

THE CASE FOR RETAINING DOMESTIC PARTNERSHIP LAWS AND POLICIES

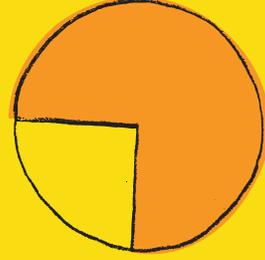
Starting in 1984 with Berkeley, California, municipalities across the country began honoring the commitment of same-sex couples within their workforces and throughout their cities by implementing domestic partner benefits for city employees and citywide domestic partnership registries.

Domestic partnership laws and policies provided a way for cities, unsatisfied with the lack of relationship recognition laws at the state level, to proudly display their values of inclusion and equality while extending vital benefits and legal protections to same-sex couples and their families. In addition to extending benefits to same-sex couples, many domestic partnership laws and policies also extended benefits to unmarried different-sex couples and their families.

With this year's *Obergefell v. Hodges* United States Supreme Court decision, which brought about nationwide marriage equality, municipalities that previously implemented employee domestic partner benefits and citywide domestic partnership registries are faced with the question of whether these benefits and protections should continue to be offered. As a matter of inclusion, fairness, equal compensation, and good business, municipalities should not only retain their domestic partnership laws and policies, but should expand them (where applicable) to include all couples—same and different-sex—and their families.

By continuing to offer domestic partner benefits, municipalities demonstrate their respect for the **broad diversity of families** that exists within their workforces.

75%
of 2014 MEI-Rated Cities Offered Domestic Partner Benefits to City Employees



Domestic Partner Benefits in City Employment

RESPECTING FAMILY DIVERSITY

Today's families come in a variety of shapes and sizes. Many couples decide not to get married for important personal and practical reasons. Maintaining domestic partner benefits provides validation and essential benefits to unmarried employees and their families. By continuing to offer domestic partner benefits, municipalities demonstrate their respect for the broad diversity of families that exists within their workforces.

BENEFITS CONTINUITY AND EQUAL COMPENSATION

Revolving existing domestic partnership policies in municipal employment would take away vital benefits that countless public employees and their families depend on. Municipalities that move to eliminate these policies, and instead require marriage to ensure partner and family benefits, are putting their employees' family members at risk of being uninsured.

Benefits like health insurance, life insurance, family leave, bereavement leave, relocation assistance, and pension benefits are central to the livelihood and well-being of employees, their partners, and their legal dependents. Employees who choose not to get married for personal or practical reasons are just as deserving of these benefits as those who opt to marry. Denying these families the benefits that their married counterparts enjoy amounts to unequal compensation. Moreover, citywide ordinances that require municipalities and private employers to extend equal benefits to domestic partners and legal dependents of employees should be vigorously defended.

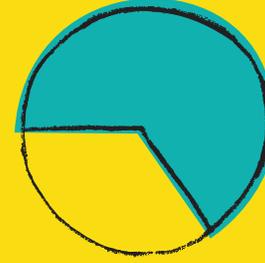
PROTECTING FAMILIES FROM DISCRIMINATION

While marriage equality is a tremendous step forward, LGBT employees are still left open to risks and vulnerabilities to which their non-LGBT counterparts are not subject. Maintaining domestic partnership policies in city employment is an essential tool in safeguarding LGBT employees and their families from these unique risks.

Requiring that employees obtain marriage licenses in order to qualify for essential benefits can place LGBT employees and their families at risk of discrimination in states without explicit nondiscrimination protections. For example, if an LGBT employee is, in effect, "outed" by being required to obtain a public marriage license in a state that doesn't provide explicit nondiscrimination protections, it could place that employee and their family at risk of being denied credit, housing and access to public accommodations.

These distinctions in protections are significant, and expose LGBT people to risks when traveling or relocating to states that may be forced to honor their marriage license, but still discriminate against them in core aspects of daily life. City employment policies should not place LGBT workers and their loved ones in a position of increased vulnerability and uncertainty. Maintaining private employer-based domestic partnership policies can help protect LGBT employees and their families from the unique risks they still face today.

66%
of Fortune 500 Companies Offered Domestic Partner Health Benefits



Citywide Domestic Partnership Registries

GOOD FOR BUSINESS

Best in class employers continue to offer domestic partner benefits to same and different-sex couples, accounting for family diversity within a competitive talent pool. Cities that continue to provide these benefits are sending a clear message to the most talented workers that they value inclusion and family diversity.

Retaining domestic partner benefits demonstrates that a city values its employees, which in turn increases employee morale and productivity. This is why many municipalities across the country and over sixty percent of Fortune 500 companies have implemented domestic partner benefits for their employees.

NEGLECTIBLE COST

As has been shown over their long history of existence, the cost to employers of maintaining domestic partner benefits is negligible. A 2005 Hewitt Associates study found that the majority of employers—64 percent—experience a total financial impact of less than 1 percent of total benefits cost, 88 percent experience financial impacts of 2 percent or less and only 5 percent experience financial impacts of 3 percent or greater of total benefits cost. Although this study focused on domestic partner benefits offered to same-sex couples, an earlier Hewitt Associates study conducted in 1997 found that the cost to employers was "minimal, with the addition of domestic partners, regardless of whether coverage was extended to same-sex or opposite-sex domestic partners."

Companies report increases in medical claims of less than 1 percent after domestic partner coverage was introduced.¹ By keeping existing domestic partnership policies, cities can continue to enjoy the many advantages of extending these benefits with negligible associated costs.

In addition to offering their employees domestic partner benefits, many municipalities also offer citywide domestic partnership registries that grant unmarried couples and their families important legal protections. These essential protections often include the right to visit a partner at health care and correctional facilities, the right to make health care decisions for an incapacitated partner, and the right to participate in the education of a partner's children.

RESPECTING FAMILY DIVERSITY

Domestic partnership registries respect the diversity of all families within a city. As noted with regard to city employee domestic partner benefits, many couples decide not to get married for important personal and practical reasons. Maintaining domestic partnership registries provides validation and essential legal protections to these couples and their families.

COST OF OFFERING DOMESTIC PARTNER BENEFITS

As has been shown over their long history of existence, the cost to employers of maintaining domestic partner benefits is negligible.

% OF TOTAL BENEFITS COST



EMPLOYERS SURVEYED

¹BENEFIT PROGRAMS FOR DOMESTIC PARTNERS & SAME-SEX SPOUSES,™ HEWITT ASSOCIATES (JULY 2005).

PROTECTING FAMILIES FROM DISCRIMINATION

Domestic partnership registries offer a way to extend essential legal protections to all families while providing a greater opportunity for privacy than marriage—which, for same-sex couples living in states without nondiscrimination protections, can mean greater protection from the threat of discrimination. Although citywide domestic partnership registries are public, the need to personally disclose domestic partnerships in everyday life occurs less frequently than the need to disclose one's marital status. Consequently, residents in same-sex domestic partnerships can have the security of citywide legal protections for their families as well as a greater ability to protect the privacy of their families in places where they are especially vulnerable to discrimination.

GOOD FOR BUSINESS

Citywide domestic partnership laws fuel economic growth and development by helping attract businesses. Municipalities that extend legal protections to all families signal to businesses that they are inclusive places that will respect the diversity of businesses' employees and their families; places where businesses' employees can grow and thrive with the peace of mind that their families will be recognized and afforded key legal protections, even if they decide not to marry.

FUNDAMENTAL LEGAL PROTECTIONS

Undoing local domestic partnership registries would suddenly strip families of vital legal protections like the right to make important health care decisions for an incapacitated partner and the right to participate in the education of their partner's children. All families—even those that decide against marriage—should have access to these fundamental protections.

CONCLUSION

Retaining domestic partnership laws and policies is a matter of fundamental fairness, inclusion, and equality. Instead of eliminating employee domestic partner benefits and citywide domestic partnership registries, cities that currently maintain these benefits and protections only for same-sex couples should open them up to all couples. Preserving domestic partnership laws and policies honors the many family structures that exist today and respects the important personal and practical considerations that factor into a couple's decision not to marry. It ensures that families are not cut off from essential benefits like health insurance and vital legal protections like the right to make health care decisions for an incapacitated partner.

Moreover, requiring people to obtain public marriage licenses can effectively "out" LGBT city employees, placing them and their families at a unique risk of discrimination in states that lack explicit protections. Finally, domestic partnership laws and policies continue to be good for business, helping to attract talented workers and businesses, and serving to boost employee morale and productivity—all at a negligible cost.