

EXECUTIVE ORDER NO. 19-08

ENSURING EQUAL TREATMENT UNDER LAW TO OREGON'S LGBT+ COMMUNITY

Whereas, on October 15, 1987, Executive Order No. 87-20 was issued, which, for the first time in Oregon history, prohibited agencies within the Executive Branch of state government from discriminating on the basis of sexual orientation in employment and provision of services; and

Whereas, Executive Order 87-20 begins:

In the 200th year of our Constitution, Americans are reminded once again that each generation is obligated to preserve and extend both the right to live our private lives as we see fit, and the right to equal treatment under law. In America, to deny a person a job or access to vital social services for reason unrelated to his or her abilities or needs is a fundamental injustice; and

Whereas, the aspiration of Executive Order 87-20 — to guarantee equal treatment under law for sexual minorities — remains as relevant, and indeed urgent, today as it was 32 years ago; and

Whereas, the requirements of Executive Order 87-20 must now be updated to reflect current law and understandings about sexual orientation and gender identity; and

Whereas, the State of Oregon must strive to be ever more inclusive and welcoming to all of its people, regardless of sexual orientation or gender identity.

NOW, THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. Definitions:

- a. "Sexual orientation or gender identity" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity, regardless of whether the individual's gender identity, appearance, expression, or behavior differs from that traditionally associated with the individual's sex at birth.

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- b. “State agency” means any agency within the Executive Department as defined in ORS 174.112, other than the Oregon Secretary of State, Oregon State Treasury, Oregon Department of Justice, and Oregon Bureau of Labor and Industries.
2. Non-discrimination in Employment.
No officer, employee, or agency within the executive branch of state government shall discriminate against any person on the basis of sexual orientation or gender identity in the recruitment, hiring, classification, assignment, compensation, promotion, discipline, or termination of any employee.
3. Non-discrimination in Discharging Government Functions.
No officer, employee, or agency within the executive branch of state government shall discriminate against any person on the basis of sexual orientation or gender identity in carrying out the duties of state government, in the provision of public services, or in state contracting or awarding of grants.
4. Treatment Consistent with Gender Identity.
State agencies shall treat all persons consistent with their gender identification, to the extent permitted by governing law, practicable, and consistent with the direction of the Office of the Governor.
5. Access to Gender-Designated Facilities.
State agencies shall permit persons to use restrooms and other gender-designated facilities consistent with their gender identity, to the extent permitted by governing law, practicable, and consistent with the direction of the Office of the Governor. The Department of Administrative Services shall develop and adopt policies and procedures related to management of buildings occupied by state agencies that ensures access to restrooms regardless of gender identity, including:
 - a. Buildings with existing single-stall restrooms shall designate them “all user” restrooms.

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- b. Signage on multi-stall restrooms shall identify the nearest publicly accessible “all user” restroom, whether it be within the building or in another publicly-accessible location.
 - c. New construction shall include at least one single-stall “all user” restroom, to the extent practicable.
 - d. State agencies shall consider access to gender-designated facilities when negotiating, entering, and renewing leases.
6. Data.
When collecting demographic data on state employees or members of the public with regard to sex or gender, state agencies shall offer, in addition to “Male” and “Female,” at least a third option designated as “Nonbinary/Other” (or, as an alternative to the gender markers “M” and “F,” the marker “X”), to the extent practicable and permitted by governing law.
7. Employment Policies.
The Department of Administrative Services Chief Human Resource Office shall develop policies, standards, or other guidance to direct state agencies in respectfully accommodating state employees and members of the public who are transgender, nonbinary, or otherwise gender non-conforming.

Done at Salem, Oregon, this ____ day of October, 2019.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE