

# Examples of States that Provide Benefits to Same-Sex Partners of State Employees

## Enacted by State Legislature

Rhode Island<sup>1</sup>

## Implemented by Executive Order

New Mexico<sup>2</sup>

## Implemented by Administrative Rulemaking

Arizona<sup>3</sup>

## Implemented As A Result of Judicial Decision

Alaska<sup>4</sup>

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<sup>1</sup> See, e.g., R.I. Gen. Laws §§ 28-48-1, 36-12-1, 36-12-2.4, 45-19-4.3 (2008). The session laws evince Rhode Island's approach of amending the definition of "dependent," and over time addressing benefits including medical leave and COBRA. 2001 R.I. Pub. Laws. ch. 01-110; 2006 R.I. Pub. Laws chs. 06-189, 06-316, 06-644, 06-645.

Rhode Island also addressed the tax implications of domestic partner benefits, including imputed income. See, e.g., R.I. Gen. Laws §§ 36-12-15, 44-1-7, 44-30-12(c)(6) (2008).

<sup>2</sup> N.M. Exec. Order No. 2003-010 (Apr. 9, 2003), *available at* [http://www.governor.state.nm.us/orders/2003/EO\\_2003\\_010.pdf](http://www.governor.state.nm.us/orders/2003/EO_2003_010.pdf). See also, e.g., N.M. Code R. §§ 1.7.1.7(FF), 6.50.1.7, 6.50.10 (2008).

<sup>3</sup> Ariz. Admin. Code §§ 2-5-101, 2-5-416 to -419, 2-5-420 to -421, *amended by* 14 Ariz. Admin. Reg. 1420 (Apr. 25, 2008).

<sup>4</sup> *Alaska Civil Liberties Union v. Alaska*, 122 P.3d 781 (Alaska 2005); Alaska Admin. Code tit. 2, §§ 38.010, 38.030, 38.050, 38.070, 38.100 (2008).

## Implemented As A Result of Judicial Decision (cont.)

Montana<sup>5</sup>

## Implemented Because of Collective Bargaining Agreement<sup>6</sup>

Illinois<sup>7</sup>

Iowa<sup>8</sup>

New York<sup>9</sup>

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<sup>5</sup> *Snetsinger v. Mont. Univ. Sys.*, 104 P.3d 445 (Mont. 2004); *see also, e.g.*, State of Montana Health Care and Benefits Division, *2008 Benefits Annual Change Booklet 16*, available at <http://benefits.mt.gov/docs/2008%20documents/ACBooklet2008.pdf>; *Declaration of Domestic Partner Relationship Form*, available at <http://benefits.mt.gov/docs/DomesticPartnerDeclaration.pdf>.

<sup>6</sup> *See generally* Pride at Work, *Seven Easy Steps for Adding Domestic Partner Benefits to Your Union Contract* (Jan. 15, 2005), available at <http://prideatwork.org/public/documents/StepsForDPbenefitsUnionContract.pdf>; AFSCME, *Achieving Domestic Partner Benefits* (1999), available at <http://www.afscme.org/publications/9729.cfm>; AFSCME, *Gay and Lesbian Resources*, available at <http://www.afscme.org/publications/5580.cfm>.

<sup>7</sup> After an agreement covering state union employees, the Governor extended the benefits to include non-union employees. *See, e.g.*, Office of Gov. Rod Blagojevich, Press Release, *Governor Blagojevich Extends Health Benefits to State Employee Domestic Partners* (May 8, 2006), available at <http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=1&RecNum=4837>; Ill. Dep't of Central Mgmt. Services, *Domestic Partner Group Insurance Benefits* (May 21, 2007), available at [http://www.state.il.us/cms/download/pdfs\\_benefits/DomesticPartnerPacketuniononly20070521.pdf](http://www.state.il.us/cms/download/pdfs_benefits/DomesticPartnerPacketuniononly20070521.pdf).

<sup>8</sup> *See, e.g.*, Iowa Dep't of Administrative Services, *Fact Sheet: Domestic Partner Benefits*, available at [http://www.das.hre.iowa.gov/benefits/benefit\\_documents/domestic\\_partner\\_fact\\_sheet.pdf](http://www.das.hre.iowa.gov/benefits/benefit_documents/domestic_partner_fact_sheet.pdf).

<sup>9</sup> *See, e.g.*, Ian Fisher, *Cuomo Decides to Extend Domestic-Partner Benefits*, N.Y. Times, June 29, 1994, at B4; *Pataki Won't Bar Pacts on Benefits*, N.Y. Times, Feb. 7, 1995, at B7; Richard Perez-Pena, *Bruno Agrees on Domestic-Partner Benefits*, N.Y. Times, Jan. 20, 2001, at B4. *See also, e.g.*, *Administrative Services Union 2003-2007 Contract* § 9.18, available at: <http://goer.state.ny.us/cna/current/cseaasu/02art09.html>; *Memorandum of Understanding Concerning Domestic Partner Health Insurance Eligibility between Governor's Office of Employee Relations and United University Professions*, available at <http://goer.state.ny.us/cna/current/uappsnu/08appA25.html>; *Memorandum of*

## Available Along With Statewide Relationship Recognition

California (marriage and registered domestic partnerships)<sup>10</sup>

Connecticut (marriage and civil unions)<sup>11</sup>

District of Columbia (domestic partnerships)<sup>12</sup>

Maine (domestic partnerships)<sup>13</sup>

Massachusetts (marriage)<sup>14</sup>

New Hampshire (civil unions)<sup>15</sup>

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*Understanding Concerning Domestic Partnership between Governor's Office of Employee Relations and the Public Employees Federation* (Oct. 2, 1995), available at <http://goer.state.ny.us/cna/1995to1999/pefpst/05app03w.html>; N.Y. Exec. Order No. 28 (Cuomo), N.Y. Comp. Codes R. & Regs. tit. 9, § 4.28 (Nov. 21, 1983).

<sup>10</sup> *In re Marriage Cases*, 183 P.3d 384 (Cal. 2008) (marriage); *see also, e.g.*, Cal. Fam. Code § 297.5 (2008) (registered domestic partnerships). Benefits for state employees were a part of the original enactment of registered domestic partnerships, and the related session laws may be the most helpful resource. *See* Domestic Partnership Act, 1999 Cal. Legis. Serv. ch. 588.

<sup>11</sup> *Kerrigan v. Comm'r of Pub. Health*, No. 17716, \_\_ A.2d \_\_, 2008 WL 4530885 (Conn. Oct. 28, 2008) (marriage); *see also, e.g.*, Conn. Gen. Stat. Ann. §§ 46b-38nn, -38oo (2008) (civil unions). Prior to the enactment of civil unions, Connecticut had implemented domestic partner benefits for state employees pursuant to union arbitration. *See, e.g.*, Conn. Comptroller's Mem. No. 2000-13 (Mar. 10, 2000), available at <http://www.osc.state.ct.us/memoarchives3/2000memos/200013.htm>.

<sup>12</sup> *See, e.g.*, District of Columbia Dep't of Health, Vital Records Div., *Domestic Partnership FAQ*, available at [http://doh.dc.gov/doh/cwp/view,a,3,q,573324,dohNav\\_GID,1787,dohNav,|33110|33120|33139|.asp](http://doh.dc.gov/doh/cwp/view,a,3,q,573324,dohNav_GID,1787,dohNav,|33110|33120|33139|.asp).

<sup>13</sup> In 2002, the State Employee Health Commission approved benefits for domestic partners. *See, e.g.*, Gary J. Remal, *Domestic Partners Win State Benefits*, Portland Press Herald, Mar. 9, 2001, at 1A; Anthem Blue Cross and Blue Shield, *State of Maine Member Enrollment/Member Change Form*, available at <http://www.maine.gov/beh/HealthBenefits/Anthem%20Application2.pdf>.

<sup>14</sup> *Goodridge v. Dep't of Public Health*, 798 N.E.2d 941 (Mass. 2003).

<sup>15</sup> *See, e.g.*, N.H. Rev. Stat. Ann. § 457-A:6 (2008).

## Available Along With Statewide Relationship Recognition (cont.)

New Jersey (civil unions)<sup>16</sup>

Oregon (domestic partnerships)<sup>17</sup>

Vermont (civil unions)<sup>18</sup>

Washington (domestic partnerships)<sup>19</sup>

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<sup>16</sup> Pursuant to *Lewis v. Harris*, 908 A.2d 196 (N.J. 2006), the New Jersey Legislature enacted a civil union law, *see, e.g.*, N.J. Stat. Ann. § 37:1-31. Previously, New Jersey enacted a statewide domestic partnership law that also allowed benefits for the domestic partners of state employees. The benefits from widely dispersed statutory provisions are assembled in the session laws. Domestic Partnership Act, 2003 N.J. Sess. Law Serv. ch. 246, §§ 41 *et seq.*

<sup>17</sup> Oregon Family Fairness Act, 2007 Or. Laws ch. 99. Previously, Oregon provided domestic partner benefits because of a judicial decision. *Tanner v. Or. Health Sciences Univ.*, 971 P.2d 435 (Or. Ct. App. 1998). The implementing regulations addressed survivor benefits, continuation rights after termination, and qualifying events for changes in enrollment. *See, e.g.*, Or. Admin R. 101-010-0005, 101-015-0005, 101-020-0020, 101-020-0035, 101-020-0040, 101-030-0005, 101-030-0025, 101-030-0030, 101-030-0040, 101-040-0025, 101-040-0030, 101-050-0005, 101-050-0010, 101-050-0020, 101-050-0025, 101-060-0010, 459-035-0020, 459-035-0070, 459-035-0080 (2007).

<sup>18</sup> Pursuant to *Baker v. State*, 744 A.2d 864 (Vt. 1999), the Vermont Legislature enacted a civil union law, *see, e.g.*, Vt. Stat. Ann. tit. 15, § 1204 (2008). Previously, Vermont state employees received domestic partnership benefits pursuant to a collective bargaining agreement. *See, e.g., Vermont Workers Win Health Benefits*, N.Y. Times, June 13, 1994, at A13; State of Vermont Department of Personnel, *Domestic Partner Application and Policy*, available at <http://vermontpersonnel.org/employee/pdf/dompartner.pdf>. *See also, e.g., Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. Non-Management Bargaining Unit art. 49*, available at <http://www.vsea.org/sites/vsea.org/files/NMU08CONTRACT.pdf>.

<sup>19</sup> Domestic Partnership Act, 2007 Wash. Legis. Serv. ch. 156. Prior to the enactment of statewide domestic partnerships, Washington had administratively implemented domestic partnership benefits for state employees. *See, e.g.*, Wash. Admin. Code. 182-08-015, 182-08-198, 182-12-109, 182-12-131, 182-12-205, 182-12-260, 182-12-265. 182-12-270 (2007).