

GENERAL SERVICES ADMINISTRATION

[Notice-XX-2016-XX; Docket No: 2016-XXXX; Sequence No. XX]

Federal Management Regulation; Nondiscrimination

Clarification in the Federal Workplace

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: In recent years, a number of Federal agencies, including the Equal Employment Opportunity Commission (EEOC), the Department of Education (ED), and the Department of Justice (DOJ) have all interpreted prohibitions against sex discrimination under various Federal civil rights laws and regulations. GSA has reviewed these interpretations and agency determinations, and is issuing a Federal Management Regulation bulletin to clarify that the nondiscrimination requirement includes gender identity as a prohibited basis of discrimination under the existing prohibition of sex discrimination for any facility under the jurisdiction, custody, or control of GSA.

DATES: Effective date: [Insert date of publication in the Federal Register.]

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Oden, Director, Civil Rights Programs Division (AKB), Office of Civil Rights, 202-417-5711, or by email at dennis.oden@gsa.gov.

SUPPLEMENTARY INFORMATION:

The U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Education (ED), and the U.S. Department of Justice (DOJ) have all interpreted prohibitions against sex discrimination under various Federal civil rights laws and regulations, including Title VII of the Civil Rights Act of 1964 (as amended) and Title IX of the Education Amendments Act of 1973 (as amended), to encompass discrimination based on gender identity, including transgender status.

As required in the Federal Management Regulation (FMR) 41 CFR Part 74, section 102-74.445, all Federal agencies occupying property operated under, or subject to, the authorities of GSA must not discriminate by segregation or otherwise against any person or persons because of race, creed, religion, age, sex, color, disability, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property.

Several Federal agencies with enforcement authority over Federal civil rights laws, including the EEOC, ED, and DOJ, have interpreted prohibitions against sex discrimination to include discrimination on the basis of gender identity, including transgender status. The attached bulletin clarifies that the

prohibition against sex discrimination contained within the FMR includes discrimination due to gender identity and is consistent with the legal interpretations issued by other Federal agencies, including the EEOC, ED, and DOJ, as well as guidance issued by the Office of Personnel Management (OPM).

Dated: August 8, 2016

A handwritten signature in blue ink that reads "Denise T. Roth". The signature is written in a cursive style with a large initial 'D'.

Denise Turner Roth,
Administrator.

[Billing Code 6820-14]