

# Hospital Extends Spousal Benefits to Gay Staffers

■ **Workplace:** The New York medical center's policy — which includes health-care insurance — is hailed by activists as "groundbreaking."

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NEW YORK—The private sector is emerging as a new battleground in a debate that has long consumed municipal governments—whether to extend employee benefits to the domestic partners of unmarried workers.

On Tuesday, in a move that advocates of such benefits called "groundbreaking," a major New York medical center with 9,000 employees became the largest private employer in the United States to extend spousal benefits, including health insurance, to lesbian and gay staffers.

Unlike municipal domestic partnership ordinances, which apply to both homosexual and heterosexual couples, Montefiore Medical Center's new policy is restricted to employees and their partners "who are unable, by law, to marry because of laws prohibiting marriage of persons of the same sex."

Said Montefiore spokeswoman Barbara Jane: "We see this policy as a part of our commitment to the principles of fairness and equity."

The announcement was applauded by gay rights advocates. "This not only validates our relationships, it also inherently acknowledges the wrongness of laws prohibiting same-sex marriages," said William B. Rubenstein, director of the American Civil Liberties Union's national Lesbian and Gay Rights Project.

Municipal laws on domestic partnership—such as those in Los Angeles, West Hollywood, San Francisco and Berkeley—do not mandate that private employers provide benefits. Some are merely symbolic; others extend spousal rights to the domestic partners of city employees.

Montefiore's decision comes at a time employers across the country are grappling with questions about how to deal with the growing number of workers who identify themselves as members of non-traditional families.

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AT&T, for example, is contesting a lawsuit filed by Sandra Rovira. In the case, filed in a New York federal court, Rovira claims that she and her children were discriminated against when the company refused to pay them survivor's benefits after her longtime companion, AT&T sales manager Marjorie Forlini, died in 1988. AT&T says Rovira lacks the legal standing of a surviving spouse.

"I'd say that 20% of the major companies in California are at least looking into the issue" of benefits for domestic partners, said Raymond H. Kann, a consultant for Hewitt Associates in San Francisco.

But Kann added that there has been no rush to offer spousal benefits. "Spiraling health-care costs have been such a major concern for most corporations that there are few initiatives to broaden benefits," he said.

Montefiore, which adopted the new policy under the threat of an ACLU lawsuit, said it "does not anticipate a significant financial impact on Montefiore as a result of this policy." Montefiore's health-care plans are self-insured, meaning that the hospital pays employee health costs itself, rather than relying on an insurance company.

Still, spousal benefits for domestic partners are "becoming an issue of equity for unmarried employees and it is not going away," said Daniel Dreyer, a work force researcher for the New York-based Conference Board.

The Bronx hospital's new policy seeks to overcome a common objection to domestic partnership programs, by setting forth specific tests for employees claiming the benefits.

Applicants will be required to file sworn "affidavits of domestic partnership." They will also be asked to provide proof that they live together, that they are financially interdependent and that they are responsible for each other's common welfare. Such proof could take the form of joint checking accounts and credit cards or powers of attorney for medical and financial decisions.

Dr. Katherine A. O'Hanlan, the former Montefiore oncologist who first sought benefits for her partner, Leonie Walker, more than two years ago, said: "It is heartening to see the breadth of the new policy." She called it an issue of "equal pay for equal work."

Thomas F. Coleman, an attorney and director of the Los Angeles-based Family Diversity Project, said the Montefiore precedent could urge action by private employers who until now have been reluctant to wade through the thicket of tax and insurance considerations.

Added the ACLU's Rubenstein: "The fact that Montefiore is doing this will provide [insurance] underwriting experience and remove obstacles for other employers."