

Partners File Complaint In Oakland State threatens to sue city over health benefits

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Oakland is flouting a legal order by refusing to provide medical benefits to heterosexual domestic partners of city employees, a longtime firefighter claimed yesterday in lodging a complaint with the state.

Allen Edwards' complaint against Oakland is the second to be filed with the state labor commissioner since the city enacted the policy last year. It extends medical coverage to domestic partners of gay and lesbian city employees on the same terms as benefits extended to heterosexual married employees.

The city faced its first challenge last year when Mickey Ayyoub, an engineer with the city since 1990, filed a complaint with the labor commissioner after being unable to obtain medical benefits for his female domestic partner.

After investigating Ayyoub's complaint, state Labor Commissioner Jose Millan ruled in October that Oakland's policy was indeed discriminatory and ordered the city to extend the program to heterosexual couples who register as domestic partners with the city.

The city filed an appeal, but Millan's ruling was upheld. However, the city has continued to stand by its policy and has refused to follow the commissioner's order -- prompting the threat of a lawsuit by the state.

Reached at his office yesterday, Millan said that if the facts of Edwards case are similar to those of Ayyoub, he will likely rule once again that Oakland is in violation of state law.

Millan said he was exasperated that Oakland is "digging in its heels" and ignoring his order to change its policy.

"The whole situation is really tragic and I don't understand why Oakland insists on adhering to the policy," he said. "It's really stupid that we have to go through this yet again."

Millan said he expects to rule in the Edwards case in the next 60 days. If Oakland still hasn't changed its policy by then, the state will sue, Millan said.

Oakland Assistant City Attorney Joyce Hicks said she could not comment on Edwards' complaint because she has not yet seen it. She also would not comment on the city's refusal to follow the state commissioner's ruling in the Ayyoub case.

Until now, the City Council has said nothing about the ruling. Yesterday, Councilman Dick Spees said, "We will certainly look at it again and consider it, given this (latest) filing."

Since 1993, Oakland has offered vision and dental benefits to domestic partners of city employees regardless of gender. Last year, the city granted medical benefits to the partners of gay and lesbian employees. Hicks said the intent was to counteract discrimination against gays and lesbians, who cannot legally marry.

But Tom Coleman, a lawyer representing Ayyoub and Edwards, says the city is actually discriminating by not opening up the policy to opposite-sex partners.

At a press conference yesterday, Ayyoub and Edwards, a 26- year veteran of the Fire Department who has lived with his female partner for as many years, said they were not opposed to medical benefits being provided to gay and lesbian couples. They simply believe their long-term relationships warrant the same rights and that they should not be forced to marry in order to receive benefits for their partners.

"Our commitment should have the same value as (the commitment of) gay and lesbian people," Ayyoub said.

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