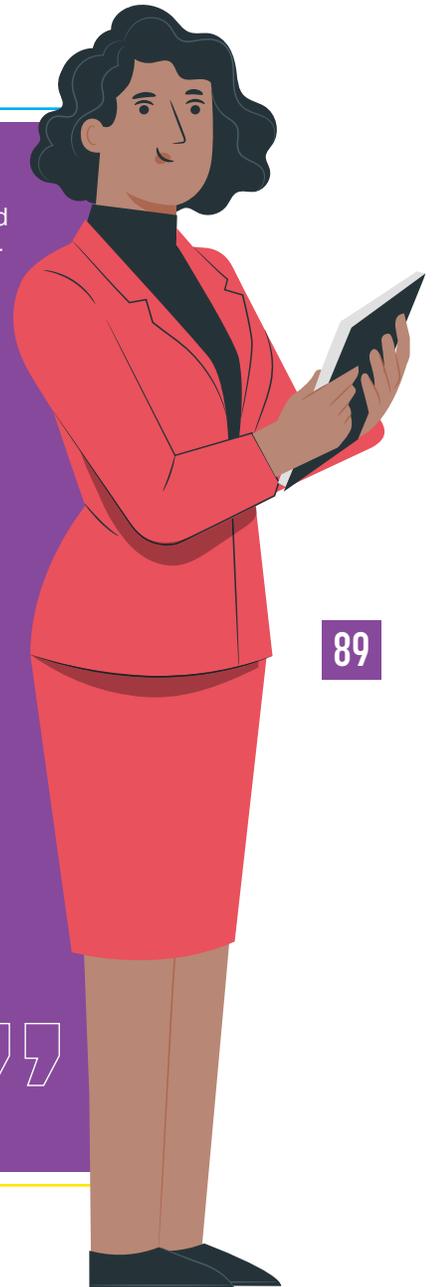


An appropriate way to ask to use a participant's legal name and assignment at birth instead of their affirming name and gender identity:



WORKFORCE PRACTITIONER:

“I’m sorry about this, but in order to get you the services you need, I have to give this organization your legal information, including your legal name, and the sex listed on your license. I recognize that you go by [affirming name] and you are a [whatever the person’s gender identity is, e.g., woman]. I’m just trying to get you the services you need, and this is the only way to do it. If you’re comfortable with me doing so, I can also tell this referral your affirming name and your gender identity is [whatever they are]. I’ve worked with them before, and I know they’re actually quite good with transgender, gender non-conforming, and non-binary participants. Are you comfortable with that?”



NOTES ON FORMS FOR FEDERALLY FUNDED PROGRAMS

Remember that any workforce program that utilizes federal funds, or that makes your participant an employee of the City, is going to require information your participant has reported to the Social Security Administration, and that is on other government documentation. DYCD and HRA are in the process of updating forms to include affirming information, but you will still need to provide your participant's legal information for the purposes of reporting information to the federal government (e.g., taxes, I-9 forms, etc.)

Furthermore, if you send your participant to an employer, and the participant is hired by that employer, the participant will have to provide that employer legal information for various federal and state tax and ID forms. It may be that your participant has to fill out a W-9 (they're acting as an independent contractor), or a W-4 (they're not an independent contractor, and will actually be hired by an employer). They may also have to file an I-9, verifying their immigration status.

The most important thing that you can do as a service provider is lay the groundwork for a smooth transition into a new position by making a plan with the participant, and if they desire, having preliminary conversations with a prospective employer. Even before sending a participant to an employer, you could let the employer know that:

- you have participants from LGBTQI+ communities.
- your participants may have legal information that differs from how they want to be known on the jobsite.
- the employer must respect the affirming name, gender pronoun, and honorific (as in Mr., Ms., Mx.) of your participant, no matter what legal documents they receive.
- if the employer provides health benefits, those benefits include health care that can be used to affirm someone's gender (what is sometimes known as transition-related care).
- you can work with the employer to take a cultural competency training on LGBTQI+ issues, if this subject matter is new to them.

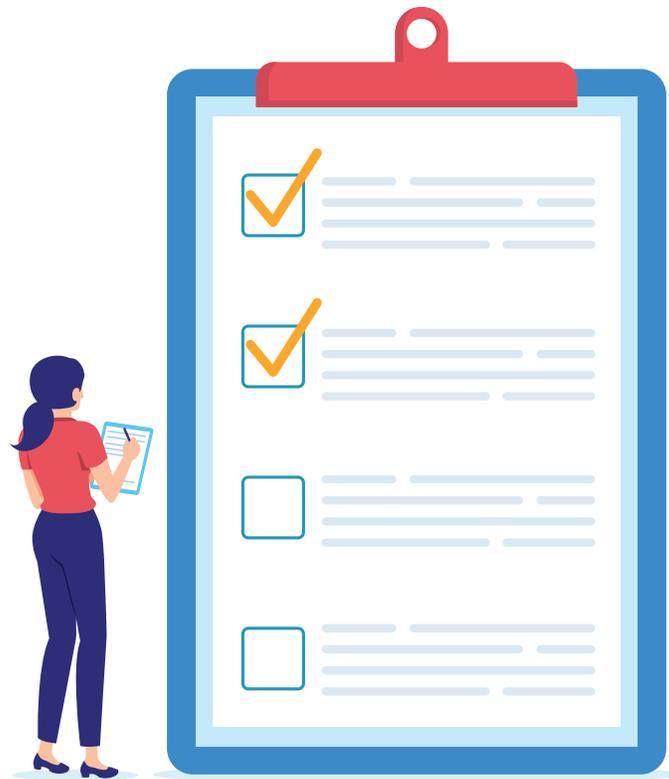
For more information, Chapter 5 will outline what you can ask an employer to assess how they handle LGBTQI+ issues, giving you and your participant more information to judge whether they'll be affirming.

CREATING AFFIRMING FORMS

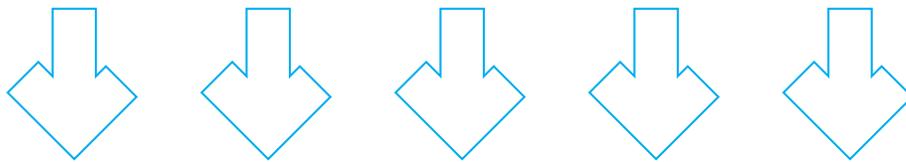
Intake forms are vital in setting the tone of how your organization will work with LGBTQI+ people. Intake forms are also necessary pieces of collecting information about your program participants. An ideal intake form will take both of these ideas under consideration.

If your program requires information about legal name and the sex/gender marker currently known by government authorities (e.g., Social Security administration), either because your funding requires it, or you simply know certain referrals you will definitely or likely use will require it, then you need to include that information in your intake forms.

Also note, Local Law 128 of 2016 requires named agencies to include questions regarding sexual orientation - including heterosexual, lesbian, gay, bisexual, asexual or 'other' with an option to write in a response - and gender identity, including transgender, cisgender, or intersex status, or 'other' with an option to write in a response. Local Law 76 amends Local Law 128 by also requiring questions regarding the gender pronoun(s) that an individual uses, and that others should use when talking to, or about that individual.



Below are fields that have been developed by the Unity Project that should be followed as best practices in capturing information on sexual orientation and gender identity:



GENDER IDENTITY:

“How would you describe your gender? (Select all that apply)”

Answer choices:

- Female/ Woman
- Male/ Man
- Non-Binary (Not Female/ Woman or Male/ Man)
- Gender Nonconforming
- Two Spirit (Native American/ First Nations)
- Another Gender
- Option to write in
- Not sure
- Do not understand the question
- Prefer not to say

“Do you identify as transgender?”

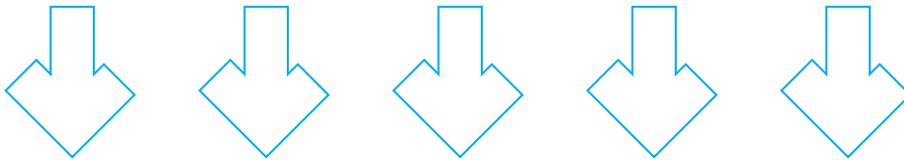
- Yes
- No
- Not sure
- Do not understand the question
- Prefer not to say

INTERSEX:

“Were you born with a variation of sex characteristics (sometimes called intersex or Difference in Sex Development)?”

- No
- Yes, my sex was unclear at birth and/ or I was diagnosed with an intersex variation/ Difference of Sex Development
- Not sure
- Prefer not to say

Below are fields that have been developed by the Unity Project that should be followed as best practices in capturing information on sexual orientation and gender identity:



SEXUAL ORIENTATION:

“What is your sexual orientation? (Select all that apply)”

- Heterosexual (straight)
- Gay
- Lesbian
- Bisexual
- Pansexual
- Asexual
- Questioning
- Not sure
- Prefer not to say
- Another sexual orientation
- With an option to write in

PRONOUNS:

“Please indicate the gender pronoun or pronouns that you identify with and that others should use when talking to or in reference to you.”

Answer choices:

- She/her/hers
- He/him/his
- They/them/theirs
- Other: With an option to write in.
- Prefer not to say



Although it is not one of the items listed under the City data collection law, forms also can include an honorific list that includes “Mx,” pronounced “Mix,” which some gender non-conforming and non-binary (and other related identities) may prefer to use.

HONORIFIC

MR.

MS.

MRS.

MX.

MISS



If you need to collect legal name and gender information as regards government records (e.g., what is on one’s Social Security record), include that, but **append a note indicating:**

“We only collect information regarding your legal name and sex/gender as is identified by your government records because we will need it to help you receive some services. We will only share this information with other agencies and staff on an as-needed basis, if it is necessary to support you in accessing services. Any legal name and sex/gender as identified by government records will not reflect the name and pronouns used in the workplace and in the workforce program. Collecting legal name and sex/gender information can also help us guide you in correcting your documents, if you seek that service. If we use your legal information, we will notify you beforehand and explain why it is necessary to receive a service. If you want to discuss further, please contact your case manager.”

Then you can include:

- Legal name:
- Sex/gender, as listed on your legal documents (drivers’ license, passport, Social Security record, Common Benefit Identification Card). List all that you know of:

FORM OF ID	SEX/GENDER LISTED

With this framework, you indicate that you respect your participants’ gender identity, and are simply aiming to provide them the best service possible.

PASSISTING PROGRAM PARTICIPANTS WITH VARIED EMPLOYMENT HISTORIES

As was shown in Chapter 1, some LGBTQI+ people are unemployed or underemployed and have a high skill level, while others have low literacy and numeracy levels, and/or may have only engaged in underground economic activity (e.g., sex work, and other work that is not legal and/or not taxed).

Here are some things to consider when working with these communities:

Don't overgeneralize the status of LGBTQI+ job seekers, or their needs. If you want to serve them well, speak with potential, current or past LGBTQI+ program participants, and see what their job interests are. Conduct focus groups. Talk to community leaders. See what jobs, careers, and certifications people want, and which of those desired jobs, careers, and certifications can actually translate into job pipelines in NYC presently and in the future, and build expertise around the most promising fields.

Find out how participants involved in the underground economy built customer bases, retained customers, and adapted to changing circumstances. Use their answers to determine how those skills can be applied in jobs within the aboveground economy.

TO THE EXTENT THAT YOU MAY HAVE PARTICIPANTS WHO HAVE ENGAGED IN UNDERGROUND ECONOMIC ACTIVITY, REMEMBER THAT UNDERGROUND ACTIVITY NEVERTHELESS BUILT VALUABLE, TRANSLATABLE SKILLS.



**DO I NEED TO
DO ANYTHING
SPECIAL, THAT
I MIGHT NOT DO
WITH OTHER
PARTICIPANTS,
WHEN I TALK
TO LGBTQI+
PARTICIPANTS
ABOUT JOB
PLACEMENTS?**

In order to treat all participants equally and provide them the best level of service, you have to speak to their lived experiences, and take into account the various identities, experiences, etc. that make them who they are. Accordingly, some participants will need very different interventions than others.

Your way of discerning what kind of intervention a participant needs should be similar from participant to participant. Ask questions about what a participant wants out of a workplace, out of a career, and this kind of conversation can be the same no matter what the participant's identity. Here are some sample questions you could ask that might be especially revealing for LGBTQI+ participants, but could be applicable to everybody:

- “What type of job or industry is most interesting to you?”
 - “What would make you feel most comfortable in a workplace environment?”
 - “Do you value a particular job or career more highly than having a particular workplace environment? Or do you want both of those things to be a good match for you?”
- Follow-up questions can include: “Tell me more about that. What makes the job more important than the environment?” or alternatively, “When you say you want a good environment, what does that look like?” or even, “What would it look like to have both a job and environment that are both a good match? Tell me more about the specifics of that kind of situation, as you see it.”



A client can respond to the above questions, “I want a place where I can be open about being gay,” or “I want a place that accepts me as a woman of transgender experience.” Use that opportunity to ask the participant what it would look like to have that environment:

- “What level of knowledge about your identity do you want your coworkers to have? Which level of knowledge about that identity do you want management to have?”
- “I’m doing everything I can to figure out which workplaces have which levels of knowledge about LGBTQI+ life. If I have a place where describing a work environment that matches what the participant says they want], would that work for you?”
 - If they respond affirmatively, then you may have found a match the participant might be comfortable with.
 - If they say “no,” ask extra questions to figure out what environment would work best, like:
 - “So, we know that you don’t like the thing I just described, and I understand that. What would be acceptable? I want to get you in the best place possible for you.”
 - If the participant is sparse in details, ask specifics, perhaps ask: “How much knowledge and experience do you want the other staff to have about LGBTQI+ [or more specific identity, e.g., gender non-conforming] life?”
 - “How much does it matter to you that the staff and management have worked with other LGBTQI+ [or more specific identity] employees?”

If you have these conversations, and you don’t have a worksite among your job referrals that matches employee interests to employer environment, then you need to develop more affirming worksite placements.

“

ULTIMATELY, WHATEVER THE JOB SITE, YOU MUST BE COMPLETELY TRANSPARENT WITH YOUR PARTICIPANT ABOUT THE WORKPLACE CULTURE THEY'RE ENTERING, SO YOU CAN PLAN IN ADVANCE HOW TO WORK WITH A PARTICULAR ENVIRONMENT IF THAT EMPLOYER TURNS OUT TO BE LESS-THAN-OPTIMAL AT BEING AFFIRMING OF YOUR LGBTQI+ PARTICIPANT.

”

INTERVIEWING

HOW TO TALK ABOUT APPEARANCE

Certain aspects of workforce programs are going to be constants for all participants, including LGBTQI+ people: program participants will want the employer to focus on their own experience and aptitude for the job, will need practice interviewing, brushing up their cover letter and resume-writing skills, and so on.

Some LGBTQI+ participants are going to face population-specific complexities around their appearance. Some people may have physical features that do not conform to their gender identity (facial hair even though the person identifies as female, or breasts, even though the person identifies as masculine). Some participants may also have an interest in wearing clothing that is gender ambiguous, or that some employers find inappropriate for the workplace. This may be more prominent with TGNCNB participants.

It is important to prepare in advance about how your program participant can be true to themselves while still getting a job in a culture that can still not be welcoming to a wide variety of gender presentations.



Below are best practices in discussing appearance without being discriminatory or offensive to your participant:

- All recommendations are flexible. A provider may tell one participant, “We should use clothes that look as muted as possible so people can focus on your talent and the conversation,” but this advice could be detrimental if someone’s dress is part of their talent.
- Try putting different types of workplace appropriate attire—masculine, feminine, androgynous—on a worksheet, and having program participants circle what they are interested in wearing. All participants—LGBTQI+ or not, TGNCNB or not—should be asked by workforce program staff to circle items to create their ideal outfit, to universalize the conversation.
- When working with participants who favor clothing that is generally outside of what businesses see as appropriate, one provider gives a speech along the lines of: “You are fabulous, and we want to keep that. But you can have two different kinds of fabulous: Monday through Friday fabulous, and then weekend fabulous. So let’s talk about what Monday through Friday fabulous looks like.” This affirms the participant’s ideal presentation, while also signaling that there could be a time and place for certain outfits.
- If a participant is insistent on a particular appearance have a conversation about where that appearance may make more sense. If you’ve seen people with blue hair and piercings more commonly at a particular business, send the people who have dyed hair and piercings to that business.
- In general, remember that appearance issues are not specific to LGBTQI+ people, or TGNCNB people. Know your employer referrals, know who is accepting of what, and make sure you talk with all participants about what they want to wear in a way that presents them with a variety of gendered attire options. If they want to wear something that gives you pause, have a transparent conversation about whether the environment the participant wants to work in will be accepting of that appearance.

INTERVIEWING

WHEN IS IT RELEVANT TO

DISCUSS LGBTQI+ IDENTITY?

One's LGBTQI+ identity might not be clearly relevant to a job. Some people prefer to keep their sexual orientation and/or gender identity/expression out of any professional or personal conversation. Some transgender participants whose identity documents match their legal document information may “pass” as cisgender and want to stay “stealth,” or quiet about their trans identity. (It is arguably more challenging for a person who is gender non-conforming or non-binary to be stealth, as they are by definition non-conforming. However, their non-conforming or non-binary identity may be something they don't want to bring into the workplace.)

You may have LGBTQI+ participants like this, so do not assume that all LGBTQI+ participants are going to want to be out. For participants who want to be more “out” about their identity, it's important to let your participants know a few things:

- Employers cannot discriminate on the basis of sexual orientation, gender identity or expression. People should feel empowered to contact the City Commission on Human Rights if any program or employer is acting in a discriminatory or harassing manner on the basis of gender identity, gender expression, or sexual orientation.
- In general, LGBTQI+ identity should not inform an employer's opinion of a prospective participant.
 - There are counterexamples, of course. If an agency is specifically trying to organize TGNCNB communities, the employer may strongly prefer to have a prospective hire who is trans, gender non-conforming, or non-binary. But if it's not that kind of job, LGBTQI+ identity shouldn't enter into the evaluation of the potential employee.



SAFETY PLANNING

HOW TO PLAN IN ADVANCE ABOUT DISCRIMINATORY BEHAVIOR AT WORK

106

A wide variety of challenging situations can occur in work related matters for LGBTQI+ people, including risks of overt discrimination, and microaggressions: comments or actions that subtly and often unconsciously or unintentionally express a prejudiced attitude toward a member of a marginalized group. Regardless of intent, these occurrences impact people in significant ways and communicate to LGBTQI+ people that the environment is not safe for them.

Examples of such occurrences include assuming that a person is in a heterosexual relationship, or using the incorrect pronoun or incorrect name for a person. It can also include telling jokes about LGBTQI+ people, or co-workers not wanting to use the restroom if a person from LGBTQI+ communities is in the restroom. Microaggressions can also be experienced even if the person says something that is arguably well-intentioned, such as “You don’t look or act gay,” “You are really pretty for a transwoman,” or “You can’t even tell you’re transgender.”

Workforce professionals should talk to LGBTQI+ participants about actions that can be taken to address these issues in a professional manner. Because examples of discrimination and microaggressions could trigger traumatic responses from participants, you should not surprise a participant with this kind of discussion: you could say something such as, “I think it might be useful to have a conversation about what to do just in case something upsetting happens at work. This could be a challenging conversation, but it’s also important. Let me know if you feel comfortable having it, and what would make you feel safe having it, and we can talk.” If a participant says they want to have this kind of conversation, here are some things to keep in mind:

- Try brainstorming with the participant what kinds of discriminatory situations they think they might encounter on the jobsite. As an organizing principle, ask the participant if they can think through situations on a scale, from things that are merely frustrating, to things that are deeply offensive, and finally, things that are actually harmful. This puts the participant in the position of being in control of thinking and talking through the scenarios. If you believe the participant isn’t thinking through all challenging situations, ask the participant’s permission to mention some scenarios you think of, and make it very clear to the participant that they can tell you no.

107

Situations that could occur, and that you may want to plan around, include:

Microaggressions

(three basic types, as written in the Teaching Transgender Toolkit, with permission):

- “**Microassaults** – small behaviors that are intentional and purposely hurtful (e.g., using the wrong name or pronouns, name-calling, or making derogatory statements or threatening gestures).”
- “**Microinsults** – rude statements that are usually unintentional or unconscious that indicate ignorance or bias (e.g., asking inappropriate questions about genitals or surgical status, redirecting someone to another bathroom, or making facial expressions that reveal confusion or disgust).”
- “**Microinvalidations** – statements or actions that are usually unintentional or unconscious that ignore, minimize, or nullify a person’s identity (e.g., having only two options for sex/gender on forms, telling gender non-conforming people that they should not be upset if people are confused by their gender, or saying ‘I am sure they didn’t mean it that way’ in response to a report of anti-transgender prejudice.”

Overtly hostile actions

- Someone challenges program participants' right to benefits/rights/respect (e.g., someone saying LGBTQI+ people get too many special rights simply because staff had to attend an LGBTQI+ cultural competency training).
- Someone asks you not to act so 'flaming,' or tone down your behavior.
- Someone challenges your right to use a bathroom (especially relevant for TGNCNB people).

Explicit forms of discrimination

- See the forms of discrimination under NYC Human Rights Law legal enforcement guidance: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page>

Responses to these situations include:

- Reaching out to the workforce provider or other trusted support person/counselor to talk when discrimination occurs.
- Identifying supports proactively in the workplace (e.g. affinity groups, mentors, supervisors, etc.)
- Reviewing the employer's anti-harassment and discrimination policy and following the steps outlined.
- Documenting each instance of a microaggression, or of discriminatory behavior, and bringing the documented evidence to the attention of a trusted supervisor.
- Asking workforce program staff to intervene with the worksite management in a direct way.
- If management is unwilling to take action, or is generally untrustworthy, plan the conditions under which you want to file a complaint to a governmental authority.
- Reporting to CCHR either anonymously, or with one's name.
- If the site is an internship site, workforce provider staff are already expected to do site monitoring visits, and thus a drop-in could be conducted if beneficial to supporting your participant.

It is important to note that people can recover damages for the harm they have endured as a result of discrimination, and CCHR can order policy changes, training, payment of damages, and payment of penalties.

ADVOCATING FOR A TRANSGENDER PARTICIPANT

The following is a reflection from an NYC-based workforce provider about how they advocated for a transgender participant who was being mistreated. Editorial notes in brackets.

Word got out that we were a young adult program accepting of all communities, and a lot of young adults in transition came to us for that reason. I remember one young adult we had in the program [a transgender woman] wanted to work in an office, do receptionist type work, and there was an opening for an internship. We wanted to refer her to [a particular] position because we thought she would be great, which she was. But they put her desk in the corner, in the back. It made her feel uncomfortable, and she didn't want to let us know what was happening at first.

[The transgender participant told her Life Coach, who relayed it to the workforce staffer, who planned the response with the transgender participant's knowledge.]

When I found out about it, I pretended I was doing a "pop up" visit, like just checking out the job site, but saw her, and met with her internship host. I said, "I can't control your setup, but I see this, and how is she able to do what her job is supposed to do working in the corner?"

[The internship host moved the employee's desk to the front, and she completed the internship. This may not always be the outcome in similar situations, but this example shows at least one way you can advocate for participants.]



05

**ENSURING THAT POTENTIAL
PLACEMENT SITES OFFER
SAFE SPACES**





WHAT ARE THE MOST IMPORTANT THINGS I SHOULD KNOW?



Making a safe space for your participant is primarily about creating an environment of transparency: finding out as much as you can about the extent to which an employer or referral site is affirming, and relaying that to your workforce program participant so they can make an informed choice. This chapter will explain how to get information from employers and other referral sites, which includes asking pointed questions about an employer's experiences with LGBTQI+ people and cultural competency training.

This chapter calls for talking to employers about their experience with LGBTQI+ people, and recording the results as something you can refer to in order to direct your program participants in the right direction for what they want out of a workplace.

HAVING HONEST CONVERSATIONS WITH EMPLOYERS AND REFERRAL SOURCES

You have an obligation to provide your participants with the highest level of service, so that they'll be ready for a job. That means making sure jobs and other referrals are right for your participants, by letting employers/referrals know that your organization is LGBTQI+ affirming.

Letting an employer/referral know that you're LGBTQI+ affirming, and that you're seeking job sites/referrals that are also affirming for LGBTQI+ people, does not mean outing your participants. It just means letting employers/referrals know your values. If your organization works specifically with LGBTQI+ people and you don't want to "out" them, you can always say, "some of my participants are LGBTQI+," and leave it ambiguous as to whether referrals are or are not. You should not disclose a program participant's LGBTQI+ identity (unless a participant explicitly asks you to do so on their behalf ahead of a referral), and the employer/referral isn't allowed to discriminate.

However, it is worth making it clear to employers/referrals that you are interested in knowing the extent to which they're affirming, and that you're interested in both policy and action toward the benefit of LGBTQI+ people.

ASSESSING WHETHER AN EMPLOYER IS LGBTQI+ AFFIRMING

The biggest, most mainstream LGBTQI+ advocacy organization, the Human Rights Campaign, has been doing a “Corporate Equality Index,” or CEI, a survey of major corporations and their policies/practices toward LGBTQI+ people, since 2002. Multiple high-level staff at major corporations answer questions about:

- Sexual orientation, gender identity and expression protections in company policy⁶¹;
- Coverage of health benefits for same-sex partners and TGNCNB people;
- Other indicators of ways the company demonstrates its commitments, through procurement, philanthropy, or otherwise, to “to diversity and cultural competency.”

Hundreds of companies submit responses, and many of them get insufficient scores. The most recent CEI included “Fortune magazine’s 500 largest publicly traded businesses, American Lawyer magazine’s top 200 revenue-grossing law firms (AmLaw 200) and hundreds of publicly and privately held mid- to large-sized businesses.”⁶²

Thus, your workforce organization should not be skeptical of asking its referrals to ask questions about its LGBTQI+ inclusivity. An enormous number of major American businesses already answer such questions, and risk—and earn—insufficient scores that are made public.

HOW SHOULD I ASK QUESTIONS ABOUT LGBTQI+ AFFIRMING POLICIES AND PRACTICES?

Asking questions of employers/referrals' LGBTQI+ affirming policies and practices should not be adversarial—no one is being penalized. You are simply learning about an employer's policies in order to make appropriate matches between program participants and employers.

The conversation should be with a staff person who can speak for the organization, and knows both its policies and practices. This person could be, borrowing from the HRC Corporate Equality Index:

- “Human Resources” staff
- “Diversity” staff
- Staff members who oversee staffing in general, if that is not the “human resources” staff;
- Organization Counsel/Legal staff



THE CONVERSATION COULD PROCEED ACCORDINGLY:

Workforce staff: Hi there. This is [name], from the workforce division of [Community Based Organization.] How are you?

Referral representative: [pleasantries exchanged.]

Workforce staff: Thanks for taking the time to talk with me. At [Community Based Organization], we're dedicated to making sure we make the right connections between participants and people we refer them to. As you may know, some of our participants are from the lesbian, gay, bisexual, transgender, queer, questioning, and intersex community. We generally say LGBTQI plus for short, the plus part because there are a lot of other names people use for their sexual orientations and gender identities that fall outside that general acronym. I'll just take a second to pause. Does this make sense?

At this point, the referral staff could say any number of things. They might say, "Sure." They might say, "What are you talking about?" Listen to what employers say, and keep track of it.

Assuming you have resolved whichever issue is at hand, you can continue the conversation:

Workforce staff: In the spirit of making sure participants and the places we refer them to are a good match, I'd like to ask you a few questions about your organization's policies and practices around LGBTQI+ people. This isn't to penalize anyone, and we'll only use this information to make sure our participants are the right match with particular organizations. Some participants will want to make sure every staffer of a referral has been trained in LGBTQI+ issues, and some won't care at all—so we want to make sure we have the information to share with our participants about that. Do you have any questions?

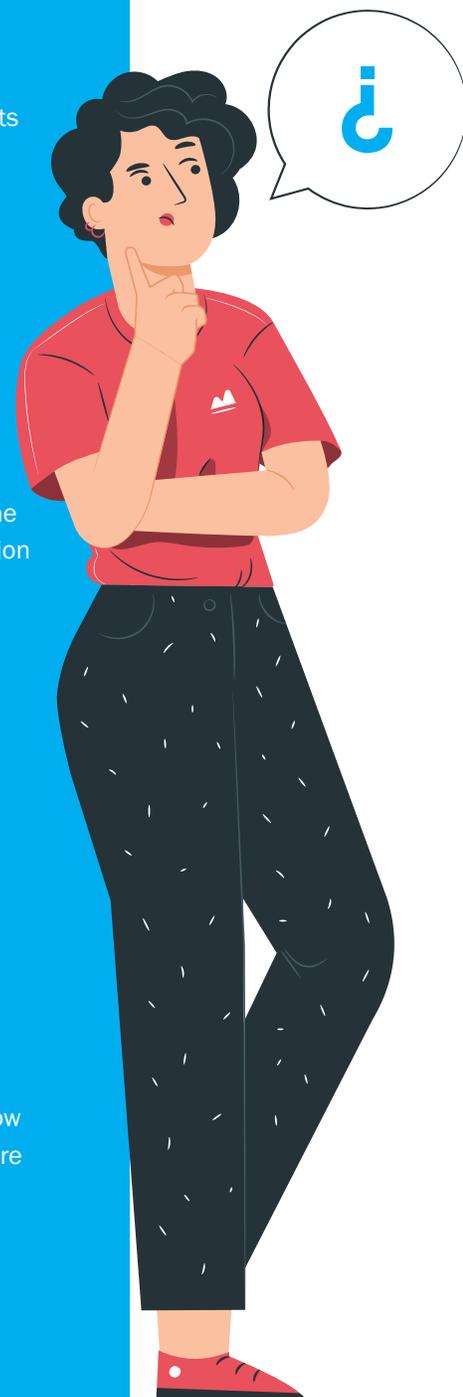
They may have many questions. If the employer is suspicious, reassure them the information will not be made public: it will just be used to inform conversations with LGBTQI+ participants in whether a placement is right for both the participant and employer/referral. You will share with colleagues and with participants, but not in any public-facing way—only in the context of conversations with participants about job/referral preferences. You can mention that hundreds of employers annually already undertake this exercise publicly via Human Rights Campaign's Corporate Equality Index.

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You should be ready to take notes on the conversations you have with referrals, including responses to your specific questions, and general sentiments that give you a sense of the referral’s knowledge of LGBTQI+ communities. Your organization should keep a digital record of this information (potentially encrypted, if you want to relay to employers that you are protecting any information you collect), so that you can share them among workforce program staff, and build institutional memory about your work with providers.

HOW TO START DOING THIS?

First off, block off time in your schedule with an appropriate high-level staff member of your employer/referral, and let them know you want to talk about LGBTQI+ issues, namely the policies and procedures of the employer/referral around LGBTQI+ issues. You can modify some of the information below in the sample conversational dialogue if necessary when you’re initially scheduling the conversation.



WHAT QUESTIONS SHOULD I ASK OF EMPLOYERS?

The following questions can give you a sense of the employer's/referral's LGBTQI+ competency. All of the questions will ideally be answered affirmatively, unless the criteria differ otherwise.

- Has the employer's/referral's staff received training on LGBTQI+ issues?
- How many of the staff at the organization (or, if more relevant, site) were trained out of how many total staff, and what were their roles? (You want to see a high proportion of staff, above 50 percent, trained, and across different areas of the organization, including executive level, secretarial and security staff, in addition to workforce staff)
- Was pre- and post-training knowledge tracked in each training, and what were the outcomes? (You will want to know how many people answered questions correctly pre- and post)
- Did the training that staff received include information about gender non-conforming and non-binary people?
- Did the training include information on intersex people?
- Did the training include information about microaggressions?
- Do staff have experience using names other than an employee's legal name, e.g., someone's affirming name, that's typically associated with a gender other than the sex assigned at birth?
- Are staff familiar with pronouns other than he/him/his and she/her/hers?
- Are staff familiar with the pronoun set "they/them" being used for any other reason than referring to a group of people?
- Does the non-discrimination policy for the employer include sexual orientation, gender identity, and gender expression (or variants, e.g., it specifically mentions transgender people instead of the broader categories of gender-identity and expression)?
- If the employer offers health insurance, do they offer plans that cover transition-related care?

While you want affirmative answers to every question, and as many staff trained as possible, the applicability of the survey will vary from participant to participant. You can determine the match of participant to employer/referral in a variety of manners:

- Ask participants how much they value whether an employer answers the ideal answers to each of the above questions, potentially with a Likert scale, gauging specifically whether the ideal answer is, to the participant:

Very Important

Important

Moderately Important

Slightly Important

Not Important

- With the above information determined, you can look for employers/referrals who best match the participant's preferences.

- Rather than have a complex conversation involving a Likert Scale, you could simply have a conversation with all program participants about what they want out of a work environment, and if a particular participant says he/she/they/etc. wants a place that is welcoming to LGBTQI+ people. Ask the person what that looks like, and draw out the person's responses to see how much he/she/they/etc. care about an employer matching the criteria in the questions you have already asked of employers.
- Once you find a job-field match with a participant, you can share results of the survey instruments of employers who have positions the participants are interested in. The participant can balance what combination of job match and employer climate match makes the most sense for them.

Finally, if your point of contact at an employer changes, or you know there is significant staff turnover, re-do the survey. Up-to-date information is ideal.

HOW TO FIND LGBTQI+ AFFIRMING WORKSITE LOCATIONS

119

If it will take time to get organizational buy-in to do an employer screen as described above, here are some quick steps you can take:

- If your participants are deeply concerned about finding an LGBTQI+ affirming placement above and beyond everything else, consider developing jobs at the City's many LGBTQI+ focused organizations, available via the Unity Project's directory: <https://growingupnyc.cityofnewyork.us/generationnyc/topics/lgbtq/>
- Look at companies in the Corporate Equality Index (<https://www.hrc.org/campaigns/corporate-equality-index>). The CEI won't give you site-level information, but it will give you a sense of the larger corporate culture.
- Find an organization's LGBTQI+ Employee Resource Group, and ask some of the members questions mentioned in the employer screen. That could give an informal sense of how LGBTQI+ participants see their own organization.

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

APPENDIX A

AFFIRMING HONORIFIC:

an honorific or title (such as Mr., Ms., or Mx.) that affirms a person's identity.

AFFIRMING NAME:

the name that that one wants to be known by, with a specific connotation of being gender-affirming. Preferable to “preferred name.”

AFFIRMING PRONOUNS:

pronouns that match one's gender identity. See also “gender pronouns.”

ALL-GENDER-LOVING (AGL):

term arising out of African-American communities, to refer to people who are attracted to multiple or all genders. See also “same-gender-loving.”

ASEXUAL:

refers to the lack of a sexual attraction, and it is a sexual orientation unto itself. It may also be used as an umbrella term for other attractions that are not primarily sexual. While asexual people may have sex, sex isn't a major way in which asexual people relate to others.

BISEXUAL:

“A person attracted to the same and opposite genders. This attraction may show a preference for one gender over another.” Some people use bisexual to say they are attracted to both men and women. Some people use it to say they are attracted to their “gender and other genders,” which may sound more expansive than the definition that has frequently been utilized in popular culture.⁶⁸

CISGENDER:

“a term to describe a person whose gender identity conforms with their sex assigned at birth”⁶⁹

DEADNAME:

the birth name, and/or legal name, that one does not want to use, as the person with a deadname does not recognize their deadname as a legitimate name. Calling someone by their deadname can be highly offensive to transgender, gender non-conforming, and non-binary people.

⁶⁸Brabaw, K. (2018). “Bisexual” doesn't mean what you think it means. Refinery29. <https://www.refinery29.com/en-us/bisexual-definition-gender-binary>. Accessed November 22, 2018.

⁶⁹CCHR. (2019).

GAY:

“typically refers to someone who identifies as a man and who is attracted to men.”⁷⁰

GENDER:

“includes actual or perceived sex, gender identity, and gender expression including a person’s actual or perceived gender-related self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth.”⁷¹

GENDER EXPANSIVE:

“an adjective describing a person whose gender expression does not conform to social expectations or stereotypes. Also known as gender non-conforming, gender variant, or gender creative.”⁷²

GENDER IDENTITY:

“the internal deeply-held sense of one’s gender which may be the same as or different from one’s sex assigned at birth. A person’s gender identity may be male, female, neither or both, i.e., non-binary or genderqueer. Gender identity is not the same as sexual orientation or gender expression.”⁷³

122

GENDER EXPRESSION:

“the representation of gender as expressed through one’s name, pronouns, clothing, hairstyle, behavior, voice, or similar characteristics. Gender expression may or may not conform to gender stereotypes, norms, and expectations in a given culture or historical period. Gender expression is not the same as sexual orientation or gender identity.”⁷⁴

GENDER NON-CONFORMING:

“a term used to describe a person whose gender expression differs from gender stereotypes, norms, and expectations in a given culture or historical period. Terms associated with gender non-conformity include, but are not limited to, gender expansive, gender variant, or gender diverse.”⁷⁵

GENDERQUEER:

akin to gender non-conforming, “A person who does not conform to cultural expectations of men or women.”⁷⁶

⁷⁰This definition, and the definition for “lesbian,” are taken from NYC Department of Social Services (DSS). (2017). Lesbian Gay Bisexual Transgender Questioning & Intersex (LGBTQI) Policy. Available at <https://www1.nyc.gov/assets/hra/downloads/pdf/services/lgbtqi/LGBTQI%20Policy.pdf>. Accessed February 3, 2019, p. 4.

⁷¹CCHR. (2019). ⁷²DOE. (2019). ⁷³CCHR. (2019). ⁷⁴CCHR. (2019). ⁷⁵CCHR. (2019). ⁷⁶DSS. (2017)

GENDER PRONOUN:

pronouns that match one’s gender identity. See also “affirming pronouns.”

GENDER TRANSITION:

or 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.”⁷⁷ Furthermore, some people don’t transition from one gender to another, and simply exist as something other than the binary of male or female. Transition, as defined above, involves:

- Social transition, which is the process of coming to understand oneself as something other than what one was assigned at birth, and may include telling people that one is transgender (or, non-binary, if one considers being non-binary something that one transitions to), dressing in a manner that matches one’s gender identity, generally showing people that one is something other than what one was assigned at birth, through various social means, such as a change in pronouns.
- Legal transition, which includes changing one’s identity documents—one may change one’s birth certificate to reflect one’s identity, or a drivers’ license, the gender marker associated with one’s Social Security record, one’s passport information, and so on.
- Medical transition, which involves a variety of medical activities, including but not limited to:
 - seeking mental health treatment to explore one’s identity and cope with the stresses of transitioning,
 - taking hormones to make one’s secondary sex characteristics (breasts, body hair, voice) match one’s gender identity;
 - having some set of surgeries that may help one’s body better align with one’s gender identity. There are many surgeries to help a person do this. These surgeries are widely known as “gender affirmation surgeries” within TGNCNB communities, though you may hear them referred to as “gender reassignment surgeries.” Some people may have surgeries to remove their breasts; some may have surgeries to augment their breasts (breast implants); some may have surgeries to ensure they have the genitals that affirm their gender identity; some may have facial surgeries to help their face appear more in line with the gender identity.

⁷⁷DSS. (2017).

GENDER VARIANT:

akin to gender non-conforming, “A person who does not conform to cultural expectations of men or women.”⁷⁸

HOMOSEXUAL:

this was originally used to diagnose people with a mental illness, and has been used so much by people opposed to LGBTQI+ communities that it has taken on a negative connotation. When a lot of LGBTQI+ people hear it, it sounds like the person using it is either saying it derogatorily, or they just don’t know much about LGBTQI+ people.

INTERSEX:

“describes a person with a genetic, genital, reproductive or hormonal configuration that results in a body that often cannot be easily categorized as male or female. Intersex is frequently confused with transgender, but the two are completely distinct and generally unconnected.”⁷⁹

LESBIAN:

“typically refers to someone who identifies as a woman who is attracted to women.”⁸⁰

124

NON-BINARY:

“a term used to describe a person whose gender identity is not exclusively male or female. For example, some people have a gender identity that blends elements of being a man or a woman or a gender identity that is neither male nor female.”⁸¹

PREFERRED NAME:

an increasingly outdated term to refer to a name that someone uses rather than their legal name. See “affirming name.”

PRESENTATION:

in this manual, refers to the way someone dresses, wears their hair, how they interact with people—what one shows to the world, and what one uses to signal gender.

⁷⁸DSS. (2017)

⁷⁹InterACT: Advocates for Intersex Youth. (2017). Intersex 101: Everything you want to know! Available at <https://interactadvocates.org/wp-content/uploads/2017/03/INTERSEX101.pdf>. Accessed July 30, 2019.

⁸⁰DSS. (2017).

⁸¹CCHR. (2019).

PANSEXUAL:

refers to “A person who is sexually attracted to people of all or many gender expressions. Often described as ‘you love who you love.’”⁸²

POLYSEXUAL:

refers to people who are attracted to people of multiple genders. Some people say this refers to being attracted to people of many but not all genders.

QUEER:

Queer is a complicated term that serves many roles: Queer is “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.”⁸³

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.”⁸⁴

125

SAME-GENDER-LOVING (SGL):

“A term used by some who may not identify with the terms gay or lesbian but engage in same-sex behavior,”⁸⁵ used primarily in African-American communities to refer to same sex/gender attraction, viewing gay and lesbian as being terms too closely associated with white people. This term was coined by Cleo Manago.⁸⁶

⁸²DSS. (2017).

⁸³DSS. (2017).

⁸⁴DSS. (2017).

⁸⁵DSS. (2017).

⁸⁶Ubuntu Biography Project. (2017). Cleo Manago. Available at <https://ubuntubiographyproject.com/2017/09/21/cleo-manago/> Accessed April 2, 2019

SEX:

When discussing “sex,” this manual refers to one of two things, depending on the context:

01. How people relate to each other and interact physically, e.g., I am sexually attracted to men, or I like to have sex;
02. “A combination of chromosomes, hormones, internal and external reproductive organs, facial hair, vocal pitch, development of breasts, gender identity, and other characteristics.”⁸⁷ Much of medical science labels people into one of two categories: male or female. E.g., this person was born with a vagina, and so their original birth certificate listed their sex as female.

Increasingly, people in and allies of the LGBTQI+ community will refer to “sex assigned at birth,” or “assignment at birth,” which is helpful terminology because it indicates a difference between what medical authorities said someone was at birth from who that person actually is—e.g., just because someone was assigned female at birth, it doesn’t mean they have to do things society typically associates with women.

SEX ASSIGNMENT AT BIRTH (ASSIGNMENT AT BIRTH):

“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”⁸⁸

126

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.”⁸⁹

⁸⁷CCHR. (2019).⁸⁸DSS. (2017).⁸⁹DSS. (2017).

TRANSGENDER:

“sometimes shortened to ‘trans’—is a term used to describe a person whose gender identity does not conform with the sex assigned at birth.”⁹⁰ Not all people who find conflict between their assignment at birth and gender identity identify as transgender, but many do.

TRANSGENDER MEN:

assigned female at birth, but their gender identity is male. Transgender men are men, and it’s respectful to simply think of and refer to transgender men as men.

TRANSGENDER WOMEN:

assigned male at birth, but their gender identity is female. Transgender women are women, and it’s respectful to simply think of and refer to transgender women as women.

TRANSSEXUAL:

this is a medical term that used to refer to people who lived as their gender identity. It is not something that feels good or kind to a lot of transgender people.

⁹⁰CCHR. (2019).

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

APPENDIX B

BENEFIT CARD:**Right or Resource:**

One can change one's New York State social services record with accurate birth certificate, NYS ID (driver or non-driver), letter from Social Security, medical note, or passport with correct gender information. Common Benefit Identification Cards (CBIC) issued since August 1, 2016 have not had gender markers on them. Name can be changed on CBIC, but not gender. See "Health Care" entry within this chapter for more information about gender codes with benefits records, and medical implications.

Laws that create this right or resource:

State Medicaid codes relating to benefits covered by General Information System Office of Health Insurance Programs Message GIS 15 MA/19.

What this all means for workforce providers:

People can update their Benefits card to reflect a new legal name. Correct legal documentation is key to lowering barriers to attaining services. Encourage your participants (and, if relevant, colleagues) to update their benefits cards to reflect their gender identity. People can also have their benefits case information corrected to reflect their gender. This is particularly helpful in ensuring that they are not wrongfully denied any health care that may be associated with gender.

BIRTH CERTIFICATES:**Right or Resource:**

People born in NYC can change their birth certificate based on self-attestation of gender identity, and that identity can be M, F, or X (as a gender-neutral option). In NYS, outside of NYC, people can correct their gender marker to M, F, or X based on self-attestation. Birth certificate law/policy differs based on where someone was born. Outside of NYS, see National Center for Transgender Equality's ID Documents Center: <https://transequality.org/documents>. Cost of City Birth Certificate Correction: \$55. State Birth Certificate: First corrected copy is free, subsequent copies are \$30.

Laws that create this right or resource:

City: Local Law No. 163 (2018); State: N.Y. Comp. Codes R. & Regs. Tit 10, § 35.2 (2014)

What this all means for workforce providers:

If someone was born in NYC or NYS, they can easily correct their birth certificate, which can help them to have a full array of identity documents that align with their gender identity. NYC has one of the most convenient birth certificate correction processes nationwide. Birth certificate correction processes in different states and municipalities differ, and one must follow the rules in the birth certificate-issuing jurisdiction of one's birth. Again, see <https://transequality.org/documents>. Correct legal documentation is key to lowering barriers to difficulty, and risk of discrimination, in attaining services.

CITY CONTRACTORS:**Right or Resource:**

City contractors, as employers, cannot discriminate against people on the basis of sexual orientation, gender identity, or gender expression, and that encompasses intersex status. DYCD and DSS maintain specific policies asserting that this applies to their vendors. See “Workforce” for more specific information about workforce providers.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. See also LGBTQI+ policies/guidance from DYCD, DSS, and DOE. DOE maintains a specific policy on transgender and gender non-conforming students. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

Workforce providers under contract from the City have an obligation to provide services to people regardless of sexual orientation, gender identity or gender expression.

CONFIDENTIALITY:

131

Right or Resource:

Participants have a right to keep their LGBTQI+ identity to themselves. As DSS notes in its LGBTQI policy, “All participants 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.”

Laws that create this right or resource:

DSS LGBTQI Policy, DOE Transgender and Gender Nonconforming Student Guidelines

What this all means for workforce providers:

Workforce providers legally cannot force participants to out themselves, and workforce providers have an obligation to maintain participants’ confidentiality.

CREDIT:**Right or Resource:**

People cannot be denied credit on the basis of sexual orientation, gender identity, or gender expression, and that encompasses intersex status. Furthermore, one's credit history cannot be used against them by employers, labor organizations, and employment agencies. It is unlawful under the New York City Human Rights Law (NYCHRL) to ask about credit or run a credit check for employment, with limited exceptions.

Laws that create this right or resource:

City: Credit protection within the employment context covered by Local Law No. 3 (2002); City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State: General credit protection in Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

If a workforce program participant (or potentially one of your colleagues) encounters an employer who inquires about credit history, that inquiry is not allowed under NYCHRL. Furthermore, a workforce program participant cannot be discriminated against in application for credit on the basis of LGBTQI+ identity.

132

DRIVER'S LICENSE:**Right or Resource:**

People can get their names and gender markers corrected (X to be offered by end of 2021) on their drivers' licenses with an application for a permit, driver's license, or non-drivers ID; a current permit, license, or ID; proof of gender change via written statement from a "physician, psychologist, or psychiatrist, life counselor, social worker, or other professional on their letterhead certifying the applicant's gender of male or female." [from the National Center for Transgender Equality (NCTE): <https://transequality.org/documents/state/new-york>] Full NYS DMV process outlined at <https://dmv.ny.gov/address-change/change-your-name-or-non-address-information-dmv-documents>

Laws that create this right or resource:

N/A

What this all means for workforce providers:

People can have their drivers' license corrected to reflect their gender identity. Correct legal documentation is key to lowering barriers to difficulty, and risk of discrimination, in attaining services.

EDUCATION:**Right or Resource:**

People cannot be denied access to non-sectarian, tax-exempt educational institutions on the basis of sexual orientation, gender identity, gender expression, or intersex status. People also have the right to be treated according to their gender identity/expression; to be called by pronouns and name that match one's gender identity; to not be bullied; to use restrooms and locker rooms consistent with one's identity; to dress and present oneself according to gender identity/expression; protect privacy around identity; and start an LGBTQI+ student club [from NCTE: <https://transequality.org/know-your-rights/schools>]

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. NYC DOE policy (see especially the NYC DOE transgender and gender non-conforming policy). State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

LGBTQI+ youth retain protections in schools. So if you're a case manager and your participant (or perhaps a colleague) is in an educational institution, and faces some sort of discrimination, your participant has means of redress.

133

EMPLOYMENT:**Right or Resource:**

People cannot be discriminated against in hiring, firing, promotion, compensation, terms and conditions of employment.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971). Federally, the Equal Employment Opportunity Commission fights discrimination on the basis of sexual orientation and gender identity. See <https://www.eeoc.gov/laws/guidance/what-you-should-know-eeoc-and-protections-lgbtq-workers>. Federal protections were strengthened by the Supreme Court in *Bostock v. Clayton*.

What this all means for workforce providers:

LGBTQI+ people cannot be discriminated against in any capacity by employers. See also "facilities," "harassment," "grooming standards," "name," "pronouns," "retaliation," and "workforce programs."

FACILITIES (E.G., BATHROOMS):**Right or Resource:**

People must be permitted to use facilities that align with their gender, as per NYCHRL rules.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. See also LGBTQI+ policies/guidance from DYCD, DSS, and DOE.

State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971). Federal law, specifically opinions of federal courts and Equal Employment Opportunity Commission

What this all means for workforce providers:

Workforce organizations, employers, and any referral sites must allow people to use facilities that match their gender identity.

FORMS:**Right or Resource:**

Various City agencies, following recent City laws, are updating forms to capture voluntary data about sexual orientation, gender identity, and expression.

Laws that create this right or resource:

Local Law 128 of 2016; Local Law 78 of 2018

What this all means for workforce providers:

Forms from DYCD, HRA, DOE, ACS, and other City agencies will, by 2021, ask for voluntary information about sexual orientation, gender identity, and expression.

Your organization should also include forms with fields collecting information about sexual orientation, gender identity, and expression, and know how to help participants fill out these fields.

GROOMING STANDARDS:

Right or Resource:

“employers and covered entities may not require dress codes or uniforms, or apply grooming or appearance standards, that impose different requirements for people based on gender.” [NYCHRL: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page#3.4>]

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance.

What this all means for workforce providers:

Employers cannot have “grooming and appearance standards” with “gender-based distinctions,” and so there cannot be rules “requiring employees of one gender to wear a uniform specific to that gender,” or “Permitting only women to wear jewelry or requiring only men to have short hair.” An employer or program can have dress codes and uniform options, but an entity putting out a dress code cannot force people perceived as women to wear one version of the uniform and people perceived as men to wear another. People can choose for themselves. [NYCHRL: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page#3.4>]

135

HARASSMENT:

Right or Resource:

A wide variety of harassment is rendered illegal under City and State law. As implied by other sections, repeatedly refusing to use someone’s affirming name, pronoun, title, or other things related to one’s gender identity (e.g. Making fun of someone’s non-binary gender presentation) is illegal and against various City policies.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. See also LGBTQI+ policies/guidance from CCHR, DYCD, DSS, and DOE. State: Hate crimes provisions of Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

Many things can constitute harassment under City and State law. This is further reason to ensure that all staff and employers are cognizant of LGBTQI+ cultural competency and how to treat LGBTQI+ communities with respect.

HEALTH CARE:

Right or Resource:

NYS Medicaid covers transition-related care. If a health insurance policy is issued in New York, and thus regulated by the NYS Department of Financial Services, the plan must cover transition-related care, so long as it is deemed medically necessary for “gender dysphoria,” which is a mental health diagnosis. Each plan will have different criteria for how to determine medical necessity. For more information about private plans, see <https://hcfany.org/wp-content/uploads/2017/07/HCFANY-TransCareFactSheet-FINAL.pdf>. NYC Human Rights Law guidance asserts that employers in NYC specifically must cover gender-affirming care with health insurance policies.

“You should request a G-1 billing exception code if you identify as female or G-2 code if you identify as male so you will not be denied services that have typically been restricted based on sex designations.” [See Sylvia Rivera Law Project’s (SRLP) website on changing ID documents for more information: <https://srlp.org/resources/changeid/#NYBen>]

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State Medicaid rules: 18 NYCRR 505.2(l). Department of Financial Services: 11 NYCRR 52 (Insurance Regulation 62). Section 1557 of the Affordable Care Act outlined nondiscrimination protections with subsequent regulations to protect LGBTQI+ people from discrimination.

What this all means for workforce providers:

While not every transgender, gender non-conforming, or non-binary person necessarily wants medical treatment related to medical transition (e.g., hormones, various surgeries), for many people, such treatments can greatly improve one’s quality of life. Access to these affirming treatments could be a major step in helping a participant or colleague live a happier life, and potentially be more successful in the workplace.

HOUSING:**Right or Resource:**

People cannot be denied access to housing, or credit for attaining housing, on the basis of LGBTQI+ identity. Properties that are for sale or rent cannot be presented to LGBTQI+ people as if the properties are not for sale or rent.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

LGBTQI+ participants or colleagues have a right to take action against discriminatory actions in attaining housing.

IDNYC:**Right or Resource:**

NYC provides municipal ID cards, which are government IDs, for people over the age of 14, that allow someone to identify as M, F, X (Not Male or Female) or no gender option based on self-attestation of gender. ID NYC is also available to undocumented people, unlike drivers licenses or state non-drivers IDs. For more info see SRLP: <https://srlp.org/resources/idnyc/>

Laws that create this right or resource:

Rules of the City of New York, Title 68, Chapter 6

What this all means for workforce providers:

IDNYC cards are available as government issued IDs that can also be used to access social services. DYCD has an agreement to share enrollment data within YEPS with HRA, so that an SYEP participant can have streamlined access to obtaining an IDNYC.

NAME (AFFIRMING AND LEGAL):**Right or Resource:**

Statewide, people can change their names with a court ordered name change, and potentially publication of the change in a newspaper (though there's a chance that could be waived). However, under NYC law, if someone engages in "intentional or repeated refusal to use a person's [preferred/affirming] name," that's a violation of City Human Rights law.

Laws that create this right or resource:

For name change statute, see 2017 New York Laws

CVR - Civil Rights

Article 6 - (Civil Rights) CHANGE OF NAME; For discriminatory aspects, see: City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance

What this all means for workforce providers:

The first step of changing one's legal documents, if one is engaging in a legal transition, is changing one's name. Furthermore, if someone repeatedly refuses to use someone's affirming name, regardless of whether that person has had a legal name change, that is discrimination. Ergo, this should not happen in your agency, nor should it happen to a participant or colleague of yours on a job site.

NONDISCRIMINATION (GENERAL):**Right or Resource:**

NYS and NYC laws protect LGBTQI+ people from discrimination in employment, public accommodations, housing, educational institutions. The City outlines very specific instances of what constitutes discrimination. There are also a variety of federal protections through court decisions and some agency decisions.

The City Commission on Human Rights will pursue cases in which there is disparate impact, wherein an entity covered by the NYC Human Rights Law (e.g., an employer) has policies that appear neutral, but in practice impact a particular group.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971). For federal protections, see other more specific items “education,” “employment,” “social security,” “health care” in this table.

What this all means for workforce providers:

Nondiscrimination laws, agency policies, guidance, etc. are wide-ranging, and create widely encompassing protections, including requirements to refrain from misuse of affirming pronouns/names/addresses, within workforce programs, employment sites, and educational programs. Also, in NYC, the City Human Rights Law will allow participants to pursue claims that an employer’s activities negatively impact a particular group even if the employer’s policies appear neutral. Your LGBTQI+ participants and colleagues have a wide variety of protections if they’re mistreated, or suspect mistreatment, within the range of your work with them.

PASSPORTS:

Right or Resource:

So long as one has changed one's Social Security Record, and one can provide proof of citizenship, an ID with the correct gender identity, one of several forms denoting a change in gender (potentially name), an appropriate photograph of oneself, fees, and a letter from a medical professional explaining one has had appropriate treatment for gender identity (ideally using model letter standards), one can attain a new passport. See <https://transequality.org/know-your-rights/passports> for fuller instructions

Laws that create this right or resource:

8 Foreign Affairs Manual 403.3: <https://fam.state.gov/FAM/08FAM/08FAM040303.html>

What this all means for workforce providers:

Passports are yet another ID document that can be corrected to affirm someone's gender identity, and allow for attainment of services using one's affirming name and gender. Correct legal documentation is key to lowering barriers to difficulty, and risk of discrimination, in attaining services.

PRONOUNS:

Right or Resource:

"[E]mployers and covered entities...[must] use the name, pronouns, and honorific (e.g., Ms./Mrs./Mx.) with which a person self-identifies." [NYCHR: <https://www1.nyc.gov/site/cchr/law/legal-guidances-gender-identity-expression.page#3.4>]

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance.

What this all means for workforce providers:

If your participant (or a colleague) has made clear that he/she/they/etc. use a particular name, pronoun, honorific that is not the same as their legal information, "intentional or repeated refusal" to follow your participant's directives is a violation of City law.

PUBLIC ACCOMMODATIONS:

Right or Resource:

LGBTQI+ people are entirely protected in utilization of public accommodations in both NYC and NYS broadly.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

LGBTQI+ participants and colleagues cannot be discriminated against in utilization of public accommodations (e.g., bathrooms, retail establishments). Specific types of discrimination outlined in “facilities,” “grooming standards,” “harassment,” “name,” and “pronouns” apply to public accommodations in NYC.

RETALIATION:

Right or Resource:

LGBTQI+ people cannot be retaliated against for making discrimination complaints against, or requesting a reasonable accommodation from a particular party.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance; NYS Human Rights Law § 296(7): <https://dhr.ny.gov/law>

What this all means for workforce providers:

LGBTQI+ participants and colleagues have a right to make reasonable accommodations and make discrimination complaints without retaliation, and any party that engages in retaliation is breaking yet another nondiscrimination law provision.

SHELTER:**Right or Resource:**

Under City and State law, LGBTQI+ people cannot be discriminated against in homeless shelters, and people have a right to use housing that matches their gender identity.

The Obama Administration promulgated rules protecting LGBTQI+ peoples' right to use shelters, including shelters that match one's gender identity. As of publication of this manual online, HUD maintains that it will uphold nondiscrimination on the basis of sexual orientation and gender identity under the Fair Housing Act.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971). LGBTQI+ policies/guidance from DSS.

What this all means for workforce providers:

If a program participant utilizes a homeless shelter, they have a right to use a shelter in NYC and NYS that matches their gender identity.

SOCIAL SECURITY RECORDS:

142

Right or Resource:

Social Security records can be correct to reflect one's gender identity, and new Social Security cards can be issued under a previously-assigned Social Security Number with a changed legal name. Thus, if someone changes their legal records to align with their gender identity, part of that legal document change can and should include one's Social Security record.

Laws that create this right or resource:

Social Security Administration Program Operations Manual System RM 10212.200: Changing Numident Data for Reasons other than Name Change.

What this all means for workforce providers:

Correcting one's Social Security information is key to making sure any gender marker or name change corrections on identification is widely acknowledged. E.g., if you have a government ID with your gender marked in a way that conflicts with your Social Security record, you could have trouble with taxes, airplanes, any system that tries to match your identity markers across various government systems.

TRAINING:**Right or Resource:**

Various City agencies, following recent City laws and also their own policies, are training their staff on LGBTQI+ cultural competency.

Laws that create this right or resource:

LGBTQI+ policies/guidance from DSS, DOE, and DYCD; Local Laws 174 and 175 of 2017.

What this all means for workforce providers:

More agency staff will be cognizant of the issues you're reading about in this manual.

WORKFORCE PROGRAMS:**Right or Resource:**

A wide variety of laws and agency policies either specifically state or implicate that workforce programs cannot discriminate against LGBTQI+ people, and that staff of workforce programs must ensure that program staff are competent to work with LGBTQI+ people. NY State law (GENDA and SONDA) is very specific about nondiscrimination protections extending to workforce programs. DYCD guidance, HRA and DOE policy all implicate vendors, ergo workforce programs, within their nondiscrimination provisions. Also, it should be noted that public funding goes toward workforce programs, most prominently DYCD's Unity Works program, for LGBTQI+ runaway and homeless youth.

Laws that create this right or resource:

City: Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102(23) and accompanying guidance. See also LGBTQI+ policies/guidance from DYCD, DSS, and DOE. DOE maintains a specific policy on transgender and gender non-conforming students. State: Gender Identity Non-Discrimination Act of 2019 (S. 1047/A. 747) and Sexual Orientation Non-Discrimination Act of 2002 (S. 720/A. 1971).

What this all means for workforce providers:

Various laws and policies specifically implicate workforce programs as being a space of safety for LGBTQI+ people. Thus, all workforce programs should take that impetus to ensure that they are a model of LGBTQI+ inclusivity among various entities covered by nondiscrimination law in NYC and NYS.

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

APPENDIX C

THIS MANUAL WOULD NOT BE POSSIBLE WITHOUT THE INVALUABLE TIME, CRITICAL FEEDBACK, EXPERIENCE, AND THOUGHT PARTNERSHIP OF NON-PROFIT PROVIDERS, COMMUNITY-BASED ORGANIZATIONS, COLLEAGUES IN CITY GOVERNMENT, AND THE LGBTQI+ YOUNG ADULTS LEADING THE WAY IN NEW YORK CITY.

145

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CHAPTER 1:

¹It should also be noted that while this manual uses LGBTQI+, it refers to other publications that use other versions of “the acronym,” as some refer to as the collection of letters containing LGBT and more. This manual uses LGBTQI+, viewing this version of the acronym as highly inclusive, but attempts to maintain the way other reports utilize the acronym.

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