



**TO: Staff and Members of AmeriCorps - NCCC, FEMA Corps, AmeriCorps - Disaster Response Teams, and Disaster Cadre**

**RE: State Laws Impacting Transgender and Nonbinary Members and Staff on Service Deployments**

**DATE: 8/14/2023**

In the past year, states have passed legislation which restricts access for transgender and nonbinary individuals to use restrooms consistent with their gender identity. Some state laws and pending legislation also impact the ability of transgender persons to access gender-affirming healthcare. AmeriCorps celebrates and values the services of all its members and staff, and as such, the agency has developed the following Guidance Memo as a resource for AmeriCorps NCCC members, AmeriCorps-Disaster Response Teams (A-DRTs), and Disaster Cadre staff to understand how such laws may impact them.

There are several circumstances in which AmeriCorps would operate in states where bathroom access or gender-affirming healthcare access is in effect:

**AmeriCorps Disaster-Response Teams (A-DRTs)** are composed of AmeriCorps State and National programs, as well as AmeriCorps National Civilian Community Corps teams, which are trained and deployable to disaster-affected states in the event of a federally declared disaster. In some cases, A-DRTs may be deployed to states affected by disaster where laws of this nature are operative.

**AmeriCorps - National Civilian Community Corps (NCCC)** deploys teams of AmeriCorps members who serve on projects that meet state and community needs during their service term. NCCC members may be deployed to a state where laws of this nature are operative for either a state/community-identified project, or for the purpose of disaster response, as an A-DRT. NCCC also includes **FEMA Corps**, a sub-program where NCCC members deploy under FEMA's direction for operational and logistical assistance during federally-declared disasters.

**AmeriCorps staff deploying as members of the Disaster Cadre** are staff members trained by the NCCC-Disaster Services Unit (DSU) who are activated and deployed, with supervisory consent, to assist on federally-declared disaster responses.

## **Bathroom Access for Transgender and Nonbinary Staff and Members of AmeriCorps When on Deployment**

In states where laws restrict access of transgender or nonbinary persons to bathrooms inconsistent with their gender identity, there are several options available to members or staff who are affected by these laws.

*AmeriCorps - NCCC members (including FEMA Corps)* who are scheduled to deploy to a state where laws of this nature are operative may elect to exercise one of the following courses of action:

- The member may request alternative options in order to enable them to deploy to the state. This may take the form, for example, of portable bathroom facilities being rented for the deployment, sufficient unisex bathroom facilities being identified, or



other measures. Please note that it may not be possible to provide alternative options in every instance, especially during disaster deployments where operational realities are highly fluid. In order to initiate a request for alternative options, the member should speak with their Unit Leader or other NCCC staff member.

- The member may request a transfer to another team not scheduled to deploy to the state in question. If this option is available, the member would join the new team and deploy elsewhere. Please note that it may not be possible to provide this option in every instance, and that in very large disaster environments, where many NCCC teams deploy as an A-DRT, there may be few teams available that are not scheduled to deploy to a state with laws of this nature. If pursuing this option, the member should first speak with their Unit Leader.
- The member may elect to deploy to the state with the full knowledge that state and local law limit their ability to use bathroom facilities consistent with their gender identity. Should a member choose to deploy to a state where laws such as these are operative, the member is expected to adhere to all applicable local and state law.
- In the event that no alternative option can be identified which would enable the member to avoid deployment to the state, that the member cannot transfer to another team, and the member is not comfortable being deployed to the state, the member will have the option to exit service early and may be considered for a prorated education award due to compelling personal circumstances.

Please note that the above-mentioned options are available only to NCCC and FEMA Corps members who are directly impacted by laws limiting access to bathrooms consistent with their gender identity. Members who do not identify as non-binary or transgender, per NCCC's Core Expectations, are bound to "deploy to any approved location and/or project."

***AmeriCorps programs participating as A-DRTs*** do so voluntarily. A-DRT teams must make judgments consistent with their own program values, operational priorities, and strategic plans when it comes to the question of whether to deploy to a state where laws of this nature are operative. In doing so, A-DRTs must balance considerations relating to the safety and healthcare access of AmeriCorps members, such as those delineated above, while also taking into account the needs of people affected by disasters, who are beneficiaries of A-DRT members' service.

***Members serving with A-DRT programs*** deploying to states where laws of this nature are operative who would be directly impacted by those laws may initiate a conversation with their program's leadership in order to explore their options. Options include:

- The member may request alternative options in order to enable them to deploy to the state. This may take the form, for example, of portable bathroom facilities being rented for the deployment, sufficient unisex bathroom facilities being identified, or other measures. Agency staff will coordinate with FEMA in consideration of the request; please note, however, that it may not be possible to provide an alternative option in every instance, especially during disaster deployments where operational realities are highly fluid. If pursuing this option, the member should first speak with their program's leadership.



- The member may request alternative options from their program’s leadership in order to enable them not to deploy to the state. Grantee programs participating as A-DRTs may, or may not, be able to grant the member’s request, for example, by assigning them to project work in a state where laws of this nature are not operative.
- If an alternative option cannot be effected by FEMA or AmeriCorps, and if the member’s program is deploying to the state and cannot make alternative arrangements for the member, then the member will have the option to exit service early and may be considered for a prorated education award due to compelling personal circumstances.

*Disaster Cadre staff* who are offered deployment to states where laws of this nature are operative have several options available:

- The staff member may decline the deployment.
- The staff member may request alternative options in order to accept the deployment. This may take the form, for example, of portable bathroom facilities being rented for the deployment, sufficient unisex bathroom facilities being identified, or other measures. Staff interested in pursuing this option should first contact the Office of Diversity, Equity, Inclusion, and Accessibility by emailing [eo@cns.gov](mailto:eo@cns.gov) or by calling 202-606-3461. Agency staff will coordinate with FEMA in consideration of the request; please note, however, that it may not be possible to provide alternative options in every instance, especially during disaster deployments where operational realities are highly fluid.
- In the event that Cadre staff elect to deploy without alternative options in place, with the full knowledge that state and local law limit their ability to use bathroom facilities consistent with their gender identity, they are expected to comply with all federal, state, and local law while on their deployment.

## **Gender-Affirming Healthcare Access for Transgender and Nonbinary Staff and Members of AmeriCorps When on Deployment**

*AmeriCorps - NCCC Members (Including FEMA Corps)* who are scheduled to deploy to a state where laws of this nature are operative may elect to exercise one of the following courses of action:

- The member may request additional support in order to enable them to deploy to the state. Members should contact NCCC’s Health Services Unit (HSU) in order to explore options for ensuring consistent access to needed medicines which may not be accessible locally. The NCCC Health Services Unit may be emailed at [NCCCHealthUnit@cns.gov](mailto:NCCCHealthUnit@cns.gov). Please note that it may not be possible to provide alternative options in every instance, especially during disaster deployments where operational realities are highly fluid. Should a member choose to deploy to a state where laws such as these are operative, the member is expected to adhere to all applicable local and state law.



- The member may request a transfer to another team not scheduled to deploy to the state in question. If this option is available, the member would join the new team and deploy elsewhere. Please note that it may not be possible to provide this option in every instance, and that in very large disaster environments, where many NCCC teams deploy as an A-DRT, there may be few teams available that are not scheduled to deploy to a state with laws of this nature. If pursuing this option, the member should first speak with their Unit Leader.
- In the event that no alternative option can be identified which would enable the member to avoid deployment to the state, that the member cannot transfer to another team, and the member is unable to make sufficient provision for the access of gender-affirming care even with additional support from the NCCC Health Services Unit (HSU), the member will have the option to exit service early and may be considered for a prorated education award due to compelling personal circumstances.

Please note that the above-mentioned options are available only to NCCC and FEMA Corps members who are directly impacted by laws limiting access to bathrooms consistent with their gender identity or access to gender-affirming care. Members who do not identify as non-binary or transgender, per NCCC's Core Expectations, are bound to "deploy to any approved location and/or project."

***Members serving with A-DRT programs***, if deploying to a state where access to gender-affirming care is limited, may also elect to exercise one of the following courses of action:

- The member may request alternative options from their program's leadership in order to enable them not to deploy to the state. Grantee programs participating as A-DRTs may, or may not, be able to grant the member's request, for example, by assigning them to project work in a state where laws of this nature are not operative.
- The member may elect to deploy to the state with the full knowledge that state and local law limit their ability to access gender-affirming care. Should a member choose to deploy to a state where laws such as these are operative, the member is expected to adhere to all applicable local and state law. Members are encouraged in this instance to speak first with their healthcare provider in order to explore options for ensuring consistent access to needed medicines which may not be accessible locally.
- If an alternative option cannot be effected by FEMA or AmeriCorps, and if the member's program is deploying to the state and the member cannot make sufficient provision for access to gender-affirming care, then the member will have the option to exit service early and may be considered for a prorated education award due to compelling personal circumstances.

***Disaster Cadre staff*** who are offered deployment to states where laws of this nature are operative should consult with their medical provider in order to determine whether gender-affirming care can be accessed consistently throughout the duration of the assignment. Staff may also contact the Office of Diversity, Equity, Inclusion, and Accessibility by emailing [eo@cns.gov](mailto:eo@cns.gov) or by calling 202-606-3461 in order to learn about other means of support available. In the event that staff are not able to make sufficient provision for access to gender-affirming care, they may decline the deployment.



AmeriCorps will continue to monitor state laws (and pending legislation) that may impact agency personnel and corps members' ability to access gender-affirming care, and/or access restrooms consistent with their gender identity, while conducting agency business or service. This memo will be updated as the legal landscape changes and in order to include the most up-to-date information on how members impacted by laws of this nature may be supported during their service.

Yours sincerely,

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