

**Amending Personnel Policy Manual For Ulster County And Ulster County Employee Handbook To Provide Health Insurance Benefits To Same-Sex Domestic Partners Of Employees Of Ulster County Equal To Those Currently Provided To Spouses**

Chairman Donaldson, the Health Committee (Chairman R.S. Parete and Legislators Liepmann, Sheeley, Stoeckeler, Terpening, Busick and Roberti), the Health Committee's Subcommittee on Domestic Partnership Health Insurance Benefits (Chairman Terpening and Legislators Stoeckeler, Shapiro and Busick) and Legislator R.A. Parete offer the following:

WHEREAS, the County of Ulster has been named as a defendant in a class action commenced in the Supreme Court of the State of New York, County of Ulster, Index No. 06-2860, entitled "MAUREEN FORD, NATALIE KORNILOFF, CHERYL QAMAR, and CIVIL SERVICE EMPLOYEES ASSOCIATION, INC., LOCAL 1000, AFSCME, AFL-CIO, Plaintiffs, against the COUNTY OF ULSTER, Defendant" which seeks to have the County of Ulster institute a policy that will make health insurance benefits available to same-sex, domestic partners of lesbian and gay County employees, and

WHEREAS, the parties are desirous of settling this lawsuit, and

WHEREAS, same-sex domestic partners face a legal impediment that opposite-sex domestic partners do not face in that they may not be legally married in New York State, and

WHEREAS, Section 296(1) (a) New York Executive Law, more commonly known as the Human Rights Law, provides that it shall be an "unlawful discriminatory practice" for any employer to discriminate against any individual in the terms and conditions of employment because of the sexual orientation of said individual, and

WHEREAS, the State of New York and various counties, cities and governmental entities throughout the State and numerous employers in the private sector have extended health insurance benefits to the domestic partners of their unmarried employees, and

WHEREAS, a same-sex domestic partner is a person of the same sex with whom an employee resides and maintains an exclusive, committed, long-term relationship of mutual support and financial responsibility, and

WHEREAS, the Ulster County Legislature believes that it is not only required by law but also it is in the best interests of the County of Ulster to accord health insurance benefits to same-sex domestic partners of unmarried County employees

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equivalent to the benefits available to spouses of County employees, and

WHEREAS, the Health Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Health Committee's Subcommittee on Domestic Partnership Health Insurance Benefits has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED, that in order to extend health insurance coverage to same-sex domestic partners of County employees, Article IV (B) of the Personnel Policy Manual for Ulster County and Article VII (H) of the Ulster County Employee Handbook are amended to incorporate the definition of a same-sex domestic partner as described above, and to apply all benefits outlined in the aforementioned articles to same-sex domestic partners, and

FURTHER RESOLVED, that this amendment to the above referenced Personnel Policy Manual for Ulster County and the Ulster County Employee Handbook shall apply solely to same-sex domestic partners, and

FURTHER RESOLVED, that in implementing the above amendments, the County hereby adopts, as a minimum standard, the requirements for enrollment of same-sex domestic partners applied by the State for its employees since 1993, including submission of proof of joint residency for one year and affidavits of financial interdependence, in the form attached, with supporting documents, and

FURTHER RESOLVED, that upon the termination of a same-sex domestic partnership as a result of the death or marriage of the non-employee partner or upon the termination of said domestic partnership by either partner, the County employee may not obtain health insurance benefits for a new same-sex domestic partner until said new domestic partnership has been in effect for a continuous period of one year, and

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FURTHER RESOLVED, that this legislation shall not take effect until the parties in the above referenced action have settled the pending action, and

FURTHER RESOLVED, that the Ulster County Attorney shall have full authority to settle the above referenced action upon the terms and conditions that he shall deem appropriate for the County of Ulster, and

FURTHER RESOLVED, that the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County officials, and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 19                      NOES: 13  
(NOES: Legislators Aiello, Alfonso, Busick, Cummings, Dart, Every, Fabiano, Gerentine, Harris, Loughran, McAfee, Noonan and Roberti)  
(Absent: Legislator Felicello)

FINANCIAL IMPACT:

\$247,497.00 TO \$371,245.00 – BASED ON NEW YORK STATE ASSOCIATION OF COUNTIES STUDY – 2006

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