

Saturday, February 14, 1998

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

Thea 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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**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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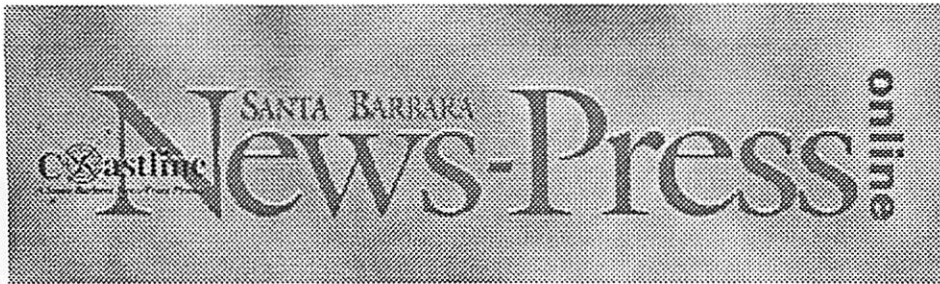
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## Domestic partners to get benefits

**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 Grobson 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



National Employee Benefits &  
Workers' Compensation Institute

July 18, 1996

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

Dear Mr. Coleman:

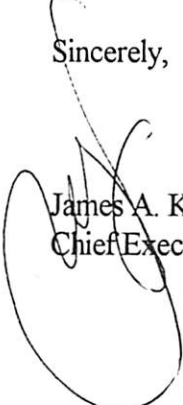
On behalf of all of us here at BENCOM, we would once again like to take this opportunity to thank you for your support as a member of our faculty. We just received the attendee ratings of the conference, and clearly your participation was very well received.

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.

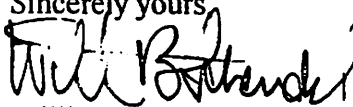
As you may guess, the Supreme Court's opinion has received wide publicity. I've received phone calls from The Chronicle of Higher Education, all the Alaska media (including the Associated Press), and from attorneys around the country. I believe the opinion will soon be summarized in U. S. Law Week and 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

UNION

AMERICAN

FEDERATION

OF NURSES

309 So. RAYMOND

AVENUE

PASADENA

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 the 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) 443-8077  
FAX (916) 323-8984  
 DISTRICT OFFICE  
1388 SLITTER STREET  
SUITE 710  
SAN FRANCISCO, CA 94109  
(415) 873-5560  
FAX (415) 873-5794  
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**  
Natural Resources  
Public Employees, Retirement  
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,

*[Handwritten 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 or less than 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 or less than 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.

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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
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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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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.