



MCLE Self-Study Test

2020 UPDATE OF A BRIEF OVERVIEW OF THE TRANSGENDER EMPLOYEE IN CALIFORNIA & THEIR RIGHTS IN THE WORKPLACE

by Beth Mora, December 2020

MCLE SELF-STUDY TEST

- The Transgender community is diverse.
 True False
- Gender expression is defined by the law to mean, “a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.”
 True False
- There are two kinds of gender transitions, known as:
 a. Social Transition and Physical Transition
 b. Social Transition and Medical Transition
 c. Personal Transition and Physical Transition
 d. Personal Transition and Medical Transition
 e. None of the above
- Social Transition involves a process of socially aligning one’s gender with the internal sense of self.
 True False
- Examples of Social Transition include but are not limited to:
 a. Change in name
 b. Change in pronoun
 c. Change bathroom facility usage
 d. All of the above
 e. None of the above
- Physical transition refers to medical treatments an individual undergoes to physically align their body with internal sense of self such as hormone therapies or surgical procedures.
 True False
- It is estimated that there are approximately 1.5 million transgender persons in the United States?
 True False
- As of October 11, 2020, there have been at least 33 transgender persons murdered in the United States, though it is believed the number is higher.
 True False
- As of June 2016, California ranked first (1st) with the largest population in the U.S. for identifying transgender adults?
 True False
- As of December 2016, the unemployment rate amongst transgender persons was report as fifteen percent (15%) in the United States.
 True False
- Due to the COVID-19 pandemic 19% of transgender people and 26% of transgender people of color have become unemployed.
 True False
- Which Justice wrote the majority decision for the U.S. Supreme Court in *Bostock v. Clayton County*.
 a. Justice Ruth Bader Ginsburg
 b. Justice Stephen G. Breyer
 c. Justice Sonia Sotomayor
 d. Justice Elena Kagan
 e. Justice Neil Gorsuch
- The Fair Employment and Housing Act (“FEHA”) uses the following terms to define “transgender”:
 a. Sex b. Gender
 c. Gender Identity d. Gender Expression
 e. All of the above
- Federal Title VII Civil Rights Act provides more protections for transgender persons than California’s FEHA.
 True False

15. How many employees does an employer have to have for the laws against discrimination to apply under the Fair Employment and Housing Act (“FEHA”)?
- a. One (1) b. Five (5)
 c. Ten (10) d. Fifteen (15)
16. Does a transgender person have to complete any particular step in a gender transition process in order to be protected by the law under the Fair Employment and Housing Act (“FEHA”)?
- Yes No
17. An employer may ask an employee/applicant questions about their:
- a. Gender identity
 b. Marital status and spouse’s name (if relevant)
 c. If they plan to have surgery
 d. Only a – b
 e. None of the above
18. An employer may deny an employee the right to dress in a manner suitable for that employee’s gender identity.
- True False
19. A job assignment can be based on sex as long as the assignment is otherwise in compliance with state law
- True False
20. All employees have a right to use a restroom or locker room which corresponds to the employee’s gender identity regardless of the employee’s assigned gender at birth.
- True False
21. An employer can require a transgender employee to use an accessible unisex bathroom.
- True False
22. The California Supreme Court has interpreted “coming out” by lesbian, gay, and bisexual employees to constitute protected political activity under the California Labor Code.
- True False
23. An employee may claim disclosure of gender identity or openly transitioning from one gender to another as a protected political act under California Labor Code.
- True False
24. Several Bay Area cities have laws that prohibit gender identity discrimination in employment including but not limited to:
- a. San Francisco
 b. Walnut Creek
 c. Lafayette
 d. Oakland
 e. a and d
 f. None of the Above

HOW TO RECEIVE ONE HOUR OF MCLE CREDIT

Answer the test questions, choosing the one best answer to each question. Mail this Self-Study and your payment (\$30 per credit hour for CCCBA members/\$45 per credit hour for non-members) to CCCBA at the address below. Certificates are dated as the day this form is received.

Name _____ State Bar # _____

Firm Name _____

Address _____

City, State, Zip _____

Phone _____ Email _____

Visa MasterCard Amex Check (payable to CCCBA)

Cardholder Name _____

Card Number _____

Expiration Date _____

Signature _____

Dec, 2020- CCL - 1 Hour Elimination of Bias MCLE Credit