



OFFICE OF THE PRESIDENT

ISSUE: EXECUTIVE ORDER PROHIBITING DISCRIMINATION AGAINST FEDERAL EMPLOYEES BASED ON GENDER IDENTITY

POLICY DESCRIPTION: Executive Order 11478, signed by President Richard Nixon in 1969, prohibits discrimination in the federal civilian workforce. The Executive Order has been amended three times, in 1978, 1998, and 2000. In 1998, President Bill Clinton amended Executive Order 11478 to prohibit discrimination on the basis of sexual orientation (*See* Executive Order 13087). The Civil Service Reform Act of 1978 authorizes directives to ensure that personnel management is based on and embodies the merit system's principles. Currently, transgender civilian federal employees are not explicitly protected by any executive order, law, or policy. According to recent case law, Title VII has been interpreted to include protections for transgender individuals in the workplace. (*See Schroer v. Billington*, Civil Action 05-1090, Sept. 19, 2008).

RECOMMENDATION FOR CHANGE: We recommend the President sign an Executive Order amending Executive Order 11478 to prohibit discrimination on the basis of gender identity or expression in the federal civilian workforce. The amendment of the Executive Order will ensure that there is a uniform federal policy throughout all federal government agencies.