

**CALIFORNIA SENIORS**

**SUPPORT**

**DOMESTIC PARTNERSHIP**

**RIGHTS & BENEFITS**

**FOR ALL COUPLES,  
REGARDLESS OF GENDER**

**PROPOSED LEGISLATION,  
LETTERS OF SUPPORT,  
POLICY STUDIES**

**1994 TO 1998**

**SPECTRUM INSTITUTE  
FAMILY DIVERSITY PROJECT  
MARCH 1998**

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**Copies of this booklet  
may be obtained from:**

**SPECTRUM INSTITUTE  
Family Diversity Project  
Post Office Box 65756  
Los Angeles, CA 90065  
(213) 258-8955**

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# Seniors Support Domestic Partnership Protections

## The Public and Religious Leaders Agree

Legislative proposals to extend basic humanitarian protections and various employment benefits to domestic partners have been debated in Sacramento for the past several years. All major seniors' groups in California have strongly supported these bills.

With backing from AARP, Older Women's League, California Senior Legislature, Gray Panthers, and the Congress of California Seniors, and other seniors' organizations, many of these bills have been favorably approved by policy and fiscal committees, and one passed both houses of the Legislature.

Unfortunately, Governor Pete Wilson has a problem with granting inheritance protections, hospital visitation rights, and conservatorship priority to unmarried couples who are living together in a non-marital family unit as domestic partners. Wilson is not only out of line with what many seniors want, he is badly out of touch with the general public.

A recent California Poll shows that 67% of the public "would favor a law granting legal recognition to domestic partners living together in a loving relationship to have family rights, such as hospital visitation rights, medical power of attorney, and conservatorship." AARP, which represents some 3 million seniors in the Golden State, has lobbied consistently for passage of such a bill.

About 59% of the public favors legislation that "would grant financial dependent status to domestic partners, whereby partners would receive benefits such as pensions, health and dental care coverage, family leave, and death benefits." More than 1,200 employers in California currently offer some or all of these benefits to workers and/or retirees. The vast majority of these plans are open to all domestic partners regardless of the gender of the partners.

The National Organization for Women "supports fair domestic partnership laws that do not discriminate based on sex." The California Labor Commissioner has ruled that plans excluding opposite-sex partners are illegal as sexual orientation discrimination.

More than 30 municipalities and school districts in California now offer health benefits to domestic partners regardless of gender. However, two public

employers have stubbornly refused to be inclusive. The University of California regents and the Oakland city council seem to be unconcerned about the impact such discrimination has on retirees and workers who live with a member of the opposite-sex.

A recent study done by the national AARP of older adults living in nontraditional households reports more than 3 million unmarried-partner households among adults of all ages in the United States. Of these, 95% are opposite-sex partner households.

The AARP study estimates more than 1.6 million older adults live either with a partner or a roommate. Among the older adults who said they are "unmarried partners," 93% are in a male-female relationships. A majority of those having a "roommate" live with a member of the opposite sex.

"Same-sex only" programs exclude the majority of domestic partners and hurt many older adults in the process. Unless seniors groups make sure their voices are heard, letting politicians know that they are a major part of the domestic partner benefits coalition, other employers may use cost as a false excuse to exclude opposite-sex partners.

Studies show that fiscal impact is minimal even when opposites-sex and same-sex partners are covered. On average, costs increase by about two percent.

Many religious leaders support the extension of benefits to domestic partners regardless of gender. The national Episcopal Church now gives such benefits to its workers. The Catholic Archbishop of San Francisco approved benefits for any member of an employee's household, whether a spouse, domestic partner, or blood relative. And 11 ministers of various faiths in Sacramento support a bill making health benefits more available to domestic partners.

With backing from most of the public, many religious leaders, and all major seniors' groups, domestic partnership protections will be available someday to all nonmarital households in California, regardless of the gender of the partners. That's how it should be.

-- Thomas F. Coleman  
Spectrum Institute

“Your organization is the only one we found that has extensively documented the treatment of nontraditional families under public policy. We found the studies in which Spectrum Institute participated to be well-researched and well-written, and we relied on several of them in our research report. Please keep up the fine work you do to document and advocate for diversity in family and living arrangements.”

*Letter from Deborah Chalfie*

*Women's Initiative*

*A.A.R.P. National Headquarters*

*March 14, 1995*

# CONTENTS

<b>Seniors' Groups Supporting Domestic Partnership Legislation</b> .....	1
<b>What Seniors' Groups Have Said About Domestic Partnership Proposals</b> .....	2
<b>California Poll: Public Favors Domestic Partnership Protections</b> .....	4
<b>Religious Support for Domestic Partner Benefits:</b>	
<b>Letter from 11 Ministers in Sacramento</b> .....	7
<b>Episcopal Church Votes to Extend Benefits to Domestic Partners</b> .....	9
<b>San Francisco Catholic Diocese Extends Benefits</b> .....	10
<b>Study of Nontraditional Households by National AARP</b> .....	13
<b>Letter of Support from National Organization for Women</b> .....	20
<b>News Articles About Seniors Living Together as Unmarried Partners:</b>	
<b>Money Magazine: Why seniors don't marry</b> .....	21
<b>Christian Science Monitor: Florida seniors living together</b> .....	22
<b>Utne Online: Why millions of older adults are living together</b> .....	24
<b>Kiplinger Online: Love and money, senior style</b> .....	26
<b>Letters from Seniors Groups Supporting Domestic Partner Legislation in California:</b>	
<b>American Association of Retired Persons</b> .....	32
<b>Older Women's League of California (AB 54)</b> .....	33
<b>California Commission on Aging, Senior Legislature, and Triple-A (AB 54)</b> .	34
<b>Area Agency on Aging for San Luis Obispo and Santa Barbara Counties</b> ...	35
<b>California Commission on Aging</b> .....	36
<b>California Senior Legislature</b> .....	37

California Senior Legislature .....	37
Congress of California Seniors .....	38
Older Women’s League of California (AB 2810) .....	39
Gray Panthers .....	40
Older Women’s League of Sacramento (AB 2811) .....	41

**Legislative Committee Reports on Domestic Partnership Bills  
Supported by Seniors Organizations:**

AB 1059 (1997-98) .....	42
(Would require HMO’s and insurance companies to offer coverage for domestic partners to employers who voluntarily adopt such plans)	
AB 54 (1997-98) . . . . . [same as AB 627 in 1995 and AB 2810 in 1994] . . . . .	47
(Would establish statewide registry for domestic partners and give basic humanitarian protections to registered partners)	
AB 427 (1997-98) . . . . . [same as AB 2061 in 1994] .....	54
(Would authorize CalPERS to give domestic partner coverage to state workers and would allow municipalities to voluntarily adopt such programs through CalPERS)	
AB 3332 (1996) .....	58
(Would extend eligibility to domestic partners for pre-retirement family allowances and survivor continuance benefits under CalPERS and State Teachers Retirement System)	

**Opposition to excluding opposite-sex couples from domestic partnership plans:**

**Statement of Principle:**

Domestic Partnership: a secular institution for nonmarital households, a summary of a philosophy of inclusion and freedom of choice .....	61
---	----

**State Legislation:**

Letter from Thomas F. Coleman to Assemblyman Kevin Murray, opposing suggestion that AB 54 be turned into a “same-sex only” domestic partnership bill .....	62
--	----



<b>San Francisco:</b>	
Article criticizing proposal to exclude opposite-sex partners from San Francisco's city contractor nondiscrimination law . . . . .	65
[note: city decided not to exclude opposite-sex partners]	
<b>University of California:</b>	
Letter from Spectrum Institute to Regent Ward Connerly regarding the exclusion of opposite-sex partners from UC's benefits plan . . . . .	66
Article published by Los Angeles Daily Journal criticizing UC Regents for excluding opposite-sex partners from benefits plan . . . . .	67
<b>City of Oakland:</b>	
Ruling of the state Labor Commissioner that it is illegal for a public employer to exclude opposite-sex partners from dp benefits . . .	68
San Francisco Chronicle article criticizing Oakland's exclusion of opposite-sex partners from domestic partner health benefits . . . . .	76
Letter from American Association of Personal Privacy to Oakland Mayor and City Council . . . . .	77
SF Chronicle and Oakland Tribune articles on fire fighter complaint .	79
Press Statement of Fire Fighters Union . . . . .	81a
<b>City of Santa Barbara:</b>	
News-Press article: city attorney warns council that same-sex only benefits plan is illegal under state law . . . . .	82
Spectrum Institute's letter to the editor criticizing exclusion of opposite-sex partners . . . . .	84
News Press article: on February 10, 1998, city council voted to include opposite-sex partners in plan, as city attorney advised]	

**Information about Spectrum Institute:**

Mission Statement . . . . .	86
Biography of Executive Director . . . . .	87

**Letters of Reference:**

<b>American Association of Retired Persons</b> .....	<b>89</b>
<b>Assemblyman Kevin Murray</b> .....	<b>90</b>
<b>Assemblywoman Carole Migden</b> .....	<b>91</b>
<b>Service Employees International Union, Local 535</b> .....	<b>92</b>
<b>Attorney William B. Schendel</b> .....	<b>93</b>
<b>Los Angeles City Councilwoman Jackie Goldberg</b> .....	<b>94</b>
<b>Self-Insurance Institute of America</b> .....	<b>95</b>
<b>National Employee Benefits &amp; Workers' Compensation Institute</b> ....	<b>96</b>

**SENIORS' GROUPS SUPPORTING  
DOMESTIC PARTNERSHIP LEGISLATION**

**American Association of Retired Persons**  
(1994: AB 2810 / 1997-98: AB 54)

**Area Agency on Aging**  
(1997-98: AB 54)

**California Commission on Aging**  
(1994: AB 2810 / 1995: AB 647 / 1997-98: AB 54)

**California Senior Legislature**  
(1994: AB 2810 / 1995: AB 647 / 1997-98: AB 54)

**Coalition of California Seniors**  
(1994: SB 2061, AB 2810 )

**Congress of California Seniors**  
(1994: AB 2810 / 1995: AB 647 / 1997-98: AB 427, AB 54, AB 1059)

**Gray Panthers**  
(1994: AB 2810 / 1995: AB 647)

**Triple-A Council of California**  
(1994: AB 2810 / 1995: AB 647 / 1997-98: AB 54)

**Older Women's League**  
(1994: AB 2810 / 1995: AB 647 / 1996: AB 3332 / 1997-98: AB 54, AB 1059)

## **What Seniors' Groups Have Said About Domestic Partnership Proposals**

### **American Association of Retired Persons**

**“The AARP State Legislative Committee, representing over 3 million members in California, voted to support AB 54 (Murray), as introduced December 2, 1996; an act relating to domestic partnership; registration and termination. . . .**

**“This is an issue of importance to the senior community due to the large number of senior citizens who gain companionship, security, and independence by living with a partner, but choose not to marry due to laws and regulations governing Social Security benefits, pensions, and family obligations.”**

### **Older Women's League of California**

**“The Older Women's League is pleased to be able to respond to your request for support for AB 54 . . . [M]any seniors find a domestic partnership the only alternative to deal with establishing a permanent relationship with another senior. Some seniors are widowed and their social security would be cut if they remarried . . . We also have women who find joining with another woman preferable to living alone for both social and economic reasons.**

**. . .**

**“We are concerned with older men and women who need a close support system to take care of such matters as hospital visitation and conservatorships. We believe that a domestic partnership would be a great advantage to such people.”**

### **California Commission on Aging**

**“Over 145,000 older and disabled persons in California are living together and are unmarried (1994 - California Department of Finance). . . . Creating a statewide registry for domestic partners will provide enhanced emotional and economic security for many of California's seniors. Registration will also provide for hospital visitation rights when a partner becomes ill, conservatorship rights if a partner becomes incapacitated, and the transfer of property to the surviving partner.” “[AB 54] is an important bill to seniors.”**

## **Area Agency on Aging**

**“[AB 54] regards the rights of domestic partners. Older persons are clearly one of the prime beneficiaries of this bill. As you may know, some older persons live together to avoid financial penalties imposed by retirement pensions for married couples. This in no way decreases their commitment to each other but does simplify their lives.**

**“We believe that this bill presents a realistic view of today’s family and indeed promotes the value of family. It would also give domestic partners conservatorship rights and a domestic partner option on the official State Will form.”**

## **California Senior Legislature**

**“The California Senior Legislature (CSL) supports AB 2810 . . . relating to domestic partnerships. Recognizing domestic partnerships and providing various benefits for those partners, acknowledges what many older people have already discovered. Senior citizens have long been aware of the benefits of cohabitation and mutual dependence (whether financial,, emotional, physical or otherwise) in order to improve the quality of their lives.”**

## **Congress of California Seniors**

**“The legislative committee of the Congress of California Seniors unanimously adopted a support position on AB 2810. . . This bill would allow rights given to other relationships to be extended to domestic partners. This legislation is right and is long overdue.”**

## **Gray Panthers**

**“We are writing in support of your Assembly Bills, AB 2810 and AB 2811. The provisions in these bills recognize changing lifestyles and a sensitivity to those changes. Too frequently, we have found, that when a significant other is hospitalized, it is not possible to be there to comfort. Your measure would assure that other than blood relatives have a right to be at the bedside of a sick or dying friend.**

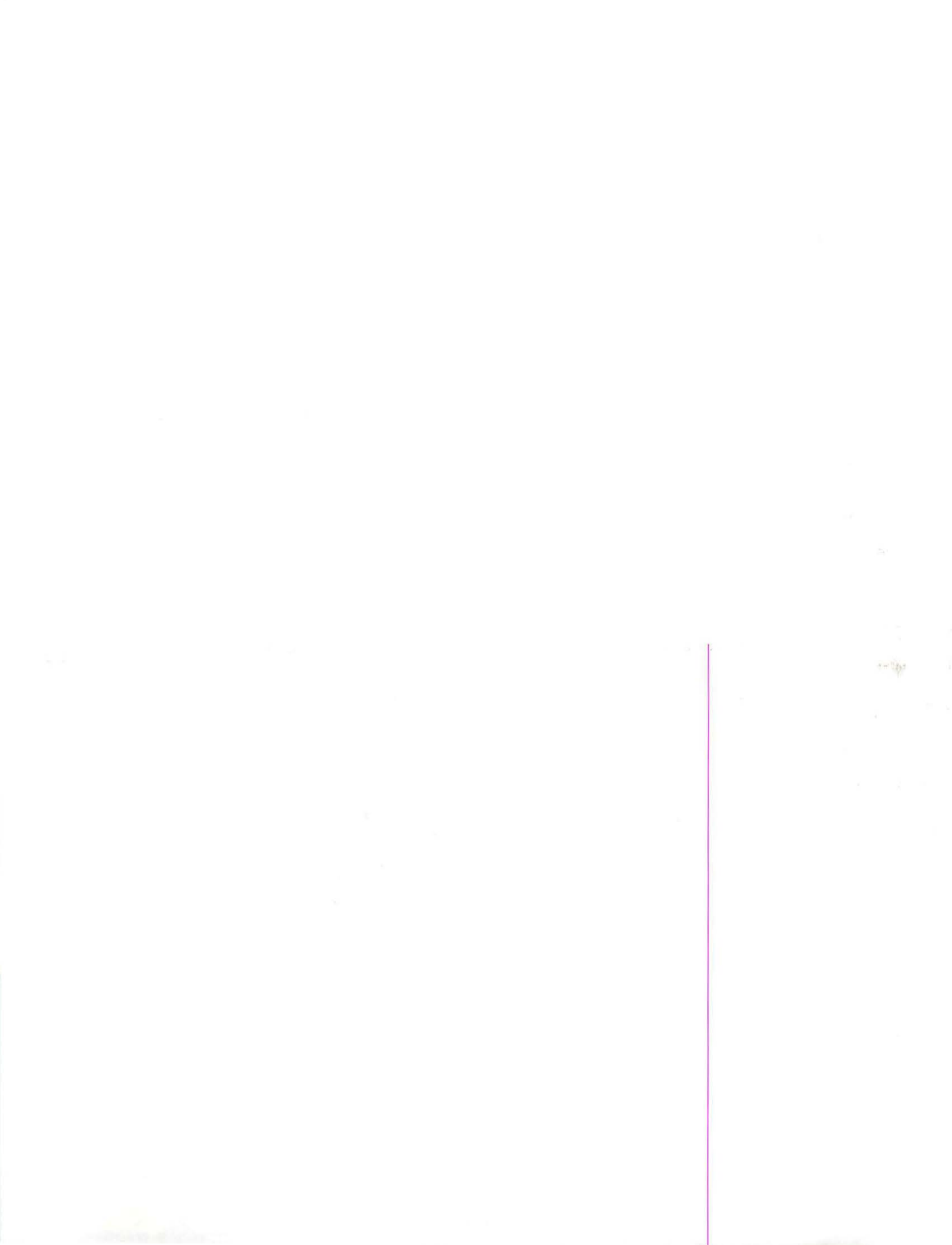
**“Although some of the issues are marred by unfeeling and intolerant persons, we believe that it is time to acknowledge alternatives in living. Civilized society must advance and throw off prejudices which are unfitting in the modern world.”**

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**Excerpts from**  
**FIELD POLL**  
**Done in February 1997**  
**asking 1,045 California adults**  
**questions about domestic partnership rights**

- 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.



**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>			
Democrats	72%	19	9
Republicans	64%	29	7
Other	61%	24	15
<b>GENDER</b>			
Men	67%	25	8
Women	68%	22	10
<b>RELIGION</b>			
Protestant/Christian	65%	28	7
Roman Catholic	62%	23	15
Other Religions	80%	14	6
No Religious Preference	81%	16	3



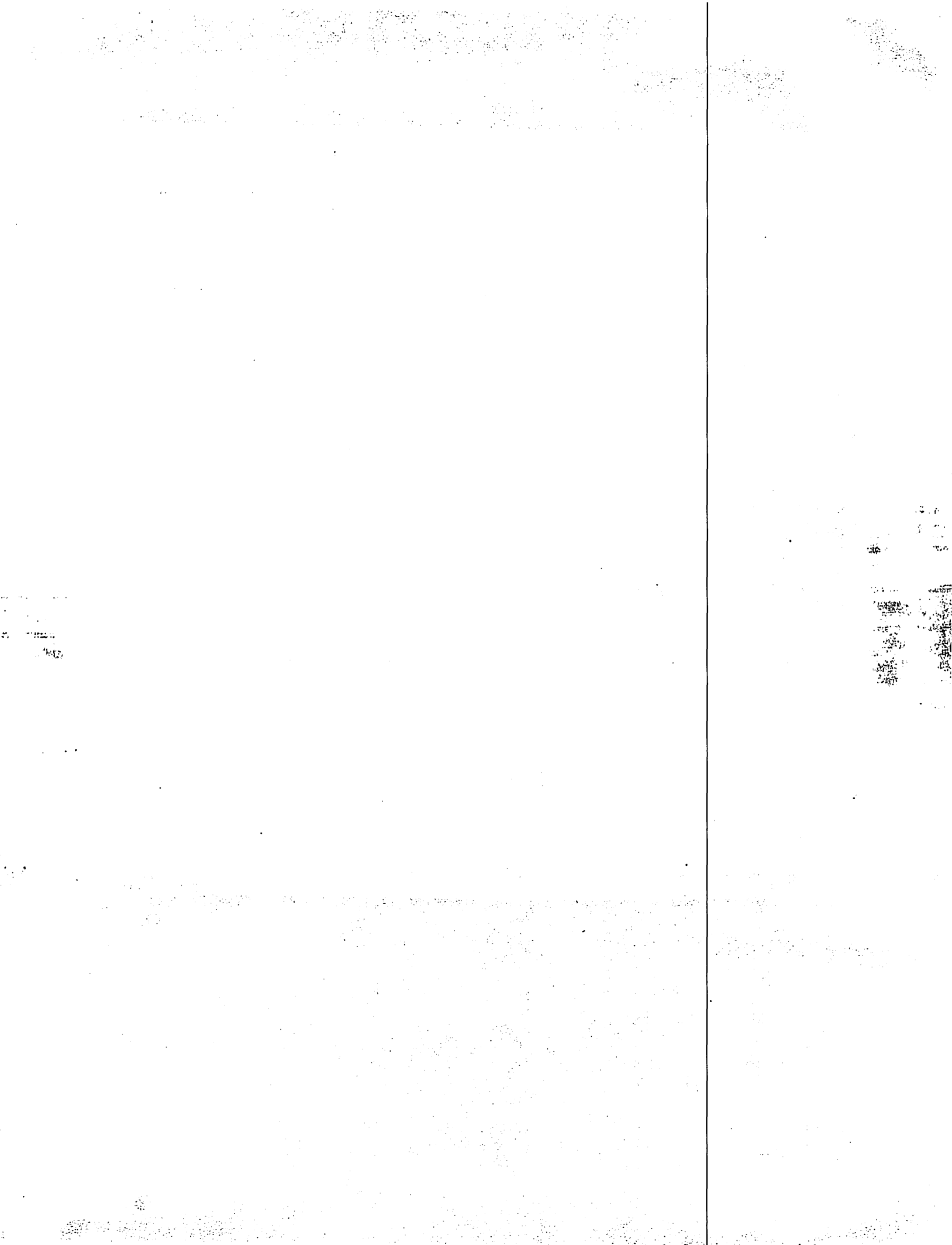
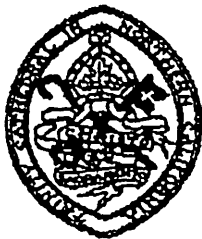


Table 2

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

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





# 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,

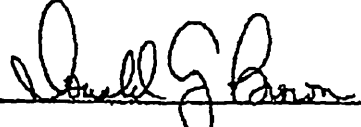
We write as members of the religious community in support of AB 1059 - Health Benefits for Domestic Partners.

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.

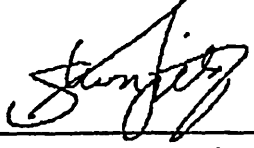
The biblical concept of family is a much broader vision than the modern family which is characterized as husband, wife and a couple of children. The biblical concept centers around the obligation one had to one's "household." A "household" included those who were related by marriage, genetics, or through 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  
(Print Name)

Trinity Episcopal Cathedral  
(Congregation)

  
\_\_\_\_\_  
Steven Fietz  
(Print Name)

First Christian Church  
(Congregation)

Page 2 of 2: Re: AB 1059 - Support

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

SANMATEO Community Center  
(Congregation)

Carol M. Carter

(Print name)  
CAROL M. CARTER  
Wesley United Methodist  
First United Methodist  
(Congregation)

Barry F. Cavaghan  
(Print name)  
BARRY F. CAVAGHAN

United Campus Ministry  
(Congregation)

Vincent Brady  
(Print name)  
VINCENT BRADY

Cathedral of the Blessed Sacrament  
(Congregation)

George E. Herbert  
(Print name)  
GEORGE E. HERBERT

WESTMINSTER PRESBYTERIAN  
(Congregation)

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

CENTRAL United Methodist Church  
(Congregation)

Catherine M. Campbell

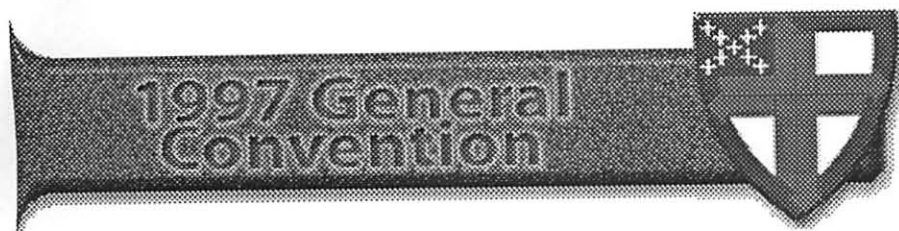
(Print name)  
Catherine M. Campbell  
Hispanic Office, Episcopal Div. of No CA  
La Misión Hispana el Divino Salvador  
(Congregation)

George K. Meier  
(Print name)  
GEORGE K. MEIER

PIONEER CONGREGATIONAL Church  
(Congregation)

Carlos Schneider  
(Print name)  
CARLOS SCHNEIDER

ST. JOHN'S LUTHERAN CHURCH  
(Congregation)



## Bishops approve benefits for partners

The House of Bishops agreed by a three-vote margin Friday afternoon to approve medical insurance for "domestic partners."

Resolution C024 authorizes the Episcopal Church Clergy and Employees' Medical Trust to include domestic partners in health-insurance plans, if a diocese so desires.

The vote followed an unsuccessful attempt by Bishop Gordon Charlton to postpone further discussion of such insurance until General Convention agrees on a definition of domestic partners.

Charlton argued that not even corporate America has yet agreed on the phrase. Lotus, for example, defines domestic partners as people who would get married if allowed to do so by law, such as homosexual couples. Meanwhile, Apple defines partners as two people sharing assets.

"All I'm asking is that we have a definition that we have agreed upon before we begin making commitments," Charlton said.

"This is not about definitions," responded Bishop Richard Shimpfky of El Camino Real. "This is about medical coverage for households that are not in full accord with marriage....I must, with apologies sir, stand in opposition."

Charlton's substitute motion failed 88-97.

The vote on C024 took three efforts. Bishop Arthur Williams, vice president of the House, first ruled that the "nays" had won a voice vote. Then the bishops stood and Williams again said the nays had won.

Bishops called for a third vote, counted by tellers, and the resolution passed 93-90.

--DLL

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*  
Larry Brinkin  
Coordinator

LB:LSS:lss





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Index

**Detailing domestic partner benefits**

Rachel Gordon  
OF THE EXAMINER STAFF

March 1, 1997

San Francisco Examiner  
EXAMINER SECTIONS

**Officials work out wrinkles before law takes effect**

With three months left before San Francisco's domestic-partners benefits law kicks in, city officials are scrambling to fill in the blanks on just what the legislation means and how it will be implemented.

"There are a lot of questions that still need to be answered," said the Human Rights Commission's Cynthia Goldstein, who is drafting the law's implementation guidelines.

The ground-breaking law, adopted last year and set to take effect June 1, requires companies and agencies doing business with The City to provide the same benefits to workers with registered domestic partners as they do to married employees.

It requires contractors to take "reasonable" measures to assure equitable health benefits for workers with domestic partners.

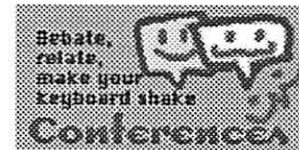
But what is reasonable? That's one question that a working group of city bureaucrats, elected officials and community leaders who pushed for the law is trying to answer.

For example, how many insurance carriers would an employer have to contact to show that it had made a reasonable attempt to secure coverage?

The draft rules also propose allowing delays for contractors to secure the benefits. City contractors could have three months to put the benefits in place, and more time could be granted by the Human Rights Commission.

**ON THE GATE**

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In addition, companies involved in collective bargaining would be allowed to start providing domestic partners benefits once their labor agreements expire if the unions don't sign off on them first.

The draft guidelines are intended to provide contractors with everything they need to know about the law: who it applies to, what they must do to comply, what exemptions exist, and other procedures that will help transform the law from the stage of politics to one of bureaucracy.

Once the inner circle reviews the proposed guidelines - which already are available to the public through the Human Rights Commission - another draft will be more widely distributed for additional comment. The Human Rights Commission is expected to hold a public hearing on the final proposal in April and consider it for adoption.

Despite its June 1 initiation date, the city ordinance already has ignited sparks. The Board of Supervisors recently held up a 25-year lease for United Airlines at San Francisco International Airport until the company agreed to show a good-faith effort to adopt domestic partners benefits within two years.

And Archbishop William Levada, head of the Roman Catholic Church in San Francisco, went back and forth with city officials about how Catholic-affiliated contract agencies could enact the legislation while keeping with church doctrine, which opposes even the concept of domestic partners.

In the end, the two sides struck an agreement that would allow contractors to offer workers the opportunity to designate someone in their household as a benefits recipient, whether that person be a spouse, an unmarried lover, a sibling or someone else with a bond to the employee.

# **The Real Golden Girls:**

## **The Prevalence and Policy Treatment of Midlife and Older People Living in Nontraditional Households**

By

Deborah Chalfie

A publication of the  
**Women's Initiative**

Office of Special Activities  
American Association of Retired Persons  
601 E Street, NW • Washington, DC 20049

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### 3. Roommates and Unmarried Partners

According to published reports about the decennial census, there were a total of 3,187,772 unmarried partner households in the U.S. in 1990.<sup>65</sup> Of these, 95 percent (3,042,642) were opposite-sex partner households and 5 percent were same-sex partner households (145,130), of which 56 percent were all-male and 44 percent all-female.<sup>66</sup> Unfortunately, these figures are not broken out by age, and there are no figures reported for housemates/roommates, even though these data were collected.

Published reports of more recent data from the Current Population Survey are broken out by age. But because partners and roommates are combined into one response category in that survey, CPS researchers can only estimate the number of cohabiting couples, which they have chosen to do by deeming as "partners" any household consisting of two unrelated adults (with or without children), even though many of them may in fact be roommates, boarders, or live-in employees. Using this method, the 1993 CPS found an estimated total of 5,019,000 unmarried partner households of all ages.<sup>67</sup> In 14 percent (702,000) of these partner households,

---

<sup>65</sup> U.S. Bureau of the Census, 1990 Census of Population, 1990 CP-2-1, *Social and Economic Characteristics: United States*, Table 16, p. 16 (November 1993).

<sup>66</sup> *Id.*

<sup>67</sup> Arlene Saluter, U.S. Bureau of the Census, Current Population Reports, Series P20-478, *Marital Status and Living Arrangements: March 1993*, Table 8, p. 71 (May 1994).

the householder was between 45 and 64 years old, and in 5 percent (254,000) the householder was 65 or older.<sup>68</sup>

CPS researchers believe that this "proxy" method has provided reasonably accurate estimates, at least of opposite-sex partner households.<sup>69</sup> Published CPS reports estimated there were 3,510,00 (70 percent) opposite-sex partner households in 1993<sup>70</sup> (a seven-fold increase since 1970<sup>71</sup>), a number close to the 3,042,642 opposite-sex partner households found in the 1990 Census. It should be noted, however, that by using this method, the CPS finds substantially more same-sex partner households than the Census did. The 1993 CPS reports there are 1,509,000 same-sex partner households,<sup>72</sup> whereas the 1990 Census found only 145,130 same-sex partner households. It is likely that the 1990 Census undercounts gay and lesbian partner households. It is also likely that the CPS's "proxy" method exaggerates them, and that the real number is somewhere in between.

#### NUMBER OF ROOMMATES AND UNMARRIED PARTNERS

Consistent with the findings reported for the other types of nontraditional households, the following statistical estimates of midlife and older partners and roommates are based on the unpublished 1992 CPS data. As noted earlier in the discussion of methodology, however, the CPS does not differentiate between partners and roommates; they are combined into one response category. Separate partner and roommate estimates were obtained, therefore, by applying differentiated percentages found in the 1990 Census to the total number of midlife and older partner/roommates found in the CPS.

Accordingly, over a million and a half (1,609,589) midlife and older persons live in 969,786 partner/roommate households. This number represents about 17 percent of all midlife and older persons who live in nontraditional households, but only 2 percent of all midlife and older persons as a group. An estimated 55 percent (885,274) live with a partner (in 543,080 households), 44 percent (708,219) live with roommates (in 417,008 households), and one percent (16,096) live with both partners and roommates. (See Table 6.) Most (72 percent, or 702,224) midlife and older partner/roommate households contain only two persons.

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<sup>68</sup> *Id.*

<sup>69</sup> *See, id.*, pp. vii-viii.

<sup>70</sup> *Id.*, Table 8, p. 71.

<sup>71</sup> *Id.*, Table D, p. ix.

<sup>72</sup> *Id.*, Table 8, p. 71.

**Table 6**  
**Estimate of Midlife and Older (45+)**  
**Partners and Roommates**  
(N=1,609,589 persons)

	Percentages
<b>Partners</b>	<b>55%</b>
Same-sex	7
Women	52
Men	48
Opposite-sex	93
<b>Roommate</b>	<b>44%</b>
Same-sex	49
Women	56
Men	44
Opposite-sex	51
<b>Both</b>	<b>1%</b>

Source: Unpublished data, 1992 Current Population Survey

Of those midlife and older people who live with roommates, roughly half (51 percent, or 361,192) have roommates of the opposite sex and half (49 percent, or 347,027) have roommates of the same sex. Of the latter, an estimated 193,151 are midlife and older women living with women roommates, like the *Golden Girls* on television.

Partner households are overwhelmingly composed of opposite-sex partners. Of those midlife and older people who live with partners, 93 percent (823,305) live with partners of the opposite sex and 7 percent (61,969) live with partners of the same sex. Of the midlife and older persons with same-sex partners, a little more than half (52 percent, or 32,192) are women with women partners and 48 percent (29,777) are men with men partners.

#### AGE

The vast majority of midlife and older persons living in partner/roommate households are midlife aged. (See Table 7.) More than half (54 percent, or 864,011) are age 45-54 and another 25 percent (405,415) are age 55-64; the rest, 21 percent (340,163) are 65 or older. The average age of midlife and older persons in partner/roommate households is 56 (the median age is 53), making them the youngest household type among midlife and older nontraditional households.

**Table 7**  
**Demographic Characteristics of Midlife and Older (45+)**  
**Partners/Roommates**  
(N=1,609,589 persons)

Characteristic	Percentage
<b>Sex</b>	
Women	42%
Men	58
<b>Age</b>	
45-64	79
45-54	54
55-64	25
65+	21
Mean Age	56
<b>Marital Status</b>	
Married	4
Separated	7
Divorced	51
Widowed	15
Never married	23
<b>Race/Ethnicity</b>	
White	78
Black	19
Asian/Pacific Islander	2
American Indian	1
Hispanic*	7
<b>Education</b>	
Less than high school	26
High school diploma	36
Some college	18
College degree+	20
<b>Poverty Status</b>	
Below poverty level	20
Near-poor (100-149% of poverty level)	13
At or above 150% of poverty level	68
Median household income	\$38,099

\* People of Hispanic origin can be of any race, therefore percentages do not total 100%.

Source: Unpublished data, 1992 Current Population Survey

Midlife and older partner/roommate households are the least likely type of nontraditional household to contain children under age 18, yet 15 percent (146,853) of them do.

## **SEX**

Few midlife and older women (2 percent) and men (3 percent) live with a partner or roommates. Fifty-eight percent (936,972) of the 45+ persons in partner/roommate households are men and 42 percent (672,618) are women. Moreover, three-fourths of all midlife and older partner/roommate households are mixed-sex households, 11 percent (110,461) are all-female, and 14 percent (131,594) are all-male.

## **MARITAL STATUS**

The vast majority of midlife and older persons living in partner/roommate households are either divorced (51 percent) or never married (23 percent). Fifteen percent are widowed. Further, divorced and widowed men 45 and older are far more likely than divorced and widowed women this age to live with a partner or roommate. Sixteen percent (492,703) of all divorced men 45 and older live in a partner/roommate household, compared to only 7 percent (323,148) of all divorced midlife and older women. Similarly, 4 percent of all widowed men 45+ and one percent of all widowed women 45+ live with a partner or roommate. Eleven percent (232,602) of all midlife and older never-married men and 7 percent (135,051) of all midlife and older never-married women live with a partner or roommate.

## **RACE AND ETHNICITY**

Midlife and older partner/roommate households are most likely to be white: 78 percent of these households are all-white, 15 percent are all-black, and 5 percent contain a mix of races; 5 percent are all-Hispanic. Of those midlife and older persons who live in nontraditional households, equal proportions (about 18 percent) of whites, blacks, and American Indians live with a partner or roommate. Persons of Hispanic and Asian descent, on the other hand, are noticeably less likely to live with a partner or roommate.

## **EDUCATION**

Midlife and older persons in partner/roommate households are the best-educated of all types of nontraditional households studied, and they are as well-educated as their counterparts in traditional households. Twenty percent (325,501) of

midlife and older partners/roommates have a college degree or higher and another 18 percent (291,266) have at least some college. Only 26 percent (418,436) did not finish high school.

## **INCOME**

Consistent with their higher levels of education, partner/roommate households are fairly well-off financially. Their income distribution approximates that of midlife and older traditional households; only extended family households appear better off. Midlife and older partner/roommates have a median household income of more than \$38,000. Still, one-fifth (20 percent, or 315,035) of midlife and older partner/roommates are poor, and another 13 percent (202,931) are near-poor.

## **PLACE OF RESIDENCE**

Compared to traditional households, midlife and older partner/roommate households are significantly more likely to be located in the West and significantly less likely to be located in the South or Midwest. For instance, 29 percent of midlife and older partner/roommate households are in the West, compared to only 20 percent of traditional households. In addition, midlife and older partner/roommate households are significantly less likely than other kinds of nontraditional households to be found in small towns. Only 18 percent of all midlife and older partner/roommate households are located in areas with populations under 100,000.





# 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



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## Money

### ONE COUPLE'S FINANCES: WHY SENIORS DON'T MARRY

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An estimated 370,000 men and women over 65 live together. one reason so many stay single is that marriage can erode the financial security that seniors like Hilde Waring, 74, and Marvin Goldman, 72, depend on in retirement. The Bronx couple (below), both widowed, file separate returns and keep more after tax than if they combined their incomes. "Some years ago I might have gotten married," Waring says, "but certain things have changed my mind, mainly Social Security and taxes." Details:

-- SOCIAL SECURITY. Two singles living together can each have an income of \$25,000 before their benefits are subject to tax. A married couple filing jointly is limited to \$32,000. Social Security pays Goldman about \$6,000 a year, whereas Waring receives a larger amount, plus income from a trust set up by her late husband. Marriage would result in more of their benefits being taxed.

-- PENSIONS. Remarriage can mean you forfeit your deceased spouse's benefits. Unmarried partners receive no survivor benefits, but the retiree can take a lump-sum distribution and buy an annuity with a survivor benefit for the partner.

-- HOME OWNERSHIP. Homeowners over 55 have a one-time capital-gains exclusion up to \$125,000 on the profit from a house sale. But marry someone who has already taken it, and you'll forgo yours unless you divorce or become widowed.

-- MEDICAID. Though eligibility rules vary by state, a married couple may have to deplete a significant portion of their jointly owned assets before Medicaid will pay for long-term nursing-home care for the sick spouse. The assets of the healthy partner of an unmarried couple are not counted in the eligibility criteria. The only exception is property you transfer to your partner in the three-year period prior to applying for Medicaid and after entering a nursing home.

For more information about the finances of unmarried couples of any age and sex, check out The Living Together Kit (Nolo, \$24.95).

--Roberta Kirwan

ROBERTA KIRWAN, ONE COUPLE'S FINANCES: WHY SENIORS DON'T MARRY., Money, 07-01-1995, pp 100.

## High Cost of Living Is Pushing Florida Seniors to Share a Roof

By Jonathan P. Decker

In a tiny one-bedroom apartment just a block away from the beach, octogenarians Martin Silverman and Paula Clark plan to live their remaining years together.

He does the food shopping and runs the errands. She does the cooking and cleans their rooms crammed with momentos from previous lives in the Northeast.

The couple met four years ago at a Miami Beach senior center and soon decided to share a roof.

"It wasn't love or anything like that," says Mrs. Clark, a widow who was married more than 50 years to the same man. "Our relationship is strictly platonic. We moved in out of simple economics: It's cheaper to live with a roommate."

The phenomenon of seniors living together may conjure up images of the "Golden Girls," the popular 1980s television sit-com. But it's not just women or couples sharing quarters. Half of all couples living together are "golden guys," according to one study.

Unmarried couples older than 45 are the fastest growing type of household both in Florida and across the nation, says a new report from the US Census Bureau. If Medicare reforms boost premiums, tighter personal finances may accelerate the trend of seniors sharing quarters, notes one researcher.

Already, their numbers have quadrupled since 1980 to 1.2 million people nationwide.

In Florida, where nearly 1 in 4 people is over age 60, about 50,000 seniors have chosen to spend their golden years together. "It's a major cultural phenomenon, and it could drastically transform elderly care in the future," says Larry Polivka, director of the Florida Policy Center on Aging at the University of South Florida in Tampa.

"As more older people live together and care for one another, it may even reduce the need for nursing homes."

Nationally, most seniors sharing quarters live in the South. And south Florida, in particular, with its large elderly population, has become a proving ground for this type of living arrangement.

Some seniors do it to save money. Others do it for platonic companionship. Still others give the same reason that some of their children and grandchildren use: They love each other, but are not quite ready for marriage.

But even those who want a legal union often say they can't afford it.

Glenn Daniels and Lynn Martell have lived together in Hallandale for the past three years. They have wrestled with the moral challenges of what they call "living in sin."

(continued on next page)

Each divorced, the two have considered marriage, but so far have discarded the option. It's not for a lack of commitment, but rather a reduction in income.

"We live mostly on welfare and disability payments," says Mr. Daniels, who used to own an appliance-repair business in the Midwest. "Under the federal guidelines, if we were to get married, our payments would be reduced."

"Marriage, no matter how much I believe in it as an institution, is just not economically feasible."

But even those who choose to live together and remain unmarried often face legal and financial challenges.

While many insurance companies and employers have begun to make their plans available to same-sex couples, no plans exist for the "elderly senior roommate" demographic group.

Couples like Daniels and Mrs. Martell also don't have the right to decide medical treatment for each other at most hospitals because of the lack of a lineal or matrimonial relationship. For that same reason, they are often denied medical visitation rights in some circumstances.

"It's also not clear whether federal housing and discrimination laws cover them," says Joyce Winslow, a spokeswoman for the American Association of Retired Persons (AARP) in Washington. Elderly couples who want to purchase a home together, for example, often run into obstacles.

"Mortgage lenders tend to shun group homes, and there's very little that can be done about it legally," says Ms. Winslow at the AARP.

With unmarried elderly couples growing in numbers daily and with baby boomers fast approaching their golden years, the AARP has taken up their cause.

A study on the subject was recently completed for the national elderly group, and its findings have been made available to federal, state, and local governments.

One of the AARP findings is that while many people may think of a couple like Daniels and Martell when discussing elderly roommates, "golden guys" actually make up 50 percent of these nontraditional households.

"For elderly males living as roommates, the medical care problems are magnified," Winslow says. "Very few hospitals will allow one best friend to make an important medical decision for another friend."

While the government, insurance companies, and hospitals decide what legal status should be given to unmarried couples older than 45, this fast growing demographic group shows no signs of slowing down. In fact, the pace may quicken.

"In Florida, where the proposed changes to Medicare would affect nearly 1 of 5 residents, more seniors will be forced to live together out of economic necessity," says Mr. Polivka. "The higher premiums and deductibles for recipients that are envisioned by Congress may make living alone a hardship for many retirees."

\* \* \*



## Why Get Married?

### More couples find "living in sin" a good family value

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About 3.5 million unmarried opposite-sex couples are living together in the United States today, up from 2 million a decade ago. If you think this is merely an explosion of passionate anti-authoritarianism, guess again: Many of the couples who are joining the boom may simply be making a sound fiscal decision.

Some observers link the widespread acceptance of cohabitation with recognition that the economics of marriage are often unfavorable. To begin with, there's a 50 percent chance that a marriage will fail, and divorce is expensive. Beyond that, tax laws and other government policies -- in a country that says it wants strong families -- may actually be discouraging marriage.

It's well known that the poor are often victims of tax and government-benefit marriage penalties. When marriage reduces welfare eligibility, many decide against it. In addition, as Joseph Spiers notes in *Fortune* (July 11, 1994), married low-wage workers may be at an income-tax disadvantage. For example, the standard deduction and Earned Income Tax Credit are often lower for working couples than for two singles. Spiers concludes that "the task of welfare reform might get easier if government first removes this disincentive to build stable families."

The problem persists higher up on the economic ladder, too. In *Forbes* (May 22, 1995), Janet Novack describes tax penalties that affect well-to-do couples, including income taxes higher than singles pay and business expense ceilings that don't double for marrieds. "[Had] Congress set about to create a tax code to encourage people to avoid marriage, it could scarcely have done a better job," says Novack. She concludes: "We hate to say it, but if you are a prosperous person contemplating marriage with a well-heeled partner, maybe you should forget the ceremony and just move in together."

Middle-aged couples of more modest means face another hurdle if either partner is divorced or widowed and has college-age children. Colleges routinely include stepparents' income in calculating whether a student will receive financial aid and, if so, how much. This forces potential stepparents to take on burdensome responsibilities for children who are not their own, and it may result in the denial of aid. Divorced parents have to decide between remarriage and their children's education.

In the American Association of Retired Persons magazine *Modern Maturity* (May/June 1995), Linda Stern describes the various marriage and remarriage penalties that threaten older people: Social Security earnings limits, capital gains exclusions on home sales, and Medicaid eligibility limits, for example. As a result, unmarried couples quietly move in together and enjoy companionship, while long-married couples sometimes divorce in order to avoid financial disaster.

Are these penalties causing cohabitation? It's impossible to say for sure, but the fact that older

couples are an important part of the boom suggests a connection. "The Census Bureau estimates that the percentage of cohabiting unmarried couples has doubled since 1980, and older couples are keeping pace," writes Stern. "In 1993 some 416,000 couples reported that they were unmarried, living together, and over 45. That compares with 228,000 who fit the description in 1980." And in the *New York Times* (July 6, 1995), Jennifer Steinhauer reports on the research of Professor Larry Bumpass of the University of Wisconsin, who found that the biggest increase in couples choosing to live together was not among twentysomethings, but among people over 35. Bumpass found that 49 percent of his subjects between 35 and 39 are living with someone, up from 34 percent in the late 1980s. Among people 50 to 54, the practice has doubled. Using data from his survey, Bumpass showed that only a small segment of people disapprove of cohabitation and sex outside marriage. He concluded that "the trends we have been observing are very likely to continue, with a declining emphasis on marriage."

Of course, marriage still has its advantages, beyond obvious ones like greater emotional security and social and religious approval. It can be a social welfare system, providing health insurance and retirement security to a spouse who otherwise would have none. For couples in which one person earns most of the family income, tax laws are favorable to marriage.

But overall, official economic policy makes marriage a bad option for too many people. Those who determine our income taxes, government benefits, and institutional practices must remember that marriage is an economic as well as a social arrangement. In a society in which many marriages have failed, financial security is tenuous, and living together is acceptable, we can no longer assume that the institution of marriage will survive the burdens it has carried in the past. Moving toward marriage-neutral tax and benefit policies would, in the long run, lay a better foundation for true family values.

-- Andrea Martin




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## Love and Money, Senior Style

By Melynda Dovel Wilcox

**For many in the social security set, matrimony is out, pragmatism is in.**

More and more older couples are finding a way to have their cake and eat it too--as long as it's not wedding cake. They are widows and widowers living lives that many people of their generation might once have condemned: **living with a partner of the opposite sex** before marriage and, in fact, with no intention of ever tying the knot.

If the thought of your father or your grandmother cohabiting confounds you, consider this: Nearly 900,000 midlife and older people are doing it, according to the American Association of Retired Persons.

These couples are not thumbing their noses at long-established customs or trying to aggravate their kids in an act of revenge. By striking a compromise between love and money, they're able to hang on to survivor benefits, pay less in taxes and protect themselves against long-term-care expenses.

When both seniors bring substantial sums of money to the partnership, cohabitation also sidesteps issues of commingling assets that could muddle plans to pass on an estate to children from a previous marriage. Such problems can be avoided by older couples who remarry, of course, perhaps with a prenuptial agreement. "But some couples may not want a prenuptial agreement because they don't want to reveal to each other what they're worth," says Martha Priddy Patterson, author of *The Working Woman's Guide to Retirement Planning* (Prentice Hall) and director of employee-benefits policy and analysis at KPMG Peat Marwick.

Beyond possible financial disincentives to matrimony, there's also less stigma attached to living together than there used to be. "Mature adults are highly practical," says Helen Dennis, a lecturer at the Andrus Gerontology Center at the University of Southern California. "They're less concerned about what the neighbors think."

## Holding on to survivor benefits

Ironically, some couples who would prefer to be married rule out a trip down the aisle because they mistakenly think it would cost them social security or pension benefits. The notion that older people who remarry will lose social security benefits that are based on a deceased spouse's work record is "one of those myths that never die," says Tom Margenau, a spokesman for the Social Security Administration.

Widows and widowers age 60 and older may remarry and still collect benefits on their deceased spouse's record. In many cases, a widow's survivor benefit (equal to her deceased husband's full benefit) is higher than a spousal benefit (50% of the new husband's amount) or payments based on her own work record.

Survivor benefits don't start until you're 60, unless you're disabled. And if you remarry before that age, you can't collect based on your late spouse's record. But if your second spouse dies, you can claim benefits based on the first spouse's work record if the checks would be bigger.

You needn't worry that checks from a private pension will be endangered, either. Federal law does not permit a plan to cut off a surviving spouse's benefit because he or she remarries. Nor is a former employer allowed to yank away your pension if it discovers you're living with someone, as many older couples fear. "The law doesn't allow 'bad boy' clauses," says Patterson.

Company 401(k) and other retirement plans are also safe if you remarry. If your first spouse named you as beneficiary, then you'll receive the plan balance regardless of whether you remarry.

The threat of losing retirement benefits *can* be a roadblock to marriage for widows and widowers whose spouses worked for the government or the military. Federal and military plans suspend pension benefits if surviving spouses remarry before age 55. After that age, your benefits are safe. Some police and firefighters' plans, however, cut off benefits if a survivor remarries at any age.

## The health care conundrum

While survivor benefits are usually safe, saying "I do" can be very costly if it means the end of retiree medical benefits that surviving spouses often receive. In fact, remarriage could result in a double whammy--not only would you lose the benefit, but also you might be shut out of coverage elsewhere, especially if you have one or more of those notorious "preexisting conditions."



"I get medical, dental, eyeglass and prescription coverage for life if I don't remarry," says a widow in upstate New York who lives with a widower and asked not to be identified. Because she's not old enough to qualify for medicare, such comprehensive medical coverage "is a big-ticket item," she says. "You can't put a monetary value on that."

Unlike pension plans, employers can change the provisions of retiree medical plans any time they want to, and it's not illegal for them to deny benefits to a survivor who remarries.

One California couple was so torn between the practical advantages of living together and the desire to make their union legal that they told friends and family they had eloped, when they really hadn't. The woman has a heart condition requiring \$3,000 worth of medication a year--a bill paid by a medical plan that would end if she remarried.

That may work in California, which, like most states, does not recognize common-law marriages. But 14 states--Alabama, Colorado, Georgia, Idaho, Iowa, Kansas, Montana, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas and Utah--as well as the District of Columbia consider you to be married, even in the absence of a license or ceremony, if your intent is to be treated as a married couple and you hold yourselves out to the community as married.

If you live in one of those states, you may want to draw up a document that states clearly that you do not want to be considered married. You should also be careful not to introduce yourselves publicly as husband and wife or do other things that could show intent, such as signing a hotel register as "Mr. and Mrs."

### **Paying for long-term care**

Ira Wiesner of Sarasota, Fla., a lawyer who specializes in elder law, says that the specter of catastrophic health care costs is the number-one reason more older couples are avoiding marriage these days. In a marriage, both individuals' assets could be devoured by nursing-home or other long-term-care costs before the federal medicaid program would kick in. But unmarried, the healthy partner's assets can remain untouched while the other partner's resources are depleted.

"Because assets of one spouse are assumed to be at the disposal of the other, nontraditional households are treated more favorably when it comes to medicaid," says Deborah Chalfie, senior program specialist for AARP's Women's Initiative Program.

For older couples who want to marry and still protect their assets, Wiesner recommends a premarital agreement that requires each spouse to purchase long-term-care insurance. "If you're concerned about long-term-care needs," he says, "you should ask the other partner to buy insurance so that your assets and income won't be jeopardized."

A health-related disadvantage for unmarried partners is that they may have no voice in deciding what kind of care their partner receives and under what circumstances. If you don't formally appoint--in writing--your companion as your health care agent or proxy, medical professionals will consult your next of kin, even if they live far away.

### **Estate plans that stay in place**

Don't be shocked if your children or grandchildren are supportive of your plan to live with someone without benefit of clergy. In her research of older couples who live together, Rebecca Gronvold Hatch, a demographer and gerontologist with Kaiser Permanente in California, has found that "adult children would rather have their parent cohabit than remarry, to preserve the inheritance they feel is rightfully theirs."

A carefully drawn will or living trust can ensure that assets go to the children of a first marriage rather than to a new spouse. But many older couples elect to live together rather than go to the trouble and expense of drawing up new estate plans as a married couple.

But choosing to live together doesn't get you off the hook for estate planning. If you haven't done the proper planning, your estate could be entangled in a dispute between a longtime companion and your children or other relatives, warns lawyer Geraldine Champion of San Luis Obispo, Cal. The surest solution is to make it absolutely clear, in writing, in a will or prenuptial agreement what your children and your live-in partner will receive when you die.

Often one partner comes to the relationship with significantly more assets and wants to take care of the other partner. That's fine, but again be sure to put everything in writing. "The longer you wait and the older you are when you put your intentions in writing, the more your attorney needs to put in safeguards to prevent lawsuits," adds Champion, who serves on the board of the National Academy of Elder Law Attorneys.

For example, when Champion is working with an older client who has a new spouse or a live-in partner and children from a previous marriage, she has two doctors certify that her client is mentally

competent to sign the documents.

## Uncle Sam says stay single

The same "marriage-tax penalty" that strikes younger couples also comes into play for older couples, particularly if their incomes are roughly the same. For example, two taxpayers with \$24,000 each of taxable income will pay about \$1,000 more in federal income tax if they are married and file a joint return than if they remain single.

The marriage penalty is more pronounced at higher income levels. But if your incomes are widely disparate, marriage can often produce a smaller tax bill.

Seniors face an extra marriage-tax penalty when it comes to figuring out how much of their social security benefits is taxable. Two single people can each have up to \$25,000 in *provisional income* (that's adjusted gross income plus tax-exempt interest plus 50% of social security benefits) before any benefits are taxed. A married couple can have a combined income of only \$32,000 before a portion of their social security benefits is taxed.

And there's a tax incentive for older homeowners to stay single: If you marry someone who has already taken advantage of the break that lets you escape the tax on the first \$125,000 of profit from the sale of a home, you forfeit the opportunity to use the tax break yourself.

## The joys of not owning a home

If you've sold your home, the drawbacks of buying property together as an unmarried couple can make renting look pretty attractive.

You could choose to hold property together as *joint tenants*, so the surviving co-owner automatically inherits the property when the other owner dies. The other option is *tenancy in common*, which offers no right of survivorship. In the first case, you could not leave your share of the house to your children. In the second, if you left your share to your kids, they'd wind up being co-owners with your partner. Is that what you want?

For the upstate New York couple, the best arrangement was for him to move into her house. They agreed on an amount that he would pay each month to share household expenses. Some couples split expenses in proportion to their income.

Whether you buy, rent or merely move in, you should have a durable power of attorney giving someone close to you authority to handle your financial affairs (such as selling property) if you become incapacitated.

For more information about buying or renting a home and other legal aspects of living together, consult *The Living Together Kit* (Nolo Press, \$24.95; 800-992-6656).

*Reporter: Stacy Stover*

**[Top of the Page](#) | [Features](#) | [Departments](#) | [Magazine Archive](#) | [Feedback](#)**

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MAR 20 1997

*Bringing lifetimes of experience and leadership to serve all generations.*

March 18, 1997

CALIFORNIA STATE OFFICE  
980 9th Street, Suite 700  
Sacramento, CA 95814-2727  
(916) 446-AARP (2277)  
FAX (916) 556-3000

Hon. Martha M. Escutla, Chair  
Assembly Judiciary Committee  
State Capitol Building, Room 3146  
Sacramento, CA 95814

STATE LEGISLATIVE  
COMMITTEE

Re: AB 54 (Murray)

*Executive Committee*  
Jack Philp, Chair  
Ernest Ayala, Vice Chair  
Jean Richardson, Secretary  
Karen Raasch, Coordinator,  
Capital City Task Force  
Mary Tucker, Past Chair  
Malcolm Tucker, State Coordinator  
AARP/VOTE, ex officio

Dear Assemblymember Escutla:

The AARP State Legislative Committee, representing over 3 million members in California, voted to support AB 54 (Murray), as introduced December 2, 1996; an act relating to domestic partnership: registration and termination.

*Members*  
Jean Carpenter  
Walter Coombs  
Al Gross  
Margaret Helton  
Clyde Hostetter  
Ewalker James  
Raymond Kaldenbach  
James Knowles  
Julia Lee  
Zoe Ann Murray  
Rose Oliver  
Lloyd Paff  
Eleanor Patton  
Mary Roberts  
Dwain Treadwell  
Cliff Wanamaker

This bill would aid, strengthen, protect, and promote committed family relationships by extending, to unmarried couples, a limited number of rights and privileges enjoyed by married couples. We stress and support the bill's limitations which require applicants for domestic partnership registration to comply with a strict set of qualifications and provides registered domestic partners with a list of rights, specifically the right for hospital visitation, the right to be appointed a conservator for their partner, and probate-related rights. The bill provides for the registry to be fee driven, thereby adding no costs to the state or taxpayers.

This is an issue of importance to the senior community due to the large number of senior citizens who gain companionship, security, and independence by living with a partner, but choose not to marry due to laws and regulations governing Social Security benefits, pensions, and family obligations.

*Capital City Task Force*  
Eddi Benjamins  
Rita Brandeis  
Gene Cartwright  
Charlene Drennon  
Gerald McDaniel  
William Powers  
Everett Raasch  
Bill Wiedner  
Eva Williams

Should you have any questions or wish further details on our position, please contact Dwain Treadwell, AARP State Legislative Committee member at (916) 823-1146; or Helen Savage, AARP Legislative Representative, at the AARP California State Office (916) 446-2277.

Sincerely,

Jack Philp, Chair  
AARP California State Legislative Committee

*Staff*  
Helen Savage  
Ralph Clouse

cc: Members, Assembly Judiciary Committee  
Dwain Treadwell, Member, State Legislative Committee  
Helen Savage, State Legislative Representative



# WL - CA

## OLDER WOMEN'S LEAGUE OF CALIFORNIA

926 J Street, #1117, Sacramento, CA 95814

• (916) 444-2526 - Fax (916) 441-1881

### OWL-CA Council

National Board  
Southwest Region  
Theresa Johnson  
Rio Linda  
Carol Estes and  
Lillian Layman  
San Francisco

February 28, 1997

The Honorable Kevin Murray  
State Capitol  
Sacramento, CA 95814

### OWL-CA Executive Council, 1996

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Dear Assembly Member Murray:

The Older Women's League is pleased to be able to respond to your request for support for AB 54. We supported Assembly Member Katz domestic partnership bill in 1994 because many seniors find a domestic partnership the only alternative to deal with establishing a permanent relationship with another senior. Some seniors are widowed and their social security would be cut if they remarried, that social security which is often providing a minimum income. We also have women who find joining households with another woman preferable to living alone for both social and economic reasons.

There is also the matter of two heterosexual adults who do not want to be encumbered by the legalities of marriage for purely economic reasons. Each party may wish to have his/her money left to their respective children in the event of death and not be involved in the financial obligations of marriage.

We realize this issue is often equated with sexual relationships and we do not want to be the judge on such matters. We are concerned with older men and women who need a close support system to take care of such matters as hospital visitation and conservatorships. We believe that a domestic partnership would be a great advantage to such people. We are grateful that you have taken up the issue which Assembly Member Katz worked so hard to complete.

Yours truly,

*Betty Perry*

Betty Perry

Research and Education Coordinator  
Older Women's League of California

## COMMISSION ON AGING

1020 9TH STREET, ROOM 260  
 SACRAMENTO, CA 95814  
 (916) 322-5630  
 FAX (916) 327-1859



Mar. 1, 1997

March 10, 1997

The Honorable Kevin Murray  
 Member of the Assembly  
 State Capitol, Room 4126  
 Sacramento, California 95814

Dear Assemblyman Murray:

The California Commission on Aging (CCoA), the California Senior Legislature (CSL), and the Triple-A Council of California (TACC) are pleased to lend their continued support for the Domestic Partnership Act, as introduced by you in AB 54.

**This is an important bill to seniors.** The bill would extend various rights and privileges enjoyed by married couples to unmarried couples. A large number of senior citizens gain companionship, security, and independence by living with a partner, but cannot afford to marry due to laws and regulations governing social security and pensions.

Over 145,000 older and disabled persons in California are living together and are unmarried (1994 - California Department of Finance). For older or disabled persons receiving Social Security, the Social Security Administration (SSA) rule is to reduce by 50% one recipient's allocation if they marry. This is the primary reason why many older persons refrain from re-marrying. It is difficult enough to make ends meet on a senior citizens' fixed retirement income without incurring additional financial burdens imposed by the SSA's income restrictions.

Creating a statewide registry for domestic partners will provide enhanced emotional and economic security for many of California's seniors. Registration will also provide for hospital visitation rights when a partner becomes ill, conservatorship rights if a partner becomes incapacitated, and the transfer of property to the surviving partner.

If you have any questions, please contact John T. Kehoe, Executive Director, or Peggy H. Shuchter, Government Affairs Coordinator, at (916) 322-5630.

Sincerely,

John McCune, Chair  
 California Commission on Aging

John Kumbera, Chair  
 Joint Rules Committee  
 California Senior Legislature

Brenda B. Ross, Ed.D  
 President  
 Triple-A Council of California



For San Luis Obispo and Santa Barbara Counties

Central Coast Commission for Senior Citizens

208 West Main Street, Suite B Santa Maria, CA 93454-5027 (805) 925-9554

February 17, 1997

Honorable Kevin Murray State Assembly State Capitol Sacramento, CA 95814

RE : AB 54

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Enid Sobers
Viola Vine
Eethyl Withers
Supervisor Tom Urbanske

Dear Mr. Murray,

Your letter dated January 17, 1997 has been received. You present information regarding AB 54, which you have introduced. AB 54 regards specific rights for domestic partners.

It is the intent of this letter to advise you of the decision of the Area Agency on Aging Advisory Council to support AB 54. As your records indicate, we also supported AB 2810, which was introduced in 1994.

This bills regards the rights of domestic partners. Older persons are clearly one of the prime beneficiaries of this bill. As you may know some older persons live together to avoid financial penalties imposed by retirement pensions for married couples. This in no way decreases their commitment to each other but does simplify their lives.

We believe that this bill presents a realistic view of today's family and indeed promotes the value of family. It would also give domestic partners conservatorship rights and a domestic partner option on the official State Will form.

The bill's designation of the authority of the patient to determine who can visit them in health care facilities is another feature that may benefit older persons. We believe it is a thoughtful legislative proposal and merits our supports. We are sending a copy of this letter to our locally elected state legislators so they know of our support of AB 54.

Thank you for your continued leadership with this legislation.

Sincerely,

Irene Harter

Irene Harter, Chair AAA Advisory Council

c: Assemblyman Brooks Firestone
Assemblyman Tom Bordonaro
State Senator Jack O'Connell



## COMMISSION ON AGING

1020 9TH STREET, ROOM 260  
SACRAMENTO, CA 95814  
5) 322-5630



March 8, 1994

Honorable Richard Katz  
State Capitol, Room 3146  
Sacramento, CA 95814

Dear Assemblyman Katz:

The California Commission on Aging (CCoA), takes great pleasure in informing you of our support position for AB 2810 Domestic Partners Registration and AB 2811 Domestic Partners Health Care.

The Commission believes the bills could have a significant impact on the lives of many senior citizens in California who find themselves in a position of having to live together without entering into a formal legal arrangement. The reasons include Social Security provisions as well as many private pension plans which reduce benefits for a married couple. In other cases financial survival depends upon the sharing of limited incomes simply to meet rent and basic living expenses. These arrangements often lead to lasting relationships and bonds which can only be financially protected under the provisions in these bills.

Once again, the Commission offers our full support for AB 2810 and AB 2811. Please contact Robert MacLaughlin, Legislative Coordinator in our office at 916-322-5630 if you have questions about our position.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Mastalish".

Raymond C. Mastalish, Chair

cc: Members, California Commission on Aging



**CALIFORNIA SENIOR LEGISLATURE**  
1020 Ninth Street, Room 260  
Sacramento, CA 95814 (916) 322-5630

February 25th, 1994

Honorable Richard Katz  
State Capitol, Room 3146  
Sacramento, CA 95814

**Re: AB 2810 -- SUPPORT**

Dear Assemblyman Katz,

The California Senior Legislature (CSL) supports AB 2810, which you recently introduced, related to domestic partnerships. Recognizing domestic partnerships and providing for various benefits for those partners, acknowledges what many older people have already discovered. Senior citizens have long been aware of the benefits of cohabitation and mutual dependence (whether financial, emotional, physical or otherwise) in order to improve the quality of their lives.

For instance, until 1989, the California Department of Housing and Community Development administered the Senior Citizen Shared Housing Program (SCSHP, for which the California Senior Legislature is currently pursuing re-authorization). The SCSHP helped match older people (who have excess living space) with others to share expenses and responsibilities. As the program developed, it became apparent that the participants' lifestyles were developing too. Their relationships began to transcend the conventional interpretation of "room-mates" or "friendships" and were more accurately described as "familial." Your AB 2810, if passed by the Legislature and signed by the Governor, would support and foster the mutually beneficial relationships that the SCSHP once encouraged. The bill also promotes and encourages self-determination an issue of tremendous concern among the elderly. AB 2810 would provide many opportunities for partners to contribute to, and support each other in order to maintain or enhance an elder's quality of life. Based on the principles you raise in AB 2810, the California Senior Legislature is pleased to support your effort.

If you have any questions regarding our position, please feel free to contact Robert MacLaughlin in our office at 916/322-5630.

Sincerely,

Senior Senator Laing Sibbet  
Chair, Joint Rules Committee  
California Senior Legislature

# CONGRESS OF CALIFORNIA SENIORS

February 28, 1994

Assemblyman Richard Katz  
State Capitol  
Sacramento, CA 95814

Re: AB 2810

Dear Assemblyman Katz:

The legislative committee of the Congress of California Seniors unanimously adopted a support position on AB 2810.

Our understanding of the legislation is that it provides appropriate safeguard for verifying the validity of the domestic partnership.

The bill will allow rights given to other relationships to be extended to domestic partners.

This legislation is right and is long overdue. We support passage of AB 2810 and authorize use of the "Congress of California Seniors" name in support thereof.

Sincerely,

  
Howard L. Owens, Legislative Director



# WL - CA

**OLDER WOMEN'S LEAGUE OF CALIFORNIA**  
P. O. BOX 188577 • SACRAMENTO, CA 95818  
(916) 444-2526 • Fax (916) 441-1881

MARCH 28, 1994

## **SUPPORT FOR ASSEMBLY BILL 2810**

Assembly Member Richard Katz  
State Capitol  
Sacramento, CA 95814

Dear Assembly Member Katz:

The Older Women's League supports your bills for domestic partnership. Two adults who live together and who have formed a lasting relationship should be given recognition and allowed to enjoy certain benefits.

At this time most of us find in our circles of friends people of different ages and different sexual orientations who live together and who have formed a lasting relationship. This is particularly true for older heterosexual couples who may be hampered from a marriage because of financial constraints or problems that have to do with financial benefits for their children. Two older widows also find that living together can make a much more satisfactory life, not only from the financial considerations but also from the needs of meeting the problems of daily living.

These people need such rights as hospital visitation, conservatorship, and the right to have their friendship recognized by society.

We believe that AB 2810 will give to all Californians the rights which many already enjoy because to their employment or their place of residence.

Yours truly,

Betty Perry  
President of the Older Women's League of California

# GRAY PANTHERS Of Sacramento



**age and youth in action**

925 PATRICIA WAY  
SACRAMENTO, CALIFORNIA 95864  
(916) 739-1540

March 24, 1994

Hon. Richard Katz  
California Assembly  
State Capitol  
Sacramento, CA 95814

Dear Assemblyman Katz:

We are writing in support of your Assembly Bills, AB 2810 and AB 2811.

The provisions in the bills recognize changing lifestyles and a sensitivity to those changes.

Too frequently, we have found, that when a significant other is hospitalized, it is not possible to be there to comfort. Your measures would assure that other than blood relatives have the right to be at the bedside of a sick or dying friend.

Although some of the issues are marred by unfeeling and intolerant persons, we believe that it is time to acknowledge alternatives in living.

Civilized society must advance and throw off prejudices which are unfitting in the modern world.

Sincerely,  
GRAY PANTHERS OF SACRAMENTO

*Frances Jones*  
Frances Jones  
Co-Chair



# Older Women's League

Sacramento Capitol Chapter  
P.O. Box 161646  
Sacramento, CA 95816

March 9, 1994

**URGENT: PLEASE NOTE THE SUPPORT OF AB 2810 AND AB 2811 BY THE  
OLDER WOMEN'S LEAGUE, CAPITOL CHAPTER**

Assembly Member Richard Katz  
3146 Capitol Building  
Sacramento, CA 95814

Dear Assembly Member Katz:

The Older Women's League is in full support of AB 2810, the domestic partners registration bill. Two adults who have formed a lasting relationship and commitment to each other should be recognized and allowed the benefits and responsibilities which go with sharing a life together. It can only add stability to their lives and strengthen their commitment.

This bill can aid many older people widowed, divorced or alone who wish to share life with another but do not wish to marry for a variety of reasons. Their devotion to each other and desire to care for one another is strong but the legal and psychological ramifications of marriage may cause barriers. This situation is not uncommon. AB 2810 could deepen this commitment and give them some necessary legal rights--hospital visitation, conservatorship and the right to will property to one another.

AB 2811 is a necessary extension of AB 2810 by extending the meaning of "family member" to include persons who meet the local definition of "domestic partner" as related to the Public Employees' Medical and Hospital Care Act. We strongly support AB 2811 as well as AB 2810.

Sincerely,

Ruth Kletzing  
President

SENATE RULES COMMITTEEAB 1059

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 445-6614

Fax: (916) 327-4478

THIRD READINGBill No: AB 1059Author: Migden (D)Amended: 9/4/97 in SenateVote: 21SENATE INSURANCE COMMITTEE : 6-3, 7/2/97

AYES: Rosenthal, Hughes, Johnston, Peace, Schiff, Sher

NOES: Johnson, Leslie, Lewis

SENATE APPROPRIATIONS COMMITTEE : Senate Rule 28.8ASSEMBLY FLOOR : 42-35, 6/2/97 - See last page for voteSUBJECT : Domestic partnersSOURCE : The author

DIGEST : This bill requires health plans and health insurers that offer group coverage benefits to the dependents of an employee or subscriber to offer those benefits on the same terms to a domestic partner, as specified.

Senate Floor Amendments of 9/4/97 delete the definition of "domestic partners" used for the purpose of determining eligibility for domestic partner coverage by a health plan or a health insurer.

ANALYSIS : Existing law:

1. Provides for health insurance and health care benefits to spouses and dependents in a number of areas.

2. Prohibits discrimination based on marital status or sexual orientation in a number of contexts, including insurance.

**This bill:**

- 1.Requires health plans and health insurers that provide group coverage to provide the same benefits to the domestic partner of a subscriber or employee as they provide to dependents, and subject to the same terms and conditions.
- 2.Requires a health care service plan or a disability insurer that provides hospital, medical or surgical benefits for employees, subscribers or other persons entitled to elect coverage and their dependents to enroll as a dependent, upon application by the employer or group administration, as a domestic partner or the employee, subscriber or that other person.
- 3.Specifies that nothing in this bill is to be construed to expand the requirements of federal law which were added by the Consolidated Omnibus Budget Reconciliation Act of 1985.

Background : In 1984, the City of Berkeley was the first employer in the country to offer benefits to the domestic partners of its employees. In 1993, the Insurance Commissioner convened a task force to address the problem of unfair insurance discrimination against unmarried consumers. The Task Force report pointed out the discrimination that exists, and recommended recognition of domestic partnerships for insurance purposes. Now over 500 employers, including cities, states, universities, and private sector businesses, for example, IBM, Apple Computer, Disney, Bank of America, Genentech, Orrick, Time Warner and, most recently, the San Francisco 49ers, provide such benefits.

However, while many health plans offer this coverage to large employers, they often deny the benefit to smaller employers, with Kaiser being a notable exception. There appears to be no economic basis for excluding this coverage. In a number of cases, employers and insurers initially included a surcharge on domestic partnership coverage to address any potential adverse economic impact. Such surcharges have almost universally been dropped as experience shows that costs for domestic partners are nearly identical to costs for spousal coverage. Employer

fears of huge numbers of fraudulent claims also proved groundless.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes  
Local: Yes

SUPPORT : (Verified 9/5/97)

Aids Project Los Angeles  
California Church IMPACT  
California Labor Federation, AFL-CIO  
California Nurses Association  
California Optometric Association  
California School Employees Association



California School Employees Association  
 California Teachers Association  
 California Women's Law Center  
 City of Berkeley  
 City and County of San Francisco  
 Clergy:

John P. Bingham, Samaritan Counseling Center  
 Vincent Brady, Cathedral of the Blessed Sacrament  
 Donald G. Brown, Trinity Episcopal Cathedral  
 Carol M. Carter, Wesley United Methodist, First United

Methodist

Catherine M. Campbell, Hispanic Office, Episcopal  
 Diocese of Northern California, La Mission Hispana el  
 Divino Salvador

Barry F. Cavaghan, United Campus Ministry  
 Steven Fietz, First Christian Church  
 George E. Herbert, Westminster Presbyterian Church  
 George K. Meier, Pioneer Congregational Church  
 Jay K. Pierce, Central United Methodist Church  
 Carlos Schneider, St. John's Lutheran Church

Congress of California Seniors

East Bay Municipal Utility District  
 Kaiser Permanente Medical Care Program  
 LIFE Lobby

Older Women's League of California  
 Santa Barbara Stonewall Democratic Club  
 Spectrum Institute  
 Unity Pride Coalition of Ventura County

OPPOSITION : (Verified 9/5/97)

Capitol Resource Institute  
 Committee on Moral Concerns

ARGUMENTS IN SUPPORT : According to the author's office,  
 this bill was introduced to address the health insurance  
 concerns of unmarried couples. The Unruh Civil Rights Act,

as well as an explicit regulation applicable to the  
 business of insurance, prohibits discrimination based on an  
 individual's marital status or sexual orientation. Yet  
 some health plans currently offer benefits to spouses that  
 are not available to a person's unmarried partner. This  
 problem is particularly acute for same-sex couples who  
 cannot have their relationships recognized as marriages.  
 Elderly couples who form committed and exclusive  
 relationships share a similar problem. This bill helps  
 resolve the current inequity in law with respect to health  
 benefits. Unmarried couples will not be denied access to  
 health benefits for their partners solely because of their  
 sexual orientation or marital status.

The author argues that more than a decade of experience  
 with domestic partnership demonstrates that it is both  
 pro-civil rights and pro-business. A fast-growing list of  
 businesses is now offering domestic partner benefits to  
 their employees, including some insurance companies. It is  
 mostly smaller businesses that this bill would assist,  
 which is why the bill is intended to cover the Health  
 Insurance Plan of California. The author acknowledges  
 moral differences in the discussion of domestic

moral differences in the discussion of domestic partnership, and concerning same-sex couples in particular, but points out that nearly all religious denominations are re-examining their position.

Supporters present legal, health, social, religious and economic arguments in favor of the measure. On economic grounds, Spectrum Institute (SI) notes that virtually all the business-centered fears initially expressed about domestic partnership have failed to materialize. Experience has shown that the cost of providing domestic partner benefits is the same as or less than that of providing spousal benefits.

Smaller employers who want to compete for employees have a hard time finding insurers who will offer this coverage. The City and County of San Francisco cites the difficulties employers face in offering domestic partner health coverage because it is unavailable or too expensive. SI notes that this bill will make it easier for small businesses to compete for a valuable pool of employees.

Citing religious reasons in support, clergy from both the Protestant and Roman Catholic communities note that both the Old and New Testaments recognize a number of family forms. They argue it is possible to support the bill on moral, and specifically, on Biblical grounds. Moreover, they maintain that it is fundamentally just and right that

all persons have access to health coverage. The Life Lobby and the California Nurses Association emphasize the social importance of partnership to provide mutual protection. Because of the inability to enter a recognized marriage under state law, committed same-sex couples have long struggled within the legal system to protect one another. The societal expectation that, when one partner has a job, the other will be covered for health costs breaks down with same-sex couples. This not only creates hardships for both partners, but exacts a cost to the state. The state may be called upon to pick up the costs for the uninsured domestic partner. Various supporters also present the legal argument that this bill is a matter of civil rights and equal protection under the law.

ARGUMENTS IN OPPOSITION : The Committee on Moral Concerns opposes the bill, emphasizing five points. First, homosexual couples are simply friends, and should not be viewed as dependent on one another irrespective of their own assessment of the importance, intimacy and permanency of their relationship. Second, heterosexual couples who are unwilling to commit to a marital relationship should not be given taxpayer recognition. Third, roommates might sign up for these benefits, and the constitutional right to privacy would prevent the government from determining whether their relationship was more than just casual. Fourth, the cost to employers of domestic partnership benefits would result in lower wages, higher prices, loss of jobs and insurance coverage for other workers. Fifth, the historical family arrangement works best for society. The Capitol Resource Institute opposes this bill because it

would force insurance companies to offer domestic partner benefits to employers, which they can already do.

ASSEMBLY FLOOR :

AYES: Alquist, Aroner, Bowen, Brewer, Brown, Caldera, Cardenas, Cunneen, Davis, Ducheny, Escutia, Figueroa, Firestone, Floyd, Gallegos, Hertzberg, Honda, Keeley, Knox, Kuehl, Kuykendall, Lempert, Martinez, Mazzone, Migden, Murray, Napolitano, Ortiz, Papan, Perata, Scott, Shelley, Strom-Martin, Sweeney, Thomson, Torlakson, Villaraigosa, Vincent, Wayne, Wildman, Wright, Bustamante  
NOES: Ackerman, Aguiar, Alby, Ashburn, Baldwin, Battin, Baugh, Bordonaro, Bowler, Campbell, Cardoza, Frusetta, Goldsmith, Granlund, Havice, House, Kaloogian, Leach, Leonard, Margett, McClintock, Miller, Morrissey, Morrow, Olberg, Oller, Pacheco, Poochigian, Prenter, Pringle, Runner, Takasugi, Thompson, Washington, Woods  
NOT VOTING: Baca, Machado, Richter

DLW:ctl 9/5/97 Senate Floor Analyses  
SUPPORT/OPPOSITION: SEE ABOVE  
\*\*\*\* END \*\*\*\* -

AB 54  
Page 1

Date of Hearing: April 2, 1997

ASSEMBLY COMMITTEE ON JUDICIARY  
Martha Escutia, Chair

AB 54 (Murray) - As Amended: March 31, 1997

SUBJECT: DOMESTIC PARTNERSHIP.

KEY ISSUE: SHOULD THE STATE ADOPT A STATUTORY SCHEME FOR THE REGISTRATION OF DOMESTIC PARTNERS?

SUMMARY: This bill would authorize state recognition of domestic partners. Among other things, it requires that domestic partners share a common residence, agree to be jointly responsible for each other's basic living expenses, be at least 18 years of age, and file a Declaration of Domestic Partnership (DDP) with the Secretary of State. It also requires health facilities to allow a patient's domestic partners and relatives of a domestic partner. Specifically, this bill:

- 1) Defines domestic partners and provides that a domestic partnership shall be established when all of the following occur:
  - a) Both persons have a common residence.
  - b) Both persons agree to be jointly responsible for each other's basic living expenses during the domestic partnership.
  - c) Neither person is married or a member of another domestic partnership.
  - d) The two persons are not related by blood in a way that would prevent them from being married to each other in this state.
  - e) Both persons are at least 18 years of age.
  - f) Both persons file a Declaration of Domestic Partnership (DDP) with the Secretary of State.
- 2) Provides for the registration of domestic partners with the Secretary of State by: a) requiring the Secretary of State to provide forms for establishing and terminating domestic partnerships; and b) allowing the Secretary of State to establish, regulate and charge fees for the actual costs of processing the above forms.
- 3) Prohibits a person from filing a new DDP until at least six months after the date that a Notice of Termination of Domestic Partnership (NTDP) has been filed with the Secretary of State (unless the previous domestic partnership ended as the result of the death of one of the partners).
- 4) Requires health facilities to allow a patient's domestic

AB 54  
Page 2

partners, the children of the patient's domestic partner, and the domestic partner of a patient's parent or child to visit with the patient.

- 5) Adds references to domestic partners to the numerous references to a spouse, other relatives or the spouses of other relatives throughout the Probate Code provisions regarding conservatorship and statutory wills (e.g., Probate Code sections providing who shall receive notice of proceedings; who may qualify as, or nominate, a conservator; whose living expenses may be paid from the estate of a conservatee; and who may be named as a beneficiary in a statutory will).

EXISTING LAW:

- 1) Does not provide for state recognition of unmarried individuals.
- 2) Provides a statutory scheme within the Probate Code for the appointment, description of rights and responsibilities, and termination of appointment of conservators and guardians.
- 3) Provides for a statutory will with appropriate forms.
- 4) Does not require health facilities to allow non-family members to visit with a patient.

FISCAL EFFECT: Unknown

COMMENTS: This bill essentially mirrors legislation introduced by Assemblyman Katz and vetoed by the Governor in 1994 (AB 2810) and reintroduced by Assemblyman Katz and held in this Committee in 1995 (AB 627) to provide for the statutory recognition of domestic partners in California.

According to the 1990 U.S. Census report, there were a total of 10,399,700 households in California. Of these, 495,223 (approximately 5%) consist of unmarried couples. Of the households consisting of unmarried couples: a) 93% are opposite-sex couples; and b) 7% are same-sex couples.

There are approximately 35,000 senior citizen couples in California, which constitutes approximately 7% of the total number of unmarried partners.

According to the author, the growing numbers of non-traditional families make the recognition of domestic partnerships increasingly imperative. The author states:

"While there is much talk today about the need for strong families and family values, most of this talk fails to recognize that there are currently hundreds of thousands of families in California that do not consist of a married couple. We simply cannot afford to ignore these families."

We simply cannot afford to ignore these families."

AB 54  
Page 3

The California Medical Association (CMA) supports those provisions of the bill that establish rights for non-marital partners in the conservatorship process and permit hospital visitation. CMA states that:

"Recognizing the changing nature of interpersonal relationships, many hospitals have already changed their visitation policies and no longer restrict visitors to 'immediate family only.' It is the position of CMA that all health care facilities should remove such restrictions. There is no acceptable justification that exists for refusing a sick or dying individual the emotional comfort of visits from a non-spousal partner or companion."

The California State Employees' Association (CSEA) states that a growing number of state employees, and Californians as a whole, are living in family relationships that do not mirror the traditional ideal. Many households are headed by single women; others include emotional and financial partnerships between two people who have not married, whether of the same or opposite sex. CSEA states that this bill simply would recognize that the family unit exists in more than one form.

California National Organization for Women (NOW) believes this bill will ensure that cohabitating couples are treated like families. NOW states that this bill provides for the protection of committed, loving families.

LIFE, California's Lesbian/Gay and AIDS Lobby states that under current law gay and lesbian couples may not enter into civil marriage contracts. Yet, many lesbian and gay couples need to enter into a state recognized civil contract to properly care for each other and their children. This bill would provide these unmarried couples with the option of registering as domestic partners, affording each: hospital visitation rights and conservatorship rights.

They have found that the impact of not having a state sanctioned relationship can be devastating. If a partner is hospitalized, the other partner does not have hospital visitations rights or the right to make decisions regarding care. Under current law the partner, regardless of the length of the relationship or commitment, has the legal standing of a roommate. With regard to conservatorship, one's family has the jurisdiction to obtain legal custody of a person before the long-term partner. In the climate of homophobia that many gay and lesbian couples must live in, the threat of separation becomes real when long-term disease or mental incapacity becomes an issue. Recognized domestic partner policy is crucial for committed couples who have no other options.

Planned Parenthood Affiliates of California (PPAC) strongly supports this bill. They believe this legislation would encourage

supports this bill. They believe this legislation would encourage the supportive public climate necessary to ensure social, economic, and political rights for all individuals.

AB 54  
Page 4

The American Civil Liberties Union (ACLU) believes that this bill will "begin the process of ending marital status discrimination in current state law." The ACLU concludes that this legislation will recognize the "reality of the family relationships of many of our state's residents and ending the disadvantageous treatment now afforded these non-married couples."

The California Nurses Association (CNA) also supports this bill, stating that many persons reside with and have a deep, caring relationship with another person who for whatever reason is not their spouse or family member.

The National Association of Social Workers (NASW) believes that "the least California can do for all people is legally empower them to rely on one another in health care emergencies and other critical situations."

The Traditional Values Coalition (Coalition) opposes this bill because the Coalition believes it lays the foundation for the overturning of the marriage codes in all 50 states which they say is a stated objective of the Gay and Lesbian Task Force. The Coalition claims that there are economic considerations, once you offer domestic partners legal status, and many businesses will be hurt. In opposing domestic partnerships, the Coalition argues that "there is more likely to be greater understanding of the need for extramarital outlets between two men than between a man and a woman." They also state that "there is no expectation or intent that these relationships be monogamous such as is expected of spouses."

The Committee on Moral Concerns (CMC) opposes this bill because it believes the recognition of domestic partnerships devalues family commitment and lends an air of legitimacy to the "most dangerous lifestyle in America." CMC asserts there are three categories of people who will use the provisions of this bill and makes the following claims:

- a) The most numerous group who will register under this bill, would likely be homosexual and lesbian couples. As it relates to them, they argue there is no primary caretaker/primary breadwinner relationship as with married couples. Each already is free and able to get his or her own job, write a will and live with whom he or she pleases. For this group, they claim, there is no need for this bill.
- b) The second group of individuals who CMC states will register as domestic partners are heterosexual couples. However, they argue, if these traditional couples are unwilling to commit to each other in a real marriage, the taxpayer supported state government should not commit to their relationship either.

- c) The last group whom CMC predicts will register are roommates. CMC states that it would be a violation of the constitutional right to privacy to attempt to determine the intimacy level of roommates to see if they fall into one of the first two categories. Therefore, they will be covered by various

AB 54  
Page 5

domestic partner job benefits that will follow if this bill becomes law.

The Secretary of State opposes this bill because he argues it is inappropriate for his state agency to develop and operate a filing program for domestic partnership registration. He also argues that the bill does not provide adequate funds to offset substantial costs he says his office will incur to develop regulations and distribute and process domestic partnership forms.

Issues:

- 1) Should the filing of domestic partnerships be made at the local rather than state level?

In opposing this bill, the Secretary of State urges the bill be amended to require that domestic partnerships be filed at the local level rather than at the Secretary of State's Office. He states his office is not familiar with the filing and recording of these types of "vital statistics," whereas localities have traditionally recorded and maintained these records. He also notes that currently the cities of North Hollywood, Sacramento, and San Francisco provide for filing of domestic partnerships with their city or county record units. In addition, he suggests that requiring domestic partners to register with the state rather than localities would be more burdensome for them than the procedure provided married couples, "who can walk into a local governmental facility to obtain a marriage license."

- 2) Should the proposed statutory registration scheme pre-empt local ordinances?

As noted above, several local governments already provide for the filing of domestic partnerships. In prior versions of this legislation, a provision had been added stating the state registration scheme shall, from some date forward, pre-empt all local ordinances covering domestic partners except those that offer rights in addition to those provided under the state scheme.

The author's office has indicated a willingness to adopt an amendment in committee clarifying that the state registration process shall pre-empt all local domestic partner ordinances except those that offer rights in addition to those provided under the state scheme.

Prior Related Legislation: AB 167 of 1991 (Burton): Would have removed the requirement that individuals who wish to marry be of opposite sexes. Held in the Assembly Judiciary Committee.



opposite sexes. Held in the Assembly Judiciary Committee.

AB 2810 of 1994 (Katz): Original version of this legislation. Vetoed by the Governor, who wrote in his veto message that "the changes sought can all be made without creating in law a substitute for marriage."

AB 627 of 1995 (Katz): Reintroduction of original legislation.

AB 54  
Page 6

Held in this Committee.

AB 1982 of 1995 (Knight): Would have prohibited California from recognizing same gender marriages from other states. Dropped by the author in the Senate.

SB 1159 (Hayden) and AB 1209 (Knox) of 1995: Would have allowed CalPERS to recognize domestic partners for health benefits. Died in PERS Committee.

SB 2075 of 1996 (Haynes): Similar to AB 1982 of 1995. Died on the Senate Floor.

AB 3332 of 1996 (Kuehl): Would have provided domestic partner benefits for school employees under CalPERS and STRS. Died in PERS Committee.

Current Related Legislation: AB 427 (Knox): Same as AB 1209 of 1995.

AB 800 (Margett): Prohibits California from recognizing same gender marriages from other states should they become legal.

AB 1059 (Migden): Requires health insurers to offer domestic partnership benefits under their plans.

SB 841 (Hayden): Prohibits the state from contracting with any contractor that does not provide domestic partner benefits that are of equal value to those benefits provided to spouses.

SB 911 (Knight): Identical to AB 800.

REGISTERED SUPPORT / OPPOSITION:

Support

Opposition

American Assoc. of Retired Persons	Committee on Moral Concerns
Older Women's League of CA	Bill Jones, Secretary of State
American Civil Liberties Union	Grace Lutheran Church & School
CA Medical Assoc.	God's Family Church
National Assoc. of Social Workers	Traditional Values Coalition
CA's Lesbian/Gay & AIDS Lobby	Fellowship of Fundamental
Baptists	
& Institute	of Northern CA
CA School Employees Assoc.	Hamilton Square Baptist Church
Faculty Assoc. of CA Community	Lucerne Christian Conference
Center	

Center

Colleges, Inc.

American Jewish Congress

CA Nurses Assoc.

CA Arts Advocates

Friends Committee on Legislation  
of CA

United Transportation Union

Unity Pride Coalition of

Ventura County

Iglesia Biblica Fundamental

AB 54  
Page 7

CA State Employees Assoc.

Congress of CA Seniors

La Mesa-Foothills Democratic Club

Area Agency on Aging

Santa Barbara Stonewall

Democratic Club

County of Orange - Human

Relations Commission

Southern CA Physicians for

Human Rights

Southern CA Psychiatric Society Committee

on Gay, Lesbian, and Bi Issues

CA Commission on Aging

Triple-A Council of California (TACC)

Planned Parenthood of California

Analysis prepared by: Drew Liebert / ajud / (916) 445-4560

Date of Hearing: January 7, 1998

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY  
Mike Honda, Chair

AB 427 (Knox) - As Amended: January 5, 1998

SUBJECT : Public employees' health benefits: domestic partners.

SUMMARY : Provides employers whose employees participate in the CalPERS health care program (PEMHCA) the option to extend health benefits coverage to the domestic partners of their employees and annuitants.

Specifically, this bill :

- 1) Authorizes contracting agencies to elect to include within the definition of "family member" persons who meet the definition of "domestic partner" of an employee or annuitant of the contracting agency when that person is duly registered as domestic partner. Requires election forms containing specified information to be filed under penalty of perjury.
- 2) Provides for this option only upon election by the employer (who contracts for PEMHCA coverage). May apply to employees of state, local public agencies and schools. The option to elect is also available to the following employers: California State University, the Judicial Council, the Senate and the Assembly.
- 3) Requires employees to notify CalPERS upon the termination of the domestic partnership. Employees who fail to notify CalPERS are liable for costs incurred after the partnership is terminated.
- 4) Defines a domestic partnership, exclusively for the purpose of providing PEMHCA coverage, as meeting all the following criteria:
  - a) Both persons have a common residence.
  - b) One of the persons is enrolled as an employee or annuitant of a contracting employer.
  - c) Both persons share the common necessities of life and agree to be jointly responsible for each other's basic living expenses during the domestic partnership.
  - d) Neither person is married nor a member of another domestic partnership.

EXISTING LAW : The Public Employees' Medical and Hospital Care Act (PEMHCA), authorizes the Board of Administration of the Public Employees' Retirement System (CalPERS) to provide health benefits plan coverage to state and local public employees and annuitants and their family members.

FISCAL EFFECT

AB 427  
Page 2

1) According to CalPERS, because so many different factors go into determining the cost to purchase health care for PERS members, it is difficult to predict what impact the addition of domestic partners to the pool will have. Published data for employers who have implemented domestic partner coverage indicate that there is no increase in utilization costs.

2) According to CalPERS, enactment of this measure would result in one-time administrative costs of \$45,000 for start-up.

COMMENTS

1) Sponsor and Purpose This bill is sponsored by the City of West Hollywood, who believes it will strengthen and protect families by promoting better health care for those in committed lasting relationships. The author points out that over 100 major U.S. employers provide domestic partner health benefits, including Levi-Strauss, Apple Computer, the Bay Area Rapid Transit District, and Stanford University. The San Francisco 49ers have recently announced a domestic partners plan for their team members and other employees.

2) Optional Nature of Coverage This bill is optional, so that a CalPERS public agency that does not wish to cover domestic partners is not required to do so.

3) Domestic Partnership Protection in Public Agencies Public agencies entrusted with the health care needs of their work force have become more responsive to changing needs of every kind of the employee family. Over 53 public agencies in the country concerned with health care have included domestic partner protections in their health care plans. These include cities such as Los Angeles, San Francisco, Berkeley, and educational agencies like Stanford University and The University of Chicago.

4) Domestic Partnership Protection in the Private Sector The use of domestic partnership is widespread in the private sector. According to the sponsor, actuarial data shows that the pay out rate for health insurance policies of domestic partners is no higher than the pay out rate for other family members. Businesses which use domestic partnership range from numerous small and medium size businesses to many notable Fortune 500 corporations including such names as AT&T, Apple Computer, Bank of America, Levi-Strauss, Kaiser, HBO, MCA/Universal, Microsoft, The New York Times, Sprint, and Warner Brothers. In addition, domestic partners of employees are already recognized by the following organizations in the United States and Canada:

- a) 50 organizations with full benefits that have publicly traded stocks
- b) 210 private sector companies offer full benefits
- c) 16 private sector companies offer partial benefits
- d) 66 colleges and universities offer full benefits
- e) 17 colleges and universities offer partial benefits

5) Arguments in Support Supporters contend that this measure is

AB 427  
Page 3

necessary to acknowledge the different types of families that exist, and that access to quality health care should be a basic right of all Americans and should be expended to domestic partners. They point out that increasing the "covered lives" in health programs has the general effect of reducing costs.

6) Arguments in Opposition Opponents contend that the state does not recognize domestic partnerships, and should not extend to those partnerships any "imprimatur" of support. The Traditional Values Coalition states: "State establishment of these quasi-relationships is unhealthy for the culture."

AB 427  
Page 4

REGISTERED SUPPORT / OPPOSITION :

Support

American Federation of State, County and Municipal Employees  
City of West Hollywood (Sponsor)  
California Faculty Association  
California Federation of Teachers  
California Independent Public Employees Legislative Council, Inc.  
California National Organization for Women  
California Professional Firefighters  
California Public Employees' Retirement System  
California School Employees Association  
California State Employees Association  
California Teachers Association  
Congress of California Seniors  
County of Santa Cruz Board of Supervisors  
East Bay Municipal Utility District  
First Christian Church  
HIV Network  
Laborers' International Union of North America  
League of California Cities  
Planned Parenthood Affiliates of California  
Service Employees International Union  
State Employees Trades Council

Opposition

California Catholic Conference  
Committee on Moral Concerns  
Department of Personnel Administration  
God's Family Church  
Grace Lutheran Church & School  
Morning Star Christian Fellowship  
North American Airlines  
Traditional Values Coalition  
Vina Community Baptist Church  
Yosemite Lakes Community Church  
"Your's for Life Ministries, Inc."

Analysis prepared by : Clem Meredith / aper&ss / (916) 322-4320

AB 3332  
Page 1

Date of Hearing: April 24, 1996

ASSEMBLY COMMITTEE ON PUBLIC EMPLOYEES, RETIREMENT & SOCIAL  
SECURITY  
Howard Kaloogian, Chairman

AB 3332 (Kuehl) - As Amended: April 15, 1996

**SUMMARY:** Defines "surviving spouse" to include a domestic partner of a school member or retiree. Specifically, this bill:

- 1) Extends eligibility to domestic partners for pre-retirement family allowances and survivor continuance benefits under the Public Employees' Retirement System (CalPERS) and the State Teachers' Retirement System (STRS).
- 2) Provides the specific criteria which must be met to establish a domestic partnership and defines the conditions upon which a partnership is terminated.
- 3) Applies only to school districts that elect to provide this benefit.

**FISCAL EFFECT:** This bill increases the number of persons eligible for benefits and therefore increases costs. It is difficult to project how many school districts will elect to be subject to this bill's provisions, however, the normal cost rate will be increased due to the addition of a new population not included in the current experience of CalPERS and STRS. CalPERS estimates the cost of extending this benefit to its school employees is \$1.4 million annually. STRS is unable to estimate the cost of extending this benefit to its school employees. There will also be additional administrative costs to both CalPERS and STRS to extend this benefit.

**BACKGROUND:** According to this bill's author, the number of people living in committed non-marital relationships has increased dramatically, but California law regarding CalPERS and STRS does not adequately reflect these changes in society. Consequently, similarly situated couples and families receive disparate and unfair treatment where retirement and health benefits are concerned. This bill seeks to mitigate this unequal treatment by allowing domestic partners of public school employees to receive retirement benefits equivalent to those received by married spouses of public school employees.

**ARGUMENTS IN SUPPORT:** This bill allows California public school districts to join the hundred's of employers who have begun to address the disparity in benefits for married and non-married cohabitants by providing these benefits to their employees. Many committed non-marital relationships include dependent children of one or both of the partners. Often, one unemployed partner stays at home and does not qualify for employer-provided benefits. The same justifications for extending family benefits to spouses of

AB 3332

Page 2

employees and their dependent children exist for extending family benefits to domestic partners and their dependent children. This bill is a small step towards fairness in this regards.



AB 3332  
Page 3

ARGUMENTS IN OPPOSITION: There are three categories of people who will seek the benefits extended in this bill. The first is same-sex couples. Same-sex couples are friends, not dependents. Each individual is free and able to obtain his or her own employment and benefits.

The second group to seek these benefits is heterosexual couples. If these couples are unwilling to commit to each other in marriage, the taxpayer-supported public agencies should not commit to their relationship either.

The third group to benefit from this bill is roommates. It is a violation of an individual's right to privacy to attempt to determine the intimacy level of roommates to verify whether they fall into one of the first two categories. Therefore, roommates could also seek this benefit.

Employers, public and private, have long recognized the advantage of covering an employee's dependents. A handful of private employers extend benefits to their employees' domestic partners, but the overwhelming majority of employers in California refuse to do so.

The historical family arrangement has always worked best for society. Public employers should not extend benefits to and affirm the lifestyles and living arrangements of unmarried couples, particularly on the shoulders of taxpayers.

REGISTERED SUPPORT / OPPOSITION:

Support

California Federation of Teachers  
California Independent Public Employees Legislative Council, Inc.  
California School Employees Association  
California Teachers Association  
LIFE  
Older Women's League of California  
Service Employees International, AFL-CIO, CLC  
United Teachers Los Angeles

Opposition

Capitol Resource Institute  
Committee on Moral Concerns

Analysis prepared by: Michael J. D'Arelli / aper&ss / 322-4320

# DOMESTIC PARTNERSHIP

## A SECULAR INSTITUTION FOR NONMARITAL HOUSEHOLDS

*Domestic partnership was conceived as a gender-neutral relationship open to any two single adults regardless of sex or sexual orientation; recent attempts to limited it to same-sex couples distort the concept.*

This packet includes letters and articles discussing the use of sexist definitions of domestic partnership, which at one time or another have been considered by the cities of Milwaukee, Chicago, Philadelphia and San Francisco.

These materials show that domestic partnership was not intended as a substitute form of marriage for same-sex couples; it was always envisioned to be a family unit open to any two adults living together in a nonmarital household.

This philosophy of inclusion is based on several fundamentals:

**The constitutional right of privacy protects the freedom of choice of single adults to form the family unit which they believe best serves their needs.**

**Discrimination on the basis of marital status, sex, and sexual orientation should be eliminated from public policies and private-sector programs.**

**Limiting domestic partnership to same-sex couples, on the theory that opposite-sex couples have the option of matrimony, ignores the millions of opposite-sex cohabitants who, for reasons of their own, do not wish to marry.**

**A gender-based limitation on domestic partnership not only shows disrespect for family diversity and freedom of choice, but it reinforces existing marital status discrimination.**

**Denying domestic partnership protections and benefits to adults who are living with a person of the opposite sex is blatant sex discrimination, which has the effect of denying these benefits to the majority of domestic partners.**

**Cost has never been considered to be a legal excuse to discriminate. Nonetheless, the fiscal impact of expanding employee benefits programs to include all domestic partners regardless of gender is negligible. Also, public registries do not cost taxpayers anything.**

# **Law Office of Thomas F. Coleman**

**Post Office Box 65756, Los Angeles, CA 90065  
(213) 258-5831 / Fax 258-8099**

May 7, 1997

Hon. Kevin Murray  
State Assembly  
Sacramento, California

Re: Amendments to AB 54

Dear Assemblyman Murray:

First of all, I would like to thank you for introducing AB 54. The bill is necessary and will help many unmarried couples who need basic humanitarian protections in times of illness or death.

As you recall, I was the lead witness when the bill was heard in the Assembly Judiciary Committee. I also submitted a comprehensive report to each committee member, showing the need for this bill. I followed up by submitting reports to possible swing votes on the Appropriations Committee.

Moving this bill forward has been a team effort. A coalition was built several years ago when the first bill of this kind was carried by Assemblyman Katz. That coalition involves groups of senior citizens, religious leaders, and gay and lesbian groups. That coalition has stood together, side by side, during each legislative session. In fact, seniors have taken a major role at committee hearings. Although the seniors groups understand and support the rights of same-sex couples, their main concern is for their largest constituency – opposite-sex couples who have reached their golden years.

So far, you have done an excellent job in moving the bill through the Assembly committees. Now the bill will face a crucial vote in the full Assembly. Even though you are close to getting a majority to support the bill, it is possible that you will not be able to muster sufficient votes among Assembly Democrats to get the bill passed this year. As a result, you are no doubt feeling some anxiety and are looking for ways to get four or five more members to support the bill. In that regard, I am informed that you are considering possible amendments that might change their minds.

This is a crucial test for you and for Life Lobby, the primary sponsor of AB 54. Some members of the Assembly may want you amend the bill so that it only applies to same-sex couples. Others may want you to insert legislative findings that specify that it is the public policy of the state to promote heterosexual marriage even though certain concessions are being made to people who can't legally marry. Amendments of this nature should be rejected. They would cause more harm than you could possibly imagine.

*Assemblyman Murray*

*AB 54*

*January 25, 1998*

*Page 2*

Cutting opposite-sex unmarried couples out of the bill would do serious political harm and could even render the bill unconstitutional.

Imagine the anger of seniors groups if you proposed or even accepted such an amendment. They would justifiably feel that they had been stabbed in the back and thrown out of the boat by the captain because merely because the seas were getting turbulent. They would wonder whether they had been used as pawns and window dressing all these years, in order to disguise what was really only a gay rights agenda.

Such an amendment would put Life Lobby in a predicament. Should they support a bill that dumps the seniors (and undermine a continuing working coalition with seniors on other bills) or should they withdraw their support for the bill and leave you standing alone? This would be a difficult decision. It is one that you should not put them in.

And what would you, or Life Lobby, gain by such a short-sighted move? Two or three votes in the Assembly? But maybe you would lose two or three votes in the Senate by making AB 54 a gay rights bill.

Does anyone seriously think that the Governor would be more likely to sign AB 54 if it were a "homosexual rights" bill? Will dropping seniors from its scope cause the Governor to look more favorably on the bill? I took the time today to call one of the founders of Log Cabin to ask him these questions. He laughed at the thought that the Governor would be more likely to sign AB 54 if seniors were dropped and if you turned it into a gay rights bill.

You may have to do what Willie Brown did with the Consenting Adults Bill which decriminalized sodomy and oral sex in private between consenting adults. He introduced it year after year, for seven years, until he could get it passed and signed by the Governor. He did not amend the bill to drop unmarried opposite-sex couples from its scope. He did not endorse a philosophy that only married couples should have sexual privacy rights -- and, by the way, since same-sex couples can't get married, well, we will let them have privacy rights too -- but that straight couples should have to get married to avoid criminal sanctions. His bill included all adults, married or single, gay or straight.

Right now, AB 54 is a clean bill. It should stay that way, even if it does not pass this year. This is a long-range struggle and short term gains should not dominate political strategy.

Some of the amendments that you are considering could have devastating legal effects that would hurt unmarried couples, including same-sex couples, in many other ways.

THOMAS F. COLEMAN

*Assemblyman Murray*  
*AB 54*  
*January 25, 1998*  
*Page 3*

There are many laws in California that prohibit marital status discrimination in employment, housing, insurance, credit, etc. Some day the courts in California will be required to decide whether these laws protect unmarried couples from discrimination or whether they merely protect unmarried individuals. If AB 54 were amended to specify that it is the public policy of the state to promote heterosexual marriage, or that heterosexual marriage is the preferred family institution, such a policy statement could prompt the courts to interpret these marital status nondiscrimination laws narrowly rather than liberally. This would hurt many constituencies, including the gay and lesbian community.

Right now, you have my support for an inclusive bill. You also have the support of many seniors groups. If you create a "gays only" bill, you will not only lose my support but, as a matter of conscience, I will have to work vigorously to oppose the bill. I can only guess how the seniors groups will respond if they are dumped.

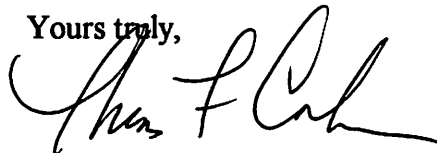
Stick with a political philosophy of inclusion. The gay community cannot fault you if you maintain a principled approach as you try to get this bill passed. They will understand.

I spoke with Laurie McBride, executive director of Life Lobby. She informed me that Life did not seek these amendments and she was very uncomfortable with them. I'm sure that many other supporters of the bill would feel the same way.

Anyway, I hope that you do not give in to the temptation to exclude opposite-sex couples and turn the bill into special interest legislation in order to gain a few votes. Such a move may appear strategically sound at first glance, but I can assure you that in the long run it will do more harm than good. There are 10 million single adults in California. Why not carry a bill that will help the largest number of people possible?

If you would like to discuss any of this, please feel free to call me. I trust that after you give the matter further thought that you will decide to keep your bill inclusive.

Yours truly,



Thomas F. Coleman

## 'GAYS ONLY' PARTNER PROPOSAL REEKS OF SEX, MARITAL STATUS DISCRIMINATION

San Francisco Supervisors Leslie Katz and Susan Leal want to water down new protections for domestic partners before a city contractor nondiscrimination law takes effect next month. They appear ready to sacrifice protection for straight couples at the altar of gay rights.

As the new law is currently written, corporations that have contracts with the city must give domestic partners, both same-sex and opposite-sex couples living together as a family unit, the same employee benefits that they give to married spouses. The purpose of the contractor law is to prevent city funds from subsidizing businesses that discriminate on the basis of sex, marital status, and sexual orientation in their employee benefits plans.

The Katz-Leal "gays only" proposal is being pushed by a local business lobby known as the Committee on Jobs. To the committee and its supervisor-allies, maximizing profit is apparently more important than minimizing discrimination.

The timing of the "gays only" proposal is strange. Just when the law as originally written is beginning to have a positive effect, a special interest lobby wants to subvert it.

Bank of America, Chevron, PG& E, and Catholic Charities, have announced they will comply with the law and will offer benefits to extended families, including unmarried couples, regardless of the gender of the partners.

Katz and Leal stirred up a firestorm of political protest only a few weeks ago when they tried to add a "gays only" amendment to the contractor nondiscrimination law. When Supervisor Tom Ammiano balked at the idea and city hall was flooded with angry phone calls, the proposal was withdrawn by Katz and Leal and pronounced dead by Ammiano.

This time, Katz is proceeding more timidly. She has asked the city attorney for an opinion on whether a law that protects same-sex couples from discrimination, but allows employers to deny benefits to unmarried opposite-sex couples, would be legal.

The answer should be obvious. Discrimination on the basis of gender is illegal under state law. It is also unconstitutional.

If the Katz-Leal deal is accepted by a majority of supervisors and the mayor, the city will be engaging in blatant sex discrimination. Two cities

that have tried the same-sex only approach to domestic partner benefits -- Chicago and Philadelphia -- are now embroiled in litigation over the exclusion of opposite-sex unmarried couples.

But, legal or not, it would be politically counterproductive to divide the community at a time when the new contractor law is under attack by the airline industry. Jeff Sheehy, president of the Harvey Milk Lesbian/Gay/Bisexual Democratic Club, has strongly criticized the proposal to exclude straight people from the city contractor law.

Proponents of the "gays only" proposal cite cost as a reason for opposing a more inclusive law. However, their financial fears are contradicted by studies showing that medical costs increase only by about one percent when employers provide coverage to same-sex *and* opposite-sex couples.

Amending the law to allow discrimination against opposite-sex domestic partners would be a slap in the face to thousands of unmarried heterosexual adults who live or work in San Francisco.

More than 60 percent of adults who reside in San Francisco are unmarried -- and most of them are straight. Only one-third of the city's households contain a married couple.

If the board of supervisors and the mayor give the business lobby what it wants, they will be telling straight workers who seek equal benefits to "get married or get lost." This would undermine respect for family diversity and put a gaping hole in the city's broad civil rights agenda.

Making benefits -- about 30% of the total compensation package -- hinge on marital status also undermines the constitutional right of privacy which protects the *freedom of choice* to marry or not to marry. An employee's compensation should not vary depending on how that choice is exercised.

Equal pay for equal work is one of the prime goals of the domestic partnership movement. Unmarried straight employees work just as hard as their married or gay counterparts. They deserve equality in the benefits they receive, even if their family units don't fit the traditional "Ozzie and Harriet" model.

-- Thomas F. Coleman  
May 17, 1997

# **SPECTRUM INSTITUTE**

*A Non-Profit Corporation Promoting Respect For Human Diversity*

December 2, 1997

Ward Connerly  
Connerly & Associates, Inc.  
2215 21st Street  
Sacramento, CA 95818

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*Thomas F. Coleman*  
*Executive Director*  
*Family Diversity Project*

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Re: Proposal to eliminate discrimination from  
the health benefits plan adopted last month

Dear Regent Connerly:

I read in several newspapers that you and regent Davis, and possibly other regents, intend to introduce a proposal to the Board of Regents in January to eliminate discrimination from the domestic partner plan adopted by the regents last month. I hope these news accounts are correct.

As you know, the state Labor Commissioner ruled that the City of Oakland's "same-sex only" health benefits plan constitutes illegal sexual orientation discrimination in violation of state law. The city appealed that decision, but lost its administrative appeal. Enclosed is a copy of the decision of the Director of the Department of Industrial Relations affirming the Labor Commissioner's ruling.

In an attempt to circumvent the Labor Commissioner's ruling, legal counsel to the University suggested an amendment to President's Atkinson's "same-sex only" proposal. The amendment, which added certain blood relatives to the plan, was adopted by the board.

When I saw what the board had done, I decided to do some legal research in order to determine the ramifications of the new plan. After completing my research, I was stunned by the absurdity of the plan, not to mention its invasion of privacy and other illegalities.

I am enclosing an op-ed article which I will be submitting to various publications. I am also including some relevant statutes and cases. Please feel free to share the article with the other regents.

If there is anything that I can do to assist you in gaining support for your "proposal of inclusion," please let me know.

Very truly yours,



THOMAS F. COLEMAN  
Executive Director

# Domestic Dispute

## Benefits Should Not Be Denied to Opposite-Sex Partners

By Thomas F. Coleman

**T**he University of California regents recently decided to extend health benefits to some domestic partners of employees and retirees but not to others. By adopting a plan that excludes unrelated opposite-sex partners, little did the regents know what a legal mess they were creating.

The new plan gives domestic-partner health benefits only to "competent adults over the age of 18 in a long-term, committed domestic relationship who are precluded from marriage because they are of the same sex or incapable under California law of a valid marriage because of family relationship." The omission of opposite-sex partners from the new plan has two major legal flaws.

First, the last-minute advice of the university's attorney to add close blood relatives to a "same-sex only" plan proposed by the university's president is an obvious smoke screen intended to cover up sexual-orientation discrimination. Courts can see through such camouflage. But more important than that, the plan violates the constitutional privacy rights of unmarried employees and retirees.

The right of privacy not only protects people from the unwarranted collection or dissemination of confidential information, it also protects the freedom of choice of individuals in making highly personal decisions, such as those involving marriage, family, procreation and child rearing. The plan approved by the regents violates this freedom of choice aspect of the right of privacy.

The university is now telling employees and retirees that if they have the legal option of marrying their domestic partner, they must do so or the partner won't be added to the university's health plan. It apparently does not matter to the regents that unmarried employees or retirees may have strong personal, philosophical, political, economic or even religious reasons for not wanting to marry a household member.

**A**re the regents aware that, under California law, a male employee may legally marry his widowed stepmother or his unmarried stepsister? Or that a female retiree may marry her stepson or stepbrother? Do the regents know that an adopted male may marry his adoptive mother who is divorced or widowed? Or that a retiree may marry her adopted grandson? Did anyone advise the regents that brothers and sisters in a foster family are legally allowed to marry in California?

The absurdity of the situation is made more evident when one considers the same-sex vs. opposite-sex criteria. A male employee must marry a stepmother in order to put her on the university health plan, but a stepfather could be a domestic partner because he would be of the same sex as the employee. A female retiree would have to marry her adopted grandson in order to enroll him in the new plan, but her adopted granddaughter would qualify as a same-sex domestic partner.

The regents have no business intruding into private family relationships of university employees or retirees in

this manner. Most unmarried employees would not want to change the nature of their relationship with a relative to that of a husband or a wife. And why should they have to do so in order to obtain health benefits? Imposing such a requirement violates the right of privacy of employees and retirees, not to mention the right to equal protection of the law.

**T**he exclusion of *unrelated* opposite-sex partners also violates their right of privacy, in addition to being sex and sexual-orientation discrimination. Many divorced or widowed retirees live with an unrelated domestic partner of the opposite sex. For a variety of reasons, they may want to be domestic partners rather than married spouses. That is why many seniors groups — the American Association of Retired Persons, the Older

Women's League, the California Senior Legislature and the Gray Panthers — support domestic partnership benefits for same-sex and opposite-sex couples.

It is irrational to recognize a same-sex couple as a family unit for purposes of university health benefits, but to exclude an unmarried man and woman who have a child. If the university considers the former to be a family, then why not

**The** regents have no business intruding into private family relationships of university employees or retirees in this manner.

the latter?

Perhaps the man wishes to marry, but the woman is reluctant to do so because her previous marriage was abusive and she has not fully recovered from the trauma of that relationship. Or maybe the couple plans to marry but has deliberately chosen an engagement period of two or more years.

**P**ossibly the woman wants to marry, but the man is an atheist and believes that so-called civil marriage is a quasi-religious rite. After all, marriage is a religious sacrament. State-created civil marriage is really no different than would be an attempt by the government to institute "civil baptism" or "civil confession," labels that would carry religious overtones despite use of the term "civil."

In the long run, the only sensible and legal approach for the regents to take would be one similar to that used by Bank of America in which each employee can select one adult member of his or her household — a spouse, a domestic partner of the same or opposite sex, or a close blood relative who is dependent on the employee.

Such a plan would satisfy the principle of equal pay for equal work, giving each employee the same health-benefits compensation, regardless of his or her family configuration. It would also avoid implicating the university in discrimination on the basis of sex, sexual orientation or marital status. And, above all, it would end the absurdity of telling employees or retirees that, to get health benefits for their loved ones, they must marry their stepparent, adopted grandchild, foster sibling or other relative whom they are technically able to marry.

Lt. Gov. Gray Davis and Regent Ward Connerly have said that they will introduce a proposal at the next meeting of the regents to eliminate the cloud of illegality hovering over the current plan.

One simple way out of this mess would be for the regents to allow any two single persons living together as domestic partners to qualify, as long as they satisfy other legitimate and gender-neutral eligibility criteria.

Moving blindly forward with the current definition will not only lead to absurd results, it will trigger costly lawsuits.

Thomas F. Coleman, a Los Angeles attorney focusing on right of privacy issues and marital status and sexual orientation discrimination, has been executive director of the governor's Commission on Personal Privacy and a member of the California Legislature's Joint Select Task Force on the Changing Family.



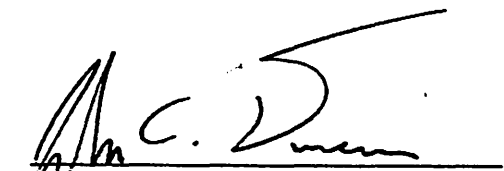
BEFORE THE DIRECTOR OF  
THE DEPARTMENT OF INDUSTRIAL RELATIONS

In the Matter of the Complaint of:	)	
	)	Case No. 99-02937
Majid Y. Ayyoub	)	
Complainant,	)	
	)	
Against	)	DETERMINATION ON
	)	APPEAL FROM DECISION
City of Oakland	)	OF THE STATE LABOR
Respondent	)	COMMISSIONER

Upon the filing of a timely appeal of the Decision of the Labor Commissioner in the above-captioned matter, the Director of the Department of Industrial Relations has reviewed the appeal, the Decision, the case file and the papers and documents filed in the course of the investigation and, based on that review, finds substantial evidence to support the Decision.

The Decision of the Labor Commissioner is hereby adopted in its entirety.

DATED: 11/14/97

  
 \_\_\_\_\_  
 JOHN C. DUNCAN  
 Acting Director

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF LABOR STANDARDS ENFORCEMENT  
BEFORE THE LABOR COMMISSIONER

**COPY**

In the Matter of ) No. 99-02937  
The Complaint of )  
)  
Majid Yacoub Ayyoub )  
Complainant, )  
against )  
) DECISION  
City of Oakland )  
Respondent. )

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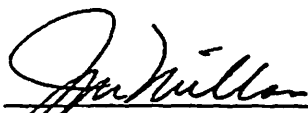
The Labor Commissioner of the State of California hereby adopts the Summary of Facts and Conclusions appended hereto and issues the following Decision:

The Respondent, City of Oakland, is directed to remedy the violation of Labor Code Section 1102.1 by taking the following actions immediately:

1. Extend the employer-paid medical insurance benefits provided to same-sex registered domestic partners to all registered domestic partners;
2. Reimburse Complainant for costs he has incurred due to Respondent's failure to provide such benefits, in the amount of \$868.15, plus any additional costs incurred for coverage or medical expenses from October 1, 1997, through the date of compliance with the above;
3. Cease and desist from any further discrimination.

Failure to comply with this Decision within ten (10) days of the date of receipt will result in the Labor Commissioner filing an action to enforce the Decision.

Date: 10/27/97

  
Jose Millan  
State Labor Commissioner

Either party may, within ten (10) days, seek review of this Decision by writing the Director, Department of Industrial Relations, 45 Fremont St., Suite 3270, San Francisco, CA 94105. The appeal shall set forth specifically and in full detail the grounds upon which the appealing party considers the Labor Commissioner's Decision to be unjust or unlawful, and every issue to be considered by the Director.

The Complainant is further advised that he has a right to bring an action against the employer in the appropriate court of law.

INVESTIGATION OF COMPLAINT

of

Majid Yacoub Ayyoub

Against

City Of Oakland

Case Number 99-02937

Ellen Shaffer  
Discrimination Complaint Investigator

Division Of Labor Standards Enforcement  
Oakland District Office

## SUMMARY OF FACTS

Complainant Majid Yacoub Ayyoub has been employed by the City of Oakland (hereinafter "Respondent") since September of 1990. He works as a Resident Engineer in Respondent's Office of Public Works, and earns approximately \$27.00 per hour.

Complainant alleges that he has been denied access to employer-paid health insurance benefits for his domestic partner, in violation of Labor Code Section 1102.1, because of his sexual orientation.

Respondent denies that its policy regarding domestic partner benefits is discriminatory.

In February of 1993, Respondent adopted a policy extending its vision and dental benefit plans to registered domestic partners of non-sworn City employees. The policy defined domestic partnership as "a relationship between two cohabiting, unmarried and unrelated people, regardless of gender, who, being over 18 years of age, have resided together for at least six (6) months prior to the filing of a Declaration of Domestic Partnership form, and who share responsibility for the common living expenses of food, shelter, and medical care." The policy provides that if a domestic partnership is ended, an employee may not file another Declaration of Domestic Partnership until one year after filing a formal notification of termination of the previous partnership.

Complainant filed a "Declaration of Domestic Partnership" with Respondent on January 14, 1995, declaring that he and his female domestic partner met the specified qualifications. Respondent approved the registration, and extended dental and vision care benefits to Complainant's domestic partner.

Respondent adopted a policy, effective January 1, 1997, which provided medical care coverage for registered domestic partners (with premium contributions made by Respondent). Complainant applied for the coverage for his domestic partner, but was denied the coverage because his partner was not of the same gender as he. Respondent's position is that the policy extending medical benefits only applies to same-sex domestic partners.

In its initial response to an internal complaint filed by Complainant regarding the denial of coverage, Respondent summarized its position as follows:

Please be advised that the City Council has determined that by giving same sex domestic partners of employees access to medical benefits through the public registration process, it is making its gay and lesbian employees, who have no option to marry, whole and equal with the same benefits as are available to heterosexual employees who have the option of marrying.

In its response to the instant complaint, Respondent elaborated on this position, stating:

Now all employees who have intimate life partners have the opportunity to have the City pay the medical premium for that partner: the distinction between heterosexuals and homosexual employees is that heterosexual employees, having the right to marry, must exercise that right demonstrating the long-held social approbation of marriage as an index of commitment and presumed familial stability. Homosexuals, denied the opportunity to marry, have no right to exercise: however, they are no longer penalized by the City for being denied an opportunity to marry based on their sexual orientation. The bottom line is that the City's practice, established through City Council Resolution 73204 C.M.S., remedies discrimination rather than creates it.

Complainant asserts that the effect of Respondent's policy is to deny him a benefit available to other similarly-situated employees, solely because of his sexual orientation.

Complainant has paid a total of \$624.00 in premiums to obtain medical coverage for his domestic partner for the period from January 1, 1997, through October 1, 1997, and continues to pay the premiums at the current rate of \$70.00 per month. In addition, documentation submitted by Complainant indicates that from January 1, 1997, through October 1, 1997, his partner incurred medical expenses which would have been covered by Respondent's domestic partner insurance plan, in the amount of \$244.15.

## CONCLUSIONS

In order to establish that a violation of Labor Code Section 1102.1 has occurred, Complainant must show that he was discriminated against or treated differently in some aspect of employment because of his sexual orientation or perceived sexual orientation.

Respondent acknowledges that sexual orientation is a factor—indeed, *the* determining factor—in determining whether an employee is eligible for employer paid medical insurance benefits covering a registered domestic partner. Respondent argues, however, that its policy is non-discriminatory, for two reasons. First, Respondent contends, the policy was enacted to *remedy* historic discrimination against gay and lesbian employees, who cannot ordinarily obtain insurance coverage for their partners because they cannot legally marry. Secondly, Respondent argues, Complainant and other heterosexual employees can obtain equal benefits simply by exercising their right to marry their partners.

Respondent's position fails to address the discriminatory impact of its policy.

The fact that Respondent enacted the policy in order to address historic discrimination against gay and lesbian workers, while laudable, has no bearing on the question of whether the policy, as enacted and applied, does in itself discriminate on the basis of sexual orientation. And Respondent's contention that heterosexual employees could marry, and thereby obtain equivalent benefits, begs the question. Complainant's argument is that he should not have to be married to obtain the same employment benefits as an unmarried co-worker of a different sexual orientation.

Respondent's policies and practices regarding registration of domestic partners are neutral with respect to sexual orientation, and domestic partners are defined as two cohabiting people, *regardless of gender*, who meet certain criteria. The fact that Respondent has, for several years, extended dental and vision care benefits to all registered domestic partners of qualified City employees is evidence that such benefits can be administered in a manner which does not differentiate based on the sexual orientation of the partners. Having created the gender and orientation-neutral category

of "domestic partner," Respondent has offered no legitimate explanation for offering certain employment benefits to some domestic partners and not others.

Respondent's policy of providing employer-paid medical insurance benefits to registered domestic partners of the same gender but not those of different gender discriminates against heterosexual employees, in violation of Labor Code Section 1102.1.

## RECOMMENDATION

There being sufficient evidence to establish a violation of Labor Code Section 1102.1, it is recommended that the Respondent be ordered to remedy that violation by taking the following actions:

1. Extend the employer-paid medical insurance benefits provided to same-sex registered domestic partners to all registered domestic partners;
2. Reimburse Complainant for costs he has incurred due to Respondent's failure to provide such benefits, in the amount of \$868.15, plus any additional costs incurred for coverage or medical expenses from October 1, 1997, through the date of compliance with the above;
3. Cease and desist from any further discrimination.



# Unequal Rights for Many Oakland Couples

By Thomas F. Coleman

**T**HE STATE'S labor commissioner recently ordered Oakland to include opposite-sex unmarried couples in the city employees' domestic partners health care program. The city has refused.

The City Council's decision to give employees greater or lesser benefits compensation based on their marital status is an insult to the majority of citizens in Oakland. According to 1990 census figures, 54.4 percent of adults in Oakland are not married. Only 34.5 percent of Oakland's households contain a married couple.

Does the council realize that it is telling the majority of its city's residents that they must get married to obtain equal rights there?

A group of progressive community leaders in Oakland once had a vision of creating public policies based on an understanding that we live in a diverse society. They believed that respect for freedom of choice, including over personal decisions regarding family structure, should be the hallmark of government action.

Several of those leaders formed an organization that produced a "Family Bill of Rights" in 1989. Among its principles is the premise that government should not condition employment benefits on the marital status of an employee and his or her family partner. The cur-

rent members of the council apparently never received this message.

It is interesting that when the city first extended dental and vision benefits to domestic partners of city employees, no distinction was made between straight couples and gay couples. Domestic partnership was open to all unmarried couples who met certain eligibility criteria.

The council's more recent decision to give medical benefits to the domestic partners of gay and lesbian city workers but not to the unmarried partners of heterosexual workers smacks of political favoritism. Apparently, politicians thought it enough to try to appease the most vocal and politically active portion of the domestic partner constituency — gays and lesbians.

Who is promoting the politics of division in Oakland? It seems unlikely that leaders in the gay and lesbian rights movement would encourage or even support such "wedge" politics.

Most of the legal gains made by gays are the result of coalition politics. Coalitions formed by gays, singles, seniors,

women, and people with disabilities have generally been responsible for the passage of domestic partner ordinances in a dozen California municipalities.

The continuing success of such coalitions is threatened when politicians tempt one group to break ranks by offering its members, and no others, domestic partner protection. The Oakland City Council's desire to eliminate discrimination against same-sex couples should be applauded. However, the politically divisive process it is using should not be condoned.

In San Francisco, gay and lesbian leaders rejected such counterproductive tactics by refusing to support a business lobby's efforts to water down the then-recently enacted law banning city contractors from benefits discrimination. As a result, the Board of Supervisors held firm and demanded that employers give all domestic partners, same-sex and opposite-sex, the same benefits they give to married couples.

Treating unmarried same-sex partners more favorably than unmarried opposite-sex partners violates state laws

prohibiting discrimination based on gender, sexual orientation, and marital status. It is also an insult to gays and lesbians in Oakland. Even if same-sex marriage were legalized tomorrow, many same-sex couples would choose domestic partnership rather than marriage. Would gays then be divided into two camps — one of married couples worthy of all spousal benefits, and one of domestic partners unworthy of such benefits?

If unmarried opposite-sex partners are willing to sign the identical affidavit of family commitment that now entitles same-sex partners to medical benefits, why should the city object? It certainly can't be because of cost. Studies show that when domestic partner provisions are offered to both same-sex and opposite-sex couples, less than 1 percent of the work force signs up for such benefits.

The council's stubbornness surely is not supported by public opinion. Most people want to see health care provided to everyone, and they believe that all workers are entitled to equal pay for equal work.

The council should take immediate steps to ensure that all domestic partners of city employees are eligible for the city-subsidized medical benefits plan. The failure to do so is likely to result in the use of state and local taxpayer dollars on unnecessary and protracted litigation. Those funds would be better spent on worthwhile programs.

*Thomas F. Coleman has been an attorney for 24 years. His law practice has concentrated heavily on cases involving marital status and sexual orientation discrimination.*



BY THE CHRONICLE

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

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

January 26, 1998

Mayor Elihu M. Harris  
One City Hall Plaza  
Third Floor  
Oakland, CA 94612

Re: Exclusion of opposite-sex couples  
from domestic partner medical benefits

Dear Mayor Harris:

This association has been monitoring legal and political developments throughout the United States concerning domestic partnership benefits. As a result, we have seen many news articles in the past few months about the situation in Oakland. (See enclosures.)

We are disturbed that your city council originally extended dental and vision benefits to all domestic partners regardless of gender, but then abruptly changed course from a policy of inclusion to one of exclusion. Oakland is the *only* governmental entity in California that has adopted a "gays only" domestic partner health benefits plan.

From reading various news articles, we are aware that your state Labor Commissioner has ruled that Oakland's exclusion of heterosexual couples from its medical benefits plan violates California law. We are also aware that Oakland's administrative appeal was denied. Nonetheless, for some unknown reason, Oakland has refused to obey the Labor Commissioner's order.

From monitoring the status of pending legislation in Sacramento, we have discovered that both of Oakland's state legislators have supported *inclusive* domestic partnership laws which do not discriminate on the basis of gender or sexual orientation.

Assembly Bill 1059 would require insurance companies and HMOs to extend health service plans to employers who choose to adopt domestic partnership benefits plans. The bill's definition of "domestic partnership" includes same-sex and opposite-sex couples. Assembly-member Dion Aroner and Senator Barbara Lee both voted in favor of this inclusive bill. (See attached bill and vote summary.)

Senate Bill 841 would require state contractors to offer employment benefits to domestic partners of their employees on the same terms as they offer benefits to married couples. The bill defines "domestic partners" so as to include same-sex and opposite-sex couples. Senator Barbara Lee voted in favor of this bill. (See attached bill and vote summary.)

**AMERICAN ASSOCIATION  
FOR PERSONAL PRIVACY**  
*Oakland City Council*  
*January 26, 1998*  
*Page Two*

It is also noteworthy that the bill pending in Congress, which would extend health benefits to domestic partners of federal workers, includes opposite-sex as well as same-sex couples in its definition of "domestic partnership." (See enclosed press release.) Co-sponsors of the bill include several members of Congress from California, including Congresswoman Nancy Pelosi from your region.

This association promotes the freedom of choice of all adults to form the family unit which they believe best suits their personal needs. Some will choose to marry. Some will create a family household with an opposite-sex domestic partner. And others will form a same-sex family unit. The fundamental right of privacy protects the freedom to make such a choice, without economic or legal discrimination. This right should be respected by government employers.

It would be appropriate for the city council to delete the gender restriction from its medical benefits plan. Doing so will not only make Oakland conform to state legal requirements, but it will also harmonize your city's domestic partnership program with all other municipal plans of this nature in California.

Very truly yours,



Dr. Arthur C. Warner  
Director

Saturday, February 14, 1998

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## Partners File Complaint In Oakland State threatens to sue city over health benefits

Thaai Walker, Chronicle Staff Writer

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Oakland is flouting a legal order by refusing to provide medical benefits to heterosexual domestic partners of city employees, a longtime firefighter claimed yesterday in lodging a complaint with the state.

Allen Edwards' complaint against Oakland is the second to be filed with the state labor commissioner since the city enacted the policy last year. It extends medical coverage to domestic partners of gay and lesbian city employees on the same terms as benefits extended to heterosexual married employees.

The city faced its first challenge last year when Mickey Ayyoub, an engineer with the city since 1990, filed a complaint with the labor commissioner after being unable to obtain medical benefits for his female domestic partner.

After investigating Ayyoub's complaint, state Labor Commissioner Jose Millan ruled in October that Oakland's policy was indeed discriminatory and ordered the city to extend the program to heterosexual couples who register as domestic partners with the city.

The city filed an appeal, but Millan's ruling was upheld. However, the city has continued to stand by its policy and has refused to follow the commissioner's order -- prompting the threat of a lawsuit by the state.

Reached at his office yesterday, Millan said that if the facts of Edwards case are similar to those of Ayyoub, he will likely rule once again that Oakland is in violation of state law.

Millan said he was exasperated that Oakland is "digging in its heels" and ignoring his order to change its policy.

"The whole situation is really tragic and I don't understand why Oakland insists on adhering to the policy," he said. "It's really stupid that we have to go through this yet again."

Millan said he expects to rule in the Edwards case in the next 60 days. If Oakland still hasn't changed its policy by then, the state will sue, Millan said.

Oakland Assistant City Attorney Joyce Hicks said she could not comment on Edwards' complaint because she has not yet seen it. She also would not comment on the city's refusal to follow the state commissioner's ruling in the Ayyoub case.

Until now, the City Council has said nothing about the ruling. Yesterday, Councilman Dick Spees said, "We will certainly look at it again and consider it, given this (latest) filing."

Since 1993, Oakland has offered vision and dental benefits to domestic partners of city employees regardless of gender. Last year, the city granted medical benefits to the partners of gay and lesbian employees. Hicks said the intent was to counteract discrimination against gays and lesbians, who cannot legally marry.

But Tom Coleman, a lawyer representing Ayyoub and Edwards, says the city is actually discriminating by not opening up the policy to opposite-sex partners.

At a press conference yesterday, Ayyoub and Edwards, a 26-year veteran of the Fire Department who has lived with his female partner for as many years, said they were not opposed to medical benefits being provided to gay and lesbian couples. They simply believe their long-term relationships warrant the same rights and that they should not be forced to marry in order to receive benefits for their partners.

"Our commitment should have the same value as (the commitment of) gay and lesbian people," Ayyoub said.



## Oakland employee sues for coverage of domestic partner

City won't pay because couple is heterosexual

Saturday, February 14, 1998

Stacey Wells

OAKLAND -- A second city employee filed a complaint Friday with the state Labor Commissioner because Oakland refuses to extend medical benefits to his domestic partner.

Firefighter Allan Edwards said he has been unable to get medical benefits for Jerry Sanchez, his partner of 25 years, because they are a straight couple.

Oakland is the lone city, Edwards said. You know what's funny is there's silence from the mayor on down. They're selling the whole city financially down the drain.

Oakland has so far refused to rewrite its policy to grant medical benefits to heterosexual domestic partners, despite a ruling last year by the labor commissioner that found Oakland's gays only medical coverage is illegal.

As a matter of policy, because heterosexual domestic partners have the option of getting married, we do not offer them those paid benefits, Assistant City Attorney Joyce Hicks said. In light of the complaint filed with the labor commissioner, the city is reviewing its policies.

Most city officials have remained mum on the topic, citing pending litigation as the reason for their silence.

Since 1996, Oakland has allowed city employees to register domestic partnerships regardless of sexual orientation. The city also pays dental and vision benefits. However, Oakland only extends medical benefits to same-sex domestic partners, excluding heterosexual couples.

Both Edwards and public works engineer Mickey Ayyoub have filed complaints with the labor commissioner. Edwards also asked for equal pay for equal work, a provision in the state labor code that could increase the financial stakes.

A ruling in Edwards' favor could force Oakland to pay the difference in medical benefits accrued since 1996 to Edwards and any other city employee in a registered heterosexual domestic partnership, Attorney Thomas Coleman said.

Edwards' complaint is backed by the International Association of Firefighters, Local 55.

Coleman, who is representing Edwards and Ayyoub, said 32 other cities in California extend domestic partner benefits with medical coverage to both heterosexual and same-sex couples.

It's a mystery why they're resisting, Coleman said of Oakland. Gender is the only difference.

Oakland extends medical benefits to domestic partners through Prudential Health Care. The city cannot use its usual provider, a state plan offered through the Public Employees Retirement System, because California does not recognize domestic partnerships.

Under the Prudential plan, the city pays up to \$297 for a \$528 policy that covers two people if the domestic partners are of the same sex. If the couple is heterosexual, Oakland will pay only \$149 of the \$528 total, Lianne Marshall, the city's benefits manager, said.

The cost is slightly different for firefighters, whose labor contract requires the city to pay a higher premium for health coverage.

Neither Ayyoub nor Edwards is interested in the Prudential plan because it is inequitable, in addition to being expensive, they said. Ayyoub has also filed a complaint with the HMO and the state Corporations Commission, which oversees health plans. A decision is pending.

I'm sure San Francisco and others have a plan that would be much more practical, Ayyoub said.

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[Page One](#) | [Section Headlines](#) | [Past Headlines](#) | [Photos](#)

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**PRESS STATEMENT OF INTERNATIONAL ASSOCIATION OF FIRE  
FIGHTERS, LOCAL 55**

February 13, 1998

**Re: City of Oakland's Domestic Partners Policy**

Fire Fighters, Local 55 fully supports Al Edwards' individual efforts to obtain health benefits for his opposite-sex domestic partner.

Al Edwards has been an Oakland Fire Fighter and member of Local 55 for 26 years and has had a partner for the same period of time. He risks his life each day in service to the City of Oakland and its citizens.

When the City of Oakland created its domestic partners policy, Local 55 assumed that such benefits would be extended to all domestic partners, regardless of sex. When the City instead granted health benefits only to same-sex domestic partners, Local 55 opposed that decision and filed a grievance on the ground that its labor agreement expressly prohibited discrimination on the basis of sex or sexual orientation.

Local 55's grievance was voluntarily held in abeyance while another City employee pursued a similar claim before the California Labor Commissioner. Not surprisingly, the Labor Commissioner subsequently ruled that the City's treatment of opposite sex domestic partners is illegal. Local 55 endorses this decision, and believes that such benefits must be

available to all domestic partners. Local 55 expected the City either to implement the Labor Commissioner's decision or quickly to seek review of it. This has not happened.

Local 55 supports Al Edwards' decision to independently pursue his statutory rights before the Labor Commissioner. Local 55 urges all Oakland residents contact the Mayor and members of the Oakland City Council and request that the California Labor Commissioner's order be fully implemented and that discrimination against certain domestic partners cease. Local 55 believes that Al, and other City employees who have opposite-sex domestic partners, are entitled to equal benefits for equal work.



Thursday  
January 22, 1998



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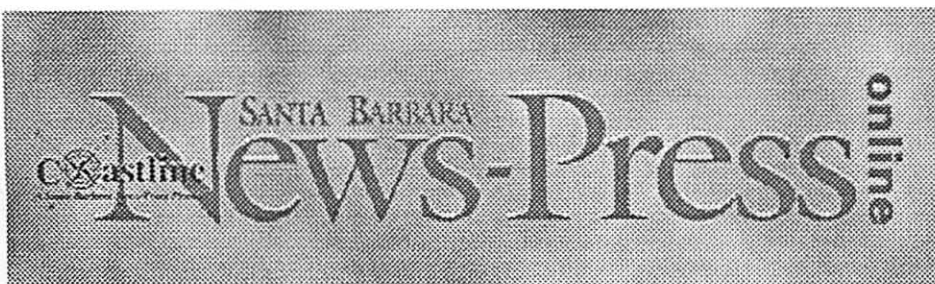
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## Domestic partners to get benefits

City will study extending decision to unmarried heterosexual couples.

1/21/98

By RHONDA PARKS

NEWS-PRESS STAFF WRITER

The Santa Barbara City Council on Tuesday night unanimously agreed to extend health benefits to the partners of gay and lesbian city employees, and they instructed staff to look into providing the benefits to unmarried heterosexual couples as well.

City Attorney Dan Wallace advised council members that the ordinance approved Tuesday is legally weak because it applies only to gay and lesbian couples and may be seen as preferential and subject to legal challenge. State law prohibits preferential treatment based on sexual orientation. "This is not a problem until a heterosexual couple applies for benefits. I think it's clear that if they came in tomorrow, we can't deny it. This needs to be fixed."

The same-sex benefits will be extended only to those who are registered with the city as domestic partners.

Using statistics compiled from other cities, Santa Barbara officials predict about eight people will take part in the same-sex benefit package, at an estimated cost to the city of about \$4,000. The exact cost will vary depending upon the union to which the employee belongs and the benefits involved.

It is not yet known how many unmarried heterosexual couples might be eligible for benefits if the ordinance is amended. But Councilman Gregg Hart said he would object to the inclusion of unmarried heterosexual couples, because they have the option of being married and securing their partner's benefits, while homosexual couples do not.

Partners of gay and lesbian employees of the city will become eligible for

the health benefits in 30 days under the city's agreement with employee unions, who negotiated the benefits for their members who are in committed same-sex relationships.

The council's action met with objections from some members of the audience, although the conservative groups that had attended previous meetings did not show up Tuesday night.

Isaac Garrett, a prominent member of the city's black community, said he felt the citizens of the city had been hoodwinked about the purpose and costs of the domestic partner registry, which he viewed as nothing more than a vehicle for providing benefits to homosexual couples at taxpayer expense.

City Administrator Sandra Tripp-Jones countered that the registry is supported by fees, and noted that the unions could have negotiated for the benefits without a registry in place.

Two other people, Jeremiah Garrett and Bonnie Raisin, objected to the ordinance on moral grounds.

A number of people in the gay and lesbian community and their supporters spoke in favor of the ordinance. Jason Bryan, an assistant supervisor in the city's Parks and Recreation Department, said the ordinance is "fair and equitable, and I don't believe it is unusual."

Jana Zimmer, a lawyer in private practice, said she came to support the ordinance "as a matter of decency and fairness."

Hart said the council had decided that, despite the costs and in the interest of fairness, it was the right thing to do.

Like other civil rights issues that have been controversial in the past, Hart predicted that this issue will seem unremarkable in the not too distant future.

Councilman Tom Roberts, the only openly gay member of the council, agreed. He remembered the fervent opposition to the city's anti-discrimination ordinance to protect AIDS patients several years ago, and said it would seem silly today. "This is not a groundbreaking issue," Roberts said, noting that dozens of cities and major corporations provide benefits to partners in same-sex relationships.



## LETTERS TO THE EDITOR

**Editorials for Sunday, February 1, 1998**

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Santa Barbara's same-sex domestic partner policy is illegal

There's a right way and a wrong way to correct an injustice. Unfortunately, the Santa Barbara City Council has engaged in an illegal act of discrimination as it tried to bring justice to gay and lesbian city employees.

The council voted to extend health benefits to the domestic partners of city workers. For this it should be applauded. However, as city attorney Dan Wallace warned council members, the exclusion of opposite-sex unmarried partners from the plan is illegal under state law.

The state Labor Commissioner recently ruled that a "gays only" domestic partner medical benefits plan adopted by the Oakland City Council violated a state statute prohibiting sexual orientation discrimination. That ruling applies equally to Santa Barbara.

Dozens of cities and counties in California now extend benefits to domestic partners of municipal workers, as do many school districts. All but Oakland - and now Santa Barbara - allow opposite-sex as well as same-sex partners to participate. These employers have found that the cost is minimal.

Councilman Gregg Hart is off-base when he says that straight couples should be forced to get married in order to get equal benefits at work. This type of coercion violates the fundamental right of privacy which protects the freedom of choice to marry or not to marry.

The purpose of employer-subsidized health benefits is not to pressure workers into marrying. These benefits are intended to help workers care for their immediate family members. One does not have to be married to an employee to be part of his or her immediate family.

Any HMO which participates in this illegal "gays only" plan will be violating the state Health and Safety Code which prohibits health service plans from discriminating on the basis of sex, marital status, and sexual orientation.

Unless opposite-sex partners are included in the domestic partner plan, Santa Barbara may find it difficult to locate an HMO willing to participate in the currently illegal "gays only" health plan. In fact, a complaint is now pending with the state Corporations Commissioner against Prudential Health Care Plan of California for its administration of Oakland's illegal same-sex program.

Santa Barbara did the right thing when it passed a domestic partner registry a few years back. That program includes all domestic partners, regardless of gender. The new health plan should be corrected immediately so that it conforms to the inclusive registry.

Spectrum Institute, a non-profit corporation which promotes respect for family diversity, urges equal rights for all domestic partners, is assisting the Oakland employee who is fighting that city's sexist health plan. We hope it is not necessary for unmarried heterosexual or bisexual employees to seek our help in challenging the illegal plan in Santa Barbara.

It would be much better for the council to heed the advice of its city attorney and to immediately remove the "gays only" restriction from the plan.

Thomas F. Coleman

Executive Director

Family Diversity Project

Spectrum Institute



## DOMESTIC PARTNERS

### Benefits law may be widened

2/10/98

By RHONDA PARKS

Benefits law may be widened

NEWS-PRESS STAFF WRITER

### UPDATE:

**On Feb. 10, 1998, the Santa Barbara City Council voted 5 to 1 to extend health benefits to opposite-sex domestic partners, as recommended by the city attorney in order to comply with the state Labor Commissioner's ruling in *Ayyoub v. City of Oakland*.**

The Santa Barbara City Council last month passed an ordinance giving health benefits to partners of gay and lesbian city workers. Now, to avoid violating state labor laws that prohibit discrimination on the basis of sexual orientation, the city must extend the benefits to unmarried partners of heterosexual workers, too.

City Council members will vote today on amending the ordinance to include heterosexual couples, as recommended by City Attorney Dan Wallace. To qualify for the benefits, all couples interested in receiving them will be required to register with the city as domestic partners.

The annual cost of providing the benefits is estimated to be \$11,101 per year, said Joan Kent, the city's administrative services director. The estimate is based on a survey showing that about 3 percent of employees sign up for domestic partner benefits in cities where such benefits are offered.

Labor unions representing city workers requested the benefits for their employees during contract negotiations earlier this year. The benefits will also be offered to the small number of employees who are not covered by union contracts.

# **SPECTRUM INSTITUTE**

*A Non-Profit Corporation Promoting Respect For Human Diversity*

## **MISSION STATEMENT**

Single people constitute a majority of the adult population in most major cities throughout the nation, and soon will be a majority in many states. Despite their large, and growing numbers, unmarried adults often face unjust discrimination as employees, tenants, consumers, and as ordinary citizens. Spectrum Institute believes that single people deserve respect, dignity, and fair treatment.

Spectrum Institute fights laws and business practices that discriminate against people who are not married. Our work benefits people who are single by choice or by necessity, such as seniors who are widowed, people with disabilities who will face a cutoff or reduction in benefits if they marry, people who have separated or divorced because their marriages were abusive or otherwise unsatisfactory, young people who have deferred marriage so that they may finish college or establish a career first, and people who are gay or lesbian.

Spectrum Institute works on several fronts simultaneously to eliminate marital status discrimination and to protect personal privacy rights:

**Employment.** Most people believe in the concept of "equal pay for equal work." Unfortunately, single workers receive much less pay than married workers, when employee benefits are taken into consideration. That is why Spectrum Institute promotes the use of "cafeteria style" benefits plans, where each employee receives the same credits, which the worker may then use in the way that suits his or her personal or family needs. While a married worker may need health benefits for a spouse and child, and a single worker may want more retirement benefits or may need day care for an elderly parent, another employee may need benefits for a domestic partner. Benefits plans should be flexible.

**Housing.** Spectrum Institute fights landlords who refuse to allow two unmarried adults to rent an apartment or a home together. Tenants who are responsible and creditworthy should not suffer housing discrimination by landlords who insist that they will only rent to married couples. Spectrum recently participated in a national roundtable sponsored by the American Association of Retired Persons (AARP) which developed a report and recommendations supporting the rights of seniors and older adults who live in nontraditional households.

**Consumers.** Spectrum Institute encourages businesses to eliminate discrimination against unmarried consumers. We wrote a report for the California Insurance Commissioner condemning higher rates for single adults, many of whom are seniors, merely because of their marital status. We succeeded in getting the Automobile Club of Southern California to give a membership discount to the "adult associate" of a primary member, a discount that was formerly available only to a spouse. We prodded airline companies to broaden their discounts to include "companion" fares and programs such as "friends fly free" in place of marketing strategies previously limited to spousal or family discounts.

**Privacy Rights.** Nearly half of the states still have laws that criminalize the private intimate conduct of consenting adults. Spectrum Institute fights for the privacy rights of all adults, regardless of marital status or sexual orientation. We participate in court cases to encourage judges to declare these laws unconstitutional. We also conduct educational forums and network with government agencies and private organizations to protect the privacy rights of members of society who may be vulnerable to abuse or neglect, such as children, people with disabilities, and seniors.

## About THOMAS F. COLEMAN

Thomas F. Coleman has been practicing law since 1973. During these 24 years, he has become a national legal expert on sexual orientation and marital status discrimination, the definition of family, and domestic partnership issues.

Mr. Coleman has conducted workshops and seminars and has made many public speaking engagements dealing with marital status discrimination and family diversity.

In 1997, Mr. Coleman was invited by the Self-Insurance Institute of America to conduct a seminar on domestic partnership benefits for 130 insurance company executives who came to Indianapolis from all part of the nation. In 1996, he conducted a similar seminar for the National Employee Benefits and Worker's Compensation Institute at a national conference in Anaheim.

In 1996, Mr. Coleman drafted a comprehensive domestic partnership act at the request of the Chairperson of the Hawaii Commission on Sexual Orientation and the Law. The draft was the basis for a bill (SB 3113) passed that year by the Hawaii Senate. The Senate Judiciary Committee invited Mr. Coleman to testify as an expert witness on legal issues involved in domestic partnership legislation. He was consulted by legislative leaders again in 1997.

Over the years, Mr. Coleman has represented clients and has filed *amicus curiae* briefs in numerous test cases before various appellate courts.

In 1996, he won a victory for tenants when the California Supreme Court refused to give a landlord a "religious" exemption from state civil rights laws prohibiting marital status discrimination. He is participating in similar cases in Michigan and Illinois. He also has been consulted by government attorneys fighting landlords seeking court permission to discriminate against unmarried couples in Alaska and Massachusetts.

In 1995, Mr. Coleman filed an *amicus curiae* brief in the Alaska Supreme Court in a case involving marital status discrimination in employment. In 1997, the court ruled that it was illegal for the state to refuse to provide health benefits to domestic partners of university employees.

In 1994, Mr. Coleman filed an *amicus curiae* brief in the Georgia Supreme Court on behalf of a

local union representing employees of the City of Atlanta. The brief defended the reasonableness and legality of two domestic partnership ordinances enacted by the city. In March 1995, the Supreme Court by a 5 to 2 vote upheld the registry for domestic partners but in a 4 to 3 vote invalidated ordinance conferring benefits on city employees with domestic partners. In 1996, the city passed a new ordinance granting employment benefits to domestic partners, which was immediately challenged in court. The case is pending.

In 1994, Mr. Coleman filed an *amicus curiae* brief in the Michigan Supreme Court seeking to invalidate the "gross indecency" statute as unconstitutionally vague and an infringement on the right of privacy of consenting adults. The result was a partial victory. The court agreed that the statute was vague and defined it in a way to prohibit public sex or sex with minors. However, it sidestepped the statute's application to consenting adults in private.

In 1993, Mr. Coleman won a major victory for employees in the California Court of Appeal. In *Delaney v. Superior Fast Freight*, the appellate court ruled that private employers throughout California are prohibited from discriminating against employees or applicants on the basis of sexual orientation.

In 1989, Mr. Coleman participated as a friend of the court in the landmark case of *Braschi v. Stall Associates* (1989) 74 N.Y. 201. In that case, the New York Court of Appeals (the state's highest court) ruled that the term "family" was not necessarily limited to relationships based on blood, marriage, or adoption. The court concluded that unmarried partners who live together on a long-term basis may be considered a family in some legal contexts. The *Braschi* decision has been cited as precedent in numerous lawsuits by workers who have been denied employment benefits for their unmarried partners.

Mr. Coleman has also participated in both government and privately-sponsored policy studies dealing with the right of personal privacy, freedom from violence, family diversity, and discrimination on the basis of marital status and sexual orientation.

In 1994, Mr. Coleman was selected by the American Association of Retired Persons to serve on a round table focusing on nontraditional households. This resulted in a report by AARP in 1995 entitled "The Real Golden Girls: The Prevalence and Policy Treatment of Midlife and Older People Living in Nontraditional Households." (continued)

In 1993, Mr. Coleman wrote a report for **California Insurance Commissioner's Anti-Discrimination Task Force**. It recommends ways to end discrimination against unmarried individuals and couples who are insurance consumers.

In 1991, Mr. Coleman was consulted by the **Bureau of National Affairs** for its special report series on *Work & Family*. He provided demographics and background information for Special Report #38, "Recognizing Non-Traditional Families."

In 1990, Mr. Coleman worked closely with the **Secretary of State** to implement a system in which family associations may register with the State of California. Registrations systems like this have been used by companies for employee benefit programs that provide coverage to employees with domestic partners. This novel registration system was cited by Hewitt Associates in a research paper entitled "Domestic Partners and Employee Benefits." Hundreds of same-sex and opposite couples (many with children) have registered under this de-facto family registration system.

In 1989, the **City of West Hollywood** retained Mr. Coleman as a consultant on domestic partnership issues. He advised the city council on how the city could strengthen its ordinance protecting domestic partners from discrimination.

In 1989, Mr. Coleman conducted a seminar for faculty and staff at the **University of Southern California** on "Employee Benefits and the Changing Family."

In 1989, the **Los Angeles City Attorney** appointed Mr. Coleman to serve as chairperson of the **Consumer Task Force on Marital Status Discrimination**. The task force issued its final report in May 1990. The report documented widespread discrimination by businesses on the basis of sexual orientation and marital status. It made numerous recommendations to eliminate discriminatory practices. Many have been implemented.

From 1987 to 1990, Mr. Coleman served as a member of the **California Legislature's Joint Select Task Force on the Changing Family**. After many public hearings and ongoing research, the task force issued a series of reports to the Legislature. One aspect of the study involved work-and-family issues. The Task Force recommended ways to eliminate discrimination on the basis of sexual orientation and marital status from employee benefits programs. Other recommendations were made to eliminate discrimination against domestic partners. A bill to establish a domestic partner registry with the Secretary of State

and to give limited benefits to domestic partners was passed by the Legislature in 1994 but subsequently vetoed by the Governor. A similar bill (AB 54) is pending in the Assembly Judiciary Committee.

In 1986, Mr. Coleman became a special consultant to the **Los Angeles City Task Force on Family Diversity**. After two years of research and public hearings, the task force issued its final report in May 1988. Major portions of the report focused on sexual orientation and marital status discrimination in employment, housing, and insurance. For the following three years, Mr. Coleman worked closely with city council members, the city administrative officer, the city attorney, the personnel department and several unions to develop a system granting sick leave and bereavement leave to a city employee if his or her unmarried partner were to become ill or die. In 1991, two city unions, representing more than 12,000 workers signed contracts with the city that included these domestic partnership benefits. In 1994, the city council voted to extend health and dental benefits to all city employees who have domestic partners.

In 1985, Mr. Coleman became an adjunct professor at the **University of Southern California Law Center**. For several years he taught a class on "*Rights of Domestic Partners*." The class focused on constitutional issues, court cases, and statutes that either discriminate against unmarried couples or provide them with protection from discrimination.

In 1984, the **California Attorney General** appointed Mr. Coleman to serve on the **Commission on Racial, Ethnic, Religious, and Minority Violence**. Mr. Coleman assisted the commission's staff and consultants in gathering information about hate crimes against lesbians and gay men and in formulating recommendations designed to prevent and combat such violence. The commission held hearings and issued reports in 1986, 1988, and 1990.

In 1981, Mr. Coleman was appointed to serve as **Executive Director of the Governor's Commission on Personal Privacy**. After two years of public hearings and research, the Commission issued its final report to the Governor and the Legislature. Over 100 pages of the report focused on sexual orientation discrimination, particularly in the areas of employment and housing. Mr. Coleman was the author of the final report of the Privacy Commission.

Mr. Coleman graduated, *cum laude*, from **Loyola University of Los Angeles School of Law** in 1973. He received his bachelor of arts degree from **Wayne State University** in Detroit, Michigan in 1970.

\* \* \*





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\* also serves as a Director

January 29, 1997

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

Dear Mr. Coleman:

On behalf of the Self-Insurance Institute of America, Inc., we would like to express our appreciation for your agreeing to participate in our Eighth Annual MGU/Excess Insurers Executive Forum and Seventh Annual Third Party Administrator Executive Forum. The forums will be held March 18-20, 1997, at the Omni Severin Hotel, Indianapolis, Indiana. We are very fortunate to be able to draw on your professional expertise for the benefit of our attendees.

We have scheduled you to address the group on the following day and subject matter:

MGU Forum - General Session #5

### Domestic Partnering - A Risk Question

Date/Time: Wednesday, March 19, 1997 9:45 a.m. - 10:45 a.m.

TPA Forum - General Session #4

### Are Domestic Partner Benefits in Your Clients' Future?

Date/Time: Wednesday, March 19, 1997 2:00 p.m. - 3:15 p.m.

A copy of the Forum draft has been enclosed for your review. The final program and actual brochures are being printed and should be out in the mail soon.



CITY COUNCIL  
of  
Los Angeles



JACKIE GOLDBERG  
Councilmember, 13th District

January 6, 1994<sup>5</sup>

Dear Friends:

Among my goals upon taking office as a Councilmember in the City of Los Angeles was the unequivocal recognition of the rights of lesbian and gay employees. I am pleased that, as Chair of the City Council's Personnel Committee, I was able to obtain adoption of two important legislative matters affecting our community within the City.

During my first six months in office I introduced a motion to adopt a policy of extending health and dental care benefits to domestic partners and dependents of all City employees. I am very grateful to Henry Hurd, of the Personnel Department, and Thomas Coleman, Executive Director of the Spectrum Institute, for providing invaluable research material and analysis that enabled me to bring forward the legislation much earlier than I thought possible. Without their assistance, many City employees would still be denied the peace of mind enjoyed by employees whose families have been covered by health benefits all along. Please feel forward to contact my office for a copy of the legislative packet on this important issue.

In addition, I was able to break the logjam on implementation of a series of policy initiatives to protect the rights of lesbian and gay employees. The City now has a Sexual Orientation Counselor who is responsible for investigating complaints of discrimination based on sexual orientation. Based on that action, and in response to the Groberson lawsuit, the Mayor issued an Executive Directive to all Department heads reiterating the City's policy against sexual orientation discrimination. Copies of the directive and policy are available through my office.

I look forward to another year of advancing the rights of our community. Please do not hesitate to contact Sandy Farrington-Domingue, my liaison to the gay and lesbian community, at (213)913-4693 with your input.

Sincerely,

JACKIE GOLDBERG  
Councilmember, 13th District



July 18, 1996

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

Dear Mr. Coleman:

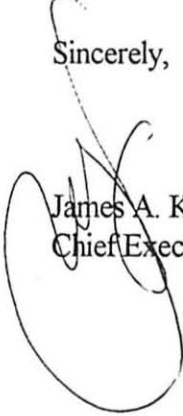
On behalf of all of us here at BENCOM, we would once again like to take this opportunity to thank you for your support as a member of our faculty. We just received the attendee ratings of the conference, and clearly your participation was very well received.

The attendees at your session rated your presentation, content and handout material very high. For content/quality, a rating of 4 from a possible 5 was received; a score of 5 for handout material and 4 for speaker delivery. These are very high marks! Congratulations.

We also heard a lot of comments from attendees, that this session was one of the best, as it brought to light issues that were too many to discuss. BENCOM's objective is to **EDUCATE**, and your session met this objective head on.

Again, thanks for taking the time and we hope you will want to join the BENCOM faculty again at future programs. BENCOM II is sure to triple in size based on the favorable comments we have received.

Sincerely,



James A. Kinder  
Chief Executive Officer

10:15 a.m. -  
11:15 a.m.

Grand Ballroom F

**GENERAL SESSION #5**

**"Will Domestic Partner Benefits Be In Your Future?"**

The issues have been raised and the industry is taking a position. Coverage for a Domestic Partner is being done with many qualifications. Get the how, when, and why to update your company when your employees are in need.

*Speaker:* **Thomas F. Coleman**  
President, Spectrum Institute

William B. Schendel  
Daniel L. Callahan

Suite 200, NBA Building  
613 Cushman  
Fairbanks, Alaska 99701  
(907) 456-1136

TELEFAX (907) 451-8500  
Mailing Address  
P.O. Box 72137  
Fairbanks, Alaska 9970

March 24, 1997

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

Re: Univ. of Alaska v. Tumeo

Dear Tom,

Let me thank you very much for your part in our recent victory in Tumeo. I think it is the first published appellate court victory for domestic partner benefits, without regard to the sex of the partners. As such, it was great that it came out right.


As you may guess, the Supreme Court's opinion has received wide publicity. I've received phone calls from The Chronicle of Higher Education, all the Alaska media (including the Associated Press), and from attorneys around the country. I believe the opinion will soon be summarized in U. S. Law Week and Bureau of National Affairs specialty publications. It is perceived to be the leading opinion on the subject at the moment.

All this would not have been possible without the assistance of the amici, and especially Spectrum. In particular, I think that your briefing on the legislative background to the Alaska statute, especially the research you did on similar statutes in Maryland, Montana, Oregon, etc., was very impressive. As I expressed several times during the briefing process, I was particularly worried about the legislative history argument that the University raised, yet unable to do the necessary research regarding foreign statutes; you came through in that area, and wrote up the results of your result in a persuasive manner.

I think that it was also useful to have Spectrum on board in order to "round out" the viewpoints expressed by the same sex amici. Part of the formula in constructing a winning argument is to assure the court that the result being sought is within the realm of responsible public policy. Spectrum's brief, focusing as it did on extending benefits to unmarried opposite sex couples as well as same sex couples, gave the Court some assurance that it had the benefit of a full spectrum of reasoned public policy.

My clients and I were proud to be sitting at the same table with Spectrum and you.

Thank you again.

Sincerely yours,  
  
William B. Schendel  
Attorney at Law

WBS:dde



May 24, 1996

SOCIAL SERVICES

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AMERICAN

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OF NURSES

309 So. RAYMOND

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CALIFORNIA

91105

818-796-0051

FAX 818-796-2335

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

Dear Mr. Coleman:

We wish to express our gratitude for your support in our battle towards extending domestic partnership benefits to Los Angeles County employees. Throughout 1 years, your assistance in our attempts to establish equity of benefits for all County employees was invaluable.

On December 19, 1995, for the first time in Los Angeles County history, the Board of Supervisors voted to include medical benefits for domestic partners of County employees as part of the compensation package. The Family Diversity Project of Spectrum Institute worked diligently with Local 535, the Los Angeles County Labor Coalition, and other dedicated groups to achieve this collective goal.

Again, we thank you for your commitment to providing consultation and strategic organizational services in our endeavors to win this tremendous victory!

In Solidarity,

Karen Vance, Co-Chair  
SEIU-Local 535, Lesbian and Gay Caucus  
(310) 497-3419

PLEASE RESPOND TO:  
 SACRAMENTO OFFICE  
STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0001  
(916) 445-8077  
FAX (916) 323-8984  
 DISTRICT OFFICE  
1388 SUTTER STREET  
SUITE 710  
SAN FRANCISCO, CA 94109  
(415) 673-5560  
FAX (415) 673-5794  
E-MAIL: [Carole.Migden@assembly.ca.gov](mailto:Carole.Migden@assembly.ca.gov)

# Assembly California Legislature

**CAROLE MIGDEN**  
ASSEMBLYWOMAN, THIRTEENTH DISTRICT  
**Chairwoman**  
**Assembly Committee on Appropriations**

- COMMITTEES**  
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and Social Security  
Public Safety  
Joint Legislative Budget  
Committee  
Special Committee on  
Welfare Reform  
Select Committee on California  
Horse Racing Industry  
Select Committee on  
Professional Sports



April 8, 1997

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

Dear Mr. Coleman: *TC*

I respectfully request your assistance regarding AB 1059.

On Tuesday, April 15 at 9:00 am, AB 1059 will be heard by the Assembly Judiciary Committee in room 4202 of the State Capitol. Your expert assistance is needed in responding to technical questions from committee members regarding domestic partnerships. In addition, it would be particularly beneficial for you to outline the legal issues surrounding domestic partnership and health insurance and how AB 1059 would greatly benefit California citizens.

Thank you for consideration of this request. I look forward to working with you on this important issue.

Sincerely,

*[Signature]*  
CAROLE MIGDEN

*Would greatly  
value your  
help!*



COMMITTEES:  
LOCAL GOVERNMENT  
PUBLIC SAFETY  
UTILITIES & COMMERCE

**Kevin Murray** ASSEMBLYMAN, FORTY-SEVENTH DISTRICT

CHAIRMAN, ASSEMBLY TRANSPORTATION COMMITTEE  
CHAIRMAN, LEGISLATIVE BLACK CAUCUS

California Legislature

March 26, 1997

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

Dear Mr. Coleman:

I respectfully request your assistance regarding AB 54 (Domestic Partners).

On Wednesday, April 2, 1997, AB 54 will be heard by the Assembly Judiciary Committee in room 437 of the State Capitol. Your expert assistance is needed in responding to technical questions from committee members regarding domestic partnerships. In addition, it would be particularly beneficial for you to outline the legal issues surrounding domestic partnership and how AB 54 would greatly benefit thousands of California citizens.

Thank you for your consideration of this request. I look forward to working with you on this important issue.

Sincerely,

KEVIN MURRAY  
State Assemblymember  
47th Assembly District



*Bringing lifetimes of experience and leadership to serve all generations.*

March 14, 1995

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

Dear Mr. Coleman:

You will be pleased to know that the Women's Initiative's research report on midlife and older people who live in nontraditional households is just about ready for production and publication. As I near completion of this research project, I just wanted to thank you once again for sharing your expertise with us.

As you know, we found that more than 5 million midlife and older persons live in nontraditional households with extended families, partners, roommates, grandchildren, live-in employees, and in many other sorts of arrangements. We also found that individuals living in such households are often treated less favorably under public policies than traditional families.

Your organization is the only one we found that has extensively documented the treatment of nontraditional families under public policy. We found the studies in which Spectrum Institute participated to be well-researched and well-written, and we relied on several of them in our research report. Please keep up the fine work you do to document and advocate for diversity in family and living arrangements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Chalfie".

Deborah Chalfie  
Women's Initiative



## 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
Total		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)

**CALIFORNIA EMPLOYERS EXTENDING HEALTH BENEFITS TO  
DOMESTIC PARTNERS REGARDLESS OF GENDER**

***PUBLIC EMPLOYERS***

**Cities:**

Berkeley  
Laguna Beach  
Los Angeles  
Sacramento  
San Diego  
San Francisco  
Santa Barbara  
Santa Cruz  
Santa Monica  
West Hollywood

**Counties:**

Los Angeles  
San Mateo  
Santa Cruz

**School Districts:**

Alameda Unified  
Albany Unified  
Alhambra  
Berkeley Unified  
Berryessa Elem.  
East Side H.S.  
Fort Bragg Unified  
Kentfield Elem.  
Live Oak Elem.  
Los Angeles Unified  
Milpitas Unified  
New Haven Unified  
Orchard Elem.  
San Diego Unified  
San Leandro Unified  
San Francisco Unified  
San Lorenzo Unified  
San Jose Unified  
Soquel Elem.  
West Contra Costa

***PRIVATE EMPLOYERS***  
*(partial listing)*

**Banks:**

Bank of America  
Wells Fargo Bank  
Union Bank

**Utilities:**

Edison International  
Pacific Bell  
Pacific Gas & Electric

**Oil Companies:**

Chevron  
Mobil  
Shell

**Unions:**

Teamsters Local 70  
SF Hotels, Local 2  
Electrical, Local 2

**Others:**

Eastman Kodak  
Digital Equipment Co.  
Boreland International  
San Francisco 49er's  
Hearst Corporation  
Kaiser Permanente  
Levi Straus  
Xerox  
University of So. Cal.

## 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
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Total		1,099,401	9,630	0.9%	Costs are same <i>or less than</i> for spouses. No adverse consequences reported by any employer.

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(Revised 5-1-97)

# CALIFORNIA EMPLOYERS EXTENDING HEALTH BENEFITS TO DOMESTIC PARTNERS REGARDLESS OF GENDER

## *PUBLIC EMPLOYERS*

### **Cities:**

Berkeley  
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Los Angeles  
Sacramento  
San Diego  
San Francisco  
Santa Barbara  
Santa Cruz  
Santa Monica  
West Hollywood

### **Counties:**

Los Angeles  
San Mateo  
Santa Cruz

### **School Districts:**

Alameda Unified  
Albany Unified  
Alhambra  
Berkeley Unified  
Berryessa Elem.  
East Side H.S.  
Fort Bragg Unified  
Kentfield Elem.  
Live Oak Elem.  
Los Angeles Unified  
Milpitas Unified  
New Haven Unified  
Orchard Elem.  
San Diego Unified  
San Leandro Unified  
San Francisco Unified  
San Lorenzo Unified  
San Jose Unified  
Soquel Elem.  
West Contra Costa

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*(partial listing)*

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Wells Fargo Bank  
Union Bank

### **Utilities:**

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Pacific Bell  
Pacific Gas & Electric

### **Oil Companies:**

Chevron  
Mobil  
Shell

### **Unions:**

Teamsters Local 70  
SF Hotels, Local 2  
Electrical, Local 2

### **Others:**

Eastman Kodak  
Digital Equipment Co.  
Boreland International  
San Francisco 49er's  
Hearst Corporation  
Kaiser Permanente  
Levi Straus  
Xerox  
University of So. Cal.