THE CITY OF LOS ANGELES EXTENDS FAMILY LEAVE BENEFITS TO DOMESTIC PARTNERS OF CITY EMPLOYEES

A CHRONOLOGY WITH BACKGROUND MATERIALS

(February 1, 1993)

Prepared by:

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City of Los Angeles Extends Family Leave Benefits to City Employees with Domestic Partners

On May 19, 1988, the Los Angeles City Task Force on Family Diversity issued a report in which it recommended that marital status discrimination should be eliminated from the benefits plans for city employees. One aspect of the report specifically recommended that city workers who have a domestic partner should be entitled to paid sick leave and bereavement leave, the same as workers are entitled to such leaves if their spouse or other immediate family member becomes ill or dies.

On May 20, 1998, Councilman Michael Woo scheduled a hearing in the Government Operations Committee of the City Council to consider the proposal on sick leave and bereavement leave for domestic partners. (See pp. 1-4) Task Force recommendation #104 asked the Council to expand the definition of "immediate family" to include domestic partners, as defined. The city's personnel department submitted a report in support of the proposal, recommending a specific affidavit procedure to be used for domestic partner benefits. (See pp. 5-13)

On May 25, 1988, the City Administrative Officer (CAO) submitted a report to the council. It noted that the collective bargaining process would be the sole method to extend such benefits to represented employees. The CAO gave the council cost estimates based on an assumption that 8% of city employees had domestic partners. He suggested that the City Attorney review the affidavit procedure. (See pp. 14-15)

The City Attorney issued a report on May 31, 1988. The report suggested minor modifications to the affidavit procedure. It also emphasized that the collective bargaining process was the only method to extend such benefits to represented employees. (See pp. 16-21)

The proposal was voted on by the Government Operations Committee on June 1, 1988. (See pp. 21-22) The committee approved the proposal by a vote of 2-1. (See pp. 23-24) A majority and a minority report were forwarded to the full council. (See pp. 25-31) The majority report recommended that the council approve the concept of extending sick leave and bereavement leave to domestic partners and further recommended that the matter be referred to the Executive Employee Relations Committee (EERC) for formulate bargaining instructions for use by the CAO. (See p. 32)

On October 4, 1988, the City Council voted 10-2 to expand the definition of "immediate family" to include domestic partners so that sick leave and bereavement leave benefits would be available to workers with

domestic partners. (See pp. 33-36) Based on a survey of city workers, the Personnel Department informed the council that only 4.5% of city employees had domestic partners. Under intense questioning by council members, the CAO backed down on his previous cost estimates and finally agreed there would be a negligible increase in costs to the city if family leave benefits were extended to employees with domestic partners. After the measure was approved by the council, it was referred to the EERC to develop specific bargaining instructions to guide the CAO in the collective bargaining process.

Three months later, the EERC and the full Council instructed the CAO to offer domestic partner leave benefits to all bargaining units with no strings attached. In other words, the CAO was told not to attempt to extract anything from the unions in exchange for this benefit. Discussions between the CAO and various unions continued for the next two years until some contracts came up for renewal. (See pp. 37-41)

On March 6, 1991, Local 18 of the International Brotherhood of Electrical Workers became the first union to sign a contract that included family leave benefits for domestic partners. (See pp. 42-43) On July 23, 1991, the Council approved a similar contract, by a vote of 12-2, with a clerical unit of AFSME. (See pp. 45-52)

On October 28, 1991, the Family Diversity Project of Spectrum Institute suggested to Councilman Woo that the time had come to amend the Administrative Code to provide family leave benefits to non-represented employees of the city. Several months later, Councilman Woo introduced an ordinance to accomplish this result. (See pp. 53-59) The CAO and the City Attorney supported the proposal. (See pp. 61-65) The domestic partner amendment was approved by more than two-thirds of the Council on September 8, 1992 and was signed into law by the Mayor three days later. (See p. 66)

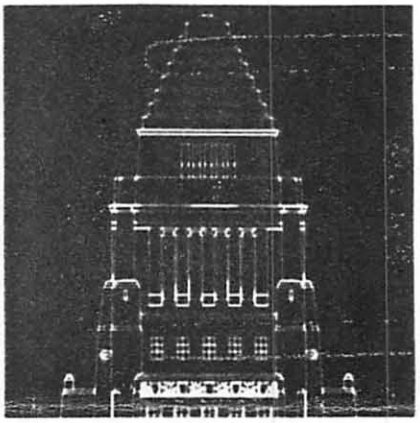
Councilman Woo also introduced a proposal to add "marital status" to the city contractor non-discrimination law. (See p. 60) That measure was signed into law on September 14, 1992. (See p. 67) The term "sexual orientation" had been added to the ordinance two years earlier. As a result of these amendments, any company that does business with the City of Los Angeles may not discriminate against its employees on the basis of marital status and sexual orientation. City contractors who extend family leave benefits to married employees while denying the same to employees with domestic partners may be in violation of the city contractor non-discrimination ordinance.

For more information about domestic partner benefits for municipal employees, contact Spectrum Institute, P.O. Box 65756, Los Angeles, CA 90065 / (213) 258-8955.

Councilman Michael Woo

City of Los Angeles
13th District

March 31, 1988



TO: Bill McCarley
Chief Legislative Analyst

FROM: Councilman Michael K. Woo, Chairman
Government Operations Committee

MKW

RE: Domestic Partnership Proposal/Committee Hearing

The Task Force on Family Diversity, a study group that I convened about two years ago, is scheduled to release its final report and recommendations on May 19, 1988. One of its recommendations proposes that the City of Los Angeles extend family sick leave and bereavement leave to city employees with domestic partners. I am scheduling a hearing before the Government Operations Committee to review that proposal on May 20, 1988.

I hereby request that the Chief Legislative Analyst, in cooperation with the City Attorney and the City Personnel Department, review this recommendation and prepare a written report addressing the feasibility of adopting this proposal, suggesting specific language to be used in amending the Administrative Code, and describing how the Personnel Department would implement the measure if it were adopted by the City Council.

I believe that the Government Operations Committee has an existing file on the subject of domestic partnership benefits. You may want to reactivate that file and supplement it with your report. Please be prepared to have representatives from your office, the City Attorney's Office, and Personnel Department on hand to testify at the hearing on May 20.

If you should have any questions, please contact Mr. Eric Schockman at 53353.

cc: Councilwoman Gloria Molina
Councilwoman Joan Milke-Flores
James Hahn, City Attorney
John J. Driscoll, General Manager
Personnel Department

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Vice Chair
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Member
Transportation and Traffic Committee

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104. The Task Force recommends that the City Council amend the City Administrative Code to include the term "domestic partner" in the list of "immediate family" relationships for which an employee is entitled to take family sick leave and bereavement leave. The following definition of "domestic partner" should be adopted, and the city's Personnel Department should be authorized to establish appropriate procedures to verify the domestic partnership status of employees who claim eligibility for sick leave or bereavement leave:

> Domestic partners are two persons who declare that:
>
> (1) They currently reside in the same household, and have been so residing for the previous 12 months.
>
> (2) They share the common necessities of life.
>
> (3) They have a mutual obligation of support, and are each other's sole domestic partner.
>
> (4) They are both over 18 years of age and are competent to contract.
>
> (5) Neither partner is married.
>
> (6) Neither partner is related by blood to the other.
>
> (7) They agree to notify the appropriate agency within 30 days if any of the above facts change.

Allowance for Leave for Illness in Family

Any employee who is absent from work by reason of the illness or injury of a member of his immediate family and who has accrued and unused sick leave at full pay shall upon the approval of the appointing authority or the agent thereof designated to determine such matter, be allowed leave of absence with full pay for not to exceed in the aggregate five working days in any one calendar year, provided such employee shall furnish a satisfactory doctor's certificate or other suitable and satisfactory proof showing the nature and extent of the injury or illness sufficient to justify such absense. "Immediate family" shall include the father, mother, brother, sister, spouse, child, grandparents, grandchildren, step-parents, or step-children of any employee of the City.

The aggregate number of days of absense for which pay may be allowed under this section shall be included in the number of days for which sick leave with full pay is allowed under Sec. 4.126 of this Code.

Allowances for Leave Because of Family Deaths

(a) Except as otherwise provided by Memoranda of Understanding and implemented by the City Council, in addition to all other sick leave allowed under this article, any employee who is absent from work by reason of the death of a member of his immediate family shall, upon the approval of the appointing authority or the agent thereof designated to determine such matters, be allowed leave of absence with full pay for a maximum of three working days for each occurrence of a death in the employee's immediate family. Such employees shall furnish a death certificate or other satisfactory proof of the death to justify the absence. "Immediate family" shall include the father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, or any relative who resided in the employee's household. For the purpose of this section, simultaneous, multiple family deaths will be considered as one occurrence.

(b) The definition of "immediate family" shall include grandparents, grandchildren, step-parents and step-children for non-represented employees.

City of L.A., Administrative Code §4.127, 4.127.1.

SPECIAL MEETING

GOVERNMENTAL OPERATIONS COMMITTEE

FRIDAY - MAY 20, 1988

9:00 A.M. - ROOM 250A - CITY HALL

MEMBERS: COUNCILMAN MICHAEL WOO, Chairperson
COUNCILWOMAN GLORIA MOLINA
COUNCILWOMAN JOAN MILKE FLORES

(Bill Pruner - Legislative Assistant II - 485-5732)

FILE NO.	SUBJECT

COMMENTS FROM PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

(1)

85-0726 In response to the motion proposing the development of an ordinance that would provide domestic partnership status for residents of the City and for all employees of the City:

(A)

Task Force on Family Diversity, as convened by Councilman Woo, to submit findings and recommendations related to domestic partnership legislation.

DISPOSITION_____

(B)

Consideration of report of the Personnel Department regarding the feasibility of adopting a proposal of the Task Force on Family Diversity that the City extend family sick leave and bereavement leave to City employees with domestic partners.

DISPOSITION_____

REPORT FROM

THE PERSONNEL DEPARTMENT

TO:	DATE
Governmental Operations Committee	May 17, 1988
REFERENCE: Instruction from Councilman Michael Woo, Chairman, Government Operations Committee	COUNCIL FILE

SUBJECT:

Extending family sick leave and bereavement leave benefits to City employees with domestic partners.

Discussion:

At the request of your committee chairman, the Personnel Department has reviewed the feasibility of implementing recommendation No. 104, Attachment I, of the Task Force on Family Diversity, which recommends inclusion of domestic partners as "Immediate Family" for family sick leave and bereavement leave. As part of this feasibility study, staff has reviewed the Domestic Partnership ordinances adopted by City of Berkeley, Berkeley Unified School District, and West Hollywood, California, and the proposals currently under review by San Francisco and Madison, Wisconsin. Also we reviewed the findings of the Employee Benefits Survey conducted in June 1987, by this Department and the City Administrative Officer, and the Needs Assessment Survey, conducted in March 1987, by the Commission on the Status of Women.

As was pointed out in Council File 85-1888 on Flexible Benefit Programs - "Current benefit plans were designed in the 1960s for the typical family of a working husband, non-working wife, and two or more dependent children.

Department of Labor statistics indicate that less than 10% of today's work force fit this model. The majority of workers today are single, two-income couples, singles with dependents, and older employees. "One size fits all" when applied to benefit plans no longer best fits the needs of today's employees."

This statement was written in December 1985, a year and a half prior to our Employee Benefits Survey, the results of which indicated that only 10.9% of the City's Civilian labor force fits the 1960s typical family profile. This same survey indicated that 4.2% of our civilian labor force of 20,000 live with a domestic partner. This percentage is consistent with the findings of the Commission on the Status of Women's Needs Assessment Survey, and the experience of the City of Berkeley and the Berkeley Unified School District. In 1984 the City of Berkeley anticipated 5.4% of their employees would designate a domestic partner. As of April, 1988 the actual percentage was 8% of a labor force of 1320. The Berkeley Unified School District as of April, 1988 has 80 employees or 5% who have designated a domestic partner. The employee benefits provided in both of these jurisdictions are not limited to family sick leave and bereavement leave, but include eligibility of a domestic partner for health and dental insurance.

ACTING GENERAL MANAGER, PERSONNEL DEPARTMENT

While we will be addressing some of the needs of our employees as their family needs change with the establishment of a Flexible Benefits Program, family sick leave and bereavement leave are not traditionally covered under such programs.

Although there are no legal grounds for implementing the Task Force's recommendation, there appears to be an equity issue which should be addressed. In the past, we have broadened the definition of "Immediate Family" when we became aware of an inequity. Further, because both family sick leave and bereavement leave have maximum days off established by MOU (family sick leave of five to nine working days depending on the specific MOU and bereavement leave of 3 working days), the addition of domestic partner to the definition of "Immediate Family" will not have a significant financial impact. While the City of Berkeley has no specific cost figures, staff for that City believes there has not been a significant financial impact, because there have only been two verification requests in two years. This is also the belief of the staff at Berkeley Unified School District.

Should the City Council elect to broaden the definition of "Immediate Family" to include domestic partner, we have prepared a discussion draft, (Attachment II) of the language we believe necessary to add domestic partner to Sections 4.127 and 4.127.1 of the Los Angeles Administrative Code. Also included is the definition of a domestic partner which should be included in both sections. Attachments III-V are discussion drafts of a Domestic Partnership Information Sheet, Affidavit of Domestic Partnership, and Termination of Domestic Partnership Affidavit that the Employee Benefits Office, Personnel Department would use to administer the program. Both these forms would be available in the Employee Benefits Office, and completed Affidavits would be kept in a locked file in the Employee Benefits Office.

Because of the design of the City's current payroll system, operating departments would have to verify an employee's eligibility with the Employee Benefits Office. When the City's new payroll/personnel system becomes operational, the Employee Benefits Office will code an employee's eligibility into the system, thus eliminating the need for operating department verification.

This report has been informally reviewed by the staff's of the Chief Legislative Analyst and the City Attorney.

104. The Task Force recommends that the City Council amend the City Administrative Code to include the term "domestic partner" in the list of "immediate family" relationships for which an employee is entitled to take family sick leave and bereavement leave. The following definition of "domestic partner" should be adopted, and the city's Personnel Department should be authorized to establish appropriate procedures to verify the domestic partnership status of employees who claim eligibility for sick leave or bereavement leave:

> Domestic partners are two persons who declare that:
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> (1) They currently reside in the same household, and have been so residing for the previous 12 months.
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> (2) They share the common necessities of life.
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> (3) They have a mutual obligation of support, and are each other's sole domestic partner.
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> (4) They are both over 18 years of age and are competent to contract.
>
> (5) Neither partner is married.
>
> (6) Neither partner is related by blood to the other.
>
> (7) They agree to notify the appropriate agency within 30 days if any of the above facts change.

Sec. 4.127. Allowance for Leave for Illness in Family.

(a) Any employee who is absent from work by reason of the illness or injury of a member of his immediate family and who has accrued and unused sick leave at full pay shall upon the approval of the appointing authority or the agent thereof designated to determine such matter, be allowed leave of absence with full pay for not to exceed in the aggregate five working days in any one calendar year, provided such employee shall furnish a satisfactory doctor's certificate or other suitable and satisfactory proof showing the nature and extent of the injury or illness sufficient to justify such absence. "Immediate family" shall include the father, mother, brother, sister, spouse, domestic partner, child, grandparents, grandchildren, step-parents, or step-children of any employee of the City.

The aggregate number of days of absence for which pay may be allowed under this section shall be included in the number of days for which sick leave with full pay is allowed under Sec. 4.126 of this Code.

(b) The definition of "domestic partner" shall be two persons who declare that:

(1) They currently reside in the same household, and have been so residing for the previous 12 months; (2) They share the common necessities of life; (3) They have a mutual obligation of support, and are each other's sole domestic partner; (4) They are both over 18 years of age and are competent to contract; (5) Neither partner is married; (6) Neither partner is related by blood to the other; and (7) They agree to notify the appropriate City Department within 30 days if any of the above facts change.

SECTION HISTORY

Based on Ord. No. 89100 amended by Ords. Nos. 123263 and 137896. Amended by: Ord. No. 140,780, eff. 7-31-70; Ord. No. 155,667, eff. 7-31-81, oper. 7-1-81.

DISCUSSION DRAFT ONLY

Sec. 4.127.1 Allowances for Leave because of Family Deaths.

(a) Except as otherwise provided by Memoranda of Understanding and implemented by the City Council, in addition to all other sick leave allowed under this article, any employee who is absent from work by reason of the death of a member of his immediate family shall, upon the approval of the appointing authority or the agent thereof designated to determine such matters, be allowed leave of absence with full pay for a maximum of three working days for each occurrence of a death in the employee's immediate family. Such employees shall furnish a death certificate or other satisfactory proof of the death to justify the absence. "Immediate family" shall include the father, father-in-law, mother, mother-in-law, brother, sister, spouse, domestic partner, child, or any relative who resided in the employee's household. For the purpose of this section, simultaneous, multiple family deaths will be considered as one occurrence.

(b) The definition of "immediate family" shall include grandparents, grandchildren, step-parents and step-children for non-represented employees.

(c) The definition of "domestic partner" shall be two persons who declare that:

(1) They currently reside in the same household, and have been so residing for the previous 12 months; (2) They share the common necessities of life; (3) They have a mutual obligation of support, and are each other's sole domestic partner; (4) They are both over 18 years of age and are competent to contract; (5) Neither partner is married; (6) Neither partner is related by blood to the other; and (7) They agree to notify the appropriate City Department within 30 days if any of the above facts change.

SECTION HISTORY

Based on Ord. No. 89100 amended by Ord. No. 137896.
Amended by: Ord. No. 140780, eff. 7-31-70; Ord. No. 153,343, eff. 7-1-80, oper. 7-1-80.

(Rev. 10-31-91)

DISCUSSION DRAFT ONLY Attachment III

CITY OF LOS ANGELES

DOMESTIC PARTNERSHIP INFORMATION SHEET

The City of Los Angeles has adopted a policy extending certain benefits to the domestic partners of its employees. These benefits currently are limited to family sick leave and bereavement leave. Employees will be informed as additional benefits become available to domestic partners. To obtain domestic partner coverage, both the City employee and the domestic partner must attest to certain facts by completing and signing the attached Affidavit of Domestic Partnership. Signing the Affidavit will grant City leave benefits. Included within this Affidavit is a declaration of responsibility by the signing parties for their common welfare. It should be noted that this declaration may have potential legal implications under California law which has recognized that non-marital cohabiting couples may privately contract with respect to the financial obligations of their relationship. If you have questions regarding the potential legal effects of signing the Domestic Partnership Affidavit, you should consult an attorney. If you have other questions, please call the Employee Benefits Administrator, 485-2048.

Domestic Partnership Information

For the purpose of the City of Los Angeles leave benefits, "domestic partnership" shall exist between two persons regardless of their gender and each of them shall be the "domestic partner" of the other if they both complete, sign, and file with the Employee Benefits Office, Personnel Department an "Affidavit of Domestic Partnership" which includes the following statements":

a. the two parties have resided together for at least one year and share the common necessities of life;

b. the two parties are: not married to anyone, eighteen (18) years or older, not related by blood closer than would bar marriage in the State of California, and mentally competent to consent to contract;

c. the two parties declare that they are each other's sole domestic partner and they are responsible for their common welfare;

d. the two parties agree to notify the employer with whom the "Affidavit of Domestic Partnership" is filed if there is any change in the circumstances attested to in the affidavit;

e. the two parties affirm, under penalty of perjury, that the assertions in the affidavit are true to the best of their knowledge.

A member of a domestic partnership may end said relationship by filing a statement with the Employee Benefits Office, Personnel Department. In the statement the individual filing must affirm, under penalty of perjury, that: 1) the partnership is terminated, and 2) a copy of the termination statement will be mailed to the other partner unless both have signed the termination statement.

No individual who has filed an Affidavit of Domestic Partnership may file another such affidavit until twelve (12) months after a statement of termination of the previous partnership has been filed with the Employee Benefits Office, Personnel Department.

Any person, employer or company who suffer any loss because of a false statement contained in an Affidavit of Domestic Partnership may bring a civil action to recover their losses, including reasonable attorney's fees.

DISCUSSION DRAFT ONLY Attachment IV

C O N F I D E N T I A L

CITY OF LOS ANGELES
AFFIDAVIT OF DOMESTIC PARTNERSHIP

I, _____, certify that:
Name of Employee (Print)

1. I, _____, and _____
Employee (Print) Domestic Partner (Print)

reside together at _____ and
Address

share the common necessities of life.

2. We affirm that the effective date of this domestic partnership is _____.
Date

3. We are not married to anyone.

4. We are at least eighteen (18) years of age or older.

5. We are not related by blood closer than would bar marriage in the State of California and are mentally competent to consent to contract.

6. We are each other's sole domestic partner and are responsible for our common welfare.

7. We agree to notify the City if there is any change of circumstances attested to in this Affidavit within thirty (30) days of change by filing a Statement of Termination of Domestic Partnership. Such termination statement shall be on a form provided by the City and shall affirm under penalty of perjury that the partnership is terminated and that a copy of the termination statement has been mailed to the other partner.

8. After such termination I, _____, understand
(Employee)
that another Affidavit of Domestic Partnership cannot be filed until twelve (12) months after a statement of termination of the previous partnership has been filed with the Employee Benefits Office.

9. We understand that any persons/employer/company who suffer any loss because of a false statement contained in an Affidavit of Domestic Partnership may bring a civil action against us to recover their losses including reasonable attorney's fees.

10. We provide the information in this Affidavit to be used by the City for the sole purpose of determining our eligibility for domestic partnership benefits. We understand that this information will be held confidential and will be subject to disclosure only upon our express written authorization or pursuant to a court order.

11. We affirm, under penalty or perjury, that the assertions in this Affidavit are true to the best of our knowledge.

Date	Signature of Employee
Date of Birth	
Date	Signature of Domestic Partner
Date of Birth	

DISCUSSION DRAFT ONLY Attachment V

TERMINATION OF DOMESTIC PARTNERSHIP

I, _____, request removal of my domestic partner, _____ effective _____.

I understand that I will not be able to apply for another domestic partner coverage until twelve months have passed.

_____
Print Name

_____
Signature

_____
Date

Domestic Partner:

Name: _____

Address: _____

_____

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

Date: May 25, 1988

To: The Governmental Operations Committee

From: Keith Comrie, City Administrative Officer

Subject: EXTENDING FAMILY ILLNESS SICK LEAVE AND BEREAVEMENT LEAVE BENEFITS TO INCLUDE DOMESTIC PARTNERS

At the May 20, 1988 meeting of the Governmental Operations Committee, the City Administrative Officer (CAO) was requested to report back to the Committee on the meet and confer obligation and economic impact of implementing family illness sick leave and bereavement leave benefits that include domestic partners of City employees. This expansion in benefits had been proposed by the Task Force on Family Diversity as one of 110 recommendations contained in its report, "Strengthening Families: A Model for Community Action".

Meet and Confer Obligation

Currently, there are 45 bargaining units in the City of Los Angeles, which have executed separate and independent Memoranda of Understanding (MOU) with the City. The City is required by the Meyers-Milias-Brown Act and its own Employee Relations Ordinance to meet and confer on wages, hours, and conditions of employment with the employee organizations representing each bargaining unit. Because employee benefits, such as sick leave and bereavement leave, are conditions of employment, the City is obligated by statute to bargain with affected employee organizations on any changes to the benefit system. Any effort on the City's part to unilaterally implement such changes would subject it to charges of an unfair employee relations practice and potential litigation.

The present level of family illness sick leave and bereavement leave benefits enjoyed by the City's represented employees is the result of MOU negotiations or past practice dating from years prior to collective bargaining. Consequently, the sick and bereavement leave provisions contained in the various MOU's differ. For example, employees in the Clerical Unit represented by AFSCME have nine days of family illness included in their sick leave benefit, whereas employees in the Equipment Operation and Labor Unit represented by SEIU, Local 347, have only five days. Similarly, the definition of "immediate family" differs among MOU's. Some units have negotiated for an expanded definition under the bereavement leave provisions to include grandchildren, grandparents, step-parents, and/or step-children.

In the event that the City Council elects to pursue this proposal further, it will be necessary for the Council to refer the matter to the Executive Employee Relations Committee in order to provide the CAO with appropriate bargaining instructions. It should be noted that there are a number of multi-year agreements currently in effect, consequently, it may not be practical to address the issue of domestic partnership for all units at this time. Also, no assumption can be made that all employee organizations will be interested in incorporating these changes until meetings are held.

Economic Impact

The true cost of extending family illness sick leave and bereavement leave benefits to City employees with domestic partners is difficult to assess because there is no hard dollar expenditure; the "cost" results from a loss in employee work days or productivity. If average use for other employee groups applies to these employees, work days per year might be lost at a value of $2.3 million. We should not view the proposed benefit expansion as an isolated event with no further financial consequence. Any move toward incorporating domestic partnership into employee benefit coverage will be seen as a move toward the inclusion of domestic partners in health, dental, and life insurance coverage and retirement plan benefits.

Using the Task Force's estimate that 8% of 43,000 employees (including sworn and DWP) have domestic partners, then 3,440 employees would be eligible for expanded benefits. For health insurance, the additional annual cost would be $3.9 - $5.2 million. To adequately evaluate the financial impact on retirement benefits, an actuary study would be required.

Liability Concerns

We are concerned that the proposed Affadavit of Domestic Partnership may carry with it some contractual obligations between the parties and may involve the City. The Termination of Domestic Partnership form suggests a unilateral termination of the relationship. If financial benefits are involved, it may be that the City could be left with some liability should the other party not be agreeable to the dissolution. This aspect of the proposal should be reviewed by the City Attorney.

KC:CC:tm
ER0347

JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney

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May 31, 1988

REPORT NO: R88 0285
MAY 31 1988

REPORT RE:

FEASIBILITY OF ADOPTING A PROPOSAL TO EXTEND FAMILY SICK LEAVE AND BEREAVEMENT LEAVE BENEFITS TO CITY EMPLOYEES WITH DOMESTIC PARTNERS

Honorable Governmental Operations Committee
Room 395, City Hall
Los Angeles, California 90012

(Council File 85-0726 not transmitted herewith)

Honorable Members:

Your Committee has requested a report describing any legal consequences to the City if the Council implements a proposal to extend family sick leave and bereavement leave to City employees with domestic partners. You have also requested suggestions from this office for modifying the supporting affidavit, forms, and ordinance proposed by the Personnel Department in its report of May 17, 1988.

This office has read and considered the proposal of the Task Force on Family Diversity to extend family sick leave and bereavement leave benefits to City employees with domestic partners. We have also read and reviewed the Personnel Department's suggested implementation of the Task Force proposal, in the form of a draft enabling ordinance modifying the City Administrative Code, an affidavit for persons desiring to declare the existence of a domestic partnership under the proposed ordinance, and a set of information forms for distribution to participants and to the general public.

Initially, we stress that the City must meet and confer with recognized employee organizations prior to implementing any change in the wage benefits or terms and conditions of employment of represented City employees. Absent impasse or other basis for not meeting and conferring, an employer commits an unfair employee relations practice under the Meyers-Milias-Brown Act, California Government Code §§3500, et seq. ("MMBA") and under the City's Employer-Employee Relations Ordinance, City Administrative Code §§4.800, et seq. ("ERO"), if it makes any unilateral changes in

conditions of employment, regardless of how beneficial to the interests of employees the changes may be. California Government Code §3505; see Vernon Fire Fighters v. City of Vernon, 107 Cal.App.3d 802, 165 Cal.Rptr. 908 (1980). Federal interpretations of the National Labor Relations Act, to which California courts look for guidance in determining what is meant by the "meet and confer" requirement, Liplow v. Regents of the University of California, 54 Cal.App.3d 215, 126 Cal.Rptr. 515 (1975), are numerous on this issue, with all holding that the unilateral provision of a wage benefit by management violates the collective bargaining requirements of the Act. E.g., Mooney Aircraft, Inc., 138 NLRB 1331, 51 LRRM 1230 (1962); Cutter Boats, Inc., 127 NLRB 1576, 46 LRRM 1246 (1960); see generally, Charles J. Morris, The Developing Labor Law (2d ed., Bureau of National Affairs) at 597-98.

There are two principal reasons why the unilateral provision by management of employee benefits is forbidden. First, by volunteering a benefit to its employees, management creates the illusion that benefits are created by, and flow solely from, the employer, thus reducing in the minds of employees the credibility of its recognized employee organizations. Second, recognized employee organizations, and indeed employees themselves, may not collectively regard benefits in the same light as management does. The benefit conveyed gratuitously today may tomorrow carry a price to labor in the form of the denial of more ardently desired benefits, the denial justified by the costs of supplying the present gratuitous benefit. For these reasons, any ordinance the Council desires on this issue must for the present be limited in its scope to unrepresented employees. The same benefits may be conveyed to represented employees, but only after completing the meet and confer obligations imposed by MMBA and the ERO.

The draft ordinance we have reviewed seeks to alter City Administrative Code §§4.127 and 4.127.1, which govern family illness and bereavement leave benefits, respectively, for non-sworn, non-DWP City employees. If the Council desires similar policy changes for sworn employees, after having met and conferred with the representatives of those employees, equivalent changes will have to be made to City Administrative Code §4.178 for family illness and to §4.179 for bereavement leave.

Within the above parameters this office sees no legal impediment to the modification of the City Administrative Code along the lines suggested by the Personnel Department in its proposed ordinance.

We have suggested certain primarily stylistic changes to the draft affidavit of domestic partnership, and these changes are

attached. Substantively, we have suggested the addition of a statement in the affidavit making clear to potential users of the form the profound legal obligations they may be undertaking upon signing the document. The affidavit makes certain declarations under oath concerning each partner's responsibility for the financial welfare of the other and the sharing by the partnership of the common necessities of life. These declarations could supply evidence supporting the claims of either or both parties in the event of a financial dispute between the domestic partners. This point is made in the information sheet accompanying the affidavit and should be clearly spelled out in the affidavit itself.

The City Administrative Officer's report of May 25, 1988 raises an issue of potential liability to the City arising from the unilateral dissolution of the domestic partnership by one of the partners. This office's review of the proposed affidavit and ordinance does not cause us to share this concern. The affidavit asks each domestic partner to declare under oath the existence of certain facts. By itself, the affidavit does not contractually bind the City to do anything. As noted above, the affidavit may constitute evidence of the existence of the sworn facts in the event of a financial dispute between the domestic partners. The City will be bound to supply benefits, under its ordinances and memoranda of understanding, only if the stated preconditions to supplying the benefits have been met. The termination of the domestic partnership by either partner will absolve the City of further obligations under the domestic partnership provisions of its ordinances and memoranda of understanding. Out of an abundance of caution, however, we have recommended inclusion in the affidavit of a provision disavowing liability by the City if either domestic partner acts to terminate the arrangement.

This office is prepared to assist the Council further if it elects to implement the Task Force proposal.

Very truly yours,

JAMES K. HAHN, City Attorney

By

ROBERT CRAMER,
Assistant City Attorney

RC:mcv
(213) 485-5432

Attachment

DISCUSSION DRAFT ONLY

CONFIDENTIAL

CITY OF LOS ANGELES
AFFIDAVIT OF DOMESTIC PARTNERSHIP

1. ~~I~~ We, _____ and _____
Employee (print) Domestic Partner (print)
reside together at _____ and
Address
share the common necessities of life.

2. We affirm that the effective date of this domestic partnership is
_____.
Date

3. ~~We are not~~ Neither of us is married to anyone.

4. ~~We are~~ Each of us is at least eighteen (18) years of age ~~or older~~.

5. We are not related by blood closer than would bar marriage in the State of California and ~~are~~ each of us is mentally competent to consent to contract.

6. ~~We are each other's~~ Each of us is the sole domestic partner of the other and ~~are~~ each of us is responsible for our common welfare.

7. ~~We agree~~ Each of us agrees to notify the City ~~if there is any change of circumstances attested to in this Affidavit~~ within thirty (30) days of ~~change~~ any change of circumstances attested to in this Affidavit by filing with the Employee Benefits Office a Statement of Termination of Domestic Partnership. Such termination statement shall be on a form provided by the City and shall affirm under penalty of perjury that the partnership is terminated and that a copy of the termination statement has been mailed to the other partner.

8. After such termination I, _____, understand
(Employee)
that another Affidavit of Domestic Partnership cannot be filed until twelve (12) months after a statement of termination of the previous domestic partnership has been filed with the Employee Benefits Office.

9. We understand that ~~any persons/employer/company who suffer~~ if the City suffers any loss because of a false statement contained in an Affidavit of Domestic Partnership, then the City may bring a civil action against us to recover ~~their~~ its losses, including reasonable attorney's fees.

10. We provide the information in this Affidavit to be used by the City for the sole purpose of determining our eligibility for domestic partnership benefits. We understand that this information will be held confidential and will be subject to disclosure only upon our express written authorization or pursuant to a court order.

11. Each of us understands that the information we are providing in this Affidavit may be used by either of us as evidence of the existence of our domestic partnership relationship in subsequent legal proceedings. Each of us understands that before signing this Affidavit we should seek competent legal advice concerning the financial obligations each of us may be undertaking by signing this Affidavit.

12. Each of us agrees that, upon termination of this domestic partnership by either of us, the City, its agencies, officers, and employees are relieved of any obligation to supply domestic partnership benefits to the employee signing this Affidavit under any ordinance or memorandum of understanding.

~~11~~ 13. We affirm, under penalty ~~of~~ of perjury, that the assertions in this Affidavit are true to the best of our knowledge.

Date	Signature of Employee
Date of Birth	
Date	Signature of Domestic Partner
Date of Birth	

GOVERNMENTAL OPERATIONS COMMITTEE

WEDNESDAY - JUNE 1, 1988

9:00 A.M. - ROOM 238 - CITY HALL

MEMBERS: COUNCILMAN MICHAEL WOO, Chairperson
COUNCILWOMAN GLORIA MOLINA
COUNCILWOMAN JOAN MILKE FLORES

(Bill Pruner - Legislative Assistant II - 485-5732)

FILE NO.	SUBJECT

COMMENTS FROM PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

(4)

85-0726 Consideration of report of the Personnel Department regarding the feasibility of adopting a proposal of the Task Force on Family Diversity that the City extend family sick leave and bereavement leave to City employees with domestic partners. (City Attorney and CAO to submit reports).

DISPOSITION_____

THOMAS F. COLEMAN
ATTORNEY AND COUNSELOR AT LAW

CENTER FOR PERSONAL RIGHTS ADVOCACY
POST OFFICE BOX 65756 • LOS ANGELES, CA 90065 • (213) 258-8955

STATEMENT OF THOMAS F. COLEMAN
Before the Government Operations Committee
of the Los Angeles City Council

June 1, 1988

The Task Force on Family Diversity has recommended that the City Council extend family sick leave and bereavement leave to city employees living with domestic partners. This recommendation would be implemented by including "domestic partners" in the list of "immediate family" members eligible for such leaves. Such an amendment of the Administrative Code is long overdue.

Three sections of the final report of the Task Force specifically should be included in the Council file concerning this proposal. I have attached them to my written statement.

The first section, "Public Policy and the Definition of Family," shows how unmarried couples living together in the same household may legally be considered immediate family members. The proposal under consideration by the City Council is consistent with statewide public policy on the definition of family.

The second section, "Domestic Partnership Families," gives an overview of domestic partners as a class of people suffering from much unjust discrimination. Denial of family sick leave and bereavement leave is one such example of discrimination.

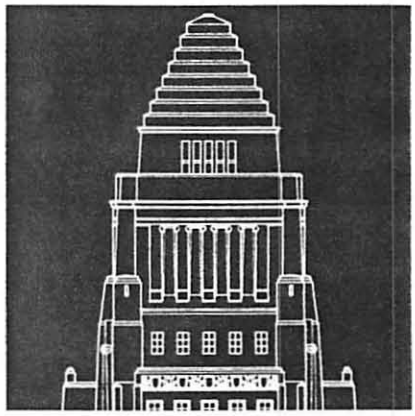
The third section, "City Government — The City as Employer," explains how certain reforms is city employment policies and practices are necessary in order to eliminate discrimination and in order to meet the needs of the diverse family living arrangements of city employees. The most logical place to begin making needed adjustments is in the area of low cost items such as sick leave and bereavement leave.

As principal author of the Final Report of the Task Force on Family Diversity, I urge the members of this Committee and all members of the City Council to swiftly adopt this proposal. In times of medical emergencies and other family crises, the city has been ignoring the needs of nearly five percent of its workforce. This inequity should be immediately rectified.

News

Councilman Michael Woo

City of Los Angeles
13th District



For Immediate Release
Wed., June 1, 1988

Contact: Bill Chandler
(213) 485-3353

WOO'S COUNCIL COMMITTEE APPROVES SICK AND BEREAVEMENT LEAVE FOR DOMESTIC PARTNERS

Councilman Michael Woo's city council committee today approved the proposal to add "domestic partners" to the list of immediate family members eligible for sick and bereavement leave.

"The American family has changed dramatically from the days of the stereotypical family with two parents and two kids. The committee vote today shows that the city will assure that our policies reflect that change," Woo said.

The Personnel Department's report presented today to the Governmental Operations (GO) committee showed said that there is a current inequity in the city's policy which makes no provisions for domestic partners. In addition, the expansion of the "immediate family" would not have a significant financial impact on the city.

This proposal will affect city employees only. Woo hopes that the city can set an example for private sector companies to

(more)

Chair
Governmental Operations Committee

Vice Chair
Planning and Environment Committee

Member
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follow. Los Angeles will become the first major city to push for this domestic partnership provision. The smaller cities of Berkeley, West Hollywood and Santa Cruz have already taken this action.

Domestic partners are described as two adults who reside in the same household, have a mutual obligation of support, and share the common necessities of life.

This proposal was one of 110 recommendations made by the Task Force on Family Diversity, which Woo created in 1985 to look at the problems faced in the city by such families as single-parent families, gay and lesbian couples, immigrant families, and families with seniors or disabled persons.

The GO committee approved the report by a 2-1 vote. Woo and Councilwoman Gloria Molina voted in favor, while Councilwoman Joan Milke Flores voted against it.

The committee recommendation will now go to the full City Council in approximately two weeks.

###

File No. 85-0726

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your GOVERNMENTAL OPERATIONS Committee
Majority Report

reports as follows:

	Yes	No
Public Comments	X	

RECOMMENDATION

In order to extend family sick leave and bereavement leave benefits to City employees with domestic partners in accordance with Recommendation #104 of the Task Force on Family Diversity, the majority members of the Committee RECOMMEND that the following actions be taken:

1. That the City Council APPROVE THE CONCEPT of the inclusion of domestic partners in the definition of "Immediate Family" for family sick leave and bereavement leave allowances requiring a confidential affidavit declaring the existence of a domestic partnership as enumerated in this report.

2. That the matter be referred to the Executive Employees Relations Committee to formulate bargaining instructions for the City Administrative Officer and to report those instructions back to Council.

In connection with the motion proposing the development of an ordinance that would provide domestic partnership status for residents of the City and for all employees of the City, WE FURTHER RECOMMEND that the Council be advised that the Committee has received and noted the report of the Task Force on Family Diversity, as convened by Councilman Woo, entitled "Strengthening Families: A Model for Community Action" containing 110 recommendations with copies being provided City Council members and the Los Angeles City Library Department (Central, City Hall Municipal Reference, and Regional Branch Libraries).

SUMMARY

The Personnel Department has reviewed the feasibility of implementing recommendation No. 104, of the Task Force on Family Diversity, which recommends inclusion of domestic partners as "Immediate Family" for family sick leave and bereavement leave.

Your GOVERNMENTAL OPERATIONS Committee
Majority Report

reports as follows:

As part of this feasibility study, the staff reviewed the Domestic Partnership ordinances adopted by the City of Berkeley, Berkeley Unified School District, and West Hollywood, California, and the proposals currently under review by San Francisco and Madison Wisconsin. Also they reviewed the findings of the Employee Benefits Survey conducted in June 1987, by the Department and the City Administrative Officer, and the Needs Assessment Survey, conducted in March 1987, by the Commission on the Status of Women.

As was pointed out in Council File 85-1888 on Flexible Benefit Programs - Current benefit plans were designed in the 1960s for the typical family of a working husband, non-working wife, and two or more dependent children. However, both Department of Labor statistics and the Employee Benefits Survey results indicate that less than 10% of today's work force fit this model. The majority of workers today are single, two-income couples, singles with dependents, and older employees. "One size fits all" when applied to benefit plans no longer best fits the needs of today's employees.

The Employee Benefits Survey results also indicated that 4.2% of the City civilian labor force of 20,000 live with a domestic partner. This percentage is consistent with the findings of the Commission on the Status of Women's Needs Assessment Survey, and the experience of the City of Berkeley (8%) and the Berkeley Unified School district (5%).

While the Personnel Department will be addressing some of the needs of employees as family needs change with the establishment of a Flexible Benefits Program, family sick leave and bereavement leave are not traditionally covered under such programs.

Although there are no legal requirement for implementing the Task Force's recommendation, there appears to be an equity issue which should be addressed. In the past, the City has broadened the definition of "Immediate Family" to eliminate various inequities. Further, because both family sick leave and bereavement leave have maximum days off established by MOU (family sick leave of five to nine working days depending on the specific MOU and

bereavement leave of 3 working days), the addition of domestic partner to the definition of "Immediate Family" will not have a significant financial impact. It is also noted that usage of family sick leave must be deducted from an existing accumulation of 100% sick leave annual credit.

As a part of the proposal a confidential affidavit would be required to be executed by the two persons desiring to declare the existence of a domestic partnership wherein they would declare under penalty of perjury:

1. They currently reside in the same household, and have been so residing for the previous 12 months;

2. They share the common necessities of life;

3. They have a mutual obligation of support, and are each other's sole domestic partner;

4. They are both over 18 years of age and are competent to contract;

5. Neither partner is married;

6. Neither partner is related by blood to the other;

7. They agree to notify the appropriate City Department within 30 days if any of the above facts change.

8. They understand that another affidavit of Domestic Partnership cannot be filed until 12 months after the execution of a Statement of Termination.

9. They understand certain legal obligations (see next two paragraphs)

The City Attorney indicates that there is no legal impediment to the modification of the Administrative Code along the lines suggested by the Personnel Department in its proposed model of an

implementing ordinance. The City Attorney suggested stylistic changes to the draft affidavit of domestic partnership and suggested the addition of a statement in the affidavit making clear to potential users of the form the profound legal obligations and penalities thereof, they may be undertaking upon signing the document. The affidavit makes certain declarations under oath concerning each partner's responsibility for the financial welfare of the other and the sharing by the partnership of the common necessities of life. These declarations could supply evidence supporting the claims of either or both parties in the event of a financial dispute between the domestic partners. This point is made in the information sheet accompanying the affidavit and should be clearing spelled out in the affidavit itself. The partners are also advised to get legal advice.

The City Attorney does not share the concern raised regarding potential liability to the City arising from the unilateral dissolution of the domestic partnership by one of the partners. The affidavit asks each domestic partner to declare under oath the existence of certain facts. By itself, the affidavit does not contractually bind the City to do anything. The City will be bound to supply benefits, under its ordinances and memoranda of understanding, only it the stated preconditions to supplying the benefits have been met. The termination of the domestic partnership by either partner will absolve the City of further obligations. The affidavit should include a provision, as a precaution, disavowing liability by the City if either domestic partner acts to terminate the arrangement.

The City Administrative Officer indicates as concurred in by the City Attorney that it will be necessary to meet and confer with the 45 employee bargaining units regarding the changes to the employee benefit system and thus the proposal could not be implemented unilaterally. It was noted that the definition of "immediate family" and the number of days available for family illness differs among the MOU's.

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your GOVERNMENTAL OPERATIONS Committee
Majority Report

reports as follows:

The CAO reports that it would be appropriate for the Council to refer the matter to the Executive Employee Relations Committee in order to provide the CAO with appropriate bargaining instructions. It should be noted that there are a number of multi-year agreements currently in effect, consequently, it may not be practical to address the issue of domestic partnership for all units at this time. Also, no assumption can be made that all employee organizations will be interested in incorporating these changes until meetings are held. In addition to the MOU provisions, sections 4.127, 4.127.1, 4.178 and 4.179 of the Administrative Code would need to be modified, as appropriate.

In the City Administrative Officer's report it is estimated that the extension of the subject benefits to the City employees will cost appropriately $2.3 million annually, primarily in "soft" dollar cost (loss in employee work days or productivity without a replacement). This is based on an average use for other employee groups and the Task Force estimate that 8% of 43,000 employees (civilian, sworn and Department of Water and Power) have domestic partners.

Your majority members concurred with the intent of recommendation #104 of the Task Force on Family Diversity and has submitted the matter for Council consideration.

Respectfully submitted,

GOVERNMENTAL OPERATIONS COMMITTEE
(Majority Members)

CBP:ca:mcg
6-14-88

File No.: 85-0726

	Yes	No
Public Comments	x	

TO THE COUNCIL OF THE CITY OF LOS ANGELES

Your GOVERNMENTAL OPERATIONS COMMITTEE reports as follows (Minority Report):

I RECOMMEND that the City Council receive and file the recommendation of the Task Force on Family Diversity that the City extend family illness sick leave and bereavement leave to City employees with "domestic partners". The City Administrative Officer has indicated the cost of this proposal resulting from a loss in employee work days or productivity would be approximately $2.3 million per year. Also, the CAO reports that any move toward incorporating domestic partnership into employee benefit coverage will be seen as a move toward the inclusion of domestic partners in health, dental, and life insurance coverage and retirement plan benefits. This would represent an additional cost to the City of $3.9 - $5.2 million for the health subsidy alone.

If the Council desires to expand sick leave and bereavement leave, then consideration should be given to exploring the concept of developing a general annual leave policy which would provide employees "generic time-off" to be used by any employee for any purpose without justification. This would be a less complicated and more equitable solution which would permit employees a flexible use of time-off.

The Personnel Department believes that the expanding of benefits to include "domestic partners" is an equity issue. Consequently, the most equitable solution of this issue is to permit a general leave policy which allows employees the flexibility of determining needs based on their own personal situations. A general annual leave program should be considered in conjunction with the evaluation of a proposed Flexible Benefits Program currently being reviewed by the City.

The Governmental Operation Committee received public testimony on this issue indicating that domestic partnership arrangements would be validated through the filing of some type of affidavit. Although the City Attorney has reported that the City will probably not incur any liability through this process, it is clearly not within the purview of local governments to validate personal relationships. Rather, this issue is under the jurisdiction of state government and subject to interpretation of state courts.

Recommendation

That the City Council instruct the City Administrative Officer in cooperation with the City Attorney, to explore the concept of an annual leave to be used by any employee without justification and that this concept be considered as part of the Flexible Benefits Program currently being reviewed by the City.

Respectfully submitted,

GOVERNMENTAL OPERATIONS COMMITTEE
(Minority Member)

Joan Milke Flores

FACTS ABOUT THE DOMESTIC PARTNERSHIP PROPOSAL ON SICK/BEREAVEMENT LEAVE
(See City Council File #85-0726)

A proposal to extend family sick/bereavement leave to city employees with domestic partners has been approved by the Government Operations Committee. It was developed from a two-year study conducted by the Task Force on Family Diversity. The full City Council will vote on the matter in the near future.

The **MAJORITY REPORT** of the Government Operations Committee asks the Council to take the following actions:

> 1. APPROVE THE CONCEPT of the inclusion of domestic partners in the definition of "Immediate Family" for family sick leave and bereavement leave allowances;
>
> 2. Refer the matter to the Executive Employee Relations Committee to formulate bargaining instructions for the City Administrative Officer and to report those instructions back to Council.

The **PERSONNEL DEPARTMENT** has reviewed the proposal and is ready to implement it when the matter is approved by the Council. The department views this as an equity issue, noting that the City has traditionally "broadened the definition of 'Immediate Family' when we became aware of an inequity." The department estimates that about 4.2% of the city workforce will directly benefit from the proposal. Based on the experience of the City of Berkeley, which adopted a similar proposal in 1984, the department believes that adoption of the measure by the City of Los Angeles will not result in a significant financial impact. The department has developed a mechanism to implement the measure.

The **CITY ADMINISTRATIVE OFFICER** has emphasized that the proposal is subject to meet-and-confer requirements. The procedure set forth in the majority report of the G.O. Committee effectively handles this concern. The measure will not result in direct expenditures by the city. It is estimated that under the worst-case scenario (8% of workforce using all available sick leave), the proposal will cost the city $2.3 million annually in "soft dollars," i.e. time off.

The **CITY ATTORNEY** has reported that, as long as meet-and-confer requirements are satisfied, there are no legal impediments to the adoption and implementation of the G.O. majority report.

The **COMMISSION ON THE STATUS OF WOMEN** supports the extension of employee benefits to worker's with domestic partners.

The **LABOR UNIONS** representing city employees have been polled and are virtually unanimous in their support of the proposal in the G.O. majority report. No bargaining agent has indicated opposition.

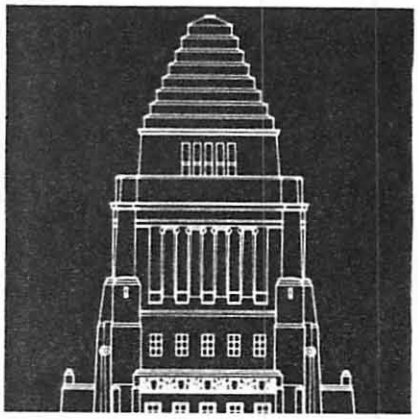
The MINORITY REPORT of the Government Operations Committee proposes a radical restructuring of the city's leave policies. It would change the current policy of leave-with-proper-justification to a new policy of leave-without-justification. The fiscal impact of such a drastic policy change is unknown. The proposal in the minority report is inconsistent with the city's traditional response of expanding the definition of "immediate family," for purpose of sick and bereavement leave, on a step-by-step basis as the need is demonstrated.

Analysis by: Thomas F. Coleman, Esq.
Special Consultant, Task Force on Family Diversity

News

Councilman Michael Woo

City of Los Angeles
13th District



For immediate release
Oct. 5, 1988

CONTACT: Julie Jaskol
(213) 485-3353

COUNCIL VOTES TO KEEP IT ALL IN THE FAMILY

The City Council voted 10 to 2 today to include domestic partners in the definition of "Immediate Family" when granting sick or bereavement leaves for city employees. This means that city employees will be granted leave for the death or illness of their unmarried partners, just as city employees are currently granted leaves for the death or illness of their spouses.

The vote makes Los Angeles by far the largest city in the country to grant such leaves. Previously West Hollywood, Berkeley, Santa Cruz, and Madison, Wisconsin, have adopted similar policies.

The recommendation to recognize domestic partnerships came out of the Task Force on Family Diversity, convened by Councilman Michael Woo in 1986 to study the changing nature of Los Angeles families. After two years of study, the task force concluded that fewer than 10 percent of LA households conformed to the traditional model of working father, homemaking mother, and two kids, while 21 percent of LA's households consisted of unmarried

-more-

Chair
Governmental Operations Committee

Vice Chair
Planning and Environment Committee

Member
Transportation and Traffic Committee

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Studio City, CA 91604
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adults living together.

"The old stereotypes no longer hold true for most of us," said Woo. "It's time the city woke up and recognized that times have changed, and so have families. With this vote the city can offer employment benefits that actually benefit today's families."

The city's personnel department estimates that nearly 5 percent of the city's workforce live in domestic partnerships, both heterosexual and homosexual.

In order to qualify as a domestic partnership, a couple would have to sign a confidential affidavit on file at the city personnel office that says they have lived together for the previous 12 months, have a mutual obligation of support, share the common necessities of life, are each other's sole domestic partner, are not related by blood, and neither partner is married.

The Service Employees Association Local #347 and other city employee labor unions support the recommendation, as does the Commission on the Status of Women, and the Municipal Elections Committee of Los Angeles.

"By implementing this recommendation we are making a commitment to support LA's families in all the forms they take today," said Woo. "I hope other employers will follow the city's example. Today's families need all the help they can get, and I'm glad the city can lead the way."

The Los Angeles Daily Journal

Thursday, October 6, 1988

Spouse Benefits Extended to 'Domestic Partners'

By G.M. BUSH

Despite warnings of grave social costs, the Los Angeles City Council voted Wednesday to include "domestic partners" in the "immediate family" category under which city employees are granted bereavement and sick leave.

Under the plan, a domestic partner could be a close friend, a common-law spouse or a homosexual lover. To qualify, a confidential affidavit would be filed with the city declaring the person's identity.

Councilman Ernani Bernardi strongly objected to the measure, which he characterized as a "gay ordinance."

After a discussion of potential cost of the proposal, he said money is not the issue, but rather that "it goes beyond what is considered to be the normal relationship between a male and a female."

"This is a major change," he said. "It's the social costs; that's my problem.

The council, however, voted 11-2 in favor of the proposal. The concept will be presented to employee unions in contract talks.

The length of a potential leave would depend on the employee's particular job and Memorandum of Understanding contract. City law allows up to five days off for an illness of a family member and three days bereavement leave.

Last year, an Employee Benefits Survey conducted by the city found that approximately 4.2 percent, or 840, of the city's 20,000 civilian employees live with a domestic partner.

The proposal adopted by the council was supported by the two-person majority of the council's Governmental Operations Committee: Councilman Michael Woo, the committee chairman, and Councilwoman Gloria Molina.

Their majority report to the full council said current employee benefit plans were "designed in the 1960s for the typical family of a working husband, non-working wife, and two or more dependent children."

Now, however, fewer than 10 percent of the workforce fits this model. "The majority of workers today are single, two-income couples, singles with dependents, and older employees. 'One size fits all' when applied to benefit plans, no longer best fits the needs of today's employees," the report stated.

Feasibility Study

The report was based in part on a feasibility study conducted by the Personnel Department that included a review of domestic partnership ordinances already adopted by the cities of Berkeley and West Hollywood and the Berkeley Unified School District. Proposals now under review in San Francisco and Madison, Wisc., also were studied.

The committee's third member, Councilwoman Joan Milke Flores, opposed the plan, noting that the city administrative officer had reported that the inclusion of domestic partners in employee benefits would be seen as a move toward incorporating them in health, dental, insurance and retirement benefits.

She also cited the high cost of the program, again relying on data from the CAO, which concluded that extending bereavement and sick leave benefits to domestic partners would cost about $2.3 million annually.

Councilman Joel Wachs challenged this figure, saying employees would not receive any additional time off.

Granting health benefits to domestic partners would cost the city anywhere from $3.9 million to $5.2 million a year, Flores said.

When the matter came before the committee for consideration, those who testified said they planned to seek extension of other benefits to domestic partners in the future, she said.

Instead of expanding sick and bereavement leave, the council should consider a "generic time-off" plan "to be used by any employee for any purpose without justification," she said, calling this approach "less complicated and more equitable."

Woo called this proposal "potentially much more expensive to the city."

Flores strongly objected to the confidential affidavits that would be needed to validate domestic partner relationships. "Although the City Attorney has reported that the City will probably not incur any liability through this process, it is clearly not within the purview of local governments to validate personal relationships," she said in her minority report.

The proposal was one of 110 recommendations of the Task Force on Family Diversity in a report issued in May, "Strengthening Families: A Model for Community Action."

The 37-member blue-ribbon task force was convened by Woo and included representatives of Los Angeles' legal, religious, educational and business communities. Parents, students and governmental employees also were included.

The report was written by attorney Thomas F. Coleman, the panel's principal consultant.

LOS ANGELES
Herald Examiner

What makes a family?

It's a question the L.A. City Council is asking, and bungling, with its decision to grant leave to city employees who must deal with the illness or death of a "domestic partner." The city has an opportunity to produce a more humane definition of "family," but it won't do so with this poorly constructed piece of legislation. As it stands, it could be even more unfair than the traditional rules it would replace.

It's important to note that the council's vote Wednesday, which has to be ratified in a second vote, extended only leave benefits — and only affects city employees. But in other communities that have made similar moves, it's been a first step toward extending all benefits, especially health insurance, to persons sharing households who don't fit the traditional family mold. It's the thin end of a very effective wedge.

The new criteria for being a domestic partner include the requirement that the couple has lived together for 12 months. Why that period? There are married parents of shorter acquaintance.

The couple also has to have a "mutual obligation of support" and "share common necessities." Not only is that vague, but many married folks can't make those claims, while some friends and neighbors can. In addition, both halves must be each other's sole domestic partner and neither can be married, nor can they be related by blood.

Once the health insurance benefits start creeping in, and they will, then left out under these rules will be domestic partners who happen to be the siblings or parents of the worker. A single mother whose own elderly mother runs the home and watches the kids wouldn't be able to get her parent covered, despite the valuable service provided. But meanwhile a man's live-in lover who doesn't contribute to the upkeep of the home would be included. Fair? No.

Many would argue that the one sure way to keep this situation from getting too confused and unfair is to limit benefits to married couples. But that restriction just doesn't allow for changes in the American family. For instance, no system is reasonable that would deny a single parent the ability to earn benefits for a family member helping out at home. The more logical way to determine who should be considered part of the family is whether or not the individuals actually form an economic unit that supports, and runs, a household. And do they take responsibility for each other?

That's not a perfect way to decide who gets to share an emloyee's benefits, but it's a much more equitable formula. The city should look again at the family.

TO: Eric Schockman
Tom Coleman
Chris McCauley
Nora Baladerian

FROM: Larry Kaplan

RE: Attached

DATE: 10/26/88

Attached is the staff report on its recommendations to the Executive Employee Relations Committee from the CAO on implementation of the Council's action approving sick and bereavement leave for domestic partners.

Jerry Selmer, of the CAO's office, handed this to the Councilman today asking for a response by tomorrow afternoon for their meeting Friday morning. I called Selmer and told him to have the item continued for a week or two until our staff and advisors could analyze their recommendations and make an appropriate response. He agreed to do that.

Mike commented to me that he believes these recommendations to be unacceptable. Please look at them and let me know what we should do. We should talk by next week the latest. Thanks.

cc: Councilman Woo

FORM GEN. 160 (Rev. 11-60)

DRAFT

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

CONFIDENTIAL

Date:

To: The Executive Employee Relations Committee

From: Keith Comrie, City Administrative Officer

Subject: DOMESTIC PARTNERSHIP BENEFITS (C.F. NO. 85-0726)

On October 5, 1988, Council adopted the majority report of the Governmental Operations Committee recommending that family illness sick leave and bereavement leave benefits be expanded to include "domestic partners" of City employees. Specifically, the report recommended that domestic partners be included in the definition of "immediate family" for family illness and bereavement leave allowances and that a confidential affidavit be required to declare the existence of domestic partnerships. The matter has been referred to your Committee for formulation of bargaining instructions to the CAO.

In the past we have expressed concern that incorporating domestic partnership into employee benefit coverage will increase the potential for domestic partners to be included in health, dental, and life insurance coverage and retirement plan benefits. Granting such benefits would be very costly.

We believe that alternative language can be included in Memoranda of Understanding (MOU) that allows for inclusion of employees' domestic partners in their family illness and bereavement leave benefits, but at the same time reduces the City's vulnerability to granting future benefits in the costly areas of health care and retirement benefits.

We have found that the State of California has accomplished this dual goal by not specifically mentioning "domestic partners" in its MOU provisions governing family illness and bereavement leave benefits. Instead, it extends family illness to include "any person residing in the immediate household of employee." For bereavement leave, time off is provided for the death of "any person residing in the immediate household of employee at the time of death."

It is our opinion that similar language could be utilized in MOU's between the City and the various employee organizations. Using the more generic language in MOU provisions will eliminate the need to establish evidence of domestic partnership through affidavit. A cumbersome aspect of extending benefits to include domestic partners of City employees is the verification of domestic partnership relationships. As Council's recommendation stands now, to qualify for expanded family illness and bereavement leave benefits, a City employee would be required to declare in a

confidential affidavit that a domestic partnership exists based on specific criteria. Further, an employee would be required to file a Statement of Dissolution when the relationship ends and would be prohibited from declaring another domestic partnership until 12 months has elapsed since the dissolution. **Clearly this places an administrative burden on management to verify if an employee is eligible to take time off on behalf of a domestic partner and at the same time maintain confidentiality.** In addition, employees may be reluctant to avail themselves of the new benefit when faced with the possibility of filing a quasi-legal document with the City establishing their domestic "status".

Based on the above, it is recommended that your Committee instruct the CAO to negotiate with employee organizations over expanded family illness and bereavement leave benefits to include any person residing in the employee's immediate household at time of illness or death. In order to have a standard policy within the City, it is also recommended that the Board of Water and Power Commissioners be advised to adopt the same provisions for its employee benefit package.

CC:tm
ER0463

FORM GEN. 160 (Rev. 6-80)

CITY OF LOS ANGELES

INTER-DEPARTMENTAL CORRESPONDENCE

DRAFT

CONFIDENTIAL

Date:

To: The Executive Employee Relations Committee

From: Keith Comrie, City Administrative Officer

Subject: DOMESTIC PARTNERSHIP BENEFITS (C.F. NO. 85-0726)

On October 5, 1988, Council adopted the majority report of the Governmental Operations Committee recommending that domestic partners be included in the definition of "immediate family" for family illness and bereavement leave allowances and that a confidential affidavit be required to declare the existence of "domestic partnerships." The matter has been referred to your Committee for formulation of bargaining instructions to the CAO.

As you know, the City must be concerned that incorporating domestic partnership into this benefit coverage could increase the potential for domestic partners to be included in health, dental, and life insurance coverage and retirement plan benefits. Granting such benefits would be very costly.

In view of the above, at your October 28, 1988 meeting, we provided your Committee with a report (copy attached) which recommended an alternative approach to the provision of sick and bereavement leave benefits. This approach, based on that used by the State of California, does not specifically mention "domestic partners" but rather extends family illness to include "any person residing in the immediate household of employee." For bereavement leave, time off is provided for the death of "any person residing in the immediate household of employee at the time of death." We believe such alternative language could be incorporated into City Memoranda of Understanding (MOU's) thus granting the specific benefit but at the same time reducing the City's vulnerability for future inclusion of other benefits.

At the meeting, this Office requested that the matter be continued. Councilman Woo, the sponsor of the domestic partner concept, had been provided with an advance copy of our alternative report but requested additional time for review and comment.

Recently my staff met with representatives of Councilman Woo. They do not believe that the CAO report provides a satisfactory alternative for the following reasons:

1. It is not consistent with Council's intent when it adopted the Governmental Operations Committee's majority report. That action not only extended the sick and bereavement leave benefits, but also established the concept of "domestic partner."

   CAO Comment: Our view was that provision of the benefit was the key issue and that the domestic partner concept was merely one approach to meet this goal.

2. The CAO's approach would result in additional costs to the City since the proposed language would not be specific as to what person the benefits would be extended to--it could be a cousin, or even a close friend, rather than limited to a domestic partner.

   CAO Comment: We concur that the cost could be higher, but believe it would be minimal especially when compared to the cost extending of other benefits.

3. Discussions with representatives of the Personnel Department and the City Attorney indicate that there is no "burdensome process" involving the affidavit procedure, nor any more need to verify "domestic partner" relationships than there is to verify a marriage relationship.

   CAO Comment: We believe that the requirement that an employee file a confidential affidavit of a domestic partnership based on specific criteria might be a deterrent for some employees. Further, the new procedure, even without verification, is an additional administrative burden, the degree of which can only be determined after some experience. Finally, while our Attorney may opine that there is a limited legal relationship established by the quasi-legal affidavit document, the matter is always open to court interpretation.

4. The matter of any future extension of benefits to domestic partners is, as discussed by Council, a policy issue to be resolved by the Council at the appropriate time. The CAO should not limit the Council's flexibility by establishing a procedure which does not mention domestic partnerships.

   CAO Comment: The matter is clearly a policy issue, but we do not believe the approach as used by the State of California would reduce Council's decision making authority. The Council could make any change it considers appropriate at any time it wishes.

This report has been reviewed by Councilman Woo and it correctly states his position. We wanted to be certain that your Committee has his point of view.

KC:TRS:ar/trs

Attachment

July 31, 1989

L.A. Considers Les/Gay Benefits

Domestic Partners Leave a Union Issue

by Keith Clark

LOS ANGELES—Municipal employee union leaders are negotiating with Los Angeles city administration officals here over an innovative extended family leave benefits package that would allow some city employees up to four months of unpaid time off to care for newborn or newly adopted children, or to care for severely ill family members or domestic partners. The city benefits package will, during the course of union contract negotiations over the next few years, eventually be offered to various unions representing the more than 45,000 Los Angeles city employees.

Assistant city administrative officer Tom Sisson, whose employee relations office represents the city in negotiations with unions, said the American Federation of State County and Municipal Employees (AFSCME) and other local municipal unions were examining the city's benefits package for upcoming contracts. The Los Angeles city council in mid-July approved the extended leave benefits proposal. AFSCME local 3090 president Betty Ballard said, "We are completely in support of extended leave benefits for domestic partners." Ballard added, "I don't know of any of the local city employee unions (in Los Angeles) who are opposed to the domestic partners extended leave benefits."

The innovative program would allow both men and women to take up to four months time off from their jobs to care for a newborn infant or to be with a newly adopted child. It also would allow city employees to get the same extended unpaid leave to care for a sick family member or domestic partners if domestic partner affidavits are on file with the city government.

Although the program offers unpaid leave only after an employee has used up all available vacation and personal time off, the city would continue to pay health insurance benefits during the period. To insure confidentiality, information on employees' domestic partnerships would not be available to supervisors or department heads. The city's employee benefits section, where the affidavits would be kept on file, would process requests for extended leave instead of supervisors. In the past, requests for any extended leave has been entirely at the discretion of managers and supervisors.

Officials at the League of California Cities said the Los Angeles benefits program is the first in the nation to offer such extended leave. Sheri Erlewine of the League said, "This is a thing more and more cities are looking at to keep high-caliber, quality employees in city government."

Thomas Coleman, principal consultant for the Los Angeles City Task Force on Family diversity, said, "Several unions are in the process of meeting with [city] management representatives about upcoming contracts that involve issues concerning domestic partners' benefits, including the extended leave." But Coleman added that the recent change in city policy was "only a benefits package subject to the collective bargaining process" and not a regulation the city was forcing on employees.

—filed from San Francisco

Y OF LOS ANGELE:
CALIFORNIA

TOM BRADLEY
MAYOR

THOMAS R. SISSON
STEPHEN WONG
ASSISTANT
CITY ADMINISTRATIVE OFFICE

:o: All Recognized Employee Organizations

Subject: DOMESTIC PARTNERS OF CITY EMPLOYEES - SICK AND BEREAVEMENT LEAVE BENEFITS

The City Council has instructed the City Administrative Officer to negotiate with the City's recognized employee organizations a proposal to include the concept of domestic partners in the family illness sick leave and bereavement leave benefits provided to City employees.

Because these proposed benefit changes affect employees generally, it is requested that joint negotiating sessions be held with all recognized employee organizations, including those representing employees in the Department of Water and Power. (See Section 4.830 a(4) of the Employee Relations Ordinance.)

The initial meeting on this subject has been tentatively scheduled for June 21, 1989 at 9:30 a.m., in Room 1210, City Hall East. In view of the number of bargaining units affected, please limit your organization's participation to one or two representatives.

It is requested that you confirm attendance at this eeting by contacting the CAO's representative Carolyn Cooper : (213) 485-3513.

Very truly yours,

Keith Comrie
City Administrative Officer

:CC:ca

EMPLOYEE ORGANIZATIC

Emp. Organization	Contact	Phone Number	Cont... Expiration	... Partner Proposal
SEIU, Local 347	Michelle Buehler	236-9100	6/30/92	yes
AFSCME*	Cheryl Parisi	386-7672	6/30/90	yes
United Fire fighters (UFLAC)	Don Forrest	489-1300	6/30/92	no
Police Pro. League (LAPPL)	Bill Violante	626-5341	6/30/92	no
LAPMA(Mgmt Unit)	Michael Carey	485-4465	initial contract has yet to be negotiated	no
LACSSA	Michael Berman	485-6885	6/30/92	no
EAA**	Jeanette Ross	413-3304	6/30/92***	no
Port Pilots	Wallace Knox	381-1828	6/30/88	no
Inspectors	Ralph De Simone	(818) 287-6885	6/30/91	no
Paramedics	Fred Hurtado	385-3407	6/30/88	no
Airport Police (LAAPOA)	LaPonda Stanford		6/30/92	no
Local 501	Joe Wetzler	381-1561	12/31/92	no
Building Trades	Pat McGuiness	409 4888	0/31/93	no
Police Command Officers	Cmndr. T. Kramer	485-3277	6/31/92	no

IE represents the Cler: ...nit, Professional M...
and the Librarians Guild

... represents the Administrative, Techni... Professional, Super...
...ical, Sup... ...ssional and Supe... ...its

***The expirat... ...ory ...ract is
6/30/90

KEITH COMRIE
CITY ADMINISTRATIVE OFFICER

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

ROBERT E. C
PHYLLIS E. CU
MARIA TERESA ML
THOMAS R. SISSO
STEPHEN WONG
ASSISTANT
CITY ADMINISTRATIVE OFFICE

November 20, 1990

To: All Recognized Employee Organizations

Subject: **DOMESTIC PARTNERS OF CITY EMPLOYEES - SICK AND BEREAVEMENT LEAVE BENEFITS**

At the request of the City Council, the City Administrative Officer wishes to reconvene the negotiations concerning the concept of domestic partners as it applies to family illness sick leave and bereavement leave benefits of City employees.

A meeting has been tentatively scheduled for Tuesday, December 6, 1990 at 9:00 a.m., in Room 1210, City Hall East.

It is requested that you confirm your attendance at this meeting by contacting the CAO's representative, Terry Luera, at (213) 485-4485.

Very truly yours,

Keith Comrie
City Administrative Officer

KC:MTL:ss

ERD00059

KEITH COMRIE
CITY ADMINISTRATIVE OFFICER

CITY OF LOS ANGELES

CALIFORNIA

ROBERT E. CHASE
PHYLLIS E. CURRIE
MARIA TERESA MUÑOZ
THOMAS R. SISSON
STEPHEN WONG
ASSISTANT
CITY ADMINISTRATIVE OFFICERS

TOM BRADLEY
MAYOR

November 29, 1990

Mr. Thomas F. Coleman
Family Diversity Project

Dear Mr. Coleman:

You are invited to attend a meeting with the City's labor organizations to discuss the domestic partner issue. The meeting is scheduled for Thursday, December 6, 1990 at 9:00 a.m. in Room 1210, City Hall East.

If you have any questions, please contact Terry Luera of my staff at (213) 485-4485.

Very truly yours,

Thomas R. Sisson
Assistant City Administrative Officer

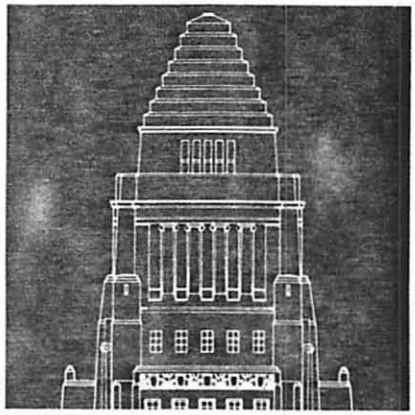
TRS:MTL:ss

ERDX

News

Councilman Michael Woo

City of Los Angeles
13th District



FOR IMMEDIATE RELEASE
March 6, 1991

CONTACT: Julie Jaskol
(213) 485-3353

UNION MEMBERS TO GET DOMESTIC PARTNERSHIP BENEFITS

The City Council today voted to allow members of the International Brotherhood of Electricl Workers, Local 18, to be the first city workers to receive sick and bereavement leave benefits for domestic partners.

A special provision in Local 18's benefits package allows unmarried spouses to take time off for work if their loved one is ill or dies. It is one of the recommendations from the Family Diversity Task Force, established by Councilman Michael Woo in 1985, to study the changing Los Angeles family and determine how the City could best support its families.

"The Task Force found that there are more and more unmarried couples who have made lifelong commitments to each other but aren't married," said Woo. "Those couples are left out in the cold by many City employment policies, including a sick and bereavement leave policy that says you can tend to your dying

Chair
Governmental Operations Committee

Vice Chair
Planning and Environment Committee

Member
Transportation and Traffic Committee

Mailing Address:
City Hall, Room 239
200 North Spring Street
Los Angeles, CA 90012
(213) 485-3353

District Offices:
4640 Hollywood Boulevard
Los Angeles, CA 90027
(213) 485-6471
12229 Ventura Boulevard
Studio City, CA 91604
(818) 989-8099

husband or wife but not your dying lover or life partner."

Woo says City estimates show that about 2,500 City employees, both heterosexual and gay, are living with domestic partners.

"I want to congratulate Local 18 for making this commitment to its members and their families," said Woo. "Local 18 is joining the City Council in demonstrating support for the real American family, even if it no longer fits the old sitcom stereotypes."

There are 8,196 members of Local 18. They include clerical workers, blue collar workers, supervisors, and administrators, all of whom work in the Department of Water and Power.

To qualify as a domestic partner who is entitled to the sick or bereavement leave, a couple would have to file an affidavit that they have lived together for at least 12 months, are sharing expenses and necessities, are each other's sole domestic partner, and are not related by blood.

"I urge other City employee unions to support the family unit by offering the same benefits to their married and unmarried members," said Woo. "I also urge the private sector to follow our lead in offering similar support for the family."

Woo offered thanks as well to the members of the Family Diversity Task Force who have steadfastly pursued their vision of happy, strong, unconventional families. In particular, Woo acknowledged the work of the Task Force's co-chair, Tom Coleman.

"I hope sick and bereavement leave is just the beginning, and that soon employers and insurance companies will be offering

benefits that truly support the family," said Woo. "We need to do all we can to strengthen single parents, step families, gay couples, homeless families, and families with elderly or disabled members."

KEITH COMRIE
CITY ADMINISTRATIVE OFFICER

CITY OF LOS ANGELES

CALIFORNIA

TOM BRADLEY
MAYOR

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MARIA TERESA MUÑOZ
THOMAS R. SISSON
STEPHEN WONG
ASSISTANT
CITY ADMINISTRATIVE OFFICERS

July 31, 1991

Mr. Thomas F. Coleman
Spectrum Institute
P.O. Box 65756
Los Angeles, CA 90065

Dear Mr. Coleman:

Enclosed is the material you requested regarding the recent Council vote on the Clerical and Support Services MOU and particularly, the domestic partner articles within the MOU. If you have any questions, please call Mr. John Lord of my staff at 485-4000.

Sincerely,

Thomas R. Sisson
Assistant City Administrative Officer
Employee Relations Division

TRS:JRL:ss

ERD00228

300 CITY HALL EAST, LOS ANGELES, CALIF. 90012-4190 TEL. (213) 485-2885

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries relative to this matter refer to File No.

91-1064

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - 485-5703
General Information - 485-5705

Pat Letcher
Chief Legislative Assistant

July 25, 1991

Honorable Tom Bradley, Mayor
Board of Civil Service Commissioners
Personnel Department
City Administrative Officer
City Employees' Retirement System
Treasurer
Controller, Room 220
Accounting Division, F & A
Disbursement Division
All City Employees Association

RE: 1990-92 MEMORANDUM OF UNDERSTANDING (MOU) FOR THE CLERICAL AND SUPPORT SERVICES REPRESENTATION UNIT

At the meeting of the Council held July 16, 1991, the following actions were taken:

Attached report adopted	X
" motion " ( )	
" resolution " ( )	
Ordinance adopted	7/23/91
Motion adopted to approve attached report	
" " " " " communication	
To the Mayor FORTHWITH	X
Ordinance number	167122
Publication date	7/26/91
Effective date	7/26/91
Mayor vetoed	
Mayor approved	7/24/91
Mayor failed to act - deemed approved	
Findings adopted	
Mitigated Negative Declaration adopted	
Categorical exemption approved	
General exemption approved	
EIR certified	
Tract map approved for filing with the County Recorder	
Parcel map approved for filing with the County Recorder	
Bond approved	
Bond is No. _____ of Contract	

Elias Martinez

City Clerk
bs

File No. 91-1064

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your HUMAN RESOURCES AND LABOR RELATIONS Committee

reports as follows:

	Yes	No
Public Comments	X	

HUMAN RESOURCES AND LABOR RELATIONS COMMITTEE REPORT and ORDINANCE relative to the 1990-92 Memorandum of Understanding (MOU) for the Clerical and Support Services Representation Unit.

Recommendations for Council Action, as recommended by the City Administrative Officer:

1. APPROVE the Memorandum of Understanding (MOU No. 3) for the Clerical and Support Services Representation Unit for the period July 1, 1990, to June 30, 1992. This MOU provides for a 4% increase effective July 1, 1990, and a 5% increase effective July 1, 1991. There is a special salary adjustment of 10% for the class of Airport Information Aide. Also included is language on domestic partners under the family illness and bereavement leave benefits (Councilmember Flores voting "No" on this provision).

2. PRESENT and ADOPT the accompanying Ordinance implementing the salary and benefit provisions of this MOU.

SUBJECT FILE TO BE TRANSMITTED TO THE MAYOR FORTHWITH

SUMMARY

Agreement has been reached on the 1990-92 Memorandum of Understanding with the Clerical and Support Services Representation Unit. The salary adjustments for these units conform with Mayor/Council bargaining instructions.

The CAO reports that the cost of the increases for the 4,589 employees in this unit is $5,015,116 for 90-91, and $6,519,650 for 91-92.

RCPT.
ADOPTED
JUL 16 1991
LOS ANGELES CITY COUNCIL

Respectfully submitted,

HUMAN RESOURCES AND LABOR RELATIONS COMMITTEE

Joy Picus

Joan Milke Flores

JCB
7-5-91

ORD. OVER ONE WEEK TO July 23, 1991

167122

ORD.
ADOPTED
JUL 23 1991
LOS ANGELES CITY COUNCIL

ITEM(S) # 1

EXCEPT:

	YES	NO
ALATORRE.....		
BERNARDI.....		✓
BERNSON.....		
BRAUDE.....		
FLORES.....		✓
GALANTER.....		
HOLDEN.....		
VACANT.....		
PICUS.....		
RIDLEY-THOMAS....		
WACHS.....		
WALTERS.....		
WOO.....		
YAROSLAVSKY.....		
PRES. FERRARO....		
TOTALS.....	12	2

COMMUNICATION ☐ ORD(S) ☐

COMMITTEE RPT ☐

TRACT MAP(S) # _____ CD _____

PARCEL MAP(S) # _____ CD _____

WITHDRAWN FROM AGENDA: ___
REFERRED TO:

MOTION ☐ AMENDING ☐ SUBSTITUTE ☐

CONTINUED TO:

10 VOTES TO CONSIDER ☐ PUBLIC HEARING: ☐

U.V. ☐ ADOPTED ☑ FAILED ☐

ROLL CALL NO. A

FORTHWITH ☐ TO MAYOR

ORD OVER ☐ DATE: _____

ITEM(S) # _____

COMMENTS: Denise Ruiz
Dennis Porkowsky

2nd reading
Domestic partner
issue
July 23

There was no
written motion to
separate the domestic
partner issue from
the rest of the MOU.
Verbal motion only.

12

EXCEPT:

	YES	NO
ALATORRE.....		
BERNARDI.....		
BERNSON.....		
BRAUDE.....		
FLORES.....		
GALANTER.....		
HOLDEN.....		
VACANT.....		
M PICUS.....		
RIDLEY-THOMAS....		
S WACHS.....		
WALTERS.....		
WOO.....		
YAROSLAVSKY.....		
PRES. FERRARO....		
TOTALS.....	14	—

COMMUNICATION [ ] ORD (#) [X]

COMMITTEE RPT [ ] 2nd Reading

TRACT MAP(S) # _____ CD _____

PARCEL MAP(S) # _____ CD _____

WITHDRAWN FROM AGENDA: ___
REFERRED TO:

MOTION [ ] AMENDING [ ] SUBSTITUTE [ ]

CONTINUED TO:

10 VOTES TO CONSIDER [ ] PUBLIC HEARING: [ ]

ITEM(S) # 7

COMMENTS: Clerical MOU and Bal ord

U.V. [ ] ADOPTED [✓] FAILED [ ]

ROLL CALL NO. 13

FORTHWITH [X] TO MAYOR

ORD OVER [ ] DATE: _____

13

ITEM(S) # 43 COUNCIL ROLL CALL

EXCEPT:

	YES	NO
ALATORRE.....		
BERNARDI.....		✓
BERNSON.....		
BRAUDE.....		
FLORES.....		✓
GALANTER.....		
HOLDEN.....		
VACANT.....		
M PICUS.....		
RIDLEY-THOMAS....		
S WACHS.....		
WALTERS.....		
WOO.....		
YAROSLAVSKY.....		
PRES. FERRARO....		
TOTALS.....	11	2

COMMUNICATION [ ] ORD(S) [X]

COMMITTEE RPT [X] Hrgs

TRACT MAP(S) # _____ CD _____

PARCEL MAP(S) # _____ CD _____

WITHDRAWN FROM AGENDA: ___
REFERRED TO:

MOTION [ ] AMENDING [ ] SUBSTITUTE [ ]

CONTINUED TO:

10 VOTES TO CONSIDER [ ] PUBLIC HEARING: [ ]

ITEM(S) # 43

COMMENTS:

U.V. [ ] ADOPTED [✓] FAILED [ ]

ROLL CALL NO. #-

FORTHWITH [X] TO MAYOR

ORD OVER [X] DATE: 7-23-91

1st reading ord.
July 16
Committee report adopted. Ord held over 1 week.

B. Sick Leave Allowance - Part-Time Employees

Notwithstanding Sections 4.126 and 4.126.1 of the Los Angeles Administrative Code, half-time employees as defined by Article 51.1.A. of this Memorandum of Understanding must complete a period of six consecutive months of service, and have been compensated for at least 500 hours before qualifying for sick leave. Upon completion of said qualifying period, a half-time employee will be allowed sick leave prorated on the basis of total number of hours scheduled in relationship to the total number of hours required for full-time employment.

Intermittent employees as defined by Article 51.1.B. of this MOU shall not be entitled to accrue or use sick leave benefits.

When a full-time or half-time employee becomes an intermittent employee, all accrued and accumulated sick leave for which he/she has been credited shall remain credited to the employee but frozen in the amounts so accrued and accumulated without increase or decrease because of the change in work schedule. Such benefits may only be used if the employee becomes a half-time or full-time employee.

An intermittent employee who becomes a full-time or half-time employee, who has not previously qualified for sick leave benefits as a full or half-time employee, shall be required to complete the six month qualifying period and to have been compensated for at least 500 hours in accordance with this Article.

C. Allowance for Sick Leave for Pregnancy

Notwithstanding Section 4.126.2, every full-time and half-
Department of the City shall be entitled to use sick leave a
Article if that employee is unable to work on account of her p
related medical conditions.

Clerical MOU
Articles 37 + 38

ARTICLE 37 FAMILY ILLNESS

Management's present practices of allowances for leave for illness in family will be continued during the term of this Memorandum of Understanding, except that the aggregate number of working days allowed in any one calendar year with full pay shall not exceed twelve (12) days. Such practice of allowance for leave of illness in family shall be in accordance with Section 4.127 of the Los Angeles Administrative Code. Notwithstanding Section 4.127, the adoption of a child will be a permissive twelve (12) day family illness use of sick leave.

Operative upon the effective date of this MOU, and notwithstanding Section 4.127 of the LAAC, the definition of "immediate family" shall include the domestic partner of the employee or a household member.

Any employee claiming a domestic partner for purposes of this Article shall complete a

confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee only, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure family illness benefits arising from the illness or injury of a household member (any person residing in the immediate household of the employee at the time of the illness or injury). By extending to an employee the specific benefits defined by this Article, the City does not intend to confer or to imply any other unspecified benefits to such employee, or to the employee's domestic partner, or to the employee's household members, or to any other person.

ARTICLE 38 BEREAVEMENT LEAVE

Management's present practices with regard to allowances for leave because of family deaths will be continued during the term of this Memorandum of Understanding. Such practices of allowances for leave because of family deaths shall be in accordance with Section 4.127.1 of the Los Angeles Administrative Code.

For the purposes of this Article, the definition of an immediate family member, as defined in Section 4.127.1 of the LAAC, shall include the father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, grandparents, grandchildren, step-parents, step-children, great-grandparents, foster parents, foster children, or any relative who resided in the employee's household.

Intermittent employees as defined by Article 51.1.B. of this MOU shall not be entitled to compensated leave because of family deaths.

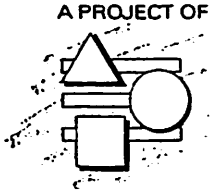
Operative upon the effective date of this MOU, and notwithstanding Section 4.127.1 of the LAAC, the definition of "immediate family" shall include the domestic partner of the employee, or a household member.

Any employee claiming a domestic partner for purposes of this Article shall complete a confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee only, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure bereavement leave benefits arising from the death of a household member (any person residing in the immediate household of the employee at the time of death). By extending to an employee the specific benefits defined by this Article, the City does not intend to confer or to imply any other unspecified benefits to such employee, or to the employee's domestic partner, or to the employee's household members, or to any other person.

ARTICLE 39 MILITARY LEAVE

Management's present practices with regard to military leave with pay will be continued during the term of this Memorandum of Understanding. Such practices shall be in accordance with Section 4.123 of the Los Angeles Administrative Code.

FAMILY DIVERSITY
A PROJECT OF SPECTRUM INSTITUTE



October 28, 1991

Hon. Michael Woo
City Hall
Los Angeles, CA 90012

Re: Sick Leave and Bereavement Leave for City Employees

Dear Councilman Woo:

I am writing to request your leadership in continuing to move the domestic partnership agenda forward one more step.

Due to your efforts, two of the largest unions have now signed contracts with the city which have expanded definitions of "family" for purposes of sick and bereavement leave. The contract with the International Brotherhood of Electrical Workers allows for leave when a domestic partner passes away or is ill. The AFSCME contract provides a broader definition of "family" which includes both a domestic partner and a household member.

With your continuing leadership, these rights can be extended to city employees who are <u>not represented by unions</u>. Managers and other non-represented employees also need this type of protection.

I would urge you to begin the process of amending the City Administrative Code to match the AFSCME contract's provision granting sick and bereavement leave for domestic partners and household members. This would be similar to the California Administrative Code section 599.745.1(a)(4) definition of sick leave for non-represented state employees which also includes "any person residing in the immediate household of the employee," and Government Code section 19859.3 which has a similar definition for bereavement leave for state workers.

P.O. BOX 65756
LOS ANGELES, CALIFORNIA 90065
(213) 258-8955/FAX (213) 258-8099

The addition of this language will insure that all employees are entitled to the same treatment. It would also mean that the family relationships of employees who are not represented by unions will be treated with respect.

I would appreciate being kept up to date with the developments that your office makes in this regard.

Yours truly,

THOMAS F. COLEMAN
Executive Director

cc: Eric Shockman
Vicky Rideout
City Attorney James Hahn

TFC:zz

Councilman Michael Woo

City of Los Angeles
13th District

November 20, 1991

Mr. Thomas F. Coleman
Executive Director
Family Diversity
P.O. Box 65756
Los Angeles, CA 90065

Dear Tom:

Thank you so much for your recent communication to my office and for your excellent legislative suggestions for continuing the implementation of certain recommendations of the Task Force on Family Diversity.

As you know my legislative plate is quite full at this time and I must defer for a later period certain recommendations. I am however committed in the near future to plug up the "loop-holes" in the city-contract and non-discrimination ordinance and will call upon you and the Task Force for assistance.

Thanks again for all your "creative juices" and diligent efforts. I applaud all the hard work the Family Diversity project has put forth.

Sincerely,

Mike Woo

MICHAEL K. WOO
Councilman

MKW:ESsc

Chair
Governmental Efficiency Committee

Vice Chair
Public Works Committee

Member
Community Redevelopment and Housing Committee

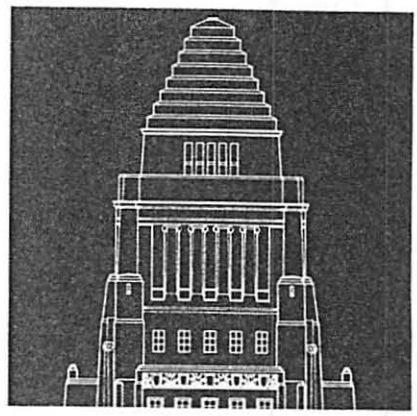
Mailing Address:
City Hall, Room 218
200 North Spring Street
Los Angeles, CA 90012
(213) 485-3353

District Offices:
4640 Hollywood Boulevard
Los Angeles, CA 90027
(213) 485-6471
12229 Ventura Boulevard
Studio City, CA 91604
(818) 989-8099

Councilman Michael Woo

City of Los Angeles
13th District

May 12, 1992



Tom Coleman
[redacted]
Los Angeles, CA 90065

Dear Mr. Coleman:

Governor Wilson's veto of AB 101 was a powerful reminder that we can't afford to let up one bit in our pursuit of a positive human rights agenda for the gay and lesbian community.

We must continue to struggle to bring down the forces of bigotry and discrimination -- not only on the state level -- but right here in Los Angeles.

In the last couple of weeks I introduced two important measures that need your support. Here's what they do:

Prohibit discrimination by city contractors. My measure will prohibit discrimination by city contractors on the basis of medical condition or marital status. Too often, homophobia hides behind other excuses. My measure will prohibit that kind of bias no matter how it is cloaked.

Expand benefits for city employees for sick and bereavement leave. Two years ago, I began the effort to move the domestic partnership agenda forward at City Hall. So far, we have succeeded in getting two of the largest unions to sign contracts with the city to expand their definitions of "family" for the purposes of sick and bereavement leave. These rights should be expanded further to <u>all</u> city employees, including managers and others not represented by unions. This change will mean that domestic partnerships will be treated with respect for all city workers.

I worked closely with the Municipal Elections Committee of Los Angeles (MECLA), the Family Diversity Task Force and other community organizations to develop these proposals. Now we must fight together to get them through the Council. Please let your Councilmember know that you support these motions. Together, we will win full human rights gays and lesbians.

Sincerely,

Michael Woo

MICHAEL K. WOO

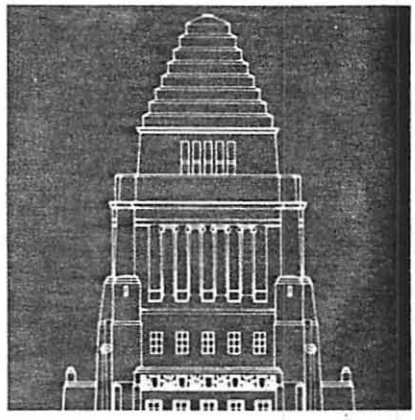
Chair
Governmental Efficiency Committee
Vice Chair
Public Works Committee
Member
Community Redevelopment and Housing Committee

711 West College Street,
Suite 610
Los Angeles,CA 90012
(213) 626-5573

News

Councilman Michael Woo

City of Los Angeles
13th District



FOR IMMEDIATE RELEASE
May 8, 1992

CONTACT: Julie Jaskol
(213) 485-3353

WOO INTRODUCES HUMAN RIGHTS LEGISLATION

Councilman Michael Woo recently introduced two motions designed to protect city employees from discrimination. Woo's motions extend sick and bereavement leave benefits to non-union city employees who are in domestic partnerships, and add language to the City Administrative Code that prohibits employment discrimination based on medical condition and marital status.

"The City should lead the way as an employer that recognizes the rights of all its employees," said Woo. "We must do all that we can to honor and support employees' families, including the non-traditional families that are more and more prevalent."

In 1991, as a result of a previous Woo motion, the City granted sick and bereavement leave to certain unions as a part of their employment contracts. The motion Woo introduced last week allows non-union employees to exercise the same right to time off in the event a domestic partner is ill or dies.

Mailing Address:
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200 North Spring Street
Los Angeles, CA 90012
(213) 485-3353

District Offices:
4640 Hollywood Boulevard
Los Angeles, CA 90027
(213) 485-6471
12229 Ventura Boulevard
Studio City, CA 91604
(818) 989-8099

Woo's second motion makes the City Administrative Code consistent with the federal and state codes in banning discrimination based on medical condition or marital status. This would prevent not only the City but its contractors from such discrimination.

"Local government can't continue to mouth aphorisms about the family without providing real, tangible support for families," said Woo. "These two motions are ways in which we can make it easier for families to survive, without discriminating against non-traditional families."

M O T I O N

On July 16, 1991, the Council passed an ordinance approving a Memorandum Of Understanding between the AFSCME union, representing the City's clerical staff and the City. One of the milestones of this agreement was a benefit extending to AFSCME represented employees, family leave and bereavement leave arising from the illness or death of any person residing in the immediate household of the employee provided the employee completes an affidavit claiming a domestic partner.

As a matter of equity and consistency it is important that all employees, including, non-represented employees share in this significant benefit.

I THEREFORE MOVE that the City Attorney prepare and present an ordinance to amend the City Administrative Code (Division 4, Sec 4.127.1 and 4.129) and any other documents as may be necessary to extend to non-represented employees the same type of benefits extended to the City's clerical units with regards to the Domestic Partner provisions under family and bereavement leave.

I FURTHER MOVE that the City Attorney report on this matter to the Human Resources and Labor Relations Committee within 30 days.

PRESENTED BY_____
Michael Woo
Councilman, 13th District

SECONDED BY_____

M O T I O N

The City annually awards contracts for millions of dollars to businesses citywide. The current law allows the awarding of contracts only to businesses or persons who have complied with Federal and State non-discrimination and Affirmative Action provisions as well as those of the City of Los Angeles.

Currently the Federal and State codes address and prohibit discrimination based on medical condition (other than pregnancy) and marital status. The City Administrative Code does not specifically address "medical condition" or "marital status" thus leaving open the possibility of discrimination to a significant segment of our citizens seeking employment.

In an effort to protect all citizens of the City the current law should be strengthened by amending the Administrative Code to prohibit discrimination on the basis of "medical condition" and "marital status".

I THEREFORE MOVE that the City Attorney prepare and present amendments to the City Administrative Code (Division 10, Sec 10.8) and other documents as may be necessary to include language similar to the State Government Code (Section 12920), prohibiting discrimination on the basis of "medical condition" and "marital status" in awarding City contracts.

I FURTHER MOVE that the City Attorney report on this matter to the Human Resources and Labor Relations Committee within 30 days.

PRESENTED BY_____
Michael Woo
Councilman, 13th District

SECONDED BY_____

REPORT FROM

CITY ADMINISTRATIVE OFFICER

RM send to ES & Pm

TO	DATE	CAO FILE No.
The Human Resources and Labor Relations Committee	7/6/92	0420-00156(B8)
REFERENCE		COUNCIL FILE No.
Motion of April 22, 1992, referred for report		89-1781
SUBJECT		COUNCIL DISTRICT
Domestic Partner Benefits for Non-Represented Employees		

SUMMARY

A Motion (Woo-Wachs) dated April 22, 1992, proposes that domestic partner benefits be extended to non-represented employees.

In 1988, the Council instructed the CAO to incorporate language into MOUs that would add "domestic partners" to the family illness leave and bereavement leave benefits. Employees would be required to file a confidential affidavit in order to be eligible for the domestic partner benefit.

Currently, MOUs with three unions contain the original "domestic partner" language: International Brotherhood of Electrical Workers, Local 18, AFL-CIO, with 8,172 employees, Los Angeles Department of Water and Power Management Employees Association with 440 employees, and United Paramedics of Los Angeles with 395 employees.

In May 1991, Council revised the instructions to permit the inclusion of **household member** along with the domestic partner language in the family illness and bereavement leave benefits. If an employee claims a domestic partner, the employee must file an affidavit. No affidavit is required to secure the benefits for a household member. A household member is defined as any person residing in the immediate household of the employee at the time of the illness, injury, or death. The MOUs with the American Federation of State, County and Municipal Employees (AFSCME), representing 5,197 employees, contain the "domestic partner/household member" language.

Since 14,205 represented employees now have domestic partner benefits, it is appropriate to extend such benefits to non-represented employees.

RECOMMENDATIONS

That the Council instruct the preparation of an ordinance (attached) to amend the Administrative Code to provide non-represented employees the same domestic partner benefits as provided employees represented by the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME).

SHK:vrw
vrw0097

K. Cmw

CITY ADMINISTRATIVE OFFICER

CAO 649

JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

EXECUTIVE OFFICE
1800 CITY HALL EAST
LOS ANGELES 90012
(213) 485-5408

CRIMINAL BRANCH
(213) 485-5470

CIVIL BRANCH
(213) 485-6370

TELECOPIER:
(213) 660-3634

REPORT NO. R92-0309

JUL 1 1992

REPORT RE:

AN ORDINANCE AMENDING SECTIONS 4.127 AND 4.127.1 OF THE LOS ANGELES ADMINISTRATIVE CODE

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
Los Angeles, California 90012

Honorable Members:

Pursuant to your instructions, we have prepared and transmit herewith, approved as to form and legality, an Ordinance amending Sections 4.127 and 4.127.1 of the Los Angeles Administrative Code to provide non-represented employees domestic partner benefits during Leave for Illness in Family and Leave because of Family Deaths.

Very truly yours,

JAMES K. HAHN, City Attorney

By Diane N. Wentworth
DIANE N. WENTWORTH
Assistant City Attorney

DNW:mm
X6380

ORDINANCE NO. _____

An Ordinance amending Sections 4.127 and 4.127.1 of the Los Angeles Administrative Code to provide non-represented employees domestic partner benefits during Leave for Illness in Family and Leave because of Family Deaths.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Division 4, Chapter 2, Article 10, Section 4.127 of the Los Angeles Administrative Code, Allowance for Leave for Illness in Family, is hereby amended to read as follows:

Section 4.127. Allowance for Leave for Illness in Family.

(a) Any employee who is absent from work by reason of the illness or injury of a member of his/her immediate family and who has accrued and unused sick leave at full pay shall upon the approval of the appointing authority or the agent thereof designated to determine such matter, be allowed leave of absence with full pay for not to exceed in the aggregate five working days in any one calendar year, provided such employee shall furnish a satisfactory doctor's certificate or other suitable and satisfactory proof showing the nature and extent of the injury or illness to justify such absence. "**Immediate family**" shall include the father, mother, brother, sister, spouse, child, grandparents, grandchildren, step-parents, step-children of any employee of the City.

(b) Any non-represented employee shall be allowed leave of absence with full pay for up to an aggregate of twelve (12) working days in any one calendar year for the provisions of (a) hereinabove, or for the purpose of adopting a child.

(c) The aggregate number of days of absence for which pay may be allowed under this Section shall be included in the number of days for which sick leave with full pay is allowed under Section 4.126 of this Code.

(d) For non-represented employees, the definition of "**immediate family**" shall include a domestic partner and household member (any person residing in the immediate household of the employee at the time of the illness or injury). Any non-represented employee who claims a domestic partner for purposes of the provisions of Subsection (a) hereinabove, shall complete a confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee only, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure family illness benefits arising from the illness or injury of a household member. By extending to an employee the specific benefits defined by this Subsection, the City does not intend to confer or to imply any other unspecified benefits to such employee, or to the employee's domestic partner, or to the employee's household member, or to any other person.

Section 2. Division 4, Chapter 2, Article 10, Section 4.127.1 of the Los Angeles Administrative Code, Allowances for Leave because of Family Deaths, is hereby amended to read as follows:

Section 4.127.1 Allowances for Leave because of Family Deaths.

(a) Except as otherwise provided by Memorandum of Understanding and implemented by the City Council, in addition to all other sick leave allowed under this Article, any employee who is absent from work by reason of the death of a member of his/her immediate family shall, upon the approval of the appointing authority or the agent thereof designated

to determine such matters, be allowed leave of absence with full pay for a maximum of three working days for each occurrence of a death in the employee's immediate family. Such employee shall furnish a death certificate or other satisfactory proof of the death to justify the absence. "**Immediate family**" shall include the father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, or any relative who resided in the employee's household. For the purpose of this Section, simultaneous, multiple family deaths will be considered as one occurrence.

(b) For non-represented employees, the definition of "**immediate family**" shall include grandparents, grandchildren, step-parents and step-children.

(c) Intermittent employees, as defined by Section 4.110(b) of this Code, shall not be entitled to compensated leave because of family deaths.

(d) For non-represented employees, the definition of "**immediate family**" shall include a domestic partner and household member (any person residing in the immediate household of the employee at the time of the illness or injury). Any non-represented employee who claims a domestic partner for purposes of the provisions of Subsections (a) and (b) hereinabove, shall complete a confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee only, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure family illness benefits arising from the illness or injury of a household member (any person residing in the immediate household of the employee at the time of the illness or injury). By extending to an employee the specific benefits defined by this Subsection, the City does not intend to confer or to imply any other unspecified benefits to such employee, or to the employee's domestic partner, or to the employee's household member, or to any other person.

Section 3. The provisions of Sections 1 and 2 shall be operative upon publication.

Sec. 4 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, by a vote of not less than two-thirds of all of its members, at its meeting of .....

ELIAS MARTINEZ, City Clerk,

By ....., Deputy.

Approved .....

....., Mayor.

Approved as to Form and Legality

July 1, 1992

JAMES K. HAHN, City Attorney,

By Diane N. Wentworth

DIANE N. WENTWORTH
Assistant City Attorney

File No. .....

City Clerk Form 23B

Los Angeles Daily Journal

Wednesday, September 16, 1992

ORDINANCE NO. 168238

An Ordinance amending Sections 4.127 and 4.127.1 of the Los Angeles Administrative Code to provide non-represented employees domestic partner benefits during Leave for Illness in Family and Leave because of Family Deaths.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Division 4, Chapter 2, Article 10, Section 4.127 of the Los Angeles Administrative Code, Allowance for Leave for Illness in Family, is hereby amended to read as follows:

Section 4.127. Allowance for Leave for Illness in Family.

(a) Any employee who is absent from work by reason of the illness or injury of a member of his/her immediate family and who has accrued and unused sick leave at full pay shall upon the approval of the appointing authority or the agent thereof designated to determine such matter, be allowed leave of absence with full pay for not to exceed in the aggregate five working days in any one calendar year, provided such employee shall furnish a satisfactory doctor's certificate or other suitable and satisfactory proof showing the nature and extent of the injury or illness to justify such absence. "Immediate family" shall include the father, mother, brother, sister, spouse, child, grandparents, grandchildren, step-parents, step-children of any employee of the City.

(b) Any non-represented employee shall be allowed leave of absence with full pay for up to an aggregate of twelve (12) working days in any one calendar year for the provisions of (a) hereinabove, or for the purpose of adopting a child.

(c) The aggregate number of days of absence for which pay may be allowed under this Section shall be included in the number of days for which sick leave with full pay is allowed under Section 4.126 of this Code.

(d) For non-represented employees, the definition of "Immediate family" shall include a domestic partner and household member (any person residing in the immediate household of the employee at the time of the illness or injury). Any non-represented employee who claims a domestic partner for purposes of the provisions of Subsection (a) hereinabove, shall complete a confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee only, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure family illness benefits arising from the illness or injury of a household member. By extending to an employee the specific benefits defined by this Subsection, the City does not intend to confer or to imply any other unspecified benefits to such employee, or to the employee's domestic partner, or to the employee's household member, or to any other person.

Section 2. Division 4, Chapter 2, Article 10, Section 4.127.1 of the Los Angeles Administrative Code, Allowances for Leave because of Family Deaths, is hereby amended to read as follows:

Section 4.127.1 Allowances for Leave because of Family Deaths.

(a) Except as otherwise provided by Memorandum of Understanding and implemented by the City Council, in addition to all other sick leave allowed under this Article, any employee who is absent from work by reason of the death of a member of his/her immediate family shall, upon the approval of the appointing authority or the agent thereof designated to determine such matters, be allowed leave of absence with full pay for a maximum of three working days for each occurrence of a death in the employee's immediate family. Such employee shall furnish a death certificate or other satisfactory proof of the death to justify the absence. "Immediate family" shall include the father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, or any relative who resided in the employee's household. For the purpose of this Section, simultaneous, multiple family deaths will be considered as one occurrence.

(b) For non-represented employees, the definition of "Immediate family" shall include grandparents, grandchildren, step-parents and step-children.

(c) Intermittent employees, as defined by Section 4.110(b) of this Code, shall not be entitled to compensated leave because of family deaths.

(d) For non-represented employees, the definition of "Immediate family" shall include a domestic partner and household member (any person residing in the immediate household of the employee at the time of the illness or injury). Any non-represented employee who claims a domestic partner for purposes of the provisions of Subsections (a) and (b) hereinabove, shall complete a confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee only, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure family illness benefits arising from the illness or injury of a household member (any person residing in the immediate household of the employee at the time of the illness or injury). By extending to an employee the specific benefits defined by this Subsection, the City does not intend to confer or to imply any other unspecified benefits to such employee, or to the employee's domestic partner, or to the employee's household member, or to any other person.

Section 3. The provisions of Sections 1 and 2 shall be operative upon publication.

Sec. 4 The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I HEREBY CERTIFY that the foregoing ordinance was introduced at the meeting of the Council of the Los Angeles, by a vote of not less than two-thirds of all of its members, at the meeting of AUG 26 1992 and was passed at its meeting of SEP 08 1992.

ELIAS MARTINEZ, City Clerk

by [signature]
Deputy

Approved as to Form and Legality

July 1, 1992
JAMES K. HAHN, City Attorney,

By [signature]
DIANE N. WENTWORTH
Assistant City Attorney

File No. 89-1781

[signature]
SEP 11 1992 Mayor

ORDINANCE NO. 168244

An Ordinance to amend the Los Angeles Administrative Code, Division 10, Chapter 1, Article 1, Section 10.8 to include marital status and medical condition in the City's non-discrimination clause.

THE PEOPLE OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. The definition of "Affirmative Action" in subparagraph one of Section 10.8.1 of the Los Angeles Administrative Code is hereby amended to read as follows:

"Affirmative Action" means the taking of positive steps by a contractor or subcontractor to ensure that its practices and procedures will promote and effectuate the employment, retention and advancement of a particular class or category of employee, generally referred to as a minority group, including women and any person or group described by race, religion, sex, sexual orientation, ancestry, national origin, age, physical handicap, marital status and medical condition. The action may also involve the concept, when applicable, of remedying the continuing effects of past discrimination.

Section 2. Section 10.8.2 of the Los Angeles Administrative Code is hereby amended to read as follows:

Sec. 10.8.2. All Contracts: Non-discrimination Clause.

Notwithstanding any other provision of any ordinance of the City of Los Angeles to the contrary, every contract which is let, awarded, or entered into with or on behalf of the City of Los Angeles, shall contain by insertion therein a provision obligating the contractor in the performance of such contract not the discriminate in his employment practices against any employee or applicant for employment because of the applicant's race, religion, national origin, ancestry, sex, sexual orientation, age, physical handicap, marital status or medical condition. All subcontracts awarded under any contract mentioned in this section shall contain a like provision.

Section 3. Subsection C of Section 10.8.3 of the Los Angeles Administrative Code is hereby amended to read as follows:

C. At the request of the awarding authority, or the Board of Public Works, Office of Contract Compliance, the contractor shall certify on a form to be supplied, that he has not discriminated in the performance of this contract against any employee or applicant for employment on the basis or because of race, religion, national origin, ancestry, sex, sexual orientation, age, physical handicap, marital status or medical condition.

Section 4. Subsection B and C of Section 10.8.4. of the Los Angeles Administrative Code is hereby amended to read as follows:

B. The contractor will, in all solicitations or advertisements for employees placed on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age, physical handicap, marital status or medical condition.

C. At the request of the awarding authority or the Office of Contract Compliance, the contractor shall certify on a form to be supplied, that the contractor has not discriminated in the performance of this contract against any employee or applicant for employment on the basis or because of race, religion, ancestry, national origin, sex, sexual orientation, age, physical handicap, marital status or medical condition.

Section 5. Subsection 10.8.7 is hereby added to the Los Angeles Administrative Code to read as follows:

Section 10.8.7 Interpretation of "medical condition".

The term "medical condition" as used in sections 10.8.1 through 10.8.4 of this code shall be interpreted as it is by comparable federal and state law.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles SEP 2, 1992 and was passed at its meeting of SEP 9 1992

Approved SEP 14 1992

ELIAS MARTINEZ, City Clerk

LAJ 415474: 9/17 By Raymond S. Crisp
Deputy

File No. 88-0424-S2

Tom Bradley
Mayor

Los Angeles Daily Journal

Thursday, September 17, 1992