



Creating Sustainable Change at EPA

US Environmental Protection Agency



Ex. 6 Personal Privacy (PP)



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Executive Orders Present Opportunity

January 25, 2021: Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

Policy: “Every person should be treated with respect and dignity and should be able to live without fear, no matter who they are or whom they love. Children should be able to learn without worrying about whether they will be denied access to the restroom, the locker room, or school sports. Adults should be able to earn a living and pursue a vocation knowing that they will not be fired, demoted, or mistreated because of whom they go home to or because how they dress does not conform to sex-based stereotypes. People should be able to access healthcare and secure a roof over their heads without being subjected to sex discrimination. All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.”

Enforcing Prohibitions on Sex Discrimination on the Basis of Gender Identity or Sexual Orientation:

Directs the head of each agency to review and consider whether revisions are needed to agency actions under Title VII or any other statute or regulation that prohibits sex discrimination; consider the agency should take additional actions to ensure full implementation of this policy, taking appropriate steps to combat overlapping forms of discrimination (e.g., on the basis of race or disability); develop a plan to carry out these actions.



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Executive Orders Present Opportunity

June 25, 2021: Executive Order 14035, Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce establishes goals to advance equity within the Federal Government's workforce and cultivate a workforce that draws from the full diversity of the Nation.

The Federal Government must and should:

- Be a model for diversity, equity, inclusion, and accessibility and must strengthen its ability to recruit, hire, develop, promote and retain our Nation's talent and remove barriers to equal opportunity.
- Provide resources and opportunities to strengthen and advance diversity, equity, inclusion, and accessibility across the Federal Government.
- Have a workforce that reflects the diversity of the American people.

The Executive Order reinforces that diversity, equity, inclusion, and accessibility are federal priorities and establishes procedures that all agencies will utilize to advance these priorities across the federal workforce.



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Executive Orders Present Opportunity

Specific to the LGBTQIA+ community, the Executive Order 14035

- Directs agencies to ensure that LGBTQIA+ employees (and their LGBTQIA+ beneficiaries and their LGBTQIA+ eligible dependents), have equitable access to healthcare, health insurance coverage, and employee benefits such as long-term care insurance and sick leave.
- Charges all agencies with taking steps to ensure that Federal employees have their gender identities accurately reflected and identified in the workplace, including by exploring opportunities to expand access to gender-neutral facilities inside federal workplaces.
- Charges all agencies with ensuring that their employee support services equitably serve LGBTQIA+ employees, including, as appropriate, supportive services for transgender and gender non-conforming and non-binary employees who wish to legally, medically, or socially transition.





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EPA's DEIA Executive Council

- ❑ Seated in the HQ Administrator's office to centralize efforts.
- ❑ Leads the development of EPA's strategy to implement EO 14035.
- ❑ Promotes DEIA Integration across EPA.
 1. Identifies ways to build and sustain a talented, diverse, and qualified workforce representing all segments of society.
 2. Encourages solidarity by cultivating an adequate DEIA infrastructure with strategies that aid the holistic integration of DEIA concepts.
- ❑ Produce an agency-wide DEIA Strategic Plan.

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EPA's DEIA Workgroups

Data Collection,
Measurement, and
Analysis

Outreach,
Recruitment and Hiring

Career Development
and Learning

Creating Agency
Culture of DEIA &
Employee
Engagement

Agency Organization
for DEIA Sustainability

Accountability



Accessibility

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LGBTQIA+ Workgroup

Goal: Advance equity for LGBTQIA+ employees by creating a more inclusive workplace. Advancing DEIA requires that the federal workforce address the needs of many communities who may be underserved in the federal workforce, including individuals who belong to communities that face discrimination based on sex, sexual orientation, gender expression, and gender identity, including lesbian, gay, bisexual, transgender, queer, gender non-conforming, non-binary individuals.

Objective: In coordination with other DEIA Workgroups, ensure inclusion of LGBTQIA+ employees in recruitment efforts, career development and training, data collection, analysis, and measurement, DEIA employee engagement, sustainability, accountability, and accessibility.

Values: Listening; commitment to truth; radical inclusivity and representation; prioritizing the needs of the most vulnerable employees; mindfulness of emotional labor and burnout; mutual support. Courageous Space Agreement.

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LGBTQIA+ Workgroup

Who We Are:

- LGBTQ+ Special Emphasis Program Manager Advisory Council Leaders – SEPMs are on a 20% collateral duty
- Equality EPA Leaders and members – Non-labor employee group (ERG)
- LGBTQ+ Executive Leaders Network
- DEIA Executive Council Representative
- Office of Human Resources and Office of Civil Rights subject matter experts

Our Day Jobs:

Environmental scientist, Environmental protection specialist, Environmental engineer, Plant pathologist, Climate policy analyst, Research ethicist, Attorney advisor, and Senior Executive Service members, Civil Rights director, and HR and EEO specialists.

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Determining Recommendations for Priority Action

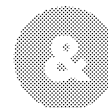
The workgroup drew on

- Our own lived experiences
- LGBTQ+ Special Emphasis Program Advisory Council retreat input
- Equality EPA listening sessions

We decided on these priority recommendations:

- De-gender restroom/locker room access
- Understand our community's numbers: Increase participation in voluntarily self-disclosure of sexual orientation and gender identity (SOGI); address employee privacy concerns
- Incorporate LGBTQIA+ prospective employees into hiring and recruiting activities; partner with LGBTQIA+ Professional Organizations
- Add gender pronouns in MS 360 (Outlook & Teams applications)
- Change style manual requirement for gendered honorifics in Agency Correspondence

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Challenge: Implementation

- Theoretical support, but unclear buy-in on our action list or direction from senior leaders – no formal top-down assignments to responsible parts of the agency.
- So we started going down the list and identifying things that were in our areas of influence, building partnerships, and utilizing our own unique roles and organizational strengths.
- We've been meeting weekly to check in on progress for nearly two years.

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Accomplishments

Increase in Voluntary Self-Identification of Sexual Orientation and Gender Identity (SOGI) Data

Key Partners: OCFO Office of Continuous Improvement; Office of Human Resources, Policy, Planning and Training Division; Office of Civil Rights

Formative Steps Toward Increased Access to Gender Neutral Bathrooms

Key Partners: Facilities Management and Services Division, Region 1 and Region 3, Office of Civil Rights

“Hiring with Pride” Outreach Webinar, promoted to Organizations Serving LGBTQIA+ communities, March 24, 2023, Key Partner: OHR Shared Service Center

Memorandum of Understanding with Out in Science, Technology, Engineering and Mathematics, June 1, 2023,

Key Partners: Office of the Chief Financial Officer, Office of Human Resources

Self-service Pronoun Option in eBusiness (Microsoft 365 Outlook and Teams applications), January 27, 2023

Key Partner: Office of Environmental Information/Office of Information Technology Operations

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Accomplishments

Launch of Intranet Resources for LGBTQIA+ employees, June 1, 2023

Key Partner: Office Human Resources/Diversity, Outreach, and Employee Services Division; Office of Civil Rights/Affirmative Employment, Analysis, and Accountability

Organized the LGBTQIA+ employee community's input on OPM's draft *Guidance Regarding Gender Identity and Inclusion in the Federal Workplace*, January and March, 2023.

Key Partner: Office of the Administrator, Office of Regulatory Policy and Management, Interagency Review Coordinator

Provided Community Recommendations Addressing Gendered Honorifics for update of EPA's Correspondence Manual

Key Partners: Office of the Executive Secretariat, Office of Public Affairs

Submission of the Agency's SOGI Data Action Plan to the White House Office of Science and Technology Policy

Key Partners: Office of Research and Development and the Agency liaison to the White House OSTP

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Unfinished Business/Enduring Efforts

Navigating change

- Agency DEIA Executive Committee is disbanding and combining with a legacy Diversity and Inclusion Advisory Council; a new DEIA-focused office is scheduled to open in October
- With the Executive Committee disbanding, they have informed us that the workgroups will be “sunsetting.”
- Our group has informed DEIA leadership that we have decided not to sunset and need a strong voice at the new DEIA organization. We still have lots of long-term work to do to implement both Executive Orders!

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Unfinished Business/Enduring Efforts

Continued and escalating priorities:

- **Keep working until no EPA employee has to spend energy thinking or worrying about where they will use the bathroom** during the work day, in the office or in the field, and that the onus is NOT on the individual to come out to their supervisor to make this happen. Themes: Accessibility, privacy, dignity.
- **Keep asking for EPA leadership and government responses to hostile state legislation**, particularly for trans and nonbinary employees and family members; e.g., uncertain policy on emergency transfers, medical access, travel, legal support, and other remedies.
Themes: Safety of Employees and Family Members
- **Explore connections between LGBTQIA+ inclusion and environmental justice**
- **Keep listening to one another!**

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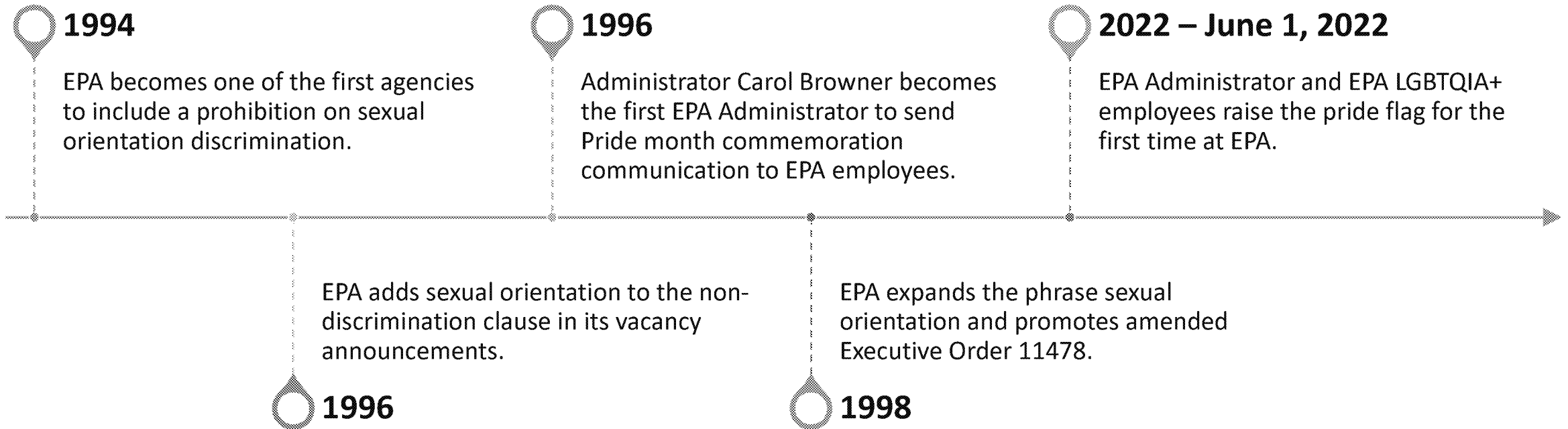




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EPA and Pride History – An Abbreviated Timeline



Pride Flag Raising and MOU Signing



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LGBTQIA+ Resources at EPA

Office of Civil Rights, including the
LGBTQ+ Special Emphasis Program

Office of Human Resources, including
Equality EPA, EPA's LGBTQIA+ Non
Labor Employee Group

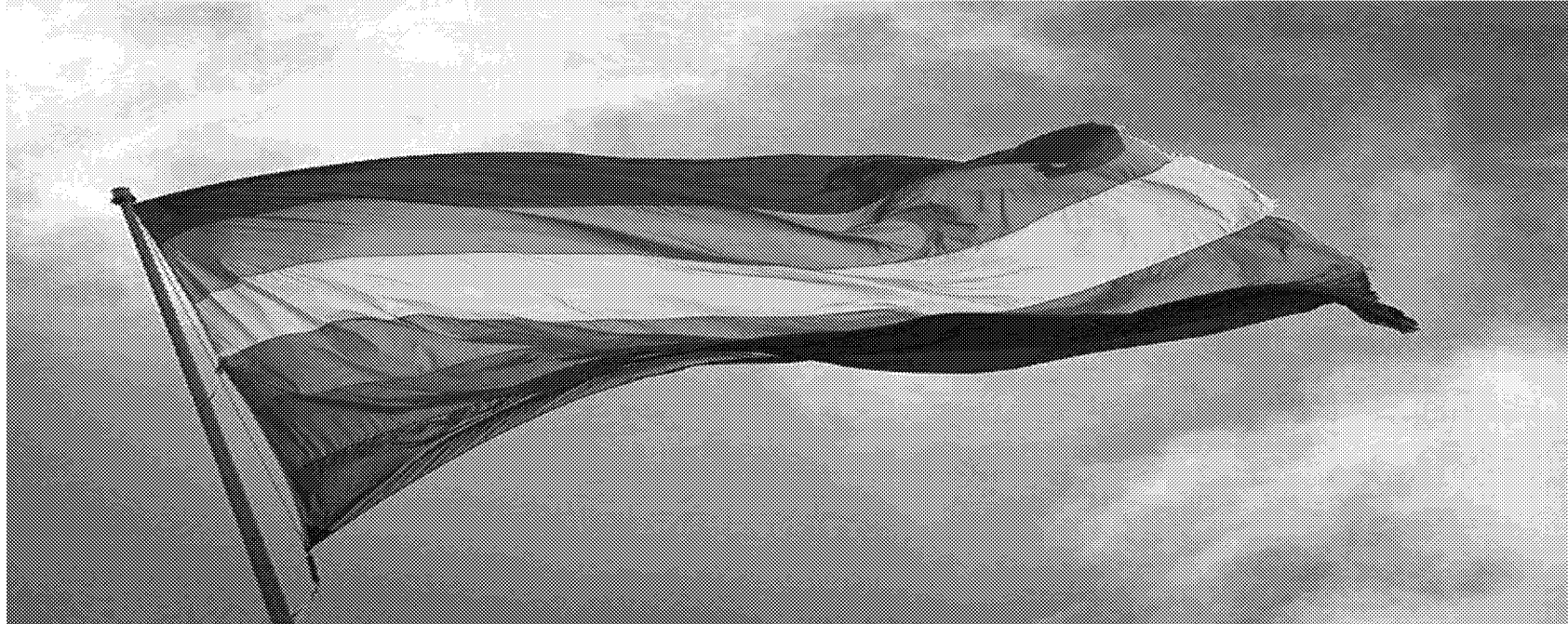
Diversity, Equity, Inclusion, and
Accessibility (DEIA), including the
DEIA LGBTQIA+ Workgroup

LGBTQ+ Executive Leaders Network

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The Role of OCR in ensuring Equal Employment Opportunity for LGBTQIA+ EPA Employees and Applicants



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Gender Neutral Bathrooms – Getting Facility Inventory

Our LGBTQIA+ DEIA Workgroup asked the Office of Facilities Management to conduct a survey of gender neutral bathrooms in EPA buildings, nationwide – and they DID.

- 155 gender neutral bathrooms/locker rooms for the entire agency
- 4 of the 10 regional offices do not have gender neutral bathrooms
- 10 of the 19 EPA owned buildings have gender neutral bathrooms

- 54% GSA Leased
- 23% GSA Owned
- 16% EPA Owned
- 7% Other/State owned

- As of December 2022 for EPA's 118 facilities
- 140 gender neutral bathrooms
- 15 gender neutral locker rooms

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Gender Neutral Bathrooms – GSA-Owned Building

- Region 1 (Boston) LGBTQ+ Special Emphasis Program Manager and Superfund On-Scene Coordinator Sherry Banks organized an all-hands meeting after Club Q shooting to talk about concerns and to help support each other – invited regional director of the Superfund program and regional Office of Civil Rights
- Listening session led to discussion of queer employees and fears they have of using public bathrooms AND bathrooms at office
- Management heard these concerns, surprised, and wanted to help with making changes
- EPA is in a GSA owned building in Boston w/ six different agencies – bathrooms are used by many agencies
- Went to GSA and created single occupancy bathroom that can be locked. Did not impact binary bathrooms

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Gender Neutral Bathrooms – GSA-Leased Building

- Region 3 (Philadelphia) moving into new building (2021)
- Moving from 14 floors to 8 floors, decreasing footage
- The Region 3 Special Emphasis Program Manager saw an opportunity to make sure that new office had gender neutral bathrooms
- 2 gender neutral bathrooms/2 gender neutral locker rooms
 - Bathrooms - 4th floor and 20th floor
 - Locker rooms – 1st floor
- Good, not great



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Gender Neutral Bathrooms – Next Steps

Limitations in GSA leases/owned

- Discussion with national contracting office so that new leases will have what we want
- Working with contract office to require gender neutral bathrooms for GSA-owned and EPA-owned spaces

Next Steps

- Keep open and consistent dialog with our key partners
 - Executive managers
 - Facility managers
 - LGBTQIA+ Communities
- Create a letter of intent/memorandum of understanding that future construction of EPA owned spaces will have gender neutral bathrooms
- Work with Office of Acquisitions

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Bathroom Needs for Field Employees

Who are EPA's field employees?

- Superfund
- RCRA Hazardous Waste staff

Temporary restrooms in the field

- Culture of labeling bathrooms “men/women”
- Bathrooms colored blue/pink
- Don't want to use the same bathroom as the opposite gender
- Not sufficient ADA compliance

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Bathroom Needs for Field Employees – Next Steps

Making the change

- Educate contractors and EPA employees on why these changes are needed
- Make all the colors the same, 1 ADA compliant bathroom, getting them cleaned regularly, removing gender signage

Training for Region 1 field employees

- Need receptacle
- ADA compliant
- Don't gender the bathrooms with signs
- Remind them that the bathrooms can be cleaned as much as possible

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Gender and Sexual Orientation 101 Training

- EPA added a self-service pronoun option to in Microsoft 365 applications (Outlook/Teams)
- This brought gender into the forefront of conversation
- Region 1 employees heard that people were still misgendering employees despite the added pronouns
- Region 1 and Equality EPA developed gender training focused on the region but open to the entire agency with positive feedback
- Training included section on needs of field employees
- Excellent senior management participation, including the Regional Administrator and Deputy Regional Administrator

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Gender and Sexual Orientation 101 Training – Next Steps

Members of **Equality EPA's Transgender and Nonbinary Support Network** have begun talking to the Office of Human Resources to scale up gender and sexual orientation training nationally

Conversations include specific training for managers on:

- Hiring/onboarding transgender and non-binary employees
- Gender and sexual orientation training specific to managers
- Allyship training

Core values: Making sure trans and nonbinary employees are involved in every step of developing the training, while being mindful of leaning on trans and nonbinary employees' emotional labor and time

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The Success For Our “Next Steps”

- Listen
- Communicate
- Educate
- Empathy





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Best Practices/Lessons Learned for Creating Sustainable Change

- **Act with Chutzpah!** Initiate partnerships and ask for what your LGBTQIA+ employee community needs! Lots of people around the agency want to help, but need you to connect with them and show them how. Conversely, if we don't initiate partnerships, the work likely won't happen.
- **Be Scrappy!** Use what you can bring to the table in your unique role:
 - SEPMs serve as advisors to management – use your voice as a subject matter expert
 - NLEGs/ERGs – Employee groups – keep the pulse of LGBTQIA+ EPA employees
 - LGBTQIA+ SES Employees – Help network, advise/assist with big asks, mentor, look for opportunities from your vantage point!
 - Civil Rights, Human Resources – Include LGBTQIA+ leaders when things are happening that could or should include/be led by/be informed by our community.
- **Take advantage of times when the wind is in your sails!**

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Best Practices/Lessons Learned for Creating Sustainable Change

- Create a **Courageous Space Agreement**; for help, utilize your workplace's group coaching and facilitation resources when needed (or before!).
- As we think about intersectionality, **remember to honor all generations within our community**. Recognize each generations' unique challenges, contributions, fears, traumas, and joys. Keep listening to each other.
- **Ask for mentorship, and mentor others!** We are often "ad hoc" leaders with "day jobs and gay jobs." We are all learning and teaching.
- **Practice delegating**, it doesn't come naturally to all of us. People want to help.
- **Rest as needed to ensure group health and your own health!** Check in as a team to take care of each other and avoid burnout.

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Questions?

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