

Will gay weddings lead to fewer domestic partnership benefits?



Could gay wedding bells ring out a death knell for domestic partnership benefits?

Many South Florida employers have been offering health insurance to the partners of their unmarried employees. Although many saw the policies as a way of making those once marriage-related benefits available to same-sex couples unable to wed legally, the majority of employees claiming the benefits have been in opposite-sex relationships.

Now that same-sex marriages are legal in the state, businesses and

governments that offer the benefits will have to decide if they still want to provide them to domestic partners, regardless if the employees are gay or straight.

Fort Lauderdale Mayor Jack Seiler said it may be time to do away with the benefits for his city's employees now that "everybody is going to be treated the same" when it comes to marriage.

Seiler wants a task force to research what other communities are doing. He said domestic partnership benefits were meant to protect same-sex couples, and were only extended to opposite-sex couples so as not to discriminate.

"Some couples took advantage of it that could have gotten married," Seiler said. "I think they need to make a decision on whether they're going to get married or not."

Nationally, there has been a rapid movement toward legalized same-sex marriage, making it difficult to gauge its implications for domestic partnerships. But in some communities across the nation, the legalization of gay marriage has prompted repeal of domestic partnership benefits.

"This is all just waiting to explode," said Thomas F. Coleman, executive director of Unmarried America, an information service for unwed couples and singles. Coleman supports domestic partnership benefits for same-sex and opposite-sex couples — and even blood relatives where an unmarried employee is supporting a sibling, adult child or aging parent in need of benefits.

Fort Lauderdale labor lawyer **Brett Schneider** said employers facing increasing employee benefit costs may see legalized same-sex marriage as an excuse to eliminate benefits to unmarried couples.

"Employers could say, 'If you want benefits, get married, whether you're gay or straight,'" Schneider said. Equality Florida, a gay-rights organization, said same-sex marriage is not a reason to cut benefits to unmarried couples.



"We were fighting for the freedom to marry, not the requirement to marry," said Nadine Smith, Equality Florida's executive director. "There are plenty of reasons why people, straight couples, have chosen domestic partnerships rather than marriage."

But in Maryland, the state ended domestic partnership benefits — which had only been offered to state employees in same-sex relationships — once gays could marry there. In Pennsylvania, Allegheny County did the same.

Arizona attempted to end all domestic partnership benefits for state employees in 2009, but court challenges kept the action from being fully enforced until same-sex marriage became legal in the state in October. Domestic partnership benefits have been eliminated for Arizona state employees effective Jan. 1.

"We're starting to see some unintended consequences of the marriage-equality movement," said Sarah Wright, chairwoman of the Massachusetts-based advocacy group Unmarried Equality. "Increasingly, there's sort of a mind set that marriage is still the gold

standard."

Some places, such as New York City, have continued domestic partnership benefits unchanged after the legalization of same-sex marriage in their states.

And in South Florida, many businesses that offer opposite-sex and same-sex domestic partnership benefits say they won't change their coverage. Some that don't offer the benefits will only extend new benefits to same-sex couples who marry. And some that have offered domestic partnership benefits only to same-sex couples will be required under federal law to expand the benefits to include opposite-sex couples or do away with the benefits completely. Nationally, 35 percent of local governments and private businesses offer domestic partnership benefits to same-sex couples and 30 percent to opposite-sex couples, according to March 2014 data from federal Bureau of Labor Statistics. In the past year, a number of South Florida cities — including Pembroke Pines, Margate and **Boynton Beach** — added domestic partnership benefits for their employees.



Wedding providers expect boost from same-sex marriages. Some Pines commissioners wanted the new benefits to be repealed automatically if same-sex marriage became legal, but the majority said no. Now Pines Commissioner Angelo Castillo, like Seiler, thinks there should be another discussion.

"You're actually disincentivizing marriage [by giving benefits to domestic partners]. That's a very heady and deep argument that we need to confront," he said.

Stratton Pollitzer, Equality Florida's deputy director, said he doubts

Fort Lauderdale will end the benefits.

"Why the mayor of Fort Lauderdale would want to celebrate marriage equality by throwing families off of the city's health care plan is beyond me," Pollitzer said. "At a time when we have more committed couples, both same and opposite sex, who are unmarried for personal and practical reasons, we should be working to protect their families as well."

Only a small fraction of government workers — most in opposite-sex relationships — have taken advantage of the domestic partnership benefits in South Florida. **Boca Raton** has only four employees receiving the benefits, Fort Lauderdale 29, **Palm Beach County** 54 and **Broward County** 143.

Broward is not considering doing away with the benefits and may move to allow employees to claim domestic partnerships even if they don't live with their partner — since there is no such requirement for married couples.

"I would have trouble doing away with an ordinance that would take away benefits from people who are currently getting them," said county commissioner Marty Kiar.

South Florida counties have created domestic partnership registries to give their residents the same rights as married couples at facilities such as hospitals and jails. It also allows them to make health decisions about their partners.

Last year, opposite-sex couples accounted for almost two-thirds of those registering in Palm Beach and about 40 percent of those registering in Broward.

Former Broward Commissioner Sue Gunzburger said domestic partnerships can have other benefits as well, allowing senior couples to keep Social Security benefits, or protecting a mother and adult child needing the medical benefits unavailable without a partnership.

"If you're only looking at it through the same-sex marriage issue, then you're only seeing it through a very narrow prism," Gunzburger said.

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Domestic partner benefits

The benefits can include:

Insurance: Health and dental insurance for partners and their dependents. They can also include life insurance and participation in employee assistance programs.

Family leave: Maternity leave, bereavement leave, and sick leave to care for domestic partners and their dependents. Some governments also provide an additional subsidy to employees, because health insurance provided to an unmarried partner is taxable.