



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Buffalo Local Office**

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Buffalo, NY 14202  
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John E. Thompson Jr.,  
Director

**DETERMINATION**

**Charging Party**

Sean Simonson [REDACTED]  
[REDACTED]

**Charge No: 520-2016-00377**

**Respondent**

Oswego County/Department of Social Services  
County Office Building  
46 East Bridge Street  
Oswego, NY 13126

On behalf of the U.S. Equal Employment Opportunity Commission ("Commission"), I issue the following determination on the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII). Respondent Oswego County/Department of Social Services is an employer within the meaning of Title VII. All requirements for coverage have been met.

Charging Party, a transgender male, alleges that he was denied medically necessary care that would be covered by his employer-provided health benefit plan if not for his transgender status.

I have determined that the evidence obtained during the investigation establishes that there is reasonable cause to believe that Respondent has discriminated against Charging Party due to his sex (transgender status/gender identity) in violation of Title VII. Specifically, Respondent has discriminated against Charging Party by denying him medical benefit coverage for treatment due to his sex (transgender status/gender identity). Respondent provides health care coverage through the Oswego County Health Care Plan. Evidence obtained during the course of the investigation establishes reasonable cause to believe that Oswego County Health Care Plan at the time of Charging Party's charge filing and continuing through at least 2017 by its terms categorically excluded coverage of any "services or supplies connected to sex change surgery, transsexualism, gender dysphoria, sexual reassignment or change, or to any treatment of gender identity disorders, including medications, implants, hormone therapy, surgery, medical or psychiatric treatment," denying Charging Party medically necessary care that would have been covered if not for his transgender status. As such, Respondent's policy discriminated against the Charging Party based on sex (transgender status/gender identity), as well as against transgender individuals as a class, in violation of Title VII.

Upon finding that there is reason to believe that a violation has occurred, the Commission

Letter of Determination  
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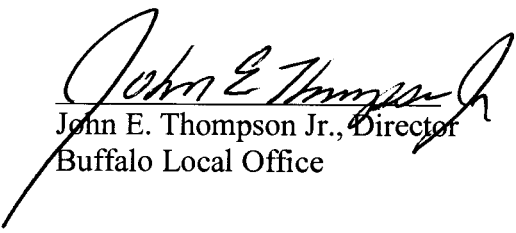
attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites Respondent to join with it in reaching a just resolution of this matter. The confidentiality provisions of Title VII of the Civil Rights Act of 1964, as amended and the Commission Regulations apply to information obtained during conciliation.

An invitation to Conciliate is enclosed for your review. Please contact Investigator Maureen C. Kielt, at the above address within 15 days from the date of this letter. You may also fax your response directly to (716) 551-4387. If no response is received within this time period, it will be interpreted as an unwillingness on the part of the Respondent to participate in conciliation efforts. At that time, conciliation efforts will cease.

If the Respondent declines to discuss conciliation or when, for any other reason, a conciliation agreement acceptable to the Commission is not obtained, the Commission will inform the parties and advise them of the court enforcement alternatives available to aggrieved persons and the Commission.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On behalf of the Commission:

  
John E. Thompson Jr., Director  
Buffalo Local Office

JUN 26 2017

Date