



USAID
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ADS Chapter 416

Name and/or Gender Change in the Workplace

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ADS 416 – Name and/or Gender Change in the Workplace
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This is a new chapter.

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416.1 OVERVIEW

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This chapter establishes the Agency's policy for United States Direct Hire (USDH), Civil Service (CS), and Foreign Service (FS) employees, who choose to change their name (legally and non-legally) and/or gender in the workplace.

Using correct names and pronouns help foster a workplace free of discrimination and harassment and creates an inclusive work environment, where all applicants, employees, visitors, partners, and family members are treated with dignity and respect. The continued intentional use of an incorrect name and/or pronoun could contribute to an unlawful hostile work environment. Additionally, the U.S. Supreme Court held in [Bostock v. Clayton County](#), 140 S. Ct. 1731 (2020), that Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of gender identity and sexual orientation.

All employees should have control, to the extent possible, over when, with whom, and how much they share about their sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). Information about an employee's gender identity or sex characteristics is potentially sensitive personal information. Employees may choose to openly discuss their gender identity or sex characteristics or to keep those matters private. However, there may be instances in which employees are required to disclose some aspects of this information, such as during a background security investigation, which would require the listing of formerly-used names, or during the onboarding process where sex or gender information is captured.

In protecting this information, USAID is responsible for complying with any applicable laws, regulations, and policies.

416.2 PRIMARY RESPONSIBILITIES

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a. The **Office of Human Capital and Talent Management, Human Capital Services Center (HCTM/HCSC)**, the **Office of Human Capital and Talent Management, Foreign Service Center (HCTM/FSC)**, and the **Office of Human Capital and Talent Management, Center for Performance Excellence, Executive Resources (HCTM/CPE/ER)** are responsible for:

1. Maintaining an employee's right to privacy by keeping information about an employee's gender transition, gender identity, gender expression, sex characteristics, and/or any information pertaining to an employee changing their name and/or gender confidential to the extent possible; and
2. Ensuring employees' personnel records and/or Electronic Official Personnel Folder (eOPF) are changed to reflect the updated name and/or gender.

b. Bureau and Independent Office (B/IO) Administrative Management Services (AMS) Staff and Mission Executive Officers (EXOs) are responsible for:

1. Maintaining an employee's right to privacy by keeping information about an employee's gender transition, gender identity, gender expression, sex characteristics, and/or any information pertaining to why an employee is changing their name and/or gender confidential to the extent possible;
2. Ensuring an employees' legal or non-legal name change is reflected in electronic and physical places where names are displayed; and
3. Implementing standard operating procedures and guidelines on coordinating name changes.

c. Supervisors are responsible for:

1. Maintaining an employee's right to privacy by keeping information about an employee's gender transition, gender identity, gender expression, sex characteristics, and/or any information pertaining to why an employee is changing their name and/or gender confidential to the extent possible;
2. Treating employees with dignity and respect while fostering a workplace that is free of discrimination;
3. Understanding employees' rights under [ADS 110, Equal Employment Opportunity Program](#) and [ADS 114, Anti-Harassment Program](#); and
4. Assisting, to the extent possible, the employee with their change in name and/or gender.

d. Employees are responsible for:

1. Requesting a legal or non-legal name and/or gender change from HCTM;
2. Providing required documentation to HCTM; and
3. Notifying AMS staff or the EXO of a legal or non-legal name change.

416.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

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An individual's identity is a personal matter, particularly when it comes to gender identity. Some employees may request workplace assistance or changes, whereas others may seek no workplace acknowledgement or changes.

An employee may wish to change their name and/or gender in the workplace, however, they may not be able to obtain a legal name change at the same time:

A legal name change refers to a change in name as a result of marriage or court action (e.g., change in gender, divorce, etc.). The employee must provide legal name change documentation to modify Agency records (e.g., their Agency Personal Identity Verification (PIV) or PIV-Alternative (PIV-a) card, embassy badge, Official or Diplomatic Passport, pay accounts, or other potential accounts [e.g., retirement, benefits, etc.]) to match the legal name change.

A non-legal name change refers to a change in name by an employee who cannot obtain a legal name change and may wish to be addressed by a chosen name and/or pronoun(s) that differ from the ones they were assigned at birth. A non-legal/chosen name typically refers to a name that an individual has selected for themselves, often in the context of personal identity or gender expression. It is a name that is chosen by the individual to better align with their gender identity, gender expression, and/or other lived experiences. An employee's gender identity and/or expression may not fit into commonly used categories, and/or their gender may be both or neither of the binary genders (man/boy and woman/girl). Even if an employee's eOPF has not been updated, USAID allows employees the option to have their non-legal/chosen name and/or pronoun(s) reflected in electronic and physical places where names are displayed to other employees (e.g., email display name, employee directories, name plates, etc.) that do not pose legal or security implications without requiring a legal name change.

If an employee wishes to change their gender in their eOPF, they may request to have their eOPF reconstructed (see section **416.3.2**).

This policy does not anticipate every workplace situation that may arise. HCTM and/or the supervisor must address the needs of employees on a case-by-case basis.

416.3.1 Obtaining a Change of Name

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To obtain a legal or non-legal name change, the employee must complete the appropriate actions in the table below. Actions designated with an "x" apply to a legal or non-legal name change.

#	Employee Action	Legal Name Change	Non-Legal Name Change
1	Report the name change to the Social Security Administration (SSA)	x	
2	Submit a name change request to HCTM via the USAID	x	

#	Employee Action	Legal Name Change	Non-Legal Name Change
	<p>automated system and include the following:</p> <ul style="list-style-type: none"> • Evidence that SSA was notified of the employee's name change. • Supporting documentation showing the employee's updated legal name. HCTM may accept any document that provides reasonable assurance of the appropriateness of the action (e.g., social security card, court documentation, etc.). 		
3	Share their updated name and, if applicable, updated contact information with their supervisor, colleagues, and/or other stakeholders who would need to contact the employee. The employee chooses the most appropriate method to communicate this update (e.g., email, phone call, in-person, virtual meeting, etc.).	x	x
4	Notify their B/IO's AMS staff or Mission's EXO via email of the name change.	x	x

Upon receipt of the employee's name change request via the [USAID automated system](#), HCTM/HCSC or HCTM/FSC must process the request in accordance with the Office of Personnel Management's (OPM's) [Guide to Processing Personnel Actions \(GPPA\), Chapter 20: Name Change](#). When HCTM/HCSC or HCTM/FSC completes the employee's request, the employee receives a notification via the USAID automated system.

After the employee notifies the B/IO's AMS staff or Mission's EXO, the AMS staff or EXO must complete the following to support the employee's name change:

- For a legal name change, the AMS staff or Mission's EXO should verify the name change in the employee's SF-50. Once confirmed, the AMS staff or Mission's EXO should coordinate the name change to the employee's name in electronic (e.g., email address) and physical places (e.g., name plates, etc.).
- For a non-legal name change, the AMS staff or Mission's EXO must coordinate the name change in places that do not pose legal or security implications to the Agency.

416.3.2 Change of Gender in Agency Records

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To change gender in Agency records, the employee must:

- Update their gender in the [National Finance Center’s Employee Personal Page \(EPP\)](#) utilizing the Ethnicity and Race Identification (ERI), Gender, and Disability Self Service; and
- Submit an eOPF update request to HCTM via the USAID [automatic system](#), requesting eOPF reconstruction due to change in gender.

Upon receipt of the employee’s gender change request, HCTM/HCSC or HCTM/FSC must:

- Request and verify proper documentation from the employee, as needed. Documentation requirements are listed in OPM’s [Guide to Personnel Recordkeeping \(GPR\)](#), Chapter 4: How to Reconstruct a Personnel Folder due to a Change in Gender Identity. The employee must provide HCTM/HCSC or HCTM/FSC with the requested documentation via email or other appropriate method as determined by HCTM/HCSC or HCTM/FSC; and
- Reconstruct the personnel folder, following the steps established by the GPR.

Note: At this time, federal records and documentation only list the binary gender and sex markers as male or female, and gender and sex are used interchangeably. USAID understands and acknowledges that gender and sex are different, however, the Agency is limited under systems and documents outside of the control of the Agency.

416.4 MANDATORY REFERENCES

416.4.1 External Mandatory References

Effective Date: 03/20/2024

- a. [Bostock v. Clayton County, 590 U.S. 140 S. Ct. 1731 \(2020\)](#)
- b. [Executive Order 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation](#)
- c. [Executive Order 14035, Diversity, Equity, Inclusion and Accessibility in the Federal Workforce](#)
- d. [Title VII of the Civil Rights Act of 1964](#)
- e. [U.S. Office of Personnel Management’s Guide to Personnel Recordkeeping](#)
- f. [U.S. Office of Personnel Management’s Guide to Processing Personnel Actions](#)

416.4.2 Internal Mandatory References

Effective Date: 03/20/2024

- a. [ADS 110, Equal Employment Opportunity Program](#)
- b. [ADS 114, Anti-Harassment Program](#)
- c. [USAID LGBTQI+ Inclusive Development Policy](#)

416.5 ADDITIONAL HELP

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- a. [U.S. Office of Personnel Management’s Guidance Regarding Gender Identity and Inclusion in the Federal Workplace](#)

416.6 DEFINITIONS

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Gender

A socially constructed set of rules, responsibilities, entitlements, and behaviors associated with being a man, a woman, or a gender-diverse individual and the relationships between and among people, according to these constructs. These social definitions and the consequences for not adhering to them differ among and within cultures, change over time, and intersect with other factors such as age, class, disability, ethnicity, race, religion, citizenship, and sexual orientation. Though these concepts are linked, the term “gender” is not interchangeable with the terms “sex,” “women,” “gender identity,” or “gender expression.” (Chapter [205](#) and **416**)

Gender Binary

A socially constructed system in which gender is considered as only two categories of “man/boy” or “woman/girl.” (Chapter **416**)

Gender Expression

The conscious or unconscious presentation of one’s gender through a combination of appearance, mannerisms, clothing, social behavior, and other factors. (Chapter **416**)

Gender Identity

A person’s deeply held sense of self and what they call themselves. This can include identifying as woman, man, transgender, gender diverse, non-binary, gender nonconforming, gender fluid, or something else. (Chapter **416**)

Non-Binary

A term that describes a person whose gender identity is neither man nor woman. Some non-binary people, but not all, may also identify as transgender and/or genderqueer. (Chapter **416**)

Sex, Sex Characteristics

Chromosomal, gonadal, and anatomical features of a person, which include primary characteristics such as reproductive organs and genitals; chromosomal structures and hormones; and secondary characteristics such as muscle mass, hair distribution, breasts, and/or structure. (**Chapter 416**)

Sexual Orientation

Refers to a person's attraction(s) to others, including (but not limited to) sexual, physical, emotional, and spiritual attraction. Everyone has a sexual orientation. For example, heterosexual, bisexual, gay, lesbian. (**Chapter 416**)

Transgender

An umbrella term that refers to an individual whose gender identity does not correspond to their sex assigned at birth. (**Chapter 416**)

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