

**University of California**

**Board of Regents**

**Extending Employee Benefits  
to Domestic Partners**

**Resource Materials**

Compiled by Spectrum Institute  
for the LEDLER Foundation

1997

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## **Opposition to Benefits for Same-Sex Couples Only:**

**Comment:** There are legal and political problems associated with extending domestic partnership benefits to same-sex couples only. The exclusion of unmarried opposite-sex couples who meet all of the criteria required for domestic partnership benefits constitutes sex discrimination. That is why the National Organization for Women “supports fair domestic partnership laws that do not discriminate based on sex.” Excluding opposite-sex partners may trigger lawsuits alleging sex or marital status discrimination. The California Constitution prohibits sex discrimination in employment. Sections of the Insurance Code and Government Code prohibit sex and marital status discrimination. Government attorneys and insurance regulators in other parts of the nation have ruled that a “same-sex only” domestic partner benefits plan would be illegal. A legal challenge to Chicago’s “gays only” plan is currently on appeal. Providing equal benefits to all employees regardless of marital status, sex, or sexual orientation is consistent with basing compensation on merit and with the principle of equal pay for equal work.

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**Lloyd E. Rigler - Lawrence E. Deutsch  
Foundation**

August 13, 1997

Mr. Charles Young  
Chancellor  
University of California

Re: Domestic Partner Benefits

Dear Chancellor Young:

At its meeting last month, the Board of Regents discussed a proposal to extend health and other benefits to cover domestic partners of university employees. Ultimately, the Regents referred the matter to President Richard Atkinson for further review. President Atkinson will present a plan to the Board of Regents at a later time.

During the discussion at last month's meeting, some Regents seemed to favor limiting domestic partner benefits to same-sex couples, while other Regents supported a more inclusive approach that would cover all domestic partners regardless of the gender of the partners.

As a long-time benefactor of the University, I am very concerned about the possibility that the Regents might create a terrible precedent if they decided to limit domestic partner benefits to same-sex couples. This would be blatant sex discrimination.

I strongly support efforts to eliminate discrimination against single people. The current benefits program favors married employees. Although single people work just as hard and perform just as well as married workers, they are being shortchanged when it comes to employee benefits. The overwhelming majority of Americans support the principle of "equal pay for equal work." Since benefits constitute a significant portion of the compensation of University employees, it is unfair to single people to pay them less when it comes to benefits.

Last year, the California Supreme Court ruled that the "marital status" provision of the Fair Employment and Housing Act prohibits discrimination against unmarried couples. Domestic partner benefits programs are one way of eliminating discrimination against unmarried couples. But reform of benefits programs should not utilize sex discrimination as part of the remedy.

Society is creating a new secular institution known as domestic partnership. These nonmarital relationships are part of the mosaic of family diversity in contemporary society. This new institution should be open to any two adults who live together and share the common necessities of life.

*LEDLER Foundation*

*Chancellor Charles Young*

*August 13, 1997*

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California has been a leader in the creation of domestic partner benefits programs. Berkeley was the first municipality in the nation to extend domestic partner benefits to public employees. When it adopted this program in 1984, the issue of limiting domestic partnership to same-sex couples, or adopting a program that was gender blind, was debated. The idea of making domestic partnership a gay institution was soundly rejected.

San Francisco grappled with the domestic partnership issue for several years. There were votes by the Board of Supervisors, mayoral vetoes, voter initiatives and referenda, and much public debate. Again, over the course of several years, the idea of limiting domestic partnership to same-sex couples was debated and rejected. San Francisco has an inclusive law. In fact, the city now refuses to give public funds to any employer that does not have an inclusive domestic partner benefits program for its employees. This is an added incentive for the University to adopt a gender-blind domestic partner benefits program.


Today, there are many municipalities in California that have adopted a domestic partner program of one sort or another. Some are public registries that guarantee limited humanitarian protections for the registrants. Others have benefits programs for public employees. None of these municipalities has gone the same-sex only route. All are inclusive.

An inclusive domestic partner program will not have any significant financial impact on the University. A recent study done by Spectrum Institute shows that, on average, when employers adopt inclusive plans that cover all domestic partners regardless of gender, only about 1% of employees sign up. Furthermore, the cost of domestic partner benefits has been the same as, or less than, the cost for spouses.

Enclosed are some materials developed by Spectrum Institute about domestic partnership. This information may be of assistance to President Atkinson as he studies the issue further. In fact, he would benefit from meeting with Thomas Coleman, the executive director of Spectrum Institute. Mr. Coleman is the nation's leading expert on domestic partnership issues. Possibly you could set up a meeting between Mr. Coleman and President Atkinson.

I will ask Mr. Coleman to contact your office in early September to determine how we can best proceed with addressing these concerns. I would like to thank you in advance for any assistance you might provide on this matter.

Regards,



Lloyd E. Rigler

# Partner benefits have few takers

## Participation rate well below 3%-4% of the workforce

New York Times

Although businesses are increasingly offering health benefits to the partners of unmarried employees, few workers are taking advantage of the plans.

Participation was expected to be about 3 percent to 4 percent of the workforce where such coverage was available, but it has turned out to range from half of a percent to 1 percent, said Andrew D. Sherman, a vice president in Boston for the Segal Co., an international benefits consulting firm that has worked with many companies on their plans.

Generally, the fight for such benefits has been led by gay activists. But unmarried heterosexual couples can also qualify under some of these company policies.

Hewitt Associates, a benefits consulting firm in Lincolnshire, Ill., has seen similar participation rates for partner policies, although it found that when heterosexual couples were included, the rate sometimes reached the expected 3 to 4 percent.

An estimated 500 companies, including International Business Machines Corp., Apple Computer Inc., Walt Disney Co. and Levi Strauss & Co., as well as many colleges, universities, states and municipalities, now offer health and other benefits to domestic partners. By all accounts, the number has grown rapidly over the last two years.

At Apple, participation has run well below the 5 percent predicted when the benefits program was first offered

in mid-1992. Gustavo De La Torre, director of multicultural programs there, said that only about 45 of the company's nearly 9,600 employees were using the program.

Xerox, which offers employees \$1,000 to buy health insurance on their own for a partner or dependent, said that only 200 of about 47,000 employees, or four-tenths of 1 percent, had signed up for that program. About half the participants are domestic partners.

So companies are finding that even though the benefits can be controversial, angering some conservative groups, they are not terribly expensive.

Why aren't more employees persuaded to take the benefits? In part, because both partners in the relationships tend to have jobs and access to health insurance on their own. That, De La Torre said, appeared to be the case at Apple.

Elizabeth Birch, executive director of the Human Rights Campaign, a Washington lobbying group on gay and lesbian issues, said there were several deterrents as well: Unmarried employees generally have to pay tax on the value of their partner's benefits and lesbian and gay employees may be wary about revealing their sexual orientation to an employer out of fear of discrimination.

Clearly, cost is a big factor. The Internal Revenue Service considers benefits awarded to an unmarried partner as taxable compensation unless the partner qualifies as a "dependent," meaning that the employee provides more than half of the partner's financial support. Married couples do not owe taxes on such benefits.

Jenifa Johnson, an employee of Apple Computer for 10 years, said she took advantage of Apple's health benefits for her partner for one year before canceling.

"I did not know how big the taxes were going to be," said Johnson, a project manager with a team that is developing software for Apple's PowerBook. "It ended up being about \$1,200 taken out of my paycheck," she said, in taxes based on the \$2,500 value the IRS put on her partner's benefits.

The taxes were deducted quarterly, meaning a hit of \$300 every three months.

Her partner, Bertina Bryant, now receives her own health insurance and other benefits as a high school English teacher, but she preferred the health coverage at Apple. Johnson said her Apple coverage allows her to visit the doctor of her choice and covers chiropractic care, among other things. Bryant's school policy requires her to use a health maintenance organization; the plan does not include vision care, and her dental benefits are half those of Apple's plan.

Taxes are not the only cost barrier. Some employees have found their companies' domestic-benefit premiums to be too expensive.

Lauren Black, who manages hardware testing and evaluation at Macworld magazine in San Francisco, found that health insurance for her partner would cost more through her company, the International Data Group, than from the outside. Her partner, Meredith Steiner, was unemployed, having been laid off from her job with a group raising funds to combat AIDS.

But she remains a believer in the concept. "If I was looking to change jobs or go to another company, I'd look for a company that offers domestic partner benefits," she said.

Some supporters of such benefits complain that the tax burden creates an inequitable situation in the workplace.

"It's a matter of equal pay for work," said Richard Jennings, executive director of Hollywood Supports, a group focusing on issues confronting gay people in the entertainment business. "Until the federal government starts recognizing where companies are today, people are not going to be able to take advantage of these benefits as heterosexuals can."

The disparity between married and unmarried couples is made more glaring because employers can treat their payments for health insurance as deductible business-related expenses, no matter the employee's relationship to the insured.

The Human Rights Campaign is studying the tax code to decide whether to mount some kind of challenge. "I think it would take congressional action," Birch said.

For many employees, like Johnson and Bryant, the real value of partners' benefits is as a safety net if one of them loses a job.

**■ SAN JOSE MERCURY NEWS**

**■ WEDNESDAY ■ APRIL 30, 1997**

## EMPLOYERS PROVIDING DOMESTIC PARTNER BENEFITS TO SAME-SEX AND OPPOSITE-SEX PARTNERS: COST ANALYSIS

Employer	Year DP Plan Began	Total in Workforce	Number Signed Up as DPs	% signed Up as DPs	Information Reported Regarding Costs including portion paid by employer, and experience with DP benefits plan
Berkeley City (CA)	1984	1,475	116	7.9%	DPs constitute only 2.8% of total health costs
Blue Cross of Mass. (MA)	1994	6,000	78	1.3%	Cost information not reported by research source
Borland International (CA)	1992	1,200	49	4.1%	Cost information not reported by research source
Cambridge City (MA)	1993	500	4	.8%	Cost information not reported by research source
Internat. Data Group (MA)	1993	1,600	14	.9%	Cost information not reported by research source
King County (WA)**	1993	11,400	300	2.6%	Pays 100% of basic plan; no adverse consequences
Levi Straus & Co. (CA)	1992	23,000	690	3.0%	Costs are same as <i>or less than</i> spouses
Laguna Beach City (CA)	1990	226	6	2.7%	Costs are same as spouses
Los Angeles City (CA)**	1994	34,500	448	1.3%	Costs are same as spouses; no adverse experience
Los Angeles County**	1996	75,000	1,347	1.8%	Costs are same as spouses; no adverse experience
Multnomah County (OR)**	1993	4,000	132	3.3%	Cost information not reported by research source
New York City**	1994	497,210*	2,790	.6%	Pays 100% of basic plan; no adverse experience
New York State**	1995	320,000*	2,000	.6%	Pays 25% of cost / no adverse experience
Olympia (WA)**	1995	530	12	2.3%	Pays portion for dependents; nothing adverse
Rochester (NY)**	1994	2,900	100	3.4%	Costs are same as spouses / no adverse experience
Sacramento City (CA)**	1995	4,000	15	.4%	City doesn't pay for DPs; worker gets group rate
San Diego City (CA)**	1993	9,300	50	.5%	City doesn't pay for DPs; worker gets group rate
San Francisco City (CA)	1991	32,900	296	.9%	City doesn't pay for DPs; worker gets group rate
San Mateo County (CA)**	1992	4,200	138	3.3%	Cost information not reported by research source
Santa Cruz City (CA)**	1986	800	23	2.9%	Costs are same as spouses / non-union not eligible
Santa Cruz County (CA)	1990	2,100	33	1.6%	Costs are same as spouses
Santa Monica (CA)**	1994	1,100	34	3.1%	City pays for DPs; costs are the same as spouses
Seattle City (WA)**	1990	10,000	500	5.3%	2.5% of total health costs; less than spouses
Vermont State**	1994	9,000	280	3.1%	State pays 80% for dependents; nothing adverse
Xerox Corporation	1995	47,000	100	0.2%	Pays \$1,000 per year toward DP health coverage
Ziff Communications (NY)	1993	3,500	75	2.1%	Cost information not reported by research source
<b>Total</b>		1,099,401	9,630	0.9%	Costs are same <i>or less than</i> for spouses. No adverse consequences reported by any employer.

\*\* Benefits managers at these employers were interviewed by Spectrum Institute during March and April 1997.

\* Includes retirees.

Other data was gathered from employee benefits publications, e.g., Hewitt Associates, Bureau of National Affairs, Commerce Clearing House, International Foundation of Employee Benefits Plans, etc.

(Revised 5-1-97)

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## **DOMESTIC PARTNERSHIP INSURANCE COVERAGE: FINANCIAL FEARS ARE UNFOUNDED**

The following pages contain excerpts from various reports regarding the cost of providing health coverage for domestic partners. They uniformly show that financial fears should not be a barrier to including domestic partners in employee benefits plans.

**April 30, 1997      San Jose Mercury News**

“Participation was expected to be about 3 percent to 4 percent of the workforce where such coverage was available, but it has turned out to range from half a percent to 1 percent, said Andrew D. Sherman, a vice president for the Segal Co., an international benefits consulting firm that has worked with many companies on their plans.”

**4th Quarter 1994      International Foundation of Employee Benefits Plans,  
Employee Benefits Practices**

“Meaningful data on the direct costs of adding health care coverage for domestic partners is limited. Some employers lack sufficient experience to report data; others have declined to share their cost data. Where such information is available, however, cost increases are small and sometimes negligible. The City of Seattle and HBO, Inc., according to one report, have found covering a domestic partner is less expensive than covering a spouse. Both Lotus Development Corp. and Levi Straus & Co. have found domestic partner coverage is the same as or less than spousal or other dependent coverage.”

“A related cost concern frequently expressed by employers is that an employee will falsely portray a domestic partnership to obtain health insurance coverage for a sick friend. This type of abuse, however, has not been reported among employers providing the benefit. Where coverage includes same-sex domestic partners, the possible social stigma attached to the relationship is sufficient deterrent to false representation. Further, employers generally require a signed statement confirming the domestic partnership, sometimes accompanied by one or more forms of documentation, that clearly indicates the consequences of falsifying the information.”

**October 1993      City of West Hollywood,  
Understanding the Domestic Partner Dilemma:  
Perspectives of Employer and Insurer**

“In the early days of domestic partner coverage, insurers were unwilling to provide coverage because they had no actuarial data on which to base estimations of risk and premiums. . . . In the mid to late 80's, a few carriers decided to add domestic partners to existing group health plans, but required a small surcharge on premiums to compensate for unknown risk.

“As the years progressed, most of these charges were dropped, as domestic partner coverage proved to be far less risky than insurers had originally anticipated. For example, Kaiser and Heals dropped their surcharges after four years of experience covering domestic partners of Berkeley employees. San Francisco's five carriers (Kaiser, Aetna, Qualmed, Foundation, and Bridgeway) are either cutting back or dropping their surcharges, and the same is true in Seattle.



“After two years of covering domestic partners, King County Medical, Group Health Cooperative, and Pacific health, all dropped their surcharges when it became clear that the charges were unnecessary for Seattle’s plan. Consumer’s United has reported no increase in cost as a result of covering the domestic partners of Ben & Jerry’s employees. Harvard Community Health Plan, the HMO for Lotus, has also dropped its surcharge.

“Not only has the initial fear of high cost proven to be unfounded, but some say insurers are even profiting from additional premiums.

“The cost concern is also based on the assumption that the new group will be sizeable. However, enrollment is consistently less than anticipated, and always representative of a very small percentage of employee pools.

“Some of the insurers that currently provide domestic partner coverage include: AETNA, Lexington, CIGNA, Liberty Mutual, John Hancock Mutual Life, Kaiser, Hartford Life, Independent Blue Cross, Lexington, Blue Shield, and Harvard Community Health Plan. . . . Many of these only agreed to provide stop-loss coverage, for claims exceeding from \$50,000 to \$1,000,000.

“Continued resistance among insurers despite positive experience mirrors that of employers, and is attributable to fear of ‘partner swapping,’ fraud, AIDS claims, lack of long-term cost evidence, homophobia, and support for ‘traditional values.’ All of the data countering these fears presented in the previous section applies equally here. . . .

“Foster Higgins found that of the dozen top insurance companies and HMO’s surveyed, most said they would consider domestic partner coverage under limited circumstances, depending on the client relationship and size, financial arrangement, and definition of domestic partner relationships. This position indicates that as actuarial data becomes available, and insurers become educated as to the benefits of domestic partner coverage and the lack of difficulty, insurer resistance will not longer prohibit domestic partners from participating in employer-provided health plans.”

**November 15, 1993 Bureau of National Affairs,  
BNA California, Employee Relations Report**

“After assessing costs and cost-sharing possibilities, a decision must be made about what benefits will be extended, and an administration plan devised, since the cost of providing benefits for domestic partners and their dependents is considered taxable income to the employee. Finding an insurance carrier also is an issue, and sometimes a difficult one.

“In spite of initial wariness, business owners who have taken a proactive approach to the issue say their concerns were often unfounded. Benefit use -- and cost -- are generally lower than anticipated, and employee satisfaction well worth the additional administrative burden, they say. . . .

“Significantly fewer claims have been filed by domestic partners of Levi-Straus employees than the workplace population as a whole, according to [Reese] Smith [director of employee benefits]. Despite fears by management about rising health care costs, a ‘very small amount per capita’ has been spent on AIDS, he said, adding that the company has seen a small number of employees die of the disease, but no domestic partners.”

**January 29, 1993      John M. Fickewirth and Associates  
Domestic Partners Health Care Eligibility**

“Experience is already showing that through tight control of eligibility requirements, employers are able to maintain a non-discriminatory health care benefit policy towards employees with domestic partners without adversely affecting the financial integrity of the health care benefit plans.”

City of Berkeley: “When the HMO’s were added in 1987, an additional surcharge was added to the premium due to unknown risk. The surcharge was removed in 1990 because the addition of domestic partners had no adverse effect on the City’s claim experience.”

City of Seattle: “The two HMOs added a small surcharge to the premium rates but the City has not experienced any additional costs for domestic partners compared to spouses.”

Cities of Santa Cruz, San Francisco, and Laguna Beach: “The City has not experienced any additional costs for domestic partners compared to spouses.” The County of Santa Cruz made the same report.

Levi Strauss: “Has not experienced any additional costs for domestic partners compared to spouses.”

**October 27, 1992      Commerce Clearing House  
Employee Benefits Management, *Directions***

“The employers that have adopted domestic partners’ benefits so far have done so largely as a result of strong employee demand, a desire to gain advantage in the competition for employees, or a belief that it is the right thing to do.

“A critical concern of many of these employers, almost all of whom are self-insured, was the possibility that such benefits would raise the number of AIDS-related cases and thus the cost of providing health care. But what little information is currently available suggests that the fear may be unfounded.

“Seattle, for example, reports that its claims experience for domestic partners has been the same as for married or single employees. Berkeley has found essentially the same thing, and dropped the 1.5% surcharge it initially charged on medical premiums for domestic partners.”

**February 1991      Bureau of National Affairs  
Special Report #38: Recognizing Non-Traditional Families**

“Employers and consultants involved with a total of 17 health benefits plans that provide domestic partner coverage told BNA that their initial concerns regarding the high costs and risks of such coverage have proven to be unfounded. None of the employers has had an AIDS-related claim to be filed by the partner of an employee. . . . [N]one of the 17 employers contacted by BNA that offer such coverage reported uncovering any abuse [such as an employee signing up a sick friend who really is not a domestic partner].”

# San Francisco Examiner

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Tuesday, March 11, 1997 · Page A 1

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## BofA to offer partners benefits

### S.F. law pushed giant bank to act

*Rachel Gordon**OF THE EXAMINER STAFF*

Corporate giant Bank of America will provide domestic partners benefits to its workers, pushed in part by a new San Francisco law.

Starting next year, BofA employees may designate any member of their household as a recipient of their health benefits, whether the person be a married spouse, unmarried domestic partner or relative, such as sibling or parent. Now, only spouses of married employees are eligible for the benefits.

The move comes three months before San Francisco's ground-breaking domestic partners law takes effect. It requires companies and organizations doing business with The City to provide the same benefits to workers with registered domestic partners as they do to married employees.

Bank of America is The City's primary bank, according to City Treasurer Mary Callanan.

BofA spokesman Dennis Wyss said Monday that the San Francisco-based company had been considering extending health benefits to domestic partners for several years, but conceded the new city requirement helped push the plan forward.

"We feel the San Francisco ordinance was a factor in our decision-making process, but only one factor," Wyss said.

He said the benefits package is also expected to boost worker morale and productivity.

The package will be made available to some 80,000 BofA employees in the United States.

The bank already gives workers with domestic partners the same family and bereavement leave as married employees.

"Given what The City is trying to achieve, we believe that what we're doing will put us in compliance with the law," Wyss said.

BofA follows several other large firms in providing domestic partners benefits, among them Disney, IBM and Levi Strauss & Co.

As of June 1, companies doing business with The City must provide the benefits, or show good faith that they're working to do so, when a new contract is signed, or one is renewed. BofA acted before it reached that point.

Supervisor Leslie Katz, who co-wrote the law, said she has no doubt that The City requirement prompted BofA's action.

"It is truly gratifying to see the impact our legislation is having," she said. "Because San Francisco decided to take a firm stand against discrimination, thousands of people previously denied equal benefits will now have health, vision and dental insurance."

BofA's approach to extend the benefits to a member of the household - not just a domestic partner - is not unprecedented. Catholic Charities hammered out that plan with city officials earlier this year after the church threatened to sue over the law.

Not long ago, The City pushed to get United Airlines to comply with the domestic partners law.

The airline, seeking to build a maintenance building at San Francisco International Airport, had balked at providing the benefits outright, saying it needed more time to study the issue.

But the Board of Supervisors and Mayor Brown held the law must be followed, and, in a public showdown last month, United agreed to offer such benefits within two years or show a good-faith effort to implement them.

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MARCH 11, 1997

# BofA to Extend Health Benefits to Unmarried Partners

■ **Banking:** Employees may choose an adult relative instead. Firm is first major bank to have such coverage.

By DON LEE  
TIMES STAFF WRITER

Bank of America said Monday that it will offer health and dental benefits to gay and heterosexual partners of employees, becoming the first major U.S. bank to provide such coverage.

The new program, which will be offered to most of the bank's nationwide work force of 80,000, including 25,000 in the Southland, will allow an employee to enroll one domestic partner or another dependent adult relative, such as a parent, grandparent or sibling. The benefit will begin next January.

BofA's step was partly prompted by San Francisco's recent ordinance that penalizes city contractors who do not offer domestic partner benefits. BofA, which is based in San Francisco, is a major contractor with the city.

But the bank's decision, which followed three years of internal study, was seen as extraordinary because of the breadth of its program and the fact that it took shape in a button-down industry.

"This is an indication that providing coverage to nontraditional members is extending to a conservative industry," said Michael J. Powers, a benefits consultant at William M. Mercer Inc.

Powers, who heads his firm's national resource group on domestic partner benefits, said about 400 private U.S. businesses now offer the benefits. Academia and the entertainment industry have led the trend, although American Express and IBM are among the most recent to offer the coverage.

Some companies have limited the extension of benefits to same-sex partners, as Disney did more than a year ago, in the process inflaming a number of conservative groups. But relatively few companies have extended the coverage to include

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adult dependents such as a grandparent or sibling.

Powers, however, said more companies were considering the broader coverage, perhaps partly to defuse the controversial issues raised by the benefits.

"I think it's a business issue for most corporations," said Susan Gore, owner of the Mentor Group, a Dallas-based management and diversity consulting company. "It's not just doing the right thing, but it's about attracting and retaining the best and the brightest."

Dennis Wyss, a BofA spokesman in San Francisco, said Monday that the bank was not calling it domestic partner benefits but rather extended family benefits. Enrollment will start this fall, he said, and employees would need to show they have been in a committed relationship for at least six months with the domestic partner seeking the benefit. To sign up other related adults, employees must verify that that person is claimed as a dependent on an IRS form.

"It's an acknowledgment that our employees are responsible in supporting a number of extended family members," Wyss said. The new benefits were not announced publicly by BofA, but revealed in an employee newsletter Monday.

Wyss said it was unclear how many people will enroll a domestic partner or dependent in the program. Companies have found that 1% to 3% of employees sign up for domestic partner benefits, although BofA may experience a higher enrollment because its program is broader. Wyss said the bank does not expect the plan to cost it significantly more.

Analysts said they expect other companies, particularly those contracting with San Francisco, to offer the coverage. Other banks were eager Monday to learn what BofA had offered.

"It's something we've been thinking about [for] over a year," said Kathy Shilkret, a Wells Fargo spokeswoman. "But we're not ready to announce any program."

Richard Jennings, executive director at Hollywood Supports, a group that has pushed studios to offer the benefits, said, "We've been talking to a lot of banks and financial services companies about it." He said BofA's announcement is "recognition that there are lots of gays and lesbians working in the financial services industry."

Times staff writer Vicki Torres contributed to this report.

**Subject: In BofA's own words...**

**Date: Wed, 12 Mar 1997 14:40:20 -0500**

**From: Shelley Alpern <salpern@frdc.com>**

**To: domestic@cs.cmu.edu, gbt-workplace@queernet.org**

This is verbatim from Bank of America's newsletter the BankAmerican, 3/10/97:

"During the Open Enrollment this fall, eligible U.S. employees throughout Bank of America will be able to enroll their spouse or one other qualified adult member of their household for health coverage in addition to any currently eligible dependent children.

"This coverage will begin in January 1998 and will include several medical, dental and vision plans offered through the company.

"....Beginning Jan. 1, 1998, active U.S. salaried employees can enroll one of the following qualified adult members of their household: spouse, opposite, or same-sex domestic partner, parent, grandparent, sister, brother or adult child.

"Domestic partners must be in a committed relationship that has existed for at least 6 months and must be responsible for each other's welfare on a continuing basis. All other qualified adults, except spouses, must be under age 65, must be the employee's dependent as defined by the IRS, and could have their eligibility affected by the availability of other health coverage...."

So it looks to me like straight, married employees have to choose either their spouse or their adult dependent, and a gay, coupled employee has to choose between their partner or an adult dependent. So straight and gay employees have the same choice to make between their sweeties and their grandparents. Dependent kids remain covered regardless.

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December 1, 1995

ACCENT

## Copying Xerox can benefit both company and employee

*Deb Price*

Painting his life in broad strokes, Jack Hellaby says he thought becoming a professional artist just wasn't practical, so he shelved that colorful dream. Decades passed. His passion for watercolors and oils refused to fade. And his oh-so-practical career managing a large computer network just wasn't his idea of a creative outlet. Then, at 40, Jack saw a way to begin again: Art school.

He could accept his company's employee-buyout offer, study full time and finally see how far his talent would take him. "It scared me," Jack recalls, "but I thought, 'We can do it. We can always cut back. ... I'll regret it the rest of my life if I don't even try.'"

At home, Jack broached the idea with the man he loves, David Frishkorn. "We talked it through," says David, a Xerox executive whose concern was finding ways for them to live on less without sacrificing necessities. A major new expense -- and a true necessity -- would be health insurance for Jack after his company coverage ran out.

To their delight, the Rochester, N.Y., couple hasn't had to shoulder that \$1,500 burden alone. Xerox reimburses them \$1,000 a year under its "extended household health care" benefit program, which began May 1.

Working to make its benefit programs fairer and more flexible, Xerox offers the new health insurance assistance not just to gay workers but to any employee living with a domestic partner, parent, grandparent, sibling, adult child, grandchild.

Corporate America once insisted that it just wasn't practical to restructure the benefit programs designed to help breadwinner dads provide for homemaker wives and young children: If other workers benefit far less, too bad.

Among trendsetting companies, that attitude is going the way of the horse and buggy. The Walt Disney Co., for example, will join those staking a claim in Tomorrowland on Jan. 1, when it extends family health benefits to gay workers' partners.

But Xerox is taking a more revolutionary approach: Within seven years it plans to compensate its 47,000 U.S. employees based solely on their jobs, not the configuration of their families.

"Ultimately," explains far-sighted benefits director Patricia Nazemetz, "we want to be indifferent to what your family status is -- just like, quite frankly, we're indifferent to that when we give you your paycheck. ... If (a job) is worth \$50,000 and you're single, you get \$50,000. And if you've got 12 mouths to feed, you get \$50,000."

Every Xerox worker -- single, married, straight or gay -- would receive an annual lump-sum allowance that could be spent on a vast cafeteria of individual and family benefits or simply pocketed.

Xerox's desire to embrace that egalitarian system came from its realization that America's workforce and households aren't what they used to be. Ward and June Cleaver are becoming less and less typical: In 1994, 26 percent of households consisted of a married couple with minor children, down from 40 percent in 1970. And 69 percent of wives were in the labor force, up from 40 percent in 1970.

Since moving overnight to equal treatment wouldn't be, well, fair to workers used to counting on a family subsidy, Xerox has begun adding more fairness in bits and pieces. A child-care benefit was first, in 1993, followed this year by help for first-time home buyers and the insurance assistance that so pleases David and Jack.

"It's a way for the company to recognize me and my family on a par with all the other employees," says David, who in return feels more committed to Xerox. As for dream-chasing Jack, he's "quite honored Xerox would have me as part of their family."

If David's employer succeeds in treating all sorts of workers equally, other companies will know exactly how to attract the best: Duplicate Xerox.

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# Extended Household Health Care Benefit

*The Extended Household Health Care Benefit helps with the cost of purchasing health care coverage for members of your household who are not eligible for your Xerox medical coverage.*

Many of us at Xerox are part of households that include members who are not eligible for coverage under Xerox health care plans. The relationships and responsibilities we share with these household members have an important impact on our daily lives, and the financial impact of health care costs can be a significant issue. Helping with these costs supports the LifeCycle Assistance goal of reducing the pressures of your personal life so you can be more focused and more productive at work.

---

## Contents:

- [Qualifications/Requirements](#)
  - [Your Benefit Amount](#)
  - [Registration](#)
- 

*[The following has been edited to include only those parts of particular importance to the GLB population. -md]*

## Qualifications/Requirements

Here are the qualifications to be eligible for this benefit:

- You must be the purchaser of the health care coverage for the household member.
- The household member must reside in your home.
- The household member must be one of the following:
  - Your domestic partner of the same or opposite sex. (A domestic partner is not eligible if you also have a spouse covered under a Xerox health care plan.)
- Xerox employees are first eligible on the January 1 following their date of hire.

To be eligible, a domestic partner must have met all of the following requirements:

- Reside in your household;
  - Be jointly responsible for the household's financial obligations, or be dependent on you for financial assistance;
  - Be in a relationship with you that is intended to be permanent and in which each is the sole domestic partner of the other; and
  - Be unmarried and at least 18 years of age.
- 

## Your Benefit Amount

For full-time employees regularly scheduled to work 30 or more hours per week, the benefit is up to

\$1,000 per year, paid in quarterly increments of up to \$250.

For part-time employees who regularly work at least 20 hours per week but less than 30 hours per week, the benefit is up to \$500 per year, paid in quarterly increments of up to \$125.

These amounts will be reduced by the necessary withholding taxes before payments are made to you.

Your payments from the Extended Household Health Care Benefit are subject to the benefit maximum of \$2,000 per calendar year from all LifeCycle Assistance applications combined. The benefit you receive cannot be greater than \$2,000 minus any amounts you receive during the same calendar year from the Child Care Subsidy and/or Mortgage Assistance.

Your benefit is subject to the \$10,000 lifetime maximum for all LifeCycle Assistance applications combined.

---

### **Registration**

To be eligible to receive an Extended Household Health Care Benefit, you must register during the annual registration period. Generally, this period will be from November 15 through December 15. However, for 1995, this will be the month of April. You must re-register each year in the future to continue participation.

You can register at a time other than the annual registration period if one of the following qualifying events occurs and you inform the LifeCycle Assistance Unit within 31 days of when the the health care coverage you purchase takes effect:

- An eligible household member moves into your household;
- An eligible household member loses access to a subsidized group health care plan; or
- You return to active work from long-term disability or an approved leave of absence of longer than 91 days.

To register, call the LifeCycle Assistance Unit at 1-800-638-1926 to request a registration form.

---

*Last edited. April 13, 1995*

*Matthew Dennie < -- > mdennie@wb.xerox.com*



## XEROX SHARES OBSERVATIONS ON FORD FOUNDATION STUDY:

### 'Relinking Life and Work':

### An Important Tool in Changing How We Do Business

STAMFORD, Conn., Nov. 20, 1996 -- Xerox Corporation participated in the Ford Foundation study as another way to test the idea that "family friendly" practices can also help improve business results. With its insights into exactly why this is so, the study "Relinking Life and Work" has become an important tool as the company changes how work gets done at Xerox, said Patricia M. Nazemetz, director of human resources policy and practice.

To see what happens when employees have the flexibility to meet their obligations on the job and at home, researchers worked with three Xerox business units, experimenting with tools like flexible work schedules and mutually agreed upon "quiet times" when all interruptions were banned, to give workers greater say in how work gets done. The results were striking: In the

Dallas sales/service office, sales revenues exceeded plan and customer satisfaction improved as sales, service and support people formed cross-functional teams to address work/family conflicts and improve customer service. Absenteeism dropped 30 percent among the 320 employees at the southern customer administration center in Dallas. The office color business team in Webster, N.Y., introduced the Xerox 4900 desktop color printer on schedule in 1994, a rare occurrence for the high-tech industry, where many factors conspire against on-time product launches.

The specific changes observed by the researchers demonstrate why empowerment should be seen as a fundamental business tool for effective organizations, not just the latest-management fad, Nazemetz said.

"Workers with a sense of control over their own lives, who feel empowered, are more efficient, productive and satisfied on the job," Nazemetz said. "Companies that treat employees with respect, as key members of the team, are repaid in the dividends of employee motivation, productivity and commitment to quality.

"Empowerment turns out to be an important part of the answer for the two critical questions facing American business today: How do we compete in an increasingly global marketplace? And how do we meet the needs of an increasingly diverse workforce?" Nazemetz said.

Xerox Corporation is pursuing a number of strategies to build an empowered workplace:

- **Organizational Structure:** Xerox over the last five years has moved away from the traditional "top-down" structure, where people waited for decisions to be handed down from above, in favor of a "flatter" organizational architecture. Now, people closest to the customer have more decision-making power. Collaboration is encouraged. The most concrete examples are perhaps the 37 customer business units within the U.S. sales organization. Each CBU operates like a franchise, with the autonomy to meet the needs of customers in
- the local marketplace. Service technicians help sales people identify marketing opportunities and problem sites; sales people help service technicians plan installations, removals, upgrades and

software fixes.

- **Employee Motivation and Satisfaction Survey:** Just as employees receive annual performance appraisals, Xerox has for more than 40 years invited employees to assess various aspects of the business in an annual employee survey. In 1995, the survey was redesigned to better measure the company's success and how it can do better in building the Empowering Work Environment: a workplace where collaboration, open communication and diversity are valued, and family-friendly policies are put into practice.
- **Empowerment Initiative:** Pockets of Xerox employees have been experimenting for a number of years with self-managed work teams like those observed in the Ford study. In 1997, Xerox will launch a company-wide initiative to encourage more widespread use of such teams, which Xerox is calling "X Teams." The initiative includes a major internal communications campaign to promote discussion of empowerment and the characteristics of the empowered workplace; and to provide 'real world' tools and examples that can be used in the creation and maintenance of an Empowering Work Environment.
- **LifeCycle Assistance:** In 1993, Xerox introduced LifeCycle Assistance to address the changing needs of a diverse work force. LifeCycle Assistance provides financial assistance in areas not covered by the company's traditional benefits plan. Employees who meet eligibility requirements can receive up to \$2,000 a year, to a lifetime maximum of \$10,000, in some combination of child care, mortgage assistance and money toward the purchase of health insurance for household members not generally covered by the Xerox medical plan, such as domestic partners of the same or opposite sex, elderly parents, siblings or grown children living at home. LifeCycle Assistance is another important step toward giving employees greater choice in how benefit dollars are spent.
- **Training:** Empowerment presents an opportunity, but it also poses a challenge. It takes a certain kind of person to flourish in this kind of organization and make it work: somebody who is flexible and highly motivated, a problem-solver who can work collaboratively, and who can remain focused and inspired amid rapid and dramatic change. One of the goals of training at Xerox is to nurture that kind of person. Xerox spends about \$400 million a year on training and retraining for employees, about 5 percent of U.S. revenues.
- **Diversity:** Xerox views diversity in the workplace as more than a moral imperative or business necessity. Beyond that, diversity constitutes a competitive advantage that is very much linked to empowerment. People of all ages and from different backgrounds bring to the empowered workplace fresh ideas, opinions, perspectives and boundless creativity. It is the richness of the diverse perspectives, used in solving real business problems, that give the company a competitive advantage. Under the company's balanced work force strategy, senior managers are evaluated on their ability to hire, keep and promote minorities and women. Even when the company must reduce its ranks, the smaller work force is expected to mirror the work force before the reduction, in the percentages of minorities and women. Caucus groups are another piece of the diversity story at Xerox. These independent groups of Xerox employees date from the 1960s. The caucuses, not labor unions but something akin to self-help groups, help members negotiate the corporate world and work to ensure that their members, like all Xerox employees, have equal opportunity in hiring, promotion and training. The caucuses include groups for African-Americans, Hispanics, Asians and women, as well as gay and lesbian employees. At the end of 1995, the company's U.S. work force was about 14 percent African-American, 7 percent Hispanic, and 5 percent Asian and others. Women made up 32 percent of the total U.S. work force of 45,900. About 35 percent of Xerox senior executives are women or minorities or both, 94 of 270.

"Empowerment has a long tradition at Xerox," Nazemetz said. "An empowered workplace can't be traced to any one policy or initiative. It's the result of many people with different strengths and skills working together toward a common goal over time. The Ford study is an important tool for Xerox in creating an environment where family-friendly practices and improved business results are completely compatible goals."

-XXX-

**Contact:**

*For Xerox, Brent Laymon, 203-968-4237;*

*for the Ford Foundation, Michele Galen of Burson-Marsteller, 212-614-4293.*

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# San Francisco Chronicle

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Friday, February 7, 1997 · Page A21

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## S.F. Archbishop Agrees To Discuss Partners Policy

*Torri Minton, Chronicle Staff Writer*

Archbishop William Levada and the city of San Francisco reached an agreement behind closed doors last night to negotiate a policy that apparently would allow Catholic Charities to extend benefits to a household member including a domestic partner.

The agreement could signal an end to a touchy dispute between Levada and the city over whether Catholic Charities should be allowed to spend city money if the agency does not provide city-mandated domestic partner benefits to its employees.

The controversy put in jeopardy some \$5.6 million in contracts that Catholic Charities, the human services arm of the Archdiocese of San Francisco, has with the city.

The wording that Mayor Willie Brown, the archbishop and four members of the Board of Supervisors agreed to negotiate seems to surpass city requirements for domestic partners benefits.

Without explanation, and without using the term "domestic partners," the group released the following tentative language: "An employee may designate a legally domiciled member of the employee's household as being eligible for spousal equivalent benefits."

The language must still be examined by the city attorney and may be subject to further talks.

"It actually exceeds the ordinance," Supervisor Tom Ammiano said. "As I understand it, this says that if you are an employee of Catholic Charities, you can designate any other member of your household for equivalent spousal benefits."

"It looks like a very positive step toward reconciliation," Ammiano said.

The agreement came after an hourlong meeting involving Levada, Brown, Board of Supervisors President Barbara Kaufman and Supervisors Leslie Katz, Susan Leal and Ammiano.

"I'm very pleased that we've reached an accord on a provision that I think will be in everybody's best interest," said Katz. "It sets an example of what happens when people sit down and try to work toward resolution."

Starting in June, San Francisco law will require that city contractors who provide health insurance to married couples must also give those benefits to the gay, lesbian and unmarried domestic partners of their employees.

Earlier this week, Levada said that equating domestic partnership with marriage and family runs contrary to Catholic teaching. In December, he threatened legal action over the issue, in a private letter sent to Brown.

Neither Levada nor his spokesman offered comment on the apparent shift signaled by last night's agreement. Brown and his spokeswoman also declined comment.

Excluding Catholic Charities from city contracts, Levada has said, could directly affect its programs to house and feed the homeless, poor families, and people with AIDS and HIV. The Catholic agency also provides job training and mental health counseling. About 40 percent of the Catholic Charities budget flows through City Hall.

At the meeting last night, "everything was very cordial and low-key," Ammiano said.

"I think this is a very positive step for the two entities -- the archdiocese and the city -- to try to coexist without devaluing each other's principles," Ammiano said.

The city also is negotiating with United Airlines over the domestic partners benefits.

At issue is a side letter to a 25-year lease for United at San Francisco International Airport.

United, the world's largest airline and the biggest carrier at the airport, reached a lease agreement for land for a new flight kitchen and an equipment repair facility in September. But last month, the supervisors sought to attach domestic partners wording to the airline's lease.

The domestic partners law -- passed unanimously by the supervisors and signed by Brown in December -- says that even before the June 1 effective date of the policy, any lease with the city for more than two years should contain the language, or at least a pledge by the business, to move toward compliance with the law.

# City and County of San Francisco



Willie Lewis Brown, Jr.  
Mayor

# Human Rights Commission

Contract Compliance  
Dispute Resolution/Fair Housing  
Minority/Women/Local Business Enterprise  
Lesbian Gay Bisexual Transgender & HIV Discrimination

Marivic S. Bamba  
Executive Director

Tom Coleman  
P.O. Box 65756  
Los Angeles, CA 90065

Dear ~~Mr~~ <sup>Tom</sup> Coleman:

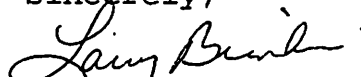
This letter is in response to your request for information about domestic partner benefits in San Francisco.

In the case of United Airlines, United was seeking to renew their airport lease for a 25 year period. This renewal was to occur before June 1, 1997 when the nondiscrimination in benefits portions of San Francisco Administrative Code 12B go into effect. The Board of Supervisors passed a resolution requiring any City contracts or leases signed before June 1, 1997 for a term of more than 2 years to include equal benefits for domestic partners provisions. The Board then reached an agreement with United which provided a 2 year lease without domestic equal benefits. However, when that lease expires, United will be required to have these benefits in place in order to renew their lease again. I have enclosed copies of Section 12B and of the resolution.

In the Catholic Charities case, a verbal agreement has been reached between some members of the Board of Supervisors, Mayor Brown, and Archbishop Levada. The Archbishop has agreed that Catholic Charities and other City contractors associated with the Archdiocese will allow an employee to pick any member of their household to receive benefits. There is no written agreement at this time and the Human Rights Commission has not yet approved the arrangement. However, when these contracts come up for renewal, the Commission will review them for compliance with the equal benefits provision.

I hope that this information is helpful. Copies of the Ordinances, the resolution, and other information about domestic partners is available on our web site at [www.sfhumanrights.org](http://www.sfhumanrights.org). If I can answer any other questions, please feel free to write or call me (415-252-2510).

Sincerely,

  
Larry Brinkin  
Coordinator

LB:LSS:lss





Date: 23 Jun 1997 12:17:33 -0700  
From: Doug Case <Doug.Case@sdsu.edu>  
Subject: Newsweek Poll on Disney Boycott, Gay Rights

NEW YORK, June 21 (UPI) -- A recent Newsweek poll shows few Americans agree with the Southern Baptist church's criticism of the Disney Company's policies toward gays.

Results of a poll released today reveal that only 29 percent of the people surveyed have joined the church's boycott of Disney movies, theme parks and products because they feel the company has moved away from wholesome family entertainment.

Earlier this week, the church declared war on Disney, a company that has long supported the rights of its gay employees. But the Newsweek poll, which will be published in the magazine's June 30 issue, shows few Americans agree with the church's beliefs.

Two-thirds of the 753 adults surveyed say the presence of gay couples at Disney theme parks doesn't reduce the enjoyment of heterosexual visitors.

The poll reveals that despite all the hype surrounding comedienne Ellen DeGeneres' coming out as gay earlier this year, public attitudes toward gay rights have changed little in the last year.

There is overwhelming support for equal rights for gays when it comes to job opportunities and housing and the poll indicates the majority of the public believes gay partnerships should be legally recognized in matters such as inheritance rights and health or social security benefits.

Less than half of the people polled, however, said they approve of adoption rights for gay spouses while only one-third believe in legally sanctioned gay marriages.

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# THE FIELD POLL: PUBLIC FAVORS GAY/LESBIAN DOMESTIC PARTNERSHIP RIGHTS. OPPOSE SAME-SEX MARRIAGES

By Mark DiCamillo and Mervin Field  
Monday, March 3, 1997

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While sizable majorities (ranging from 59% to 67%) of the public favor some steps to allow gay and lesbian couples in a loving domestic partnership to have many of the benefits now provided to married heterosexuals, an almost equally large majority (56%) disapproves of legalizing same sex marriages.

In a statewide survey completed last month, The Field Poll interviewed a representative cross section of 1,045 California adults to measure a variety of issues relating to gays and lesbians. Some highlights of the findings are:

- Two thirds (67%) of the public would favor a law granting legal recognition to domestic partners living together in a loving relationship to have such family rights, such as hospital visitation rights, medical power of attorney and conservatorship.
- Almost six in ten (59%) would grant financial dependence status to domestic partners, whereby partners would receive benefits such as pensions, health and dental care coverage, family leave and death benefits.
- However, only a 38% minority would approve of a law that would permit homosexuals to marry members of their own sex and to have regular marriage laws apply to them. A majority (56%) disapproves of such a law and 6% have no opinion.
- The public is almost evenly divided (49% in favor and 43% opposed) on the question of whether there should be legislation which would mandate that California not recognize same-sex marriages performed legally in other states.

## Legislative/Court Actions

In recent months California legislators have been discussing and debating a number of gay and lesbian issues. Some legislators, primarily Assembly Democrats, are promoting new legislation which would protect and extend the rights of gays and lesbians. Other legislators, generally led by Republicans, want to restrict granting any new rights particularly in regard to legalizing gay marriages here and barring the recognition of same-sex marriages performed legally in other states.

A recent court ruling in Hawaii sanctioned legalized same-sex marriages in that state. If that ruling is upheld in the higher courts, then other states would be required under federal law to recognize those marriages as legal unions. This prospect has galvanized opponents of gay and lesbian marriages to

marriages as legal unions. This prospect has galvanized opponents of gay and lesbian marriages to introduce legislation in California and other states which would bar the recognition of gay marriages performed out of state. In reaction to the Hawaiian court ruling, the Hawaii State Senate has called for a constitutional amendment to ban same-sex marriages while approving a new law that would give gay and lesbian couples many of the benefits of married heterosexuals.

### Findings in detail

The following four tables show the findings of the main questions asked in this survey. As can be seen, Democrats divide more on the side of expanding gay rights, while Republicans are more likely to be opposed.

Women and people with no religious preference and those whose religion is something other than Protestant or Catholic are also disproportionately more supportive of the gay rights measures measured in this survey. That portion of the population which say they themselves identify "a lot" with the gay or lesbian community (representing about 6% of the respondents found in this survey) overwhelmingly favor same-sex marriages as well as granting domestic partner rights to homosexuals. On the other hand, those who report no identification with the gay and lesbian community favor the granting domestic partner rights to gay couples but they largely disapprove of same-sex marriage legislation and are opposed to recognizing such marital unions performed in other states.

**Table 1**

### Grant Legal Recognition to Domestic Partners in Areas of Family Rights, Such as Hospital Visitation Rights, Medical Power of Attorney and Conservatorship?

	Favor	Oppose	No Opinion
<b>STATEWIDE</b>	67%	24	9
<b>PARTY IDENTIFICATION</b>			
<b>Democrats</b>	72%	19	9
<b>Republicans</b>	64%	29	7
<b>Other</b>	61%	24	15
<b>GENDER</b>			
<b>Men</b>	67%	25	8
<b>Women</b>	68%	22	10
<b>RELIGION</b>			
<b>Protestant/Christian</b>	65%	28	7
<b>Roman Catholic</b>	62%	23	15

<b>Roman Catholic</b>	62%	23	15
<b>Other Religions</b>	80%	14	6
<b>No Religious Preference</b>	81%	16	3
<b>IDENTIFICATION WITH GAY/LESBIAN COMMUNITY</b>			
<b>A Lot</b>	90%	6	4
<b>Some</b>	77%	16	7
<b>Not at All</b>	62%	28	10

Table 2

**Grant Financial Dependence Status to Domestic Partners to Receive Benefits Such as Pensions, Health, and Dental Care Coverage, Family leave and Death Benefits**

	<b>Favor</b>	<b>Oppose</b>	<b>No Opinion</b>
<b>STATEWIDE</b>	59%	35	6
<b>PARTY IDENTIFICATION</b>			
<b>Democrat</b>	68%	27	5
<b>Republicans</b>	47%	48	5
<b>Other</b>	58%	29	13
<b>GENDER</b>			
<b>Men</b>	53%	41	6
<b>Women</b>	64%	30	6
<b>RELIGION</b>			
<b>Protestant/Christian</b>	50%	46	4
<b>Roman Catholic</b>	65%	28	7
<b>Other Religions</b>	67%	28	5
<b>No Religious Preference</b>	67%	24	9



## MassMutual American Family Values Study

### Results of Focus Group and Survey Research

**See other side**  
for results of survey in which  
the overwhelming majority of people reject a  
definition of “family” that is limited to blood,  
marriage, or adoption, but instead define family  
as a group who love and care for each other.

### The Study:

The Mass Mutual American Family Values Study integrates two complementary research techniques. To gain an overview of Americans' views on family and family values, we conducted four focus groups, two in Baltimore, Maryland, and two in Denver, Colorado. The focus groups were followed by a statistically valid survey of 1,200 randomly selected American adults conducted by telephone between June 20 and 27, 1989. Results for the sample as a whole are accurate to within 3 1/2 percentage points.

### **Executive Summary**

#### Americans are family centered:

Family is the central element in the lives of most Americans. Most Americans (81%) listed the family as one of their top two sources of pleasure in life. "Providing for myself and family" was also listed by more than half of our sample (51%) as one of their two greatest causes for worry. Others worry about declining family values (17%) and declining moral values (23%).

Further, many Americans accept the view that the root cause of our nation's pressing social problems can be found in the family. When asked to explain the incidence of crime and other social problems in the U.S., the largest group of respondents (20%) selected "parents failing to discipline their children." The next most frequent answer, "declining family values," was the choice of 17%.

#### What family means:

Family is defined by Americans in emotional, rather than legal or structural terms. When offered three choices, only about one in five (22%) chose to define family in a legalistic way as "a group of people related by blood, marriage, or adoption." Nearly three quarters (74%) define family as "a group who love and care for each other." In the eyes of our respondents, the family performs two principal functions: 1) family is the base for caring and nurturing, and 2) family is the place where values are taught and learned.

## ***DEFINITION OF FAMILY***

Which of the following statements comes closest to your definition of family:

- A group of people that is related by blood, marriage, or adoption . . . . . 22%
- A group of people living in one household . . . . . 3%
- A group of people who love and care for each other . . . . . 74%
- I'm not sure about this . . . . . 1%

*(Mellman & Lazarus, Mass. Mutual, 1989, National, 1,200 Adults, #14)*

## ***Discrimination/Equal Pay***

Do you think that people who do the same job should receive the same pay regardless of their age, sex, race, or anything else -- that is, should there be equal pay for equal work?

- Yes . . . . . 88%
- No . . . . . 7%
- Depends . . . . . 4%
- No Opinion . . . . . 1%

*(Roper Organ., Opinion Research Corp., 1986, National, 1,009, Adults, #279)*



# TRINITY CATHEDRAL CHURCH

2620 CAPITOL AVENUE • SACRAMENTO, CALIFORNIA 95816  
(916) 446-2513 • FAX/TTY (916) 446-2589 • WEB: <http://www.trinitycathedral.org>

THE RIGHT REVEREND JERRY A. LAMB, BISHOP OF NORTHERN CALIFORNIA  
THE VERY REVEREND DONALD G. BROWN, DEAN

April 10, 1997

Assembly Member Carole Migden  
State Capitol  
Sacramento, CA 95814  
Fax: 916-324-2936

Re: AB 1059 - Support

Dear Assembly Member Migden,

We write as members of the religious community in support of AB 1059 - Health Benefits for Domestic Partners,

We recognize that there are some individuals and groups in the community of faith who would deny health benefits to domestic partners on moral grounds. However, we represent a large number of Christians who hold another point of view on this matter.

The biblical concept of family is a much broader vision than the modern family which is characterized as husband, wife and a couple of children. The biblical concept centers around the obligation one had to one's "household." A "household" included those who were related by marriage, genetics, or through affiliation with the household (for example Genesis 36:6, "then Esau took his wives, his sons, his daughters, and all the members of his household....and moved to a land some distance from his brother Jacob.") There are close to thirty different icons of what constitutes family presented in the Hebrew and Christian Testaments.

Those who are living together in domestic partnerships are certainly one icon of what it means to be a family. On these grounds, as well as on the basis of the fact that it is just and right for all in our society to have access to health insurance, we the undersigned clergy of Sacramento support AB 1059.

Sincerely,

  
\_\_\_\_\_  
Donald G. Brown  
(Clergy Member)

Trinity Episcopal Cathedral  
(Congregation)

  
\_\_\_\_\_  
Steven Fietz  
(Clergy Member)

First Christian Church  
(Congregation)



Page 2 of 2: Re: AB 1059 - Support

John P. Bingham  
JOHN P. BINGHAM  
(print name)

Seminaria Counseling Center  
(congregation)

Carol M. Carter  
CAROL M. CARTER  
(print name)  
Wesley United Methodist  
First United Methodist  
(congregation)

Barry F. Cavaghan  
BARRY F. CAVAGHAN  
(print name)  
United Campus Ministry  
(congregation)

Vincent Brady  
VINCENT BRADY  
(print name)  
Central of the Blessed Sacrament  
(congregation)

George E. Herbert  
GEORGE E. HERBERT  
(print name)  
WESTMINSTER PRESBYTERIAN  
(congregation)

Jay K. Pierce  
JAY K. PIERCE  
(print name)

CENTRAL United Methodist Church  
(congregation)

Catherine M. Campbell  
Catherine m. Campbell  
(print name)  
Hispanic Office, Episcopal Div. of No CA  
La Misión Hispana el Divino Salvador  
(congregation)

George K. Meier  
GEORGE K. MEIER  
(print name)  
PIONEER CONGREGATIONAL CHURCH  
(congregation)

Carlos Schneider  
CARLOS SCHNEIDER  
(print name)  
ST. JOHN'S LUTHERAN CHURCH  
(congregation)



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# Newswatch



**By Star-Bulletin Staff**

Wednesday, April 30, 1997



## **Church gives same-sex couples spousal benefits**

Same-sex couples and other unmarried employees with domestic partners will receive spousal benefits under a resolution approved by U.S. Episcopal Church leaders at a Honolulu conference that ended yesterday.

The decision to seek broader insurance coverage for national church employees approved by the church's Executive Council is just one human sexuality issue facing church decision makers, said Pamela Chinnis, president of the House of Deputies.

Island observers at the four-day meeting of policymakers for the 2.5-million member church couldn't help but make comparisons with the same-sex marriage issue faced by state lawmakers.

The spousal benefits resolution passed, 19-11, and "there was more discussion on it than any other resolution," said Chinnis, who leads the 950-member house, which includes delegates from every diocese in the U.S. church. The church's legislative body also includes the House of Bishops.



# Episcopalians Narrowly Reject Call to Bless Same-Sex Unions

■ **Religion:** Priests and lay members in the church's highest legislative body vote on resolution. Advocates say they will try again at next gathering in 2000.

By LARRY B. STAMMER  
TIMES RELIGION WRITER

PHILADELPHIA—In a decision underscoring sharp differences over homosexual relationships, the Episcopal Church on Saturday narrowly turned back a call for blessing same-sex unions.

The razor-thin vote in the church's highest legislative body—the General Convention—was seen as an unmistakable signal that tensions over issues of human sexuality that have dogged the Episcopal Church as well as other denominations are not expected to go away anytime soon.

Had the resolution been approved, the church's liturgical commission would have been urged to develop "a rite or rites for the blessing of committed relationships between persons of the same sex." But the House of Deputies made up of priests and lay members of the church fell just short of the necessary votes required to send the measure to the convention's House of Bishops. The vote among lay delegates was 56 in favor and 41 against. Among priests, the vote was 56 in favor and 37 against. To be approved, the measure needed 57 votes in each group.

"This issue is dead for this General Convention," church spokesman James Solheim said. But sup-

porters of the measure said they would come back at the next convention, to be held in 2000, and try again.

"To us, this vote is an affirmation. We're pleased with this vote. It means it's coming back," said the Rev. Michael W. Hopkins, a member of Integrity, the Episcopal gay and lesbian organization. In the meantime, Hopkins predicted, some priests would continue to bless same-sex unions. "They've been going on for years and they will continue to go on," Hopkins said.

On a related issue, however, the convention authorized individual dioceses to offer health insurance benefits to domestic partners of clergy and church employees, including those involved in same-sex relationships. The Anglican Church of Canada approved a similar resolution last year.

Later, in an address to the convention, Archbishop of Canterbury George L. Carey urged Episcopalians not to allow differences to divide the church.

"My plea to you all is to keep your eyes focused on the God whose hands are tied by his love for you," said Carey, who is the head of the Church of England and spiritual leader of the 70-million-member worldwide Anglican Communion, which includes the Episcopal Church.

"Remember that no matter how much you think you are dealing with issues, you are not; you are always dealing with people—people who wound, who hurt, who feel—and remember as you look on them that they are in the image of God."

The vote rejecting ceremonies for blessing same-sex unions followed sometimes emotional floor debate, with supporters wanting to expand what is meant by holy matrimony and opponents warning that such services would make the Episcopal Church an outcast within Christianity.

"We are not attempting to subvert the sanctity of marriage," said the Rev. Jane N. Garrett of Vermont, a supporter. "Far from it. We are asking to join in the sanctity of marriage through full participation in it."

Other backers stressed that the resolution also affirmed "the sacredness of Christian marriage between one man and one woman."

The Rev. Bonnie A. Perry said her Chicago parish was all but dead five years ago, but thanks to the contributions and commitment of new parishioners—about a third of whom are gay men and lesbians—she said the church has been transformed into a "vibrant and growing" community of Christians.

Despite the contributions of gays and lesbians, she said she has had to turn down three gay couples who have asked her to bless their relationships. She urged them to wait for action by the national church.

"I can tell you the entire congregation, straight and gay, is waiting

and longing for me to come back and say that the Episcopal Church welcomes all of us and loves all of us," Perry told delegates.

But opponents warned that same-sex union rituals would make the Episcopal Church the first in the world to officially bless sexual relations outside of traditional matrimony. "The passage of this resolution will put us permanently out of step with the Roman Catholic and Orthodox churches, conser-

**'We are not attempting to subvert the sanctity of marriage. Far from it. We are asking to join in the sanctity of marriage through full participation in it.'**

THE REV. JANE N. GARRETT  
Supporter of resolution  
blessing same-sex unions

vative Protestants and many mainline Protestants as well. The vast majority reject this practice as sin," said the Rev. Richard C. Crocker of Iowa.

Rank-and-file Episcopalians are against such services, said the Rev. Gerry L. Schnackenberg of Colorado. "It will have been done against the convictions of a majority of those who sit in our pews. . . . It will be done in response to a pressure group which has taken the novel approach of raising experience to normative

authority over Scripture."

Meanwhile, in other business, the House of Bishops approved a measure passed a day earlier by the House of Deputies requiring four dissenting bishops who refuse to ordain women to develop plans for doing so by 1999 or face the possibility of a church trial for not upholding church law. The church has ordained women since 1976.

Later, one of the holdout bishops, the Rt. Rev. Jack Iker of Fort Worth, told reporters he intended to undertake "active resistance to the directive." By that, he said he meant he would continue to refer women interested in becoming priests to another diocese but that he would not ordain them himself.

He said he remains unconvinced by arguments that women should be ordained. "I cannot compromise my conscience because I have serious theological reservations," he told reporters.

In floor debate, the Rt. Rev. Barbara Harris of Boston, who in 1989 became the first female Episcopal bishop, called for defeat of an amendment that would have allowed the four dissenting bishops to continue denying ordination to women as long as they hold office.

"The message such an amendment would send to the women of this church and those who support the ordained ministry of women in this church is that once again this house is engaged in a delaying tactic," Harris said. "To engage in further delay says to the women of this church, 'We do not value your ministry, even though God has called you.'"



APR 11 1997

April 11, 1997

The Honorable Liz Figueroa  
Chair, Assembly Insurance Committee  
Room 448, State Capitol  
Sacramento, CA 95814

RE: AB 1059 (Migden): Health Coverage: Domestic Partners

Dear Assemblywoman Figueroa:

Since its inception, our society has provided married couples and families certain benefits that are not available to non-married individuals—such as tax incentives, health care rights, and pension and survivor benefits. They are accorded to families raising (or who have raised their children) because society has a vested interest: those children are the next generation of citizens. These benefits are not primarily *individual* benefits, although some individuals will benefit.

The domestic partnership idea rests upon a sociological fact that there are a great number of living arrangements today and a value judgment that the *individuals* in at least some of those arrangements and/or relationships have an "equal right" to the benefits presently given to married couples. *Individuals* in domestic partnerships, in essence, wish to participate in the benefits without the responsibilities of marriage and family. The benefits were not designed to benefit individuals, but families nurturing future citizens.

The bishops support universal health care and applaud those organizations who offer co-insurance benefits to their employees. Such benefits can be assigned to other "legally domiciled" individuals in the employee's home, such as adult child, parent or other "blood" relative. This benefit is accorded in the spirit of universal health care, not in an attempt to make domestic partnership an equivalent to the institution of marriage.

We must oppose AB 1059 because of its definition of domestic partnership. We would not oppose AB 1059 if health coverage was offered to adult individuals legally domiciled in an employee's home, but because of the exclusion of blood relatives, we perceive the bill to be an attempt to accord marriage equivalence to domestic partnerships. We hope for your thoughtful consideration and ask for your "no" vote on AB 1059.

Sincerely yours,

Reverend Monsignor E. James Petersen  
Executive Director

EJP/cnh

cc: Members of Assembly Insurance Committee  
David Link, consultant

Cathedral Square ♦ 1010 11th Street, Suite 200 ♦ Sacramento, California 95814-3807  
(916) 443-4851 ♦ FAX: (916) 443-3629

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  - Diocese of San Bernardino  
Bishop Gerald R. Barnes
  - Diocese of San Diego  
Bishop Robert H. Broen  
Bishop Gilbert E. Chavez
- ♦ ♦ ♦
- Province of San Francisco*
- Archdiocese of San Francisco  
Archbishop William J. Levada  
Bishop Patrick J. McGrath  
Bishop Carlos A. Scoville
  - Diocese of Oakland  
Bishop John S. Caturus
  - Diocese of Sacramento  
Bishop William K. Weigand
  - Diocese of San Jose  
Bishop R. Fern Dubhaine
  - Diocese of Santa Rosa  
Bishop G. Patrick Ziemann
  - Diocese of Stockton  
Bishop Donald W. Monroese
- ♦ ♦ ♦
- Byzantine Catholic Eparchy of Van Nuys  
Bishop George M. Kazian
  - Marian Catholic Eparchy of Our Lady of Lebanon of Los Angeles  
Bishop John G. Chodid
- ♦ ♦ ♦
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- Executive Director  
Reverend Monsignor  
E. James Petersen

# Independence Blue Cross



1901 Market Street, Philadelphia, Pennsylvania 19103-1480

An Agent for  
Pennsylvania Blue Shield

April 9, 1997

Shoshana Bricklin, Esq.  
City Council Technical Staff  
Philadelphia City Hall, Room 564  
Philadelphia, PA 19107

Re: ***Domestic Partner Eligibility***

Dear Ms. Bricklin:

It was a pleasure talking with you regarding your questions related to Independence Blue Cross's ("IBC") endorsement that provides our group customers the option to enroll domestic partners.

As I mentioned to you in our telephone conversation, when IBC and Pennsylvania Blue Shield ("PBS") initially filed its domestic partner endorsement, the endorsement contained express language that limited eligibility to same sex domestic partners. In objecting to the language in a letter dated June 22, 1994, a Policy Examiner at the Pennsylvania Insurance Department stated the following:

31 Pa. Code Section 89.84 provides that in accordance with the Unfair Insurance Practices Act (40 P.S. Subsection 1171.5(a)(7)(III) and the Pennsylvania Constitution Article I, Subsection 7; and, as further provided under 31 Pa. Code Section 145.4, availability of an insurance contract may not be denied to an insured or prospective insured on the basis of sex or marital status of the insured or prospective insured.

No discrimination in availability of policy forms or other retractions or limitations in underwriting practices or eligibility standards are permitted on the basis of race, religion, nationality or ethnic group, age, sex, family size, occupation, place of residence or marital status. Specifically, the Department objects to your limitation to "same sex," since this would be unfairly discriminatory.

While IBC and PBS offered what I believed were legitimate reasons why limiting domestic partner eligibility to same sex partners did not violate the Pennsylvania Constitution or the Pennsylvania Insurance Laws, the Insurance Department insisted that we remove the reference to "same sex" in the endorsement.

Shoshana Bricklin, Esq.  
April 9, 1997  
Page 3

After reviewing this matter with senior management at IBC and PBS, the Plans agreed to delete the objectionable language. For your information, I have enclosed a copy of the endorsement that was approved by the Insurance Department.

I trust this responds to your inquiry. Should you have any additional questions, my direct number is (215) 241-3805.

Very truly yours,



Richard F. Levins  
Deputy General Counsel

RFL/cm  
Enclosure

cc: Lorina L. Marshall  
Vice President, Government Relations

1710

**Independence Blue Cross and  
Pennsylvania Blue Shield**  
(hereafter called "the Plan")

**Endorsement**

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*This endorsement modifies the following form[s] as indicated:*

- ◆ *Group Major Medical Agreement*
- ◆ *Comprehensive Major Medical Health Care Contract (Experience Rated Group) (Form Number 90-0001)*
- ◆ *Personal Choice Contract (Experience Rated Group) (Form Number 4037)*
- ◆ *Personal Choice Contract (Community Rated Group) (Form Number 5077)*
- ◆ *Blue Choice Contract, Designated Gatekeeper (Form Number 4590)*
- ◆ *Blue Choice Contract, Passive Gatekeeper (Form Number 4591)*

◆◆◆

The Definition of "Dependent" or "Eligible Dependent" is hereby revised to include an Applicant's "Domestic Partner," as defined below. The child of a Domestic Partner shall be considered for eligibility under the plan as if it were the child of the Applicant, as long as the Domestic Partnership exists.

Domestic Partner: A member of a Domestic Partnership consisting of two partners, each of whom: (a) is unmarried, at least 18 years of age, resides with the other partner and intends to continue to reside with the other partner for an indefinite period of time; (b) is not related to the other partner by adoption or blood; (c) is the sole Domestic Partner of the other partner, with whom he/she has a close committed and personal relationship, and has been a member of this Domestic Partnership for the last six (6) months; (d) agrees to be jointly responsible for the basic living expenses and welfare of the other partner; (e) meets (or agrees to meet)

5466 (Rev 4/96)

**Approved, Effective** APR 15 1996  
*FILING # 15-P-94*  
**Pennsylvania Insurance Department**

*Richard W. Stone*

the requirements of any applicable federal, state, or local laws or ordinances for Domestic Partnerships; and (f) demonstrates financial interdependence by submission of proof of three (3) or more of the following documents: (i) a domestic partner agreement; (ii) a joint mortgage or lease; (iii) a designation of one of the partners as beneficiary in the other partner's will; (iv) a durable property and health care power of attorney; (v) a joint title to an automobile, or joint bank account or credit account; or (vi) such other proof as is sufficient to establish economic interdependency under the circumstances of the particular case. The Plan reserves the right to request documentation of any of the foregoing prior to commencing coverage for the Domestic Partner.

It is understood that the Applicant has an affirmative obligation to notify the Plan as soon as the Domestic Partnership has been terminated. Upon termination of the Domestic Partner relationship, coverage of the former Domestic Partner and the children of the former Domestic Partner shall terminate at the end of the current monthly term. The former Domestic Partner, and any of his or her previously covered children, shall be entitled, by applying within 60 days of such termination, to direct pay coverage of the type for which the former Domestic Partner and children are then qualified, at the rate then in effect. This direct pay coverage may be different from the coverage provided under the Contract or Agreement to which this Endorsement is attached.

All other terms and conditions set forth in the Agreement shall remain in effect.

BY: \_\_\_\_\_

G. Fred DiBona, Jr., Esq.  
President and Chief Executive Officer,  
Independence Blue Cross

BY: \_\_\_\_\_

Samuel D. Ross, Jr.  
President, Pennsylvania Blue Shield

## Henningsen amends benefits proposal

By Mike Nichols  
of the Journal Sentinel staff

September 6, 1997

Ald. Paul Henningsen said Friday that his proposal to extend health and funeral leave benefits to homosexual partners of city employees is being amended to include unmarried heterosexual partners as well.

His decision comes in the wake of a city attorney's opinion that concluded it would be illegal and discriminatory to exclude heterosexual partners.

Henningsen said he thought the opinion was "terrible."

Hundreds of corporations and scores of municipalities offer health benefits to domestic partners of employees and, according to Henningsen, many of those do not include unmarried heterosexuals. He said Friday he is trying to get his hands on legal opinions from some of those cities.

Henningsen said he would prefer his original proposal because it would be cheaper.

However, he said, "The same principle applies: equal benefits for equal work."

Just how much cheaper the initial version, applying only to gay partners, would be is difficult to say.

Common Council President John Kalwitz said last month that the city's Legislative Reference Bureau estimated the proposal would cost the city from \$5,000 to \$6,000 per partner annually.

But there is some question about the estimate.

Henningsen said Friday that the estimate was too high, and Barry Zalben, the manager of the Legislative Reference Bureau, said the estimate did not come from his office.

Kalwitz, in the meantime, said it came from a conversation with a Legislative Reference Bureau staff person rather than a written analysis. A review of the cost of health and dental benefits, he added, indicates that \$5,000 is a fair number.

Henningsen's decision to add heterosexuals to his proposal increases the chances that the



proposal will at least be given a hearing.

On Thursday, after the city attorney's opinion was made public, Ald. Marvin Pratt said he would not schedule a Finance & Personnel Committee hearing on Henningsen's proposal unless Henningsen amended it.

In light of Henningsen's addition of heterosexuals, Pratt said Friday he would schedule a hearing on the new proposal as long as the city attorney signs off on the new version.

The initial Henningsen proposal, introduced last month, would require gay partners to file "affidavits of domestic partnership" with the city attesting that they are of the same sex, at least 18 years old and "responsible for each other's common welfare."

In addition, they would be required to share a checking account, credit cards or property such as a car. After that, partners would be eligible for the same medical and "funeral leave" benefits available to married heterosexuals.

The new version is virtually identical, but leaves out the requirement that partners be of the same sex.that partners be of the same sex.

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**Journal Sentinel Online**

**Inside News**

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## Legal fears snag Milwaukee's gay-partner benefits plan

By Mike Nichols  
of the Journal Sentinel staff

September 5, 1997

The city attorney's office has concluded that Ald. Paul Henningsen's proposal to extend health and funeral leave benefits to homosexual partners of city employees would be illegal because it doesn't include unmarried heterosexual partners as well.

While aldermen are often unhappy with legal opinions coming from the eighth floor of City Hall, it would be extremely unusual for them to adopt something that city attorneys believe would not withstand judicial scrutiny.

Ald. Marvin Pratt, head of the Finance & Personnel Committee, to which the issue has been referred, said Thursday that in light of the opinion he won't even schedule a hearing on the proposal unless it is amended.

Henningsen, who did not return a call Thursday, could add unmarried heterosexual partners to the ordinance, but that could also diminish the already-slim chances of passage.

Even those who are inclined to support his initial proposal, such as Mayor John Norquist, have expressed concern about the potential cost, which is estimated to be \$5,000 per partner per year.

Henningsen has estimated that the number of same-sex partners who might apply for benefits would be well under 100. If heterosexual partners were also eligible, that number -- and the cost -- would presumably increase dramatically.

The Henningsen proposal introduced last month is similar to one adopted in Chicago in March. It would require gay partners to file "affidavits of domestic partnership" with the city attesting they are of the same sex, at least 18 years old and "responsible for each other's common welfare."

In addition, they would have to share a checking account, credit cards or property, such as a car. After that, partners would be eligible for the same medical and funeral leave benefits available to married heterosexuals.

The city attorney's opinion, drafted by Ellen Tangen, concludes that the courts would find that Henningsen's proposal discriminates against heterosexuals.

She bases her analysis on the Wisconsin Fair Employment Act, which precludes discrimination in matters of "promotion, compensation, or terms, conditions or privileges of employment because of the individual's sexual orientation."

The opinion suggests that heterosexuals in those matters must have all the rights of homosexuals.

Whether homosexuals must have all the general legal rights of heterosexuals -- including the right to marry -- is a question that also is touched upon by the opinion.

In her discussion of the Wisconsin Fair Employment Act, Tangen cites a 1992 Appeals Court opinion rejecting the claim of a lesbian who felt the Wisconsin Personnel Commission discriminated when it said her companion was not eligible for health insurance coverage.

"As to the claims of discrimination based on sex and sexual orientation (in that case), the court stated that these claims must fail because the rule limiting benefits to an employee's spouse and children 'applies equally to hetero- and homosexual employees and thus does not discriminate against the latter group.' "

In other words, Tangen says that the court essentially concluded that it is possible for homosexuals to marry.

But that marriage could not be to someone of the same sex; such marriages are not recognized in the state of Wisconsin.

Chris Ahmuty, executive director of the American Civil Liberties Union of Wisconsin, said the city attorney's opinion focuses on sexual orientation, "but we also have a issue of marital status."

"I would like to say it leads one to ask if the extension (of benefits to same-sex partners alone) is considered discriminatory but the couples are prohibited (from marrying) by state law, why aren't Wisconsin's marriage laws considered discriminatory?"

The ACLU earlier this week sent out a news release saying it supported Henningsen's proposal to extend benefits to same-sex partners, and Ahmuty added Thursday that he would not oppose inclusion of unmarried heterosexuals as well.

"But I think at this point," he said, "the ordinance could pass constitutional muster either way."

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# National Organization for Women, Inc.

1000 16th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

September 17, 1997

Mr. Lloyd Rigler  
Lawrence E. Deutsch Foundation  
P.O. Box 828  
Burbank, CA 91503-0828

SEP 25 1997

Dear Mr. Rigler:

Thank you for your letter regarding domestic partnership. Let me assure you that NOW supports fair domestic partnership laws that do not discriminate based on sex. Our very successful Women-Friendly Workplace campaign includes a call for employers to eliminate all discrimination in the workplace -- including discrimination based on marital or family status.

Thank you very much for the Spectrum Institute materials. Please have Mr. Coleman call the NOW office so that we can make time to meet with him. He also should feel free to forward any additional materials to my office.

For your information, I have enclosed some information on NOW's Women-Friendly Workplace campaign. Please help us further our work on these important employment issues by signing the pledge and joining the campaign. I have also enclosed a membership application so that you might join NOW. (If you are already a member, please pass it on to a supportive friend.)

Again, thank you for the materials and your letter. Thanks also for your ongoing support of NOW and the feminist movement.

Yours for NOW,

Patricia Ireland  
President

Enclosures

# WOMEN-FRIENDLY WORKPLACE CONSUMER PLEDGE

I am tired of my consumer dollars subsidizing discrimination. I hereby pledge to fight discrimination by spending my consumer dollars with businesses that sign the Women-Friendly Workplace pledge. I will support businesses that:

**T**reat all customers/clients equally and with respect, without regard to their sex, race, sexual orientation, age, marital or family status, pregnancy, parenthood, disability or size.

**P**rovide a workplace free of discrimination based on sex, race, sexual orientation, age, marital or family status, pregnancy, parenthood, disability or size.

**S**upport all employees in their efforts to balance work and family responsibilities. In this regard, companies should not only meet the minimum requirements of the law but also strive toward policies that are genuinely family-friendly. (Such policies might include paid sick leave, flex-time, job sharing, child care and/or elder care benefits, family and medical leave for companies not legally obligated to provide it.)

**D**o not tolerate sexual or racial harassment, but do educate all employees, including management, with regard to anti-harassment policies and rigorously enforce them.

**E**nsure that any allegation of sexual or racial harassment, sexual assault, or sex or race discrimination is promptly and thoroughly investigated, and ensure that employees making such allegations are protected from retaliation and are not required to seek redress from a workers' compensation board or forced to submit to arbitration in lieu of pursuing legal or statutory remedies.

**H**ave an affirmative action program to ensure that women and people of color are included in the recruitment, hiring and promotion of employees.

**D**o not tolerate sexist, racist, sexually-explicit or pornographic images in the workplace or at any company-sponsored events.

**R**espect the laws that recognize the right of their employees to organize and establish an independent voice.

**P**rovide all employee benefits without discrimination based on sex. Any health benefits offered must cover the full range of reproductive health services -- including abortion.

**D**o not discriminate on the basis of marital status or sexual orientation. Benefits provided to spouses of employees must be extended to domestic partners -- including same-sex couples.

signed \_\_\_\_\_ print name \_\_\_\_\_

address \_\_\_\_\_

city \_\_\_\_\_ state \_\_\_\_\_ zip \_\_\_\_\_

phone (day) \_\_\_\_\_ (evening) \_\_\_\_\_ e-mail \_\_\_\_\_



*Please sign and return to:  
National Organization for Women  
1000 Sixteenth Street, N.W., Suite 700  
Washington, DC 20036*



# ***AMERICAN ASSOCIATION FOR PERSONAL PRIVACY***

18 OBER ROAD, PRINCETON, NEW JERSEY 08540 / (609) 924-1950

September 2, 1997

Honorable Dan Onorato  
Pittsburgh City Council  
5th Floor City-County Building  
Pittsburgh, PA 15219-2457

Re: Proposed Domestic Partnership Ordinance

Dear Councilman Onorato:

This association has been informed that Mr. Dan Cohen, a member of your city council, intends to introduce a proposal to extend public employee benefits to the domestic partners of Pittsburgh workers. These benefits would apply to domestic partners on the same terms as they are given to the legal spouses of city workers. I would be writing to you in support of this measure if the definition of "domestic partnership" in the proposed ordinance included all domestic partners, regardless of gender or sexual orientation. Regrettably, this is not the case.

Councilman Cohen has chosen to limit domestic partner benefits to same-sex couples. Such a proposal reinforces the marital status discrimination inherent in the city's current employee benefits policy, which only confers such benefits on married couples. It distorts the concept of domestic partnership by turning it into a substitute form of marriage for gay and lesbian couples. The secular institution of domestic partnership was never intended to be limited in such a manner.

Most people support the principle of equal pay for equal work. This principle recognizes that workers should be compensated on the basis of merit and productivity, not on the basis of their marital status or other non-merit factors. Since employee benefits constitute nearly 30% of a worker's compensation, eliminating discrimination from benefits plans is an important goal for individuals and organizations interested in securing equal rights for all persons regardless of race, religion, color, sex, marital status or sexual orientation.

This association commends councilman Cohen's proposal to the extent that it attempts to eliminate discrimination from the workplace. However, we do not believe that such a laudable goal justifies reinforcing or perpetuating marital status discrimination and using gender discrimination in the process. Engaging in discrimination to eliminate discrimination only compounds and complicates the problem.

The definition of domestic partnership in the proposed ordinance requires an employee and his partner to certify that they meet nine specific criteria. There is no significant problem with any of these criteria, except for the requirement that the partners must declare that they "are of the same sex."

*AMERICAN ASSOCIATION  
FOR PERSONAL PRIVACY*

*Pittsburgh City Council  
September 2, 1997  
Page Two*

From its inception in Berkeley in 1984, to the most recent private-sector definitions such as those adopted by Chevron or Shell Oil or Mattell, domestic partnership has always been recognized as a non-marital family unit. It is a secular institution, a generic family type for two unmarried adults who live together and share the common necessities of life.

The constitutional right of privacy protects the freedom of choice of single adults to make certain types of highly personal decisions -- such as those involving marriage, family, and reproduction -- without discrimination or penalty. This fundamental right is violated when a municipality determines that adults will obtain benefits if they marry and will not get benefits if they live in a non-marital family relationship.

We agree with councilman Alan Hertzberg who has publicly stated: "I certainly sympathize with anyone who feels discriminated against. But I don't see how you can do that [extend benefits to domestic partners] and not do it for heterosexual partners too."

We also agree with Christine Blancheria, the attorney who is representing former University of Pittsburgh employee Deborah Henson, who has a discrimination case pending before the Human Relations Commission. The Pittsburgh Post-Gazette reported that "as far as heterosexual couples go, Blancheria sees no reason they shouldn't be offered benefits too, if they are living together in a committed relationship." Blancheria was quoted as saying: "There is nothing in the law that requires an employer to choose marriage as a criteria for giving benefits. It's artificial. They have to use neutral criteria."

The attempted justification given by city personnel director Barbara Parees for excluding unmarried opposite-sex couples from the domestic partnership proposal does not withstand rational examination. She stated that, because Pennsylvania recognizes common-law marriage, an opposite-sex couple only has to say they are married in order to qualify for benefits. That may be factually true. However, by holding themselves out to the personnel department as a married couple they actually become legally married. The couple would have to go to court to obtain a divorce if they needed to end the relationship, with all the cost and time which that entails, whereas domestic partners have merely to file an affidavit with the personnel department declaring that the partnership has ended.

Furthermore, opposite-sex partners who are required to marry in order to obtain equal benefits -- whether it is a ceremonial or a common-law marriage -- will incur potentially lifelong obligations of support for each other, whereas domestic partners merely incur obligations during the relationship, not after it ends. In addition, each party to a common-law marriage may incur financial obligations to third parties as a result of the marriage, while in the Cohen proposal, domestic partners do not.

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FOR PERSONAL PRIVACY*

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By requiring opposite-gender couples to marry in order to obtain the benefits involved, the city would be making opposite-gender couples assume legal and economic burdens which are not imposed on their same-gender peers.

No doubt, there are many reasons -- personal, philosophical, political, and economic -- for which opposite-sex couples might prefer to become a domestic-partnership family rather than a married-couple family. The city should not penalize its employees because they choose a non-marital relationship rather than matrimony, regardless of the personal reasons underlying that choice.

I am enclosing some materials developed by Spectrum Institute concerning domestic partnership employment benefits. In addition to dealing with the issue of gender-neutral definitions of domestic partnership, the materials also show that the cost of extending health benefits to domestic partners of the same-sex *and* of the opposite-sex is negligible. The fact that this cost factor is so negligible is one of the reasons why most municipalities and private-sector companies use an inclusive definition of domestic partnership.

You may wish to contact Spectrum Institute for further information. Its executive director, Thomas F. Coleman, Esq., recently conducted an informational briefing on domestic partnership benefits for the Philadelphia City Council.

I earnestly hope you will consider these suggestions as you and your colleagues discuss the issue of domestic partnership benefits during the coming weeks.

Very truly yours,



Dr. Arthur C. Warner  
Executive Director