



Report on Domestic Partnership Benefits

**University of Kentucky President's Commission on Diversity
Inclusion Sub-Committee**

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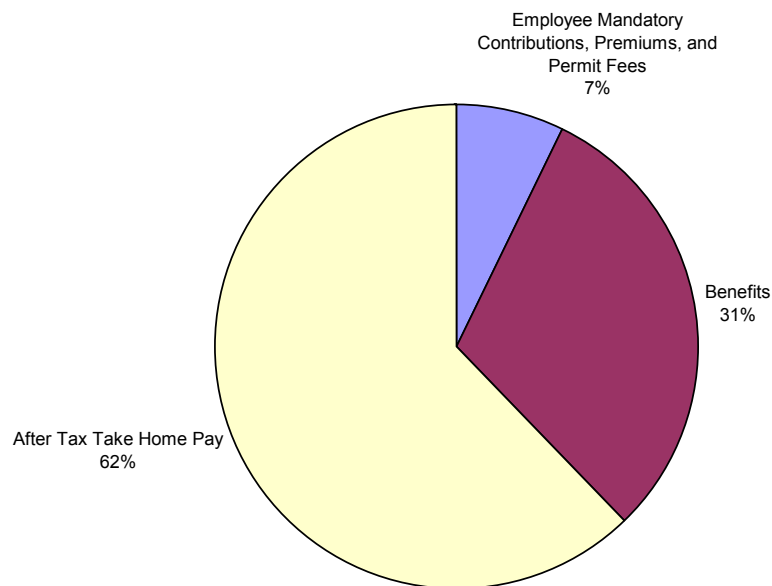
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Introduction

Benefits are an increasing concern for employees at most work sites. The University of Kentucky is no exception. As the chart below shows, benefits for a single UK employee made up almost a third of total compensation in 2004. This percentage is often even larger for employees whose families can be covered under a range of UK benefits. Employers offer benefits as a means to attract and keep skilled employees. In the University's efforts to attain the status of a top 20 public research university, compensation is often critical in attracting new talent and retaining current employees from offers by other universities, government, and private industry.

Domestic partnership benefits have been a frequent request at UK for at least 15 years. As other universities have added such benefits, the call for adding such benefits has only become louder. At the same time, the country as a whole is gripped in often heated struggles over accommodating or resisting an increasingly diverse variety of American family structures.

This report examines many of the issues around domestic partnership benefits and the University of Kentucky, and concludes with a multi-stage implementation model of what and how such benefits could be offered by the University.



Graph Based on Actual Payroll Earnings/Deductions Statement for Single UK Employee, 2004 Calendar Year

Questions and Answers About Domestic Partnerships and the University of Kentucky

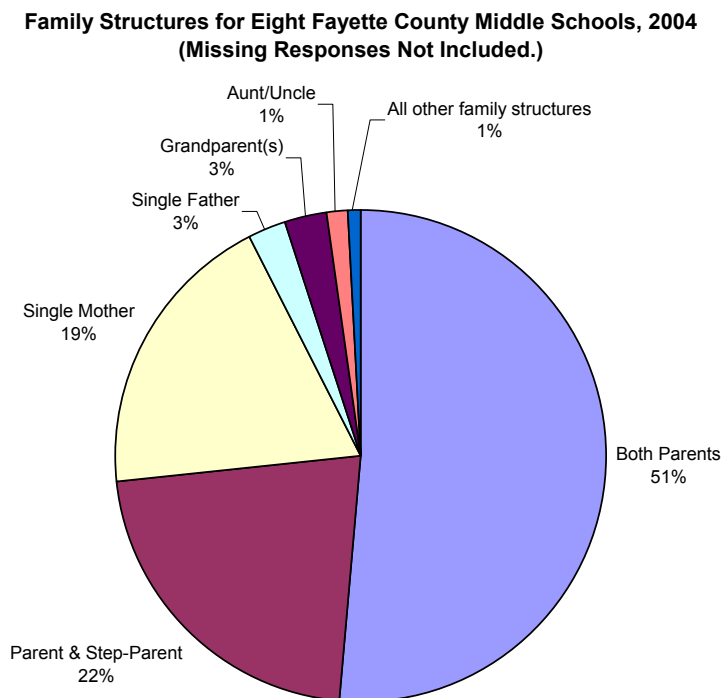
What is a *domestic partnership*?

A *domestic partnership* is an increasingly common term to describe a range of intimate, romantic, and/or loving relationships between two individuals committed to sharing life's joys and responsibilities. This term in its broadest sense thus encompasses relationships such as:

- Legally recognized marriages
- Religious marriages not legally recognized (usually between a same-sex couple)
- Couples (opposite-sex/heterosexual or same-sex/homosexual) living together in a committed relationship outside of legal marriage
- Common law marriages recognizing opposite-sex couples living together but without a formal legal marriage
- Sometimes, in the broadest sense, any two people sharing a household (such as roommates)

Why would an employer want to offer domestic partnership benefits?

American family structures have grown to become very diverse. The pie chart below shows the biological relationship for the students at eight Fayette County middle schools as drawn from a Fall 2004 survey.



Source: 2004 Fayette County Middle School Youth Risk Behavior Survey

Almost half of these students do not live with both their biological parents. This survey also asks about who a student lives with and not the legal relationships within the family. Thus, it is likely that not all 51% of biological parents living together with their child are legally married. While this example shows the diversity among Fayette County's children, UK employees are likely far more diverse with many not having children and living in a variety of family structures.

As an employer in a competitive market to attract the best and brightest academic and administrative talents, UK faces other institutions in larger, more culturally diverse urban areas and other universities offering domestic partnership benefits. For a potential or current employee whose dependents are not covered by existing UK benefits criteria, domestic partnership benefits can amount to thousands of dollars annually in additional compensation or savings.

What are *domestic partnership benefits*?

Domestic partnership benefits vary from company to company. The benefits offered within a domestic partnership package vary from employer to employer, but typically are characterized by health care coverage for same-sex and opposite-sex unmarried partners along with whatever other benefits the employer offers to members of an employee's legally recognized spouse/ex-spouses and children.

More commonly domestic partnership benefits are offered by companies to keep and attract quality personnel. American companies have traditionally offered benefits such as insurance, bereavement leave, trailing spouse hiring programs, access to company discount programs, and access to company recreation facilities to employees and their legally married spouses. Most also extend such benefits to the legally recognized children (biological, adopted, or step) of employees. Such benefits often account for a significant (up to 40% in some cases) portion of a company's compensation to an employee. Companies can thus attract, keep, and compensate employees more fairly by offering DP benefits.

How common are domestic partnership benefits?

Domestic partnership benefits are increasingly common - especially in business sectors where there is competition for skilled professionals:

- 75% of the top twenty public research universities offer some type of DP benefits with 65% offering health insurance benefits (See Appendix 1)
- 68% of UK's former 19 benchmarks offer some type of DP benefits with 37% offering health insurance benefits (See Appendix 2)
- Among neighboring states' flagship universities, Indiana University, Ohio State University, and the University of Illinois all offer DP benefits including health insurance benefits (See Appendix 3)
- One third of the Fortune 500 companies offer DP benefits
- Eight state governments offer DP benefits to state employees
- 130 cities and towns offer DP benefits to city employees
- 44 of the top 50 (88%) ranked US universities
- 18 of the 74 (24%) statewide university systems in the US

- 150 of the 530 (28%) individual state-funded universities

(Sources: Human Rights Campaign, Gay Financial Network, American Civil Liberties Union, Lambda Legal Defense and Education Fund)

The following local, central Kentucky employers offer domestic partnership benefits.

- Amazon.com
- American Airlines
- Avon
- Bank One
- Barnes and Noble
- Blockbuster
- Centre College
- Chevron
- Cingular Wireless
- Coca-Cola
- Continental Airlines
- Delta Airlines
- Disney Corporation
- Eddie Bauer
- Gap, Inc.
- Gateway
- Hilton Hotels
- IBM
- IKON Office Solutions
- Insight Communications
- JP Morgan
- Kinkos
- Lazarus (Federated Department Stores)
- Lexington Herald-Leader (Knight-Ridder)
- Lexmark
- Merrill Lynch
- Northwest Airlines
- Proctor and Gamble
- Prudential Financial
- R. J. Reynolds
- Charles Schwab
- Sheraton (Starwood Hotels)
- Starbucks Coffee
- Target
- Toyota
- United Airlines
- US Airways
- US House of Representatives
- Verizon Communications
- Xerox Corporation

Within the technology sector, such benefits are common personnel practices and include such industry leaders as:

- Adaptec
- Adobe Systems
- AOL Time Warner
- Apple
- Cisco Systems
- Compaq
- Dell
- Digital Equipment Corporation
- Gateway
- Hewlett-Packard
- Honeywell
- IBM
- Intel
- Lotus
- Lucent Technologies
- Microsoft
- Motorola
- NCR Corporation
- Netscape
- Nokia
- Novell
- Oracle
- PeopleSoft
- QualComm
- Quark
- Raytheon
- SAS Institute Inc.
- Sony
- Sun Microsystems
- Sybase
- Texas Instruments
- Unisys
- Xerox
- Yahoo! Inc.

How would an employer define a couple as being domestic partners?

Usually a domestic partnership policy includes a means to define who is a couple using various ways:

- The couple can sign a form and/or affidavit with Human Resources that they are a committed couple who live together, are exclusively partnered, are not otherwise legally married, and plan on staying together.
- Different companies structure their policy differently but may ask couples to show some form of documentation of joint residence, joint finances, or other shared commitment.
- A policy also usually includes a form severing DP benefits in case a couple dissolves their domestic partnership.
- Employers who do not require marriage licenses or documentation of a legal marriage may simply use benefit enrollment forms to sign up or remove a spouse or partner.

Won't people try to defraud the company by registering roommates and friends?

According to studies collected by the Human Rights Campaign (www.hrc.org), there is not a single reported case of the fraudulent use of a domestic partnership benefit package. The likelihood is rare -especially considering the fear of bias or ostracization associated with revealing that one is gay/lesbian. Documentation such as enrollment forms stating that two individuals are a domestic partnership couple also provides the means for pursuing any fraud attempted against an employer. In many cases domestic partners must show more proof of relationship than a legally married couple, yet fraud to gain insurance benefits among domestic partners and legal spouses is extremely rare.

Is there a financial impact?

Providing benefits to domestic partners cost no more than covering employees' far more numerous legal spouses. In fact, one study discussed in the September 1997 *Risk Management* found that same-sex domestic partner coverage on average costs employers less than covering opposite-sex couples. The reason for this involves the expenses associated with pregnancy and especially for premature births. While same-sex couples do have children, opposite-sex couples are more likely to be parents and thus have larger families to be covered by employers. In the aforementioned study, same-sex couples were also more likely to be younger.

Studies by Dr. Lee Badgett find that usually only one to two percent of employees utilize domestic partnership benefits. The 2% figure is usually only reached when a company or university extends such benefits to opposite-sex unmarried couples as well as same-sex couples.

How is this different than marriage?

While same-sex marriages are currently legal in Massachusetts and a number of countries (the Netherlands, Denmark, Canada, etc.), Kentucky law does not recognize them. Thus, same-sex couples cannot access hundreds of spousal benefits:

- Over 1,000 federal benefits covering taxes, inheritance, divorce, immigration, protection from testifying against one's spouse, child custody, insurance, veteran's benefits, and Social Security benefits
- Over 180 state benefits under Kentucky law covering property, children, and benefits

- Discounts and programs by private companies open only to legal spouses

Domestic partnership benefits are not marriage. They extend to employees less than a handful of the hundreds of benefits going to legally married couples. Many of the legal benefits of civil marriage can only be granted by state or federal government. Such benefits as health insurance, however, are often available to an employee's children and sometimes other dependent parents. Thus, providing health care to an employee's dependents is not defined by marriage to that dependent. Domestic partnership benefits recognize the diversity of America's families and the care and responsibilities an employee's household demands.

With the passage of state constitutional bans on recognizing same-sex marriages and, more vaguely, similar relationships, the legality of DP and other programs in these states have been questioned:

Like Kentucky, Louisiana passed a constitutional ban on recognition of same-sex marriages and similar relationships in 2004. The City of New Orleans, however, continues to offer domestic partnership benefits. New Orleans' legal department has taken the stand that offering benefits to various employee dependents does not constitute offering benefits based solely on a marriage or marriage-like relationship. Thus, New Orleans holds that the ban has no effect on their DP program.

On the other hand, a March 2005 decision by the Michigan Attorney General is more complex. In November 2004 Michigan voters also approved a ban on same-sex marriages and similar relationships. As in other states during the election, supporters of the ban argued that if approved, the ban would not have an impact on DP programs. The Attorney General's opinion, however, finds that the ban bars state entities from offering DP programs to both same-sex and opposite-sex couples. While his opinion does not affect current contracts, new labor contracts and enrollments for state and municipal workers will strip employees' families of existing DP benefits. Of note, however, in the opinion is the Attorney General's belief that DP benefits could legally be offered based on membership in an employee's household. Such benefits, however, can not be offered based on an intimate and loving relationship akin to marriage. The opinion does not fully address about whether state universities will also have to strip DP benefits from their employees. The ACLU is suing over the opinion, however, on behalf of state employees, the University of Michigan, and the City of Kalamazoo.

Ohio recently approved a ban that has created numerous legal complications. Several heterosexual Ohio men have challenged whether state domestic violence statutes apply to them. Their attorneys argue that because the men were not legally married to the women they beat, they cannot be tried for domestic violence. Simple assault carries lesser penalties in Ohio than domestic violence. Similarly, an Ohio lesbian who is the biological parent of a child she and her partner conceived through artificial insemination is seeking to remove her ex-partner's joint custody under the argument that the constitutional ban strips the non-biological mother of any custody rights.

Kentucky's constitutional ban also defines legal marriage as only between one man and one woman. It goes on further, however, to also ban *a legal status identical to or substantially*

similar to that for marriage. The amendment is currently being contested in Kentucky court over the issue of whether the amendment illegally combined two issues (marriage and civil unions) under one vote. In the case of DP benefits, like with the City of New Orleans, offering some or all of the benefits that currently go to people in a range of relationships to an employee likely does not create a legal status identical or substantially similar to the hundreds of benefits and legal responsibilities defining civil marriage.

Do opposite-sex couples ever use domestic partnerships?

While most people associate domestic partnerships with same-sex couples, opposite-sex couples do participate in these programs.

- The majority of couples who took advantage of DP benefits in the District of Columbia's public program were elderly heterosexual couples. In most of these couples' cases, these individuals were widows and widowers who wanted access to hospital visitation, daily care, and health decisions for their partners without the complicated property entanglements of full legal marriage. In other words, these couples wanted to care for each other without tying up the inheritances they wanted to leave to their children by a former relationship.
- France recently introduced domestic partnerships on a national scale. To the surprise of many French people, opposite-sex, heterosexual couples make up the most common users of this system. As with the elderly in DC, these couples want the daily care and access rights to their partner without the much more vast legal property rights and responsibilities inherent in full legal marriage.

Some companies and universities, however, limit domestic partnership benefits to same-sex couples because opposite-sex couples already have access to such rights through legal marriage. Courts in some states have found offering DP benefits only to unmarried same-sex couples and not unmarried opposite sex couples amounts to sexual orientation discrimination.

How does a company offer DP benefits?

Companies usually approach equalizing compensation packages in one of two ways:

- A. Offer DP benefits to same-sex and opposite-sex couples that match the benefits offered to employees and their legal spouses.
- B. Develop a broad "cafeteria-style" plan where all employees pick what benefits they want using a set amount of credits. Thus, a single person who does not need to take advantage of partner/spouse insurance can apply her/his additional credits towards a larger employer pension contribution. Employees can choose to add a parent, a child over age 18, a spouse, a domestic partner, a roommate, or another relative to a health plan. The benefit of such a system is that the employer provides an equal amount of compensation in the form of credits to all employees. Each employee then has the flexibility to define how to use these in accordance with the diversity of American families today.

Once a company defines which option to pursue, then it becomes a matter of developing a procedure for registering employees and their beneficiaries. Companies can immediately offer benefits such as use of a company gym, bereavement leave, trailing spouse program, etc. Many insurance companies now offer DP coverage and will work with an employer to establish coverage. Some insurers will require a wait until the next year's insurance contract and enrollment period begins to initially offer coverage. Some insurers do not currently offer DP coverage but may be willing to add such coverage for larger customers. With ever greater demand for such benefits, most insurers will likely offer DP in the next five years if they do not currently. Because the University of Kentucky is self-insured for its HMO and UK Dental programs, it could internally provide such insurance to domestic partners.

These Kentucky insurers are known to offer domestic partnership coverage. Other insurers may also offer such coverage.

- Ameritas (dental and vision coverage)
- CIGNA (medical)
- Great West Life (medical)
- New York Life and Health (medical)

Other sources for more detailed information:
<http://www.hrc.org/worknet/>

Comparative Cost Impact on UK Families

The benefits currently limited to certain UK families are a great financial asset for these families. For those employees whose families are not recognized by UK, however, there is instead a financial burden. Moreover, employees whose families receive benefits are compensated more than their peers.

In the scenario below, you have two couples who are using a handful of the 40+ benefits that UK offers. This simplified version is used to show basic costs. If the scenario factored in multiple insurance programs for dental, vision, etc., then the differences would likely be greater. One is eligible for greater compensation for his relationship while the other employee is not. The disadvantaged employee, moreover, must pay considerably more for similar services. The result:

<p>\$4,274 annual loss in compensation and/or additional costs for the Family B employee</p>

The impact of having no domestic partnership benefits is exemplified in the table on the following page:

	Family A	Family B
Employee	46 Year Old Male Faculty	46 Year Old Female Faculty
Partner	46 Year Old Female Legal Spouse	46 Year Old Female Partner
Length of Relationship	6 months	20 years
Type of Health Plan	UK HMO -LSA	UK HMO -LSA
Type of Documentation Required to Add Partner to Health Plan	None, if added during open enrollment	Currently ineligible

Base Salary	\$50,000	\$50,000
Benefits (including UK contribution to employee's health insurance)	\$11,000	\$11,000
Sub Total	\$61,000	\$61,000

Additional Compensation		
Employee Participation in HealthTrac	\$120	\$120
Spouse Participation in HealthTrac	\$120	Currently ineligible
UK Contribution to Spousal Health Care Plan	\$1,764	Currently ineligible
	\$2,004	\$120
For Relationship	\$1,884	\$0

Difference
\$1,884

Additional Expenses		
Use of UK Wellness Program Gyms (couple)	\$80	Currently ineligible as couple
Gold's Gym (memberships for 2)	Use UK	\$590
Employee Contributions to UK Spouse Health Plan	\$2,520	Currently ineligible
Anthem Blue Cross/Blue Shield Health Insurance for 46 Year Old Healthy Female	Use UK	\$3,900
Additional Annual Deductible	\$0	\$500
	\$2,600	\$4,990

\$2,390

Base Compensation	\$61,000	\$61,000
Additional Compensation	\$2,004	\$120
Additional Expenses	\$2,600	\$4,990
TOTAL:	\$60,404	\$56,130

\$4,274

Timeline of Domestic Partnership Issues at UK

1996: UK's non-discrimination policy amended to protect against sexual orientation bias...and that such protections do not grant benefits

2001-2003: UK Committees Recommending Adoption of Domestic Partnership Benefits:

- Health Benefit Task Force, 2001
- Faculty Senate Council Ad Hoc Committee on the Status of Women, 2001
- President's Work-Life Task Force, 2003
- Faculty Senate Ad Hoc Committee on Faculty Salaries, 2003

2003: UK Staff Senate's Employee Benefits Committee unanimously votes down a resolution opposing domestic partnership benefits at UK

2003: UK expands definition of "family" to "household" for the purposes of funeral leave and temporary disability leave

2004: University Senate votes to allow a student to have a legitimate excuse for a sickness or death of anyone in her/his household ...a change from the former narrow definition of immediate family

UK Employees' Personal Stories of the Impact of the Lack of Domestic Partner Benefits

Dr. Joan Callahan, Professor, Philosophy and Women's Studies:

Dr. Callahan and her partner Jennifer Crossen have been together for almost 20 years. They have raised their son David Crossen, a current UK student, together. Joan has long been an advocate for domestic partner benefits at the University. Jennifer operates her own horse farm. As such, she is considered in a high risk occupation. Joan's family is forced by the lack of domestic partnership benefits to purchase health insurance on the private market that is more expensive and inferior in services compared to the Employee+Family plan through UK. The University not only does not contribute to Joan's family's health care costs, but also bars Joan from purchasing into the UK HMO for her family even without any University contribution.

Anonymous, Main Campus

Last March (2004) my partner's father passed away suddenly from a heart attack. I went with her to Colorado to be with her and her family for the funeral and etc. My supervisor gave me all four days as funeral leave because she interpreted the funeral leave policy to include domestic partners. When I got back to work, our budget officer (who is over our entire unit) questioned me about the leave and wanted to know specifically who had died in my immediate family. I did not really want to come out to this budget officer who nit picks at every policy and procedure anyway. So I contacted Russ Williams who suggested that I contact Mr. Terry Allen, Assoc. Vice President for Employment Equity. I wrote Mr. Allen a letter explaining my situation in detail. Mr. Allen looked over the funeral leave policy and consulted with the UK Attorney's Office and I ended up being granted a half day of funeral leave which would be granted for any mere acquaintance...wouldn't even have to be a close friend. If I had been married to my partner or had equal benefits as a married person, I would have gotten all four days as funeral leave. Instead, I had to use 35% of my annual vacation leave. I also consulted an attorney before writing the letter to Mr. Allen. The time and attention that I took in this matter to stand up for my rights was very draining and difficult during what was already a very emotionally difficult time for me and my partner. I felt sad and less than...after all was said and done.

Dr. Torsten Elwert, Post-Doc, Physics and Astronomy: Dr. Torsten Elwert is a highly talented astrophysicist currently working as a post-doc in the Department of Physics and Astronomy as part of a highly competitive NASA grant to the University. He and his partner of nine years, Arno, are legally married in Arno's native country of The Netherlands. While in excellent health, Arno is also sixty years old and requires basic preventative and maintenance health care as he has received throughout his life in his native country.

Unfortunately, Kentucky law does not recognize their marriage, and the University does not offer health insurance benefits to domestic partners. As a result, Arno has no health coverage and faces considerable hurdles in getting private health insurance because of his age and visa status. As a result, Torsten is considering giving up the post-doc to return to Europe where his family will have basic health care.

Kevin Holmes, UK Alumni

When I applied for admission to UK, I had already established residency in Kentucky prior to applying. In fact, my residency had been established well over one year prior to applying. However, Admissions deemed me to be a non-resident. Despite the fact that I was over 21, independent of my parents, living on my own means, employed, a veteran, and had evidence of residency in Kentucky, in the eyes of UK Admissions, I was not a Kentuckian. In my opinion, this was because I was not a graduate of a Kentucky high-school, and because my parents lived in another state (even though I could have qualified under the Academic Common Market). Both of these items were asked on the application, and Admissions could not view me based on other qualifiers to separate me from the average incoming freshman (even though I was applying as a transfer admission).

I appealed the decision to treat me as a non-resident, because I was in my mind, without a doubt, a resident of Kentucky, with an established record of residency. I wasn't paying school taxes for nothing! A hearing was scheduled a few weeks later. I dressed appropriately for the occasion: shirt and tie, slacks, dress shoes.

When I went in for my hearing, I found that instead of just one or two people to hear my plea, I was going to have to defend myself to a room of several people. I don't remember how many were there, but in my memory, it felt like a board room of 20. It was probably closer to 10. At my young age, this was quite overbearing. I had to defend my residency to a group of people who were not my peers. It felt like getting permission to steal the car from your parents AFTER you'd already wrecked it. They were going to decide the legitimacy of where I lived and have a direct impact on my budget. This would directly play a role on whether or not I could afford to go to school.

I had prepared for the battle by memorizing the requirements for residency. I recited how I met these requirements. The one that I remember most vividly was the one about marriage to a resident of Kentucky, because I used it. Actually, I bent it. I had to stretch the mold to fit my situation. My Kentucky residence had been established due to my

relationship with a Kentucky resident. I recounted this tale to the panel. I told them of how I had come to establish a domestic partnership with this individual. This seemed to pique the interest of the panel more than any of the other arguments I had used. They began to ask questions, specifically speaking to legal arrangements, combination of financial assets, familial commitments, and so on. I told the panel of our life together, and of our plans for the future, of the business that we wanted to open, and of our joint checking account. Gauging from the reaction, it seemed to be the joint checking account that sold them on the legitimacy of my residency.

While I still do not agree that I should have had to defend my residency, or had to use my relationship as a basis of my residency, I was glad that UK was open-minded enough to allow residency to be established through a same-sex relationship even though it was not specifically written into the books.

Gina and Mary Anne, current employees, Administration and MedCenter: Having been together for over a decade, Gina and Mary Anne decided to have a child via artificial insemination. Gina would be the biological mother. While Gina eventually was unable to become pregnant, she encountered two issues. The first is that if she had been able to give birth, she discovered that she and Mary Anne were ineligible for the extra University contribution to childbirth insurance costs that go to two employees who are legally married. The second was that while the UK MedCenter would perform artificial insemination on single women, UK used Central Baptist Hospital for the actual procedure. Central Baptist, in turn, has a policy banning insemination of women who are single or in unmarried partnerships. As a result, Gina's physician had to quietly ignore this rule and find an alternative to inseminate Gina.

Camille B. and Matt M., former UK students and employees, now at the University of Maine: Camille and Matt are an unmarried opposite-sex couple. The two have considered having their first child once Matt finished his doctoral program. They were concerned, however, that having a child would force them to legally marry so that they could have health insurance if Camille chose to stay home with the child. Legal marriage, however, is an institution whose legal property components around shared debt and social history often placing women in an inferior role troubled the two. Fortunately in their case, Matt took a position with the University of Maine where domestic partnership benefits that include health insurance are offered.

Dr. Laura Kaplan, former UK employee and student, now at the University of Northern Iowa:

I was employed by UK full-time from 1996-1999 and as a part-time instructor between 1999 and 2003. When I completed my doctorate my partner and I considered several options, including staying in Kentucky with our friends/family. I lived in Lexington 23 years so it was difficult to consider leaving. With a PhD in social work I actually had many more options than graduates in most other disciplines since there are more programs than PhDs. We left Kentucky but in our deliberations we decided that

partnership benefits would be integral to our choice of universities. I accepted an offer at a regional university in the Midwest that offered partnership benefits.

What this means at this location is that I can purchase, similar to a family plan, health insurance for my partner. I am always amazed when people argue this is a benefit that should not be offered. There seems to be an underlying belief that this is free, a gift to same sex couples. How silly. I am fortunate to have a job that allows me to eat into my budget for the approximately \$300 a month it costs to get my partner health insurance. Quite a gift in a way, for the privileged few of us who can actually afford to pay this additional fee.

I just remembered a very important piece on DP benefits no one usually discusses. Going to the bogus argument of it being a 'gift' that costs the company more--when I get my DP, and I pay for my partner's health insurance at almost \$300 a month, the very big difference between this and what a legally married person paying on 'family' insurance is that I GET TO PAY TAXES ON THAT \$300. It's a gift alright. Everyone else gets a DEDUCTION for paying family insurance; I get a double whammy--pay the fee and pay the taxes as if it's income to me.

Another benefit I get is the ability to get my partner a reduced rate at the wellness center here. We don't use this one since my partner is a full time student. But a friend, another faculty did sign her partner up for it with great difficulty. The center official did not want to grant this reduced fee to a same sex couple. After negotiations and paperwork it was approved. I attempted to open a joint checking account with the university credit union. I had a couple of months of phone calls and conversations with people who did not seem to understand what I wanted and if they could do it. I was told joint accounts can be opened by family members. I said my partner is my family member. Since we are not married, nor related by blood, I could not do it. These negotiations included my informing them (and providing documentation) with the university policy on partner benefits and the evidence required to prove partnership. Oh, did you think I could just identify my partner? Can married people just say they are married? I believe this may be the case. But we had to pass a test-a criteria for determining partnership in such things as length of time living together, shared ownership of house or vehicle, evidence of shared bill paying all for a minimum of 2 years. I never got the checking account; the credit union decided it would have to be voted upon at the board meeting.

We are pretty lucky. We both have health insurance now. The doctors and nurses seem okay; we have accompanied each other into exam rooms and have received care and benefits. I gave up on the credit union. There are no family tuition benefits here so I do not have that battle. Some things are clear--even when an administration decides to do the right thing it can go wrong if it does not attempt to change the culture of the institution. We have benefits but this is not a particularly comfortable place to be for sexual minorities, the staff does not appear to understand the benefits or so willing to extend them. During our orientation we were provided with 'multicultural' training in which the facilitators had trouble saying the word lesbian even though we said it first. So, benefits should be equally distributed among all kinds of families, yes. But the school

must change the climate as well. We left Kentucky, in part, because there were no partner benefits at potential employing universities. We also knew in Kentucky the cultural climate was not accepting because the universities were not even trying to have the conversation.

Steve Savage, former UK faculty: In the mid-1990s Steve Savage, a library faculty of over sixteen years, left the University largely because of conflicting policies tied to domestic partnership benefits. At an American Library Association (ALA) conference, Steve met the love of his life, another librarian from Michigan. Their romance developed into a long term partnership. Steve sought to have the University help hire his partner through its trailing partner policy, but was told that because his partner was another man, they did not meet the criteria for the policy. Some months later a position opened within the library system that would have had Steve as one of the position's supervisors. When Steve's partner sought to apply for it, Steve was told that because his partner could not apply because of the University's policy against having one member of a couple supervising another. In this case, Steve felt the policy of defining his family as a couple in one case and not as a couple in another was deeply discriminatory. Steve began looking for a job closer to his partner and left the University.

Dr. David Wagner, Associate Professor and Director of Graduate Studies, Forestry:

Because UK does not allow domestic partner benefits, my partner (who is retired) must purchase a "Medicare supplement" policy, the premium for which is ~\$300 per month. On top of that, his medications, even with the benefits from the supplemental insurance that he can purchase (which is lousy) costs ~\$400 per month out-of-pocket. That makes \$700 we pay per month for his health care costs, even when he is healthy! This is difficult to say the least . . . and it's disheartening that UK chooses not to help us while at the same time allowing other couples who don't happen to be gay to purchase health insurance coverage to protect their families.

Carol W., former MedCenter employee: In the mid-1990s, Carol's partner chose to have some elective surgery at the UK Medical Center. Before the surgery the two carefully explained that they were a couple and had been so for over 20 years. Carol's partner wanted Carol to be in the recovery room waiting for her when she woke up. All seemed to be planned and well until the day of the surgery. When Carol went to go back to the recovery area, she was told that only family could go back to sit with patients. In the UK system, Carol was listed only as friend. Fortunately, Carol was a MedCenter employee and used her employee badge to get to her partner.

James Younce, Staff, Parking Office: (James and his same-sex partner have been together for almost a decade. While they have had a religious marriage ceremony within their faith community, it is not legally recognized in Kentucky. Thus, in the religious sense, the two are married and husbands.) Below is James' response to stories about how DP benefits affect his family:

When I first started UK, I believe I had already asked on Lambdanet about DP benefits, and of course, found out there were none. I also asked co-workers about DP benefits after I was there a few weeks, and they seemed to be more optimistic. They were under the impression many of the programs you could sign up for even if you weren't married, but having checked some of them out with a representative, I educated my co-workers that they were in fact wrong.

My husband & I were very interested in the wellness programs, and use of Alumni Gym/Seaton Center. We were current members of Gold's Gym, but UK seemed to have better programs, and obviously a lot cheaper. Once I found out they extended no DP benefits, we realized this included the Wellness Programs. Disappointed, we continued our membership at Gold's Gym instead. Although Gold's Gym doesn't specifically have us listed as married, they actually allowed us to join 2 years ago as a couple when they were running their Valentine's day 'couples' special. I think it is sad that Gold's Gym would be willing to recognize us, but UK would not.

My husband & I were also interested in tickets for UK football & basketball games. As an employee, I actually now can purchase a ticket before the general public, but after students. I am also a student, but trying to purchase two tickets that would allow me and my husband to sit together during the game still wasn't helped by the new employee ticket program. I did see where you could purchase family tickets before the general public, and I believe at a discounted rate as well. This is a student program. I inquired to the Athletics department, because it said a marriage certificate or birth certificate proving a legal relationship would be required. They wrote back insisting only legally married couples could purchase the family tickets. Again, disappointed, we never went to any ballgame.

I had also talked to the representative regarding all of the voluntary programs they had to offer. The only program that would work for my husband & I was the universal life insurance policy. The representative told me that she knew in the past they were able to work around the marriage issue in order to write a policy for the life insurance. Honestly, once I found out that my husband & I would not be treated like any other couple, I wasn't very interested in anything else MPM had to offer.

Although my husband already has health insurance through his company, we compared plans & obviously the UK HMO was much cheaper. I currently have the UK HMO program, and even after I have heard horror stories about UKMC, I still think the doctors there are more thorough & more willing to spend time with you than any other place I've ever been. We would have considered moving my husband over to the UK HMO plan. Unfortunately, we can't because we're not legally married.

The Elder Care program is another program that causes me concern. It sounds like a great program, but not only does it not include my husband and his elders, but it doesn't include much of my 'family'. Married persons are not the only thing that needs a new definition in this country in this day & age. The legal constraints of 'family' also need to

be broadened. I'm not saying everyone should be considered. However, in my case, my mother has already passed away. My father is pretty much non-existent. I barely see any of my blood relatives at all. However, a woman named Laura Napier is the same to me as my mother. She raised me just as much - if not more than - my own mother. I had my own room at her house. I spent more time with her than I did my own mother. I treated them both like my mother. She has been diagnosed with MS. Her mother, who is just like my grandmother, had a stroke over a year ago. Elder Care would be of great benefit to them, but because there is no legal relationship, it does us no good. It would also benefit my husband's family - they are all a little older than my family, and would benefit greatly from this, but again, no legal relationship, so no benefit.

My husband & I also considered membership to Spindletop. I have not honestly researched it further because of being disappointed about all the other benefits. My co-workers again seem to be optimistic that if we were to join & pay the dues, no one would question the fact that we are not legally married. I had thought Spindletop would be a great place to renew our vows in our 10 year anniversary that is coming up in a couple of years. I think we would also enjoy the pool. However, we won't until UK changes its policy.

In regards to certain leave (TDL), I am unsure as to whether my husband is included in this or not. The policy for using TDL to care for someone other than yourself states:

"82.1.15.1 A family member is defined for this eligibility as spouse, child, grandchild, mother, father, grandparent, brother, sister, (includes steps, halves, and in-laws of the same relationship), legal dependent of the employee irrespective of residence, or another who resides in the employee's household and for whom the employee has an obligation to provide care. "

Now I am not sure who decides the last part. He is in my household, and I have an obligation to provide care for him - in my opinion & in his. But I do not know if that would hold up with UK's policies?

After looking at funeral leave, it seems to leave many things open. It looks as though not only would my husband's death be included in the funeral leave, but also my "second mother" Laura would be included, as well as possibly my husband's immediate family. This is after looking at policy 84.1.1. So, in death, to UK, these people are most important in my life to give me time off, but in life, they are not. That is interesting. I'd rather celebrate the relationship while they are living, rather than after they have died.

It is also interesting that Laura (my second mother) is included under the FMLA provision, although we have no legal relationship. She was in a in loco parentis relationship with me as a child, so I could take time off under FMLA in order to care for her were she seriously ill. However, my husband, who I am more financially & emotionally responsible for, is NOT covered under UK's definition of FMLA. How sad.

Finally, as I work in the Parking office, I see other 'benefits' of being married or having a legal relationship that some may not see as a benefit, but a lot of people do see it as a big

convenience benefit. At the Parking office, we do not accept payments by check or credit card for a debt (permit, citation, impoundment) from anyone other than the student/employee, unless there is a legal relationship - usually a spouse, or parent of a student. We also do not allow anyone other than a parent or a spouse to pickup/purchase permits for a student/employee. Many employees/students find it convenient for their spouse or parent to come deal with Parking issues for them while they are at work/class. Also, we have many people who don't have the money to pay for their issues, so they have their spouse or parent pay for them. Working in the department, I myself do not really have this issue. But if I did not work there, my husband could not come in and pay my impoundment fees/citations with his credit card, nor could he come in and purchase my E permit for me while I was at work. The issue is about chargebacks, and stopped payments. If there is no legal relationship between the two people, it is nearly impossible for the department to hold my husband accountable (for instance) for a payment made for something I incurred. That is the basis for the policy. So I am not sure it is an UK issue so much as it is a financial institution or KY legislature issue.

