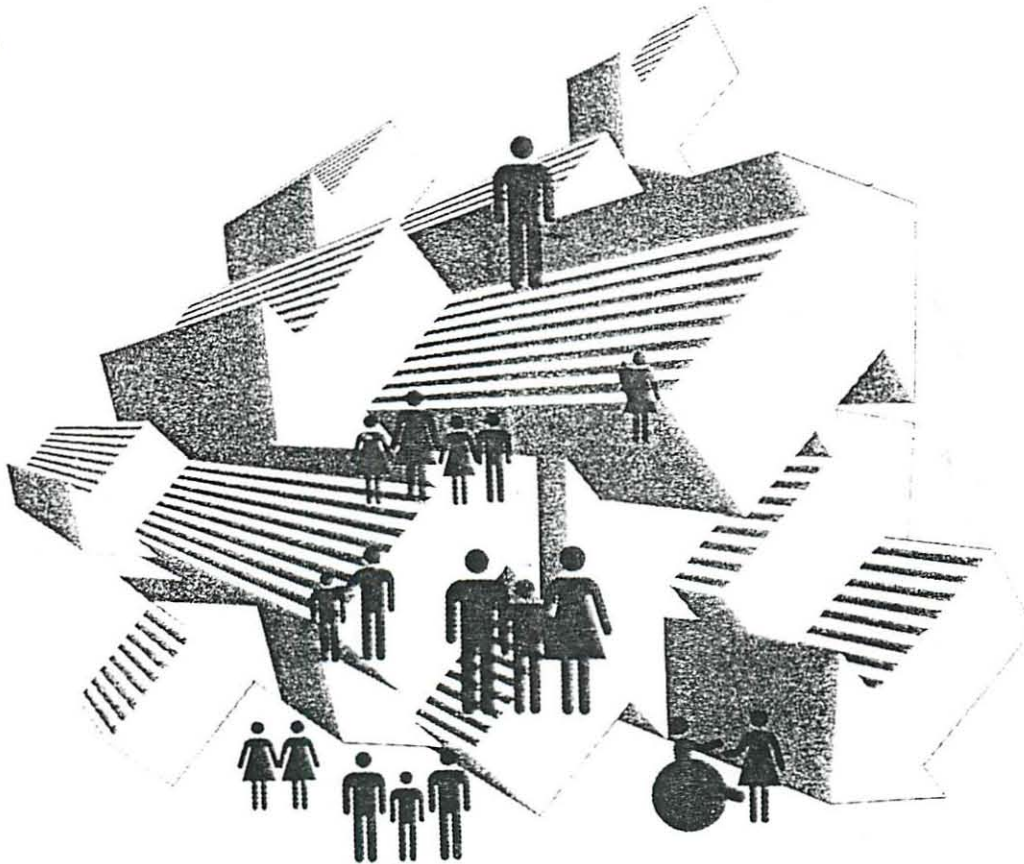


SPECTRUM INSTITUTE
FAMILY DIVERSITY PROJECT



PRESS PACKET

Foray v. Bell Atlantic

A lawsuit to end sex discrimination in compensation and to provide equal benefits to domestic partners of employees regardless of gender.



5-18-98

SPECTRUM INSTITUTE

PRESS PACKET SUMMARY

Foray v. Bell Atlantic

A lawsuit to end sex discrimination in compensation and to provide equal benefits to domestic partners of employees regardless of gender.

Principles at Issue:

- * Equal pay for equal work regardless of sex, sexual orientation, or marital status.
- * Freedom of choice of employees to structure a family unit without discrimination.
- * Respect for family diversity and acknowledgment of the value of human bonding.

Legal controversy:

Bell Atlantic has a program extending employment benefits to workers with domestic partners. The program is restricted to same-sex partners only. Paul Foray works for Bell Atlantic. He and his female domestic partner have lived together as a family for several years. Foray applied for benefits for his domestic partner. The company refused because Foray is a male. If he were a female, the company would grant the benefits. Bell Atlantic informed Foray that in order for him to receive benefits for his partner, they must get legally married. Foray filed a complaint with the Equal Employment Opportunity Commission (EEOC). The EEOC issued a letter granting Foray the right to sue Bell Atlantic for sex discrimination under Title VII of the federal Civil Rights Act. Foray has filed suit under that Act as well as the Equal Pay Act which prohibits discrimination in wages or other compensation on the basis of sex.

National trends:

- * Domestic partnership was intended for all unmarried couples, not just gays and lesbians.
- * The Census Bureau reports that 69% of unmarried partner households are opposite-sex couples.
- * All states with domestic partner benefits allow same and opposite-sex partners to participate.
- * 35 out of 42 municipalities with domestic partner benefits are open to opposite-sex partners.
- * 28 out of 31 municipalities with domestic partner registries are open to opposite-sex partners.
- * Of all employers in the USA with domestic partner plans, only 21% are limited to same-sex couples.
- * Other utilities, such as Pacific Bell, Nevada Bell, Pacific Gas & Electric, and Edison International, provide benefits to all domestic partners regardless of gender.
- * Communications Workers of America recently negotiated a contract for same and opposite-sex domestic partners of employees working for telephone companies on the West Coast.
- * 1,270 businesses contracting with San Francisco offer benefits to same and opposite-sex partners.
- * Non-sexist domestic partner plans are not costly; on average, enrollment only goes up by 1%.
- * NOW supports fair domestic partner plans that do not discriminate on the basis of sex.
- * Seniors organizations support programs that include same and opposite-sex domestic partners.
- * Many gay rights groups encourage employers to adopt plans for same and opposite-sex partners.
- * A law proposed by Rep. Barney Frank covers same and opposite-sex partners of federal workers.
- * The state labor commissioner in California ruled that excluding opposite-sex partners is illegal.
- * Pennsylvania's Insurance Department ruled that a "same-sex only" health insurance plan is illegal.
- * Santa Barbara and Oakland ended "gays only" plans and opened them up to all domestic partners.

Foray v. Bell Atlantic

Legal Theory

Under current federal law, an employer may decide to restrict benefits to an employee, a legally married spouse, or dependent children. However, neither federal nor state law requires an employer to limit the granting of health or other benefits solely to the lawful spouse of an employee.

For example, many companies have a cafeteria-style benefits plan where the employer contributes an identical amount of money to the benefits account of each employee in a particular pay scale and job classification. The employee is then allowed to use this benefits contribution in the way that best suits his or her particular personal or family needs.

Other employers, such as Bank of America, have created an “extended family” benefits program. This plan is over and above what the employer contributes to health, dental, and vision benefits for dependent children of an employee. Under the “extended family” plan, each employee may designate one adult household member to receive benefits, so long as the beneficiary is either: (1) a spouse; or (2) a domestic partner of either sex, as defined; or (3) a close blood relative (parent, adult child, grandparent, adult grandchild, sibling) who is a dependent of the employee as defined by the Internal Revenue Service for income tax purposes. Only 1.4% of employees signed up for this program, with 1% being for domestic partners and the remaining .4% for dependent blood relatives.

Hundreds of employers have adopted domestic partner benefits plans whereby the employer pays all or a portion of health, dental, vision, or other benefits for the domestic partner of an unmarried employee. The majority of these employers do not restrict this benefit to gay and lesbian couples but allow all domestic partners to participate regardless of gender. On a national average, about 1% of employees sign up for participation in inclusive domestic partner programs of this sort.

There is nothing legally suspect about the cafeteria-style plans, the extended family plans, or the inclusive domestic partnership programs. However, once an employer restricts participation to same-gender partners of employees, the limitation can be legally challenged as sex discrimination in violation of Title VII of the federal Civil Rights Act or the federal Equal Pay Act.

The health benefits programs of private employers are immune from legal attack under state or municipal civil rights laws. That is because a federal law, known as ERISA, preempts such local nondiscrimination laws when it comes to benefits. However, ERISA does not preempt lawsuits filed under federal civil rights laws.

As seen below, the denial of benefits to Paul Foray is clearly a case of sex discrimination:

Example A

male cable splicer at Bell Atlantic
with company for 28 years
lives with female domestic partner
DENIED benefits for partner

Example B

female cable splicer at Bell Atlantic
with company for 28 years
lives with female domestic partner
GRANTED benefits for partner

The only variable determining whether the company will allow the employee to participate in the domestic partner benefits program is the sex of the employee. As a result, the female cable splicer is being paid hundreds of dollars more per year than her male counterpart when the financial contribution of Bell Atlantic toward health, dental, and vision benefits is taken into consideration.

Legal theory (continued)

Bell Atlantic may argue that Foray can receive benefits for his domestic partner if the couple were to marry. However, this argument fails to take into account two important factors.

First, the constitutional right of privacy protects the freedom of choice of individuals in highly personal matters such as marriage, family, and procreation. It is not marriage or procreation which are the constitutionally protected rights, but rather the freedom of choice to marry or not to marry, and the freedom of choice to procreate or not to procreate.

An employer has no business telling an employee that he must choose marriage rather than domestic partnership in order to obtain equal compensation. This personal matter has no bearing on a worker's ability to perform his job in a competent and professional manner. Being a domestic partner rather than a spouse is a non-merit-related factor which is not a bona fide occupational qualification. In other words, the fact that Foray can marry his partner is not a legal defense to the allegation that Bell Atlantic's domestic partner benefits program involves sex discrimination.

An analogy will help. Ordinarily, an employer does not have to provide health benefits to employees. However, once a plan is provided, it *must* be nondiscriminatory. A health plan that interferes with an employee's procreational choice can be challenged immediately if it provides free medical services to those who choose to give birth but denies services to those who wish an abortion. The same reasoning applies to the choice to marry or to be domestic partners.

Secondly, the Bell Atlantic benefits plan constitutes illegal sex discrimination by imposing greater burdens on opposite-sex couples by requiring them to become legally married in order to obtain benefits while it imposes lesser burdens on same-sex couples who can gain such benefits by simply registering as domestic partners.

The disparity of burdens imposed by Bell Atlantic can be seen in the following comparison:

Requiring opposite-sex couples to marry in order to obtain benefits:

Opposite-sex couples:

- Must get marriage license
- Must pay a fee for the license
- Must have blood tests
- Must participate in formal ceremony
- Must assume obligation of support, potentially for a lifetime
- Are subjected to adultery laws
- Must share community property, in community property states
- Must go to court in order to divorce
- Must pay court fees for the divorce

Allowing same-sex couples to obtain benefits by registering as domestic partners:

Same-sex couples:

- No marriage license required
- No licensing fee required
- No blood tests required
- No formal ceremony required
- No lifetime obligation of support
- No adultery laws apply
- No community property required
- No divorce proceeding necessary
- No cost for dissolution
- Partners need only to live together and share basic living expenses

One can see why many opposite-sex couples may prefer to be domestic partners rather than spouses. The fact that same-sex couples can not legally marry is not the fault of Bell Atlantic or any of its employees. It is a legal reality which exists outside of the employment context.

It should be emphasized that Bell Atlantic does not have to impose a marriage requirement on anyone. The company is legally able to have a domestic partnership benefits program open to all couples, or a cafeteria-style program, or an extended family plan, or any other benefits package that does not discriminate. However, the current gender restriction violates federal civil rights laws.

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 limit it to same-sex couples distort the concept.

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.

Statement of Thomas F. Coleman
Spectrum Institute - Family Diversity Project
Los Angeles, California

“The federal lawsuit filed by Paul Foray against Bell Atlantic seeks to vindicate three basic principles: equal pay for equal work, freedom of choice of all couples to be domestic partners, and respect for family diversity.

“Bell Atlantic and a minority of companies in this country are violating these principles. Corporate executives are imposing their own moral standards on workers by requiring those with opposite-sex partners to marry in order to obtain equal benefits compensation. These executives foolishly refuse to respect the choice of some workers who wish to be domestic partners rather than spouses.

“Bell Atlantic is engaging in illegal sex discrimination by giving benefits compensation to employees with same-sex domestic partners, but not to those with partners of the opposite-sex. Mr. Foray is asking the federal court to order Bell Atlantic to remove the gender restriction from its domestic partnership benefits program.

“Spectrum Institute and other human rights organizations and activists are here today to show our support for inclusive and nonsexist domestic partner benefits plans. The cost of including opposite-sex partners would be minimal. Companies with inclusive plans -- and most of them have inclusive plans -- find that enrollment increases by about 1% on a national average.

“Mr. Foray and those of us who support domestic partnership for everyone regardless of gender are not trying to take anything away from gay and lesbian employees at Bell Atlantic. We support equal benefits for same-sex partners. But we oppose sexist programs that try to turn domestic partnership into an institution for gays only.

“This lawsuit should not be viewed as straights versus gays. Many gay rights organizations and many lesbian and gay rights activists around the nation strongly support domestic partnership laws and benefits programs that are open to all unmarried adults.

“Legal rulings against “gays only” domestic partner benefits plans have been issued by government officials in California, Wisconsin, and Pennsylvania. In the past two months, the cities of Oakland and Santa Barbara, opened up their ‘gays only’ benefits programs to all domestic partners regardless of gender. We invite Bell Atlantic to do the same.

“Telephone company employees on the west coast have just gained domestic partner benefits for same *and* opposite-sex partners. If unmarried straight workers at Pacific Bell and Nevada Bell will have equal pay for equal work, why are east-coast workers being shortchanged?

“Only last week, Mayor Giuliani proposed many expanded protections for domestic partners in New York, the *majority* of whom are opposite-sex couples. It is unfortunate that the city’s phone service provider is so out of touch with the demographics and political climate of the area in which it operates. Hopefully, this lawsuit will open the eyes of Bell Atlantic’s management and cause them to change their discriminatory policies.”

Statement of Dr. Arthur C. Warner
American Association for Personal Privacy
Princeton, New Jersey

This lawsuit against Bell Atlantic should not be necessary. The board of directors of Bell Atlantic should reexamine their current domestic partnership program and redraft it so that it is consistent with the social and political policies of the area in which it does business.

This is not the Southern Bell Telephone Company. Bell Atlantic is a company doing business in an area of the country that is supposed to serve as an exemplar for the world. It is the locus of the largest concentration of education and research institutions that mankind has ever created. It is currently an area visited by more foreign visitors and host to more foreign students than any other comparable area on earth.

The region between Boston and Washington, which once served as the cradle of the United States, now hosts the United Nations. The world expects Bell Atlantic to treat its employees consistent with the diversity and inclusiveness which this region takes for granted, and to conform to the pattern which the states and the municipalities in this region already largely reflect. That means drawing no distinction in the matter of domestic partnership between men and women nor between married and unmarried persons with respect to employment benefits and opportunities.

Two states in this region, New York and Vermont, already offer domestic partner health benefits to their workers, and provide them to *all* registered partners regardless of gender. Massachusetts, which provides leave benefits pursuant to an executive order issued by former Governor Weld, protects *all* domestic partners regardless of gender. A bill recently passed by the Massachusetts Senate would go even further by granting health benefits to *all* domestic partners.

Most municipalities in this region with domestic partner registration laws or that provide benefits to workers, including New York City, Rochester, Ithaca, Albany, Boston, Cambridge, Provincetown, Burlington, Middlebury, and Hartford, do not exclude opposite-sex couples from their registration or benefits programs.

Bell Atlantic's refusal to provide benefits to unmarried opposite-sex couples who choose to be domestic partners rather than spouses is not only wrong and narrow minded, it is illegal.

Whether domestic partnership should be inclusive or discriminatory is not a partisan issue. Former New York Governor Mario Cuomo initiated domestic partner benefits for state workers represented by unions. Governor George Pataki extended those benefits to non-union employees. Both Governors made sure the plans were open to all domestic partners regardless of gender.

Former New York mayor Ed Koch issued an executive order granting leave benefits to domestic partners of city employees. Mayor Dinkins went even further, granting health benefits to domestic partners. Now, the current mayor, Rudolph Giuliani, has proposed a law extending even more benefits and legal protections to registered partners. All three of these elected officials agreed that sexism had no place in New York City's domestic partnership policies and laws.

Bell Atlantic stands with a *minority* of American businesses that have adopted "gays only" domestic partner benefits plans. It is time for the company to move into the mainstream of human life and to open its program to all domestic partners regardless of gender.

* * *

Dr. Warner is an alumnus of Princeton University, Harvard Law School, and the Harvard Graduate School. He was research assistant at the London School of Economics and a field representative for the American Association for the United Nations. He was subsequently associate professor at the University of Texas, after which he founded the American Association for Personal Privacy, for which he continues to serve as director.

**Statement of William A. M. Courson
Magnus Hirschfeld Centre for Human Rights
Montclair, New Jersey**

“The policy of Bell Atlantic to exclude opposite-sex couples from its domestic partner benefits program not only appears to violate federal civil rights laws prohibiting sex discrimination, it also contravenes basic human rights principles contained in various international treaties.

“For example, the International Covenant on Civil and Political Rights requires signatories, such as the United States, to respect and to ensure to all individuals basic human rights without regard to sex or other status. The Covenant also requires signatories to protect individuals from arbitrary interference with their privacy or family rights.

“Bell Atlantic’s discriminatory domestic partnership program interferes with the privacy and family rights of employees who have opposite-sex domestic partners. It also denies them a basic right, namely, equal employment opportunity, on account of the gender of their domestic partners.

“The Magnus Hirschfeld Center expects that the federal judiciary will enforce this nation’s civil rights laws prohibiting sex discrimination in employment, and will enjoin the unlawful practices of Bell Atlantic.

“Other nations, such as Canada, have taken strong steps to ensure that marital status discrimination is eliminated from public and private programs, and that domestic partners are entitled to equal treatment regardless of marital status, gender, or sexual orientation. The United States of America should do the same.

“The emerging international trend is to respect the rights of domestic partners regardless of gender. Bell Atlantic, and a minority of other interstate and multi-national companies, such as AT&T, American Express, Disney, and MCA/Universal, that provide benefits only to same-sex domestic partners, need to revise their employment programs so that all their employees receive equal pay regardless of gender, marital status, or sexual orientation. Unions, such as the Communications Workers of America, should not be a party to collective bargaining agreements that violate the civil rights of workers.”

* * *

William A. M. Courson is the executive director of The Magnus Hirschfeld Centre for Human Rights. The Centre is one of the largest national sources of information for those working in the broad field of sexual civil liberties. For persons without extensive Internet connections, it is a vital source of international political and legal developments in this area.

**Statement of
William B. Kelley, Esq.
Chicago, Illinois**

"Because marriage and domestic partnership are separate issues, the fact that unmarried opposite-sex partners can but do not marry is not a good reason to deny them the same type of fringe benefits [as married couples or same-sex partners]. Nor should they be compelled to marry in order to obtain such benefits.

"To deny fringe benefits to unmarried but not to married opposite-sex partners, while offering them to same-sex partners, can plausibly be viewed as illegal marital status discrimination.

"The omission can also be viewed as sexual orientation discrimination, to the extent of its intended effect or disproportional impact on heterosexuals who belong to unmarried opposite-sex couples.

"Third, there seems no reason to believe that including unmarried opposite-sex partners would be especially costly. The commonly cited statistics on minimal (< 3%) registration for such benefits are apparently derived from municipalities, *most of which already cover both opposite-sex and same-sex partners.*"

* * *

Attorney William B. Kelley has been a leader in the gay rights movement for over 35 years. Currently, he is the chairperson of the Cook County Human Relations Commission. He formerly served as national co-chair of the Lesbian and Gay Law Association, a group whose membership includes hundreds of lesbian and gay attorneys and law students.

Gay and Lesbian Activists and Organizations

What they have said about the
need to respect all family choices,
and the need to include all unmarried
couples, regardless of gender, in
domestic partnership programs.

* * *

Professor Arthur S. Leonard
New York Law School

Paula Ettelbrick, Esq.
Empire State Pride Agenda
New York State

James Levin, Esq.
New York City Attorney

Rudolph Serra, Esq.
Detroit Human Rights Commissioner

William B. Kelley, Esq.
Chicago Attorney

Zeke Zeidler
California Assembly Candidate

Supervisor Tom Ammiamo
San Francisco

Dr. Christopher Carrington
San Francisco State University

Lesbian Rights Project
San Francisco

**Statement of
Professor Arthur S. Leonard
New York Law School**

"If we are serious about the proposition that all people should be free to decide whether to marry or to structure their family life in some alternative way, and we are also serious about the concept of equal pay for equal work, then we should be supporting inclusive domestic partnership plans that do not discriminate based on the sex of the participants and their partners."

* * *

Professor Arthur S. Leonard is one of this country's most eminent authorities on sexual orientation and the law. He is the editor of *Lesbian and Gay Law Notes*, a monthly publication which surveys and analyzes national legal and political developments involving personal privacy, sexual orientation, domestic partnership, and AIDS related issues. He is the author of several legal books and law review articles on these subjects, and is a respected and learned presence wherever law and ethics conjoin.

**Statement of
Paula L. Ettelbrick, Esq.
Empire State Pride Agenda**

"The primary goals of domestic partnership have always been two-fold: first, to achieve workplace equity in the distribution of critical economic benefits, and second, to recognize the reality of how many people structure their family lives.

"Not all of us fit neatly into the formalized structure of family as defined by marriage or blood. Most families are much more free-form and diverse than these structures allow for.

"But what we share -- gay or straight, married or not, with children or without -- is a commitment to love and care for each other which keeps the fabric of American society together."

* * *

Paula Ettelbrick is one of the nation's foremost advocates for lesbian and gay family recognition. However, she does not believe that such recognition must come at the expense of other family configurations. As a result she supports inclusive domestic partnership programs and opposes "gays only" plans.

As the Legislative Counsel for New York's statewide lesbian and gay political group, Paula advocates in the state and local legislatures on a range of gay and lesbian issues. She was the prime architect and advocate for the recently introduced New York City domestic partnership bill that would grant status, access, and benefits to domestic partners at all levels of city government. Paula teaches Sexuality and the Law at both NYU Law School and the University of Michigan Law School.

She is the former Legal Director for Lambda Legal Defense and Education Fund, where she pioneered many of the policies, legal cases and advocacy efforts related to expanding the definition of family beyond the traditional guidelines. She has written and spoken extensively as a proponent of family diversity.

**Statement of
James Levin, Esq.
New York City**

"Domestic partnership benefits should be made available to anyone who is living in a relationship that varies from those which are allowed under the obsolete marriage laws in the United States. Every American citizen benefits from the extension of domestic partnership protection because it helps relieve potential financial distress and increase worker productivity.

"Interpersonal relationships in post-industrial society are undergoing vast changes, and relatively few people still live in the traditional nuclear family. However, as long as conservative religious groups continue to oppose changes in marriage laws which would incorporate these social changes, we must look to alternative legislation to secure the new relationships.

"I cannot believe there is any logical rationale for limiting the domestic partnership protections on the basis of sexual orientation."

* * *

Attorney James Levin has a private law practice in New York. He is Emeritus Professor of Social Science of the City University of New York. Mr. Levin formerly served as a New York City Human Rights Commissioner. He has been involved in the struggle for equal rights for gays and lesbians for many years.

**Statement of
Rudolph A. Serra, Esq.
City of Detroit Human Rights Commissioner**

"When most people hear that one cannot discriminate based upon 'marital status' they think that it means that you cannot discriminate against people because they are single, engaged, married, separated, divorced, or widowed. 'Marital status' applies to everyone because every human being has a marital status.

"Likewise, 'sexual orientation' applies to everyone because every human being has a sexual orientation.

"Domestic partnership benefits should be available without regard to marital status or sexual orientation. Male-female couples who choose not to change their marital status, but who have family obligations together, should be able to secure such benefits.

"Domestic partnership benefits should recognize extended families that include close blood relatives, unrelated adults of the same or opposite-sex, and other combinations that exist in our modern, diverse society."

* * *

Attorney Rudy Serra currently serves on the Human Rights Commission of the City of Detroit. He is an Officer-at-Large of the Michigan Democratic Party and President of the Gay and Lesbian Caucus. Serra is a former congressional aide and a former staff attorney for the Michigan Court of Appeals. He is president of the Stonewall Bar Association of Michigan, an association of gay and lesbian attorneys.

**Statement of Zeke Zeidler
Candidate for California State Assembly**

“I support inclusive domestic partnership policies which are not limited to same-sex couples. We have fought for years against discrimination based on marital status and based on sexual orientation. I believe that policies which are limited to same-sex couples are discriminatory and inconsistent with our previous work.

“A large percentage of couples who wish to utilize domestic partnership benefits are seniors on fixed incomes which would be jeopardized if they married. Although I believe that domestic partnerships should be open to them, I would also lobby for the federal government to change the social security restrictions which discourage these couples from being married.”

* * *

Attorney Zeke Zeidler has been involved in gay and lesbian rights for many years. He is a member of the board of directors of Life Lobby, a statewide organization lobbying in Sacramento on sexual orientation, domestic partnership, and AIDS related issues. He is actively involved in the California Democratic Party. Mr. Zeidler is the president of the Redondo Beach School Board. He is currently running for California State Assembly.

**Statement of
Paula L. Ettelbrick, Esq.
Empire State Pride Agenda**

"The primary goals of domestic partnership have always been two-fold: first, to achieve workplace equity in the distribution of critical economic benefits, and second, to recognize the reality of how many people structure their family lives.

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Quotes from

**“Recognizing Lesbian & Gay Families:
strategies for extending employment benefit coverage”**

**A publication of the
LESBIAN RIGHTS PROJECT
San Francisco, California**

EXCERPTS FROM PAGE 23

“One question that will inevitably arise is whether unmarried heterosexual couples should be able to qualify for family partner benefits.”

“[M]ost individuals and groups which have been involved in the attempt to extend benefit coverage have eventually concluded that coverage should not be limited to same-sex couples.”

“It seems excessively judgmental to refuse to include those heterosexuals who have rejected the traditional marriage relationships. Heterosexual employees who are in stable and committed relationships should qualify for benefits for their partners for the same reasons that gay employees should. Succumbing to the institution of marriage, with its centuries-old cultural, religious and often oppressive overlays should not be necessary in order to provide for one’s loved one.”

“Including unmarried heterosexual couples in benefit schemes averts charges of discrimination, and makes a proposal more palatable to unions, fellow employees and the public.”

Empire State Pride Agenda

New York's Lesbian and Gay Political Advocacy Organization

1998 Legislative & Public Policy Agenda

The Pride Agenda is New York's statewide lesbian and gay political organization. We are dedicated to maximizing our community's ability to shape the laws and policies that affect our lives as citizens of the State of New York. In 1998, a critical year for state and local politics, the Pride Agenda's top priorities for equality will emphasize Human Rights, Family, and Health and Human Services. We do this in four ways:

- ▼ **LOBBYING** the state legislature and the Governor
- ▼ **ELECTING** gay-supportive candidates to public office
- ▼ **ORGANIZING** lesbian and gay constituent pressure locally
- ▼ **EDUCATING** about the rights of lesbians and gay men

Basic Premise: All individuals are entitled to the basic rights of a job, housing and the ability to walk the streets free of bias-related attacks. To secure these rights, we must:

- Secure passage of the comprehensive Sexual Orientation Non-Discrimination Bill as well as legislation outlawing sexual and sexual orientation harassment in the workplace.
- Secure passage of the bias-related violence legislation.
- Support repeal of criminal laws prohibiting intimate sexual conduct between consenting adults.
- Support affirmative action as an important civil rights remedy.

Basic Premise: In our increasingly diverse state, all families deserve the law's full support and protection. We must:

- Fight to ensure that all family choices are respected.
- Support passage of domestic partnership legislation.
- Oppose limitations on the right to marry that exclude lesbian and gay couples.
- Oppose any effort to overturn legally-established adoption rights.
- Oppose any state legislation limiting the legal definition of family to blood and marital relationships.
- Support legislation that allows lesbian and gay families equal access to family court for domestic violence services.

Member
Board of Supervisors
City and County of San Francisco



TOM AMMIANO

April 14, 1997

Mr. Thomas Coleman
Spectrum Institute
PO Box 65756
Los Angeles, California 90065

Dear Mr. Coleman;

We agree completely on the Committee on Jobs proposals to dilute my Domestic Partners in City Contracts Ordinance. I do not and never have supported this proposal.

I believe that it is dead. Only two supervisors have expressed any interest in it.

It is absolutely correct that domestic partnerships were always intended as an alternative to marriage, not a second class imitation just for lesbians and gay men. Anti-discrimination legislation should not discriminate.

San Francisco voters expressed this very clearly by a more than 70% vote in support of Proposition K, creating our inclusive gender neutral system for domestic partnerships in 1990.

Please continue to keep me informed about issues of importance to you.

Sincerely,


Supervisor Tom Ammiano

TA/mhl.

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Wednesday, April 9, 1997 · Page A13

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Partners Law Won't Exclude Straights Gay supervisor refuses to back plan suggested by some S.F. companies

Yumi Wilson, Chronicle Staff Writer

A corporate-backed proposal to amend San Francisco's domestic partners benefits law to exclude straight, unmarried couples collapsed after an openly gay supervisor refused yesterday to go along with the idea.

Supervisor Tom Ammiano said everyone -- regardless of sexual orientation -- should be able to apply for benefits under the new law, which requires city contractors to offer domestic partners the same benefits offered to married couples.

Several months ago, Ammiano and the board's two lesbian supervisors, Susan Leal and Leslie Katz, were asked by a group of business leaders to consider the exclusion of straight couples. The group argued that such a proposal would cut costs by cutting the number of people eligible under the new law.

Leal and Katz decided to proceed, reasoning that straight couples could get benefits through marriage -- an option that gay men and lesbians do not have.

But Ammiano still had not made up his mind when a draft of the ordinance became public last week, sparking outrage from many in the straight community -- which had supported the domestic partners law.

Yesterday, after Ammiano declared his opposition, Katz and Leal said the idea is now dead.

"I feel like I killed it, and I'm so happy," Ammiano told a reporter.

Although some City Hall insiders speculate that discord among the board's gay and lesbian supervisors led to the scrapping of the plan, Katz maintained that the idea was never finalized.

``What was ignored was that the proposal was a draft . . . for discussion only," Katz said.

In a press release yesterday, the Harvey Milk Lesbian/Gay/Bisexual Democratic Club also disputed reports that there was dissension among the ``leadership in the queer community."

``Despite reports to the contrary, all parties agree that the Domestic Partners Benefits legislation will remain as it is written," the statement said.

As written, the law requires that city contractors who provide health insurance to married couples must also offer those benefits to the gay, lesbian and unmarried domestic partners of their employees.

The law, which was passed last fall, also stipulates that any lease with the city for more than two years should contain the language, or at least a pledge by the business, to move toward compliance.

While many companies are trying to comply with the law, which takes effect in June, some businesses like United Airlines and nonprofit groups like Catholic Charities have raised objections.

The city, trying to ease the burden on business and bring everyone into compliance, has reached compromises with both United and Catholic Charities. And concerns that some small businesses would not be able to afford insurance coverage have been addressed by the Chamber of Commerce, which is offering its own domestic partners insurance plan.

``We have created our own health insurance plan that offers domestic partner benefits for companies with few as three employees," said Carol Piasente, the chamber's spokeswoman.

Katz said supervisors have been working on several other changes -- dealing with open enrollment period and collective bargaining concerns -- to make sure all city contractors can comply with the law. Those changes, she said, will be introduced at Monday's board meeting.

``This is cleanup language," Katz said. ``Now that we've had more time to work with people, we're making sure the language is clean and clear as possible."

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Subject: Copy of Letter to Oakland Council

Date: Thu, 09 Apr 1998 10:54:11 -0700

From: Christopher Carrington <topher@sfsu.edu>

To: tomcoleman@earthlink.net

Dear Thomas Coleman:

Here is a copy of a letter I wrote to the Oakland City Council as per your request. Fill free to distribute this if you wish.

April 8, 1998

Honorable Mayor Elihu Harris
and Oakland City Council Members
One City Hall Plaza
Oakland, CA 94612

RE: Domestic Partnership Benefits

Dear Mayor and Council Members:

Over the next few weeks you will take under consideration a staff report recommending that the City of Oakland extend to unmarried, opposite-sex partners equivalent compensation benefits as those now extended to same-sex partners. I strongly encourage you to accept the staff report and create equal access for all employees, regardless of marital status.

I am a sociologist studying lesbian, gay and bisexual families with a particular focus on the impact of paid work upon family life and vice versa. My research, soon to be published by the University of Chicago Press with the title: We Are Family: Domesticity and the Formation of Family in Lesbian and Gay Relationships argues that the most effective strategy that currently exists in public policy for the purpose of strengthening 'lesbigay' family life is through broadly-defined and inclusive domestic partnership policies. I argue that these policies should not be viewed as stepping stones to legal marriage. Rather, such policies should be viewed as an effort to provide employees with the freedom to choose who will be the recipient of an employee benefit that they earn as part of their compensation, as well as an effort to provide needed social benefits (like medical insurance) to a wider range of persons living within a diverse array of family formations.

Social policy should not treat marriage as the focus of pro-family policy. Families come in a multitude of forms and public policy should emphasize the effort to make those families happy, durable and equitable, regardless of the forms those families take. Let employees decide with whom they wish to share their employee benefits. And realize, that regardless of who that employee chooses, the extension of those benefits to another person will have the net effect of contributing to the employee's happiness, the happiness of her/his chosen family and to the public well being. Those are the noble goals of public policy and you have the opportunity to contribute to them in a meaningful way through expanding your domestic partnership policy to include opposite-sex partners.

Sincerely,

Dr. Christopher Carrington
Department of Sociology
San Francisco State University

Subject: Re: Praise for Bank of America

Date: Tue, 11 Mar 1997 17:45:27 +0000

From: mythago@agora.rdrop.com

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

Thomas Coleman writes:

> We should remember that domestic partnership is part of a larger concept
> of family diversity. B of A is showing respect for family diversity by
> giving employees options. It recognizes that families come in many
> shapes and sizes. The marriage model is one. The domestic partnership
> model is another. The extended family is also a family form chosen by
> many employees.

MOTTS = members of the same sex / MOTOS = members of the opposite sex

I agree with this. To assume that only MOTSS partnerships should be recognized (since marriages aren't) assumes that marriage is the only proper kind of relationship that ought to get benefits, and DP benefits are appropriate *only* because MOTSS partners can't marry. That's a slap to those of us who cannot marry a MOTOS partner for other reasons, or who have chosen or must choose a relationship model other than civil marriage. It's also a slap to those of us in MOTOS relationships who have chosen not to seek civil marriage *because* it is not available to our MOTSS friends.

I do sympathize with the poster who had a DP proposal derailed by a university president who pretended the proposal was 'discriminatory.' But I don't think that someone's using a poor excuse to justify his homophobia is a reason to criticize BofA's inclusive policy.

Laurel Halbany
mythago@agora.rdrop.com
<http://www.rdrop.com/users/mythago/>

Subject: Re: Bank of America

Date: Tue, 11 Mar 1997 09:44:54 -0500

From: Bill Barnert <barnert@icd.teradyne.com>

To: lwinfeld@world.std.com

CC: glbt-workplace@queernet.org, domestic@cs.cmu.edu

Liz:

You asked how we felt about Bank of America extending benefits to any adult member of the employee's household.

I'm all for it. I think there are two worthy goals worth fighting for: Spousal Equivalent benefits, and better family benefits. We (as gay people) benefit more directly from the first, but we (as human beings) all benefit from the second, and I don't think that getting the second in any way belittles the first.

If all people could select a "partner" from their household, be it their mom, their uncle, their spouse, or their lover, maybe less people would get married for the benefits. Maybe not. But we'd all have more choices, and better benefits.

- Bill Barnert

Subject: Re: Bank of America

Date: Wed, 12 Mar 1997 15:34:16 -0500

From: Helen Raizen <raizen@dolphinics.com>

To: dp benefits <domestic@cs.cmu.edu>

CC: liz winfeld <lwinfeld@world.std.com>

One historical note about all of this. Something over six years ago, when a group of us working with David Scondras in Boston drafted the first version of a dp ordinance for Boston, it was called the Family Protection Act and included, along with a definition for domestic partner, a definition of a broader family unit. I forget just what it was called, but I am sure I have it at home somewhere. Anyway, this second category of registration (dropped from the form of the ordinance that was signed by the mayor, but earlier passed by the city council) allowed any number of adults who were in an interdependent family unit to register their relationship. Even a married couple and a single person could do this. When it came to benefits, an employee would have been allowed to select one adult member of her/his registered family to receive benefits.

At the time, we all regarded this as a very forward looking aspect of the bill that recognized family diversity beyond couples. David used the example of a city employee whose sister had lived with her for 30 years as someone deserving of the benefits our ordinance would have offered. Also, David liked this approach and is not particularly a proponent of same-sex marriage (a point on which I disagree with him).

In light of this past history in Boston, I personally feel that what Bank of America has done is a great advance forward for employees and for family diversity and that criticisms from our community that it somehow diminishes same-sex couples are akin to the right wing claiming that same-sex marriage diminishes het marriage. Also, the main thing that stopped the Boston formulation when it came to benefits was that no one could predict what it would cost. I am sure that Bank of America is in that position and that their extending this sort of benefit will help to provide a track record that will make it possible for others to obtain similar benefits.

Helen Raizen
raizen@dolphinics.com