

Council likely to grant medical benefits to unmarried heterosexuals

MONTCLARION Friday, April 17, 1998

■ *A policy meant to even the playing field for gays drew charges of inequity.*

By Tiare Rath

When City Council members granted same-sex partners of city employees medical benefits a year and a half ago, they didn't expect that their effort to fight discrimination would turn into accusations that they were discriminatory.

But unmarried city employees have threatened lawsuits over the issue, and now the City Council is considering turning an exclusive policy for gays and lesbians into an inclusive policy for all domestic partners.

The council will decide Tuesday whether it should insure all couples under the city's medical plan, regardless of race, gender, marital status — or sexual orientation. Domestic partners of any sexual orientation are allowed to register with the city, and they are covered under dental and eye care plans if their partner is a city employee. But other medical benefits are left out if the couple is heterosexual.

Staff reports to the council say that adding heterosexual domestic partners to the city's medical insurance plan will cost a maximum \$70,000, which staff does not consider a significant cost.

The city was almost dragged into a lawsuit over the issue, which had critics scratching their heads trying to figure out why, if there wasn't a large financial impact, the city wouldn't just give benefits to all domestic partners.

City believed it was correcting an inequality

Council members believed, and the city's position remains, that allowing same-sex couples medical insurance without offering it to registered heterosexual couples is not discriminatory. In the opinion of the city attorney's office,



Jeff Lindquist

Mickey Ayyoub believes that just because he isn't gay, he shouldn't be denied benefits for his domestic partner.

because gays and lesbians cannot legally marry, they are in an unequal situation to heterosexual singles, who have that option.

The problem is that the state's labor commissioner, citizen groups and labor unions don't agree with them, said deputy city attorney Wendy Rouder. Therefore, the council is re-evaluating its decision.

"It comes out to taking a second look at values," she said.

"Some people could have seen the old resolution as progressive, but really it was traditional."

It's traditional because the city was promoting marriage with its actions, Rouder said.

Critics like Mickey Ayyoub, an engineer in the city's Public Works Agency, said that valuing marriage or a same-sex partnership over his heterosexual partnership isn't fair.

Benefits

"If we wanted [insurance], we must marry," he said. "It was odd."

Ayyoub and his partner pay \$74 a month for a policy with a \$2,500 deductible, and a doctor's visit costs \$48.

Ayyoub complained to his union and to the state labor commissioner, who agreed with him; but the city wouldn't back down. Firefighter Allan Edwards also filed a complaint and teamed up with Ayyoub and with Los Angeles attorney Thomas Coleman,

who handles domestic partnership and gay rights cases.

ACLU supported the city

While many groups, including seniors, supported overturning the city's resolution, the American Civil Liberties Union came down on the side of the city, surprising both Ayyoub and Coleman.

"We think [giving benefits to all domestic partners] would be the ideal situation," said Kelli Evans, staff attorney for the Northern California chapter of the ACLU. But legally, the ACLU believes the city's resolution is solid.

"It's simply trying to remedy the discrimination of the state's marriage laws," Evans said.

Even though the council is expected to pass the resolution granting benefits to all domestic partners, Coleman is trying to rally support to push the resolution through.

Coleman said the support has

been "less than overwhelming," but that human rights organizations, seniors and state politicians have written letters to the council.

Coleman said he has also received the support of a gay-lesbian-bisexual group, but added that some gays and lesbians have

been critical of including unmarried heterosexuals in the benefits plan.

"This is not about trying to take something away from gay

people," he argued.

Ayyoub said he and his partner are "counting on" the council passing the resolution so they won't have to shell out as much money for her medical care.

But the city can also expect a fight from Ayyoub over the actual medical plan once this battle's through. Under the Prudential Health plan offered, the city pays only \$300 out of a \$528 premium.

"It's insane," Ayyoub said. "How can they think they're helping anyone at all?"

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—MICKEY AYYOUB
City Employee
