

**ILLEGAL DISCRIMINATION
IN OAKLAND**

**Information on Oakland's
Inconsistent and Discriminatory
Approach to
DOMESTIC PARTNERSHIP**

THE FACTS

THE LAW

PUBLIC OPINION

RELIGIOUS VIEWS

N.O.W. & SENIORS GROUPS

FISCAL DATA

SPECTRUM INSTITUTE
Family Diversity Project
P.O. Box 65756
Los Angeles, CA 90065

WHY DOES OAKLAND REFUSE TO INCLUDE OPPOSITE-SEX COUPLES IN ITS DOMESTIC PARTNERSHIP HEALTH PLAN?

Oakland's "same-sex only" health benefits plan violates two basic principles:

- 1. Equal pay for equal work, regardless of sex or sexual orientation;**
- 2. Freedom of choice in structuring one's family relationships.**

Cost is not the obstacle to extending coverage to opposite-sex partners:

- 1. Plans that include all domestic partners, regardless of gender, only experience an increase in enrollment of between 1% to 2%.**
- 2. The ratio of opposite-sex couples to same-sex couples in these inclusive plans is consistently reported as about 2 to 1.**
- 3. Only 7 same-sex couples have enrolled in Oakland's dp health plan. If the plan eliminated the gender restriction, about 14 opposite-sex couples would be expected to enroll. The cost is minimal.**

Public opinion also is not the issue:

- 1. About 88% of the American public believe in equal pay for equal work regardless of sex, age, race, or anything else.**
- 2. Only 22% of the public believes that "family" is limited to people related by blood, marriage, or adoption. Nearly 75% believe that "family" is a group of people who love and care for each other.**
- 3. About 59% of California adults, and 68% of California democrats support extending health and dental coverage to domestic partners.**

Many organizations support inclusive domestic partnership plans:

- 1. The National Organization for Women has a "Women-Friendly Workplace Campaign" that opposes discrimination in employment on the basis of sex, marital status, and sexual orientation. It encourages support for businesses that give benefits to all domestic partners regardless of gender.**
- 2. All of California's major seniors organizations (including AARP, Older Women's League, etc.) support inclusive dp laws that provide protection to all domestic partners regardless of gender.**

Groups and leaders in Oakland support inclusive domestic partnership benefits:

- 1. Teamsters Local 70 (UPS drivers, etc.) now provides health benefits to its members, same-sex and opposite-sex alike. The four union representatives of the trust, and the four employer representatives all voted unanimously for an inclusive plan.**
- 2. State Senator Barbara Lee has voted for bills in Sacramento (SB 41 and AB 1059) that provide protections to all domestic partners regardless of gender.**
- 3. State Assemblywomen Dion Aroner has also voted for an inclusive domestic partnership bill (AB 1059).**

Religious leaders support inclusive domestic partnership health benefits:

- 1. The national Episcopal Church has voted to give local churches the option of extending health benefits to church employees with domestic partners, including same-sex and opposite-sex couples.**
- 2. A group of 11 ministers in Sacramento signed a letter of support for a domestic partner health benefits bill that applies to same-sex and opposite-sex couples. The ministers represent a wide array of denominations, including: Episcopal, Catholic, Methodist, Lutheran, and Presbyterian.**
- 3. The Conference of Catholic Bishops in California wrote a letter indicating that they would not oppose a domestic partner health benefits bill that includes same-sex and opposite-sex partners, so long as blood relatives are not excluded.**

The Oakland city council members apparently do not have philosophical, political, or moral objections to the extension of benefits and protections to domestic partners, regardless of gender:

- 1. The council has authorized dental and vision benefits to all domestic partners, regardless of gender.**
- 2. The council has established a public registry for domestic partners, regardless of gender.**
- 3. A press release from the city states that the Mayor and City Council “recognize and support the gay and lesbian residents of Oakland, as they do all family units.”**

Oakland now sticks out like a sore thumb:

- 1. About 32 local government entities in California extend health benefits to domestic partners.**
- 2. Oakland is the only one to limit health benefits to same-sex partners only.**

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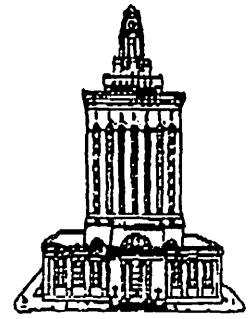
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NEWS from the City of Oakland



Release date: **For immediate release**
October 1, 1996

Contact: Bill Uber
(510) 238-7430

Oakland Begins Domestic Partner Registration

Oakland, CA - Oakland City Clerk Ceda Floyd has announced the implementation of the City Council approved Domestic Partner Registration (DPR) program. Starting Wednesday, October 9, 1996, between 4:30 p.m. and 5:30 p.m., domestic partners who are employees and or residents of the City of Oakland may obtain and complete an application at the City Clerk's Office, 2nd Floor, City Hall.

In accordance with Resolution No. 72752, adopted by City Council on June 25, 1996, a "domestic partnership" is defined as:

"two cohabiting, unmarried and unrelated people, regardless of gender, who, being over 18 years of age, have resided together for at least six (6) months prior to the filing of an Affidavit of Domestic Partnership, who share responsibility for the common living expenses of food, shelter, and medical care."

"It is a tribute to the Mayor and City Council that, in the current national political climate, they recognize and support the gay and lesbian residents of Oakland, as they do all family units," said City Clerk Floyd.

Couples interested in registering for the domestic partnership program may visit the Office of the City Clerk, Monday through Friday 8:30 a.m. until 5:00 p.m.. To receive an application packet by mail, send a stamped, self-addressed envelope with the DPR request to: Domestic Partnership Program; c/o Office of the City Clerk; One City Hall Plaza, 2nd Floor; Oakland, CA 94612. Registration cost is \$35.

For additional details, contact Jennifer Duncan at (510) 238-7369.

#

October 3, 1996

City of Oakland
One City Hall Plaza
Oakland, CA 94612

Telephone: (510) 238-3301

Facsimile: (510) 238-2223 1



Subject:	Domestic Partners Relationship	Number:	559
Reference:	None	Effective Date:	February 1, 1993
Supersedes:	Nothing	Responsible Department:	Office of Personnel Resource Management

I. Policy

The City's vision and dental benefit plans and family sick leave are extended to domestic partners of non-sworn City employees only. Family death leave is extended to domestic partners of sworn and non-sworn City employees.

II. Purpose

To ensure that qualified domestic partners are afforded the opportunity to participate in the City's dental and vision care benefit programs and use family sick leave and family death leave.

III. Definitions

<i>Term</i>	<i>Definition</i>
Declaration of Domestic Partnership Form	The form which must be filled out by the City employee and his/her domestic partner. The City considers this form as a personnel record, and will treat such with confidentiality unless required by law to be treated as a public record.
Dental Care	Benefit that provides dental office visits and treatments as described in the City's dental program.
<u>Domestic Partners</u>	A relationship between two cohabiting, unmarried and unrelated people, <u>regardless of gender</u> , who, being over 18 years of age, have resided together for at least six (6) months prior to the filing of a Declaration of Domestic Partnership form, and who share responsibility for the common living expenses of food, shelter, and medical care.
Family Death Leave	Benefit that allows an employee to be granted up to six (6) days family death leave with pay, upon the approval of the department, under the terms of an applicable Memorandum of Understanding (MOU) or administrative guidelines and/or other City provisions governing such leave.



ADMINISTRATIVE BULLETIN

TO Benefits Eligible Sworn Firefighters EFFECTIVE Nov. 1, 1996
 FROM Administrative Services Agency TERMINATED Nov. 30, 1996
 SUBJECT Medical Open Enrollment for NON-PERS
 Prudential PruCare HMO

The City is offering a new non-PERS medical plan which will allow active employees to cover their same-sex domestic partners. The plan is the Prudential Pru-Care HMO, and is available to all full-time and permanent part-time City employees, retirees, and their eligible dependents.

OPEN ENROLLMENT

Open enrollment sessions are listed on the schedule below. Because of the important implications of enrolling in a non-PERS medical plan, employees who wish to enroll in this plan must attend an open enrollment session. All enrollment forms must be submitted to the Employee Benefits Office no later than November 30, 1996.

DAY/DATE	TIME	LOCATION
Tuesday, November 5, 1996	1:00 p.m. - 5:00 p.m.	505 14th St., 2nd Floor, Classroom 1
Wednesday, November 6, 1996	8:00 a.m. - 12:00 p.m.	505 14th St., 2nd Floor, Classroom 1
Thursday, November 7, 1996	10:00 a.m. - 2:00 p.m.	Office of Public Works, 7101 Edgewater Dr., Bldg 4

Coverage under this plan is effective January 1, 1997.

Employees who drop their medical coverage in a PERS plan may not get back in to a PERS plan until the next open enrollment. If you are not in a PERS medical plan at the time of retirement, you can never re-enroll in a PERS medical plan.

Re: NON-PERS MEDICAL PLAN FOR DOMESTIC PARTNERS
Sent to: 02544 STATION 4

Sender: PAYROLL ADMIN, STAFF
Date: 10/24/96 Number: A002790

THE CITY OF OAKLAND IS OFFERING A NEW NON-PERS MEDICAL PLAN WHICH WILL ALLOW ACTIVE EMPLOYEES TO COVER THEIR REGISTERED SAME-SEX DOMESTIC PARTNERS. OPEN ENROLLMENT WILL TAKE PLACE NOVEMBER 1 THROUGH NOVEMBER 30. EFFECTIVE JANUARY 1, 1997, THE PRUDENTIAL PRU-CARE HMO WILL BE AVAILABLE TO ALL FULL-TIME AND PERMANENT PART-TIME EMPLOYEES, RETIREES AND ELIGIBLE DEPENDENTS.

~~THIS NEW PLAN IS NOT AVAILABLE TO ENROLL OPPOSITE-SEX DOMESTIC PARTNERS~~

EMPLOYEES WHO PLAN TO ENROLL IN THIS MEDICAL PLAN MUST ATTEND AN OPEN ENROLLMENT SESSION, DUE TO IMPLICATIONS RESULTING FROM ENROLLMENT IN A NON-PERS MEDICAL PLAN. AN ADMINISTRATIVE BULLETIN WILL BE ISSUED THIS WEEK THAT WILL GIVE COST INFORMATION AND ENROLLMENT REQUIREMENTS. OPEN ENROLLMENT MEETINGS SCHEDULE:

NOV. 5, 1996	NOV. 6, 1996	NOV. 7, 1996
1:00 PM TO 5:00 PM	8:00 AM TO 12:00 PM	10:00 AM TO 2:00 PM
505 14TH ST, 2ND FL	505 14TH ST, 2ND FL	7101 EDGEWATER DR, BLDG 4

FOR MORE INFO CALL BENEFITS AT 238-6548

Memo printed by port 058 on 10/24/96 at 09:53 was authored by PAYROLL ADMIN, STAFF

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

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


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

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

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

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

Date: 10/27/97


Jose Millan
State Labor Commissioner

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

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


BEFORE THE DIRECTOR OF
THE DEPARTMENT OF INDUSTRIAL RELATIONS

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

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

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

DATED: 6/14/97



JOHN C. DUNCAN
Acting Director

**NEWS ADVISORY
FROM SPECTRUM INSTITUTE**

**February 5, 1998
For Immediate Release**

**Contact: Thomas F. Coleman
(213) 258-8955**

**PRUDENTIAL PUTS FULL BLAME ON CITY OF OAKLAND,
DISTANCES ITSELF FROM ILLEGAL DISCRIMINATION**

In a letter dated January 29, 1998, Cora Tellez, president of Prudential Health Care Plan of California, states that Oakland's HMO coverage for domestic partners should not exclude opposite-sex partners. (See enclosed letter.)

The contract between Oakland and Prudential defines domestic partners. Referring to this definition, and all governing documents, Ms. Tellez states: "Nothing in the definition limits domestic partner eligibility status to persons of the same sex. We have previously informed the City of Oakland of this fact."

Referring to the opposite-sex partner of city employee Mickey Ayyoub, Ms. Tellez adds: "Neither her sex nor her sexual orientation or marital status, make her ineligible to enroll in the plan."

And yet the city states in its administrative instruction: "ONLY SAME-SEX DOMESTIC PARTNERS . . . ARE ELIGIBLE TO ENROLL." (See Instruction # 567, enclosed.)

The city of Oakland has responsibility for enrollment procedures, and forwarding documents on enrollees to Prudential. As a result, the city is acting as a contractual agent of Prudential for the enrollment aspect of the HMO plan. Prudential, pursuant to agreement with the city, has delegated enrollment responsibility to the city.

Health and Safety Code section 1365.5 prohibits a health care service plan from engaging in discrimination on the basis of sex, sexual orientation, and marital status. Any "person reasonably expected to benefit" from participation in the service plan is protected from such discrimination. By limiting enrollment to domestic partners of gay and lesbian city employees, or to same-sex partners of such employees, the city council and managers of the city are violating section 1365.5.

Violations of this statute are subject to "civil, criminal, and administrative remedies." (Corp. Code § 1394.) "Any person" who violates the statute is subject to civil penalties of up to \$2,500 for each violation. (Corp. Code § 1387.) "Any person" who willfully violates the statute is subject to criminal prosecution. (Corp. Code § 1390.) The term "person" means any . . . public agency, or political subdivision of the state." (Corp. Code § 1345, subd. (j).)

The Labor Commissioner has ruled that the city is violating the law. Prudential has stressed that the city is solely to blame for the discrimination. City officials who continue to deny coverage to opposite-sex partners would now appear to committing a "willful" violation of the law.

Cora M. Tellez
President

Prudential Health Care Plan of California, Inc.
5800 Canoga Avenue, Woodland Hills CA 91367
Tel 818 712-5705 Fax 818 992-2474

January 29, 1998

Majid Yacoub Ayyoub
Sandra K. Washburn
299 Glen Drive, Lower
Sausalito, CA 94965

Re: Domestic Partner Health Care Coverage

Dear Mr. Ayyoub and Ms. Washburn:

This letter responds to your December 6 letters to me, to Brian Thompson, Acting Commissioner of Corporations, and to Jim Burton, CEO for the California Public Employees Retirement System (Cal PERS). Those letters indicated your desire to enroll Ms. Washburn as a domestic partner under Mr. Ayyoub's HMO coverage with Prudential Health Care Plan of California, Inc. ("Prudential HealthCare"), through his employment with the City of Oakland.

The Combined Evidence of Coverage and Disclosure form for the City of Oakland's HMO plan with Prudential HealthCare (copy enclosed) contains a section beginning on page 17 entitled "Who is Eligible to Become Covered". This section specifies that Dependents Coverage is available for domestic partners, and defines "domestic partners" on page 18 as a person who:

- is an unmarried adult who cohabits with an Employee in an emotionally committed and affectional relationship that is meant to be of lasting duration.
- is not related by blood "to a degree of closeness which would prohibit legal marriage" in the state in which you reside.
- has cohabited with an Employee in such a relationship for at least 6 months prior to enrollment in the Coverage.
- it is anticipated, will continue to cohabit with the Employee in such a relationship, and:
- is otherwise not a Qualified Dependent under the Coverage.

Majid Yacoub Ayyoub
Sandra K. Washburn
January 29, 1998
Page 2

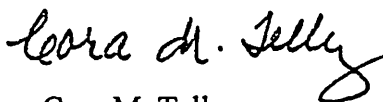
Nothing in the definition set forth above or elsewhere in the documents that comprise the contract between Prudential HealthCare and the City of Oakland limits domestic partner eligibility status to persons of the same sex. We have previously informed the City of Oakland of this fact. It is our position that, if Ms. Washburn meets the "domestic partner" definition set forth above while Mr. Ayyoub is covered under the City of Oakland's HMO plan provided by Prudential HealthCare, neither her sex nor her sexual orientation or marital status, make her ineligible to enroll in the plan.

Enrollment under the plan is the responsibility of the City of Oakland, which forwards enrollment data to Prudential HealthCare. We have received no enrollment data from the City of Oakland relating to Ms. Washburn. If the City of Oakland were to provide us with such data, we are not aware of anything that would preclude us from adding her as a dependent to Mr. Ayyoub's coverage.

As indicated above, nothing in the contract between Prudential HealthCare and the City of Oakland limits domestic partner eligibility status to persons of the same sex nor has Prudential HealthCare failed to honor any enrollment request from the City of Oakland regarding Ms. Washburn. Therefore, we do not believe that Prudential HealthCare has violated Section 1365.5 of the California Health and Safety Code relating to discrimination in the HMO contracts. For the same reasons, we do not believe we have engaged in any unfair business practices violative of the California Business and Professions Code Section 17200 or aided and abetted any violation of California Labor Code Section 1102.1.

We are providing a copy of this letter to the City of Oakland, the California Department of Corporations, and Cal PERS, to ensure that they also are aware of our position on these issues.

Sincerely,



Cora M. Tellez
President

Enclosure

cc: Brian Thompson, California Department of Corporations
Yolanda Velez, California Department of Corporations (DOC RFA No.: 30343)
Jim Burton, Cal PERS
Tracy Baynes, City of Oakland

**EXCLUSION OF OPPOSITE-SEX DOMESTIC PARTNERS
FROM OAKLAND/PRUDENTIAL HEALTH PLAN
VIOLATES SEVERAL LAWS**

Labor Code § 1102.1

This statute clarifies that sections 1101 and 1102 prohibit discrimination or different treatment in any aspect of employment or opportunity for employment based on actual or perceived sexual orientation.

The state Labor Commissioner has ruled that a local government employer which excludes unmarried opposite-sex couples from a domestic partner health benefits plan violates this section. (*Ayyoub v. City of Oakland*, Decision No, 99-02937, filed October 27, 1997, affirmed by director of Dept. of Industrial Relations on November 14, 1997.)

Labor Code § 1197.5

No employer shall pay any individual in the employer's employ at wages less than the rates paid to employees of the opposite sex in the same establishment for equal work.

Section 200 of the Labor Code states: "'Wages' includes all amounts for labor performed by employees of every description, whether the amount is fixed or ascertained by the standard of time, task, piece, commission basis, or other method of calculation." The court in *People v. Alves* (1957) 155 Cal.App.2d Supp. 870, ruled that payments to a health and welfare fund for the benefit of employees as required by the terms of a collective bargaining agreement, are 'wages' within the meaning of this section. The court in *Dept. of Industrial Relations v. UI Video Stores Inc.* (1997) 55 Cal.App.4th 1084, 1091, ruled that "The term 'wages' should be deemed to include not only periodic monetary earnings of the employee, but also the other benefits to which he is entitled as a part of his compensation."

Health & Safety Code § 1365.5

No health service plan shall refuse to enter into any contract because of the sex, marital status, or sexual orientation of any person reasonably expected to benefit from that contract. The terms of any contract shall not be subject to any limitations, exceptions, exclusions, reductions, reservations, or charge differentials, or other modifications because of the sex, marital status, or sexual orientation of any person reasonably expected to benefit from such contract. Any person who violates this statute is subject to administrative, civil, and criminal penalties pursuant to section 1387, 1390, and 1394 of the Health and Safety Code.

Civil Code § 51

The Unruh Civil Rights Act prohibits businesses of all kinds from discriminating on the basis of sex or sexual orientation. (See *Rolon v. Kulwitzky* (1984) 153 Cal.App.3d 289; *Hubert v. Williams* (1982) 133 Cal.App.3d Supp. 1; *Stoutman v. Reilly* (1951) 37 Cal.2d 713.) The business of insurance is subject to the Unruh Civil Rights Act. (Ins. Code § 1861.03 passed as part of Prop. 103.) A medical care provider is subject to the Unruh Act. (*Leach v. Drummond Medical Group* (1983) 144 Cal.App.3d 362; *Wolitarisky v. Blue Cross of California* (1997) 53 Cal.App.4th 338.)

Business & Professions Code § 17200

This statute prohibits unfair business practices, including unfair discrimination. (*People v. McKale* (1979) 25 Cal.3d 626) HMOs are covered by this statute. (*Samura v. Kaiser* (1993) 17 Cal.App.4th 1284.)

**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.

COPY

BEFORE THE DIRECTOR OF
THE DEPARTMENT OF INDUSTRIAL RELATIONS


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

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

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

DATED:

11/14/97



JOHN C. DUNCAN
Acting Director

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

COPY

In the Matter of)
The Complaint of)
Majid Yacoub Ayyoub)
Complainant,)
against)
City of Oakland)
Respondent.)

No. 99-02937

DECISION

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

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

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

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

Date: 10/27/97


Jose Millan
State Labor Commissioner

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

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

INVESTIGATION OF COMPLAINT

of

Majid Yacoub Ayyoub

Against

City Of Oakland

Case Number 99-02937

Ellen Shaffer
Discrimination Complaint Investigator

Division Of Labor Standards Enforcement
Oakland District Office

SUMMARY OF FACTS

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS

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

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

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

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

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

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

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

RECOMMENDATION

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

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



LETTERS TO THE EDITOR

Editorials for Sunday, February 1, 1998

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

Unequal Rights for Many Oakland Couples

By Thomas F. Coleman

THE STATE'S labor commissioner recently ordered Oakland to include opposite-sex unmarried couples in the city employees' domestic partners health care program. The city has refused.

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

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

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

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

rent members of the council apparently never received this message.

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

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

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

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

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

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

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

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

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

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

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

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

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



BY THE CHRONICLE

CALIFORNIA EMPLOYERS EXTENDING HEALTH BENEFITS TO DOMESTIC PARTNERS REGARDLESS OF GENDER

PUBLIC EMPLOYERS

Cities:

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

Counties:

Los Angeles
San Mateo
Santa Cruz

School Districts:

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

PRIVATE EMPLOYERS

(partial listing)

Banks:

Bank of America
Wells Fargo Bank
Union Bank

Utilities:

Edison International
Pacific Bell
Pacific Gas & Electric

Oil Companies:

Chevron
Mobil
Shell

Unions:

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

Others:

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

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

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

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

* Includes retirees.

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

(Revised 5-1-97)

SPECTRUM INSTITUTE, P.O. BOX 65756, LOS ANGELES, CA 90065 / (213) 258-8955



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.

DOMESTIC PARTNERSHIP

A SECULAR INSTITUTION FOR NONMARITAL HOUSEHOLDS

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

This 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.



National Organization for Women, Inc.

1000 18th Street, NW, Suite 700, Washington, DC 20036-5705 (202) 331-0066 FAX (202) 785-8576

September 17, 1997

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

SEP 25 1997

Dear Mr. Rigler:

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

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

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

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

Yours for NOW,

Patricia Ireland
President

Enclosures

WOMEN-FRIENDLY WORKPLACE CONSUMER PLEDGE

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

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

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

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

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

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

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

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

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

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

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

signed _____ print name _____
address _____
city _____ state _____ zip _____
phone (day) _____ (evening) _____ e-mail _____



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



**SENIORS' GROUPS SUPPORTING
DOMESTIC PARTNERSHIP LEGISLATION**

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

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

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

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

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

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

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

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

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



MAR 20 1997

Bringing lifetimes of experience and leadership to serve all generations.

March 18, 1997

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

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

STATE LEGISLATIVE
COMMITTEE

Re: AB 54 (Murray)

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

Dear Assemblymember Escutia:

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

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

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

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

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

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

Sincerely,

Jack Philp, Chair
AARP California State Legislative Committee

Staff
Helen Savage
Ralph Clouse

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



OWL - CA

OLDER WOMEN'S LEAGUE OF CALIFORNIA

926 J Street, #1117, Sacramento, CA 95814

• (916) 444-2526 - Fax (916) 441-1221

OWL-CA Council

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

The Honorable Kevin Murray
State Capitol
Sacramento, CA 95814

February 28, 1997

Dear Assembly Member Murray:

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

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

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

Yours truly,

Betty Perry

Betty Perry
Research and Education Coordinator
Older Women's League of California

OWL-CA Executive
Council, 1996
Co-Presidents
Joyce Klein Kamian
Lafayette
Ruth Kletzing
Sacramento
Vice President, So.
Pati Longo
Ventura
Vice President, No.
Charlene Suskind
San Jose
Treasurer
Joanna Selby
Albany
Secretary
ry Lou Anthony
Presville
Cor. Secretary
Jean Stein
San Diego
Educ./Research Coord.
Betty Perry
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San Leandro
Friedman
Los Angeles
Dorcen Moore
Sierra Madre
Corrine Reiter
Carmel

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

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

Table 2

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

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



MassMutual American Family Values Study

Results of Focus Group and Survey Research

See other side

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

The Study:

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

Executive Summary

Americans are family centered:

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

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

What family means:

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

DEFINITION OF FAMILY

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

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

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

Discrimination/Equal Pay

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

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

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



TRINITY CATHEDRAL CHURCH

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

April 10, 1997

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

Re: AB 1059 - Support

Dear Assembly Member Migden,

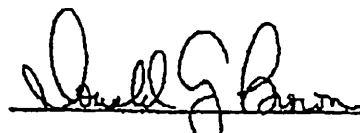
We write as members of the religious community in support of AB 1059 - Health Benefits for Domestic Partners.

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

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

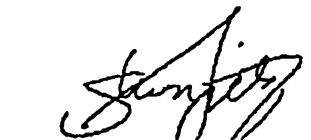
Those who are living together in domestic partnerships are certainly one icon of what it means to be a family. On these grounds, as well as on the basis of the fact that it is just and right for all in our society to have access to health insurance, we the undersigned clergy of Sacramento support AB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

Sincerely,



Donald G. Brown
(Print Name)

Trinity Episcopal Cathedral
(Print Name)



Steven Fietz
(Print Name)

First Christian Church
(Print Name)

Page 2 of 2: Re: AB 1059 - Support

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

Sacramento Community Center
(Congregation)

Carol M. Carter

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

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

United Campus Ministry
(Congregation)

Vincent Brady
(Print name)
VINCENT BRADY

Cathedral of the Blessed Sacrament
(Congregation)

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

WESTMINSTER PRESBYTERIAN
(Congregation)

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

CENTRAL United Methodist Church
(Congregation)

Catherine M. Campbell

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

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

Pioneer CONGREGATIONAL Church
(Congregation)

Carlos Schneider
(Print name)
CARLOS SCHNEIDER

ST. JOHN'S LUTHERAN CHURCH
(Congregation)



APR 11 1997

April 11, 1997

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

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

Dear Assemblywoman Figueroa:

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

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

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

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

Sincerely yours,

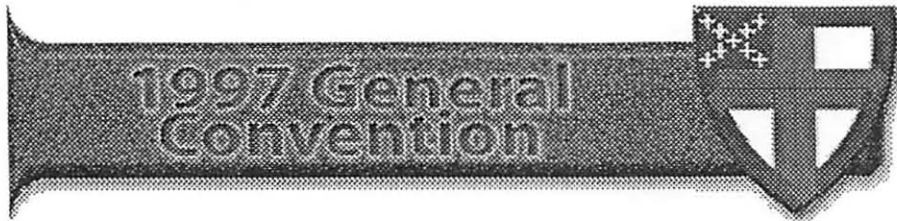
Reverend Monsignor E. James Petersen
Executive Director

EJP/cnh

cc: Members of Assembly Insurance Committee
David Link, consultant

Cathedral Square ♦ 1010 11th Street, Suite 200 ♦ Sacramento, California 95814-3807
(916) 443-4851 ♦ FAX: (916) 443-5629

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Bishop John S. Cummins
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Bishop William K. Woitgard
- Diocese of San Jose
Bishop A. Pierre Dubois
- Diocese of Santa Rosa
Bishop G. Patrick Zimmerman
- Diocese of Stockton
Bishop Donald W. Montrose
- ♦ ♦ ♦
- Byzantine Catholic Eparchy
of Van Nuys
Bishop George M. Kuzma
- Marianne Catholic Eparchy
of Our Lady of Lebanon
of Los Angeles
Bishop John G. Chodid
- ♦ ♦ ♦
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Bishops approve benefits for partners

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

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

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

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

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

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

Charlton's substitute motion failed 88-97.

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

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

--DLL

City and County of San Francisco

Human Rights Commission



Willie Lewis Brown, Jr.
Mayor

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

Marivic S. Bamba
Executive Director

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

Dear ~~Mr~~ ^{Tom} Coleman:

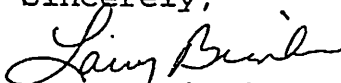
This letter is in response to your request for information about domestic partner benefits in San Francisco.

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

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

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

Sincerely,


Larry Brinkin
Coordinator

LB:LSS:lss




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Detailing domestic partner benefits

Rachel Gordon
OF THE EXAMINER STAFF

March 1, 1997

San Francisco Examiner
EXAMINER SECTIONS

Officials work out wrinkles before law takes effect

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

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

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

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

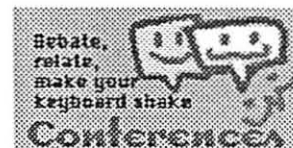
But what is reasonable? That's one question that a working group of city bureaucrats, elected officials and community leaders who pushed for the law is trying to answer.

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

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

ON THE GATE

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

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

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

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

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

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

VOTES - ROLL CALL

MEASURE: AB 1059
AUTHOR: Migden
TOPIC: Domestic partners.
DATE: 08/28/97
LOCATION: SEN. FLOOR
MOTION: ASSEMBLY THIRD READING AB 1059 MIGDEN BY VASCONCELLOS
(AYES 21. NOES 15.) (PASS)

AYES

Alpert	Burton	Calderon	Greene
Hayden	Hughes	Johnston	Karnette
Lee	Lockyer	McPherson	O'Connell
Peace	Polanco	Rosenthal	Schiff
Sher	Solis	Thompson	Vasconcellos
Watson			

NOES

Ayala	Brulte	Costa	Haynes
Hurt	Johannessen		Johnson Kelley
Knight	Kopp	Lewis	Monteith
Mountjoy		Rainey	Wright

ABSENT, ABSTAINING, OR NOT VOTING

Craven Dills Leslie Maddy

VOTES - ROLL CALL

MEASURE: AB 1059
AUTHOR: Migden
TOPIC: Domestic partners.
DATE: 06/02/97
LOCATION: ASM. FLOOR
MOTION: AB 1059 MIGDEN THIRD READING
(AYES 42. NOES 35.) (PASS)

AYES

Alquist Aroner Bowen Brewer
Brown Caldera Cardenas Cunneen
Davis Ducheny Escutia Figueroa
Firestone Floyd Gallegos Hertzberg
Honda Keeley Knox Kuehl
Kuykendall Lempert Martinez Mazzoni
Migden Murray Napolitano Ortiz
Papan Perata Scott Shelley
Strom-Martin Sweeney Thomson Torlakson
Villaraigosa Vincent Wayne Wildman
Wright Bustamante

NOES

Ackerman Aguiar Alby Ashburn
Baldwin Battin Baugh Bordonaro
Bowler Campbell Cardoza Frusetta
Goldsmith Granlund Havice House
Kaloogian Leach Leonard Margett
McClintock Miller Morrissey Morrow
Olberg Oller Pacheco Poochigian
Prenter Pringle Runner Takasugi
Thompson Washington Woods

ABSENT, ABSTAINING, OR NOT VOTING

Baca Machado Richter

VOTES - ROLL CALL

MEASURE: SB 841

AUTHOR: Hayden

TOPIC: Public contracts: domestic partners.

DATE: 01/13/98

LOCATION: SEN. JUD.

MOTION: Do pass, but re-refer to the Committee on Appropriations.

(AYES 2. NOES 3.) (FAIL)

AYES

Burton

Lee

NOES

Haynes

O'Connell

Wright

ABSENT, ABSTAINING, OR NOT VOTING

Calderon

Leslie Lockyer Sher

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.

* * *