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Recruit, Recruit, Recruit: Organizing Benefits for Employees with Unmarried Families

Polly Thistlethwaite

I heard my girlfriend's knee pop as she stepped out the door this morning. The sound of her ligaments moving in a way they should not is dreadful enough, but it is all the more frightening in this household because she has no health insurance right now. Luckily, her knee popping sounded worse than it turned out to be. This time. We put ice on it, packed ibuprofen for later, and counted the days until her private medical insurance kicked in.

WHAT'S THE ISSUE?

If we were a married heterosexual couple, I could offer my Beloved terrific medical benefits through my job in the library at Colorado State University (CSU). Colorado is one of eleven states (plus the District of Columbia) recognizing common law marriage. Heterosexual couples can march into the CSU Human Resources Office anytime to sign an Affidavit of Common Law marriage immediately after which the staff smile pleasantly and offer them insurance forms to fill out. The CSU employee in that couple then receives tax-free compensation to cover "employee plus one" or "family" benefits if there are children involved. One month later, both parties in that hetero dyad plus either of their off- spring are covered by CSU's generous medical and dental benefits. I can get my significant other a library card, because CSU's library "microenvironment" welcomes the partners and families of unmarried employees. But I am denied compensation from my university employer to cover the substantial and increasing costs of my family's medical benefits. The failure of academic employers to extend medical benefits to the domestic partners and families of unmarried employees constitutes disparate and unequal compensation. It is blatant, unapologetic financial discrimination.

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Title inspired by the popular 1990s Lesbian Avengers chant: "Ten percent is not enough—recruit, recruit, recruit!" Alfred Kinsey's 1948 estimate that 10 percent of the male population is more or less exclusively homosexual stands as a classic reference in queer politicking.

WHY SHOULD LIBRARIANS CARE?

Everybody should care, but it is often the case that the normalized, privileged majority in any institution is sadly indifferent to practices that do not operate favorably for marginalized others. Our profession mandates that librarians advocate for equitable treatment for all library employees.¹ Following this professional guideline, librarians must logically embrace “diversity” inclusive of sexual orientation and marital status and contribute to a professional environment that treats all employees respectfully and equally. In addition, because research is key to successful argument, librarians are in positions critical to university political efforts. Academic librarians, providing lifelines to their campus constituencies, have excellent position and authority, as well as a professional imperative to lead.

Fair, friendly employment practices are essential to fostering diversity and goodwill among employees and staff. And, as an unhappy corollary, unfair employment practices compensating only traditional nuclear families are antithetical to commonplace academic goals fostering institutional diversity. It is often the case that institutions of higher education profess intent to embrace “diversity” as it applies to sexual orientation. There may be laudable mention of sexual orientation in the official lists of discriminations prohibited by the university. Further, there may be sanctions imposed on employees who do harm or harass other employees on account of sexual orientation. Academic institutions are in large part ready to address singular, gross violations against any employee; yet they are less prepared to acknowledge and correct their own institutional role in perpetuating systemic, policy-driven discrimination against an entire class of employees. An institution must practice fair compensation in the form of benefits pay to provide meaningful substance to the assertion that it does not discriminate on the grounds of sexual orientation or marital status. Talking the talk should mean walking the walk.

M-O-N-E-Y

A friend of mine who’d lived a particularly hardscrabble life used to answer her own rhetorical question: “How do I spell ‘love?’ M-O-N-E-Y.” She wasn’t always speaking about her employer, but her sentiment is applicable to this argument. Benefits can comprise up to 40 percent of a worker’s income—providing more equity percentage-wise for employees in the lower than the upper wage ranges.² The benefits pay for a CSU faculty member earning \$31,000 annually would total an additional \$2591 or 7.2 percent of the base salary—a significant amount of money that can be applied tax-free to a variety of insurance plans covering the employee and family.

Employees with families that do not fit unfortunately narrow definitions of the traditional nuclear family are compensated less (or are eligible for less compensation) than employees with married nuclear families. If any employee’s family—say, an employee’s significant other of any gender plus dependents of both—is denied inclusion in benefits plans, there is an inequitable compensation structure in operation favoring married heterosexuals and their offspring over unmarried and/or same-sex couples and their offspring. Clearly employers

who provide the least judgment and restriction regarding an employee's family structure will be more favorably reviewed by non-traditional employees. Providing benefits only to employees with married heterosexual spouses is bad for recruitment and retention of unmarried gay, lesbian, bisexual, and heterosexual employees with families to support. The failure of academic institutions to provide benefits plans recognizing employees' domestic partners for "spousal" or "family" coverage is un-fair and discriminatory, morally proscriptive, and in this day and age, also bad for business.

The number of unmarried, unrelated opposite sex couples living together has nearly tripled since 1980, comprising over 4 percent of all U.S. households.³ Another 1.7 million households, about 1.6 percent of the U.S. total, are comprised of unrelated couples of the same sex.⁴ So, nearly 6 percent of the self-identified "households" in the U.S. are comprised of unmarried, unrelated adults. All members of these households deserve medical coverage just as much as those occupying married households. Arguably, the wealthiest nation on the planet should provide every citizen, regardless of employment status, access to affordable medical care. But, as evidenced by the failure of the health care initiative in President Clinton's first term, this country is not headed immediately in that direction. In the United States during the mid-1990s, employers provided medical insurance for about 61 percent of the population.⁵

Why, in an age of rising health care costs, would some institutions of higher education condemn the families of certain employees to an increasingly costly and uncertain health care environment? The additional cost to an academic organization extending domestic partner benefits to employees is by all reports negligible, less than .5 percent.⁶

Part of this low cost reflects the low participation levels in domestic partner plans. Employer-paid benefits offered to unwed and same-sex couples are counted as taxable income to the employee. Married couples are not taxed on this additional income; unmarried adults of any variety are.⁷ Given the documented precedent of low cost domestic partnership plans, most universities still withholding the benefit are likely more concerned with political consequences.

University administrators often cite unfavorable or controversial political climates for gays and lesbians as reason enough to forego pursuit of necessary permission to extend domestic partner benefits. CSU administrators currently justify their refusal to pursue the benefit as a decision "good for the university," given their fear that Colorado's conservative legislators might threaten financial punishment for such activity.⁸ Stanford University, in contrast, pursued equitable compensation in the early 1990s, despite speculation that there might be some budgetary fallout. Barbara Fried reported Stanford's laudable position regarding same-sex couples in 1994.

Stanford's mission does not end with narrowly defined tasks of teaching and research. Like most colleges and universities, it has historically (and we believe commendably) perceived part of its role to be a moral force not merely in the education of its students but in society at large. Consistent with that role, it has tried

to hold itself to higher ethical standards than might prevail in society in general, often at some political cost ... Viewed in that light, the bill presents a political opportunity (indeed, some would argue a political obligation), not just a political liability. Again, we think it is instructive to keep in mind how one would view the same question with respect to other forms of discrimination. One imagines, for example, that a decision by Stanford 40 years ago to take the lead in eradicating discrimination against blacks, women, and Jews in admissions, hiring, memberships in sororities and fraternities, etc., would have been politically unpopular with many alumni, as well as with the larger political community. One also imagines that had Stanford taken such a leadership role, few in the Stanford community would look back on that decision now with anything but pride ...⁹

Recalcitrant or fearful university administrators might alternately be persuaded to institute unmarried partner benefits if they see that they are out-of-step and therefore less competitive with institutional peers. The leaders in higher education are steadily forging ahead on this issue, leaving those failing to extend this benefit in the waning shadow of the secular majority. Assisted by Dani Holveck, an undergraduate student at CSU, the author conducted a telephone survey with personnel office representatives of Tier 1 and Tier 2 academic institutions as defined by U.S. News & World Report in August 1999.¹⁰ The survey began in the spring of 2000 and was updated in the fall of 2000. As of November 2000, 72 percent of the Tier 1 institutions—the country’s top fifty colleges and universities—offer benefits to the same-sex domestic partners of their employees, or plan to do so in the coming year (see Table 1). Of the 14 Tier 1 schools not offering same-sex benefits, 4 have religious affiliations. Twenty-eight of the 32 Tier 1 private institutions compared to only 8 of the 18 public institutions offer same-sex benefits, suggesting that private universities might more readily implement this kind of policy. Any assumption about the relative ease or frequency with which private universities instate domestic partner benefits is challenged when examining Tier 2 institutions, the 70 colleges and universities ranked under the top 50 (see Table 2). Only 29 percent of the private Tier 2 institutions offer same-sex benefits, compared to 35 percent of the Tier 2 public universities.

This survey, summarized in Table 3, indicates that:

1. a characteristic distinguishing leading institutions of higher education from Tier 2 institutions is that they offer employee compensation for same-sex domestic partner benefits; and,
2. leading American educational institutions provide same-sex unmarried couples with partner benefits much more frequently than unmarried opposite-sex couples

Forty-nine percent of the 120 Tier 1 and Tier 2 institutions combined provide benefits compensation covering employee’s same-sex partners, while only 8 percent of the Tier 1 and 2 institutions provide benefits for unmarried opposite-sex couples. Robert Anderson reported in 1997 that “the vast majority” of non-university employers providing domestic partner benefits offered them to same- and opposite-sex couples, whereas the majority of

university employers offered them only to same-sex couples.¹¹ This trend follows the argument with most legal traction in the presence of institutional sexual orientation nondiscrimination clauses: marriage is available to heterosexuals alone as evidence of a “family” relationship, and no such legitimizing state of union exists for same-sex couples. Therefore, academic employers often feel obliged to offer domestic partner benefits to same-sex couples only based on this group’s denied access to the state of matrimony.

American higher education then, like a bully patriarch at a shotgun wedding, displays remarkable near consistency in granting equitable compensation and precious medical benefits to opposite-sex couples only if “properly” married. Any challenge same-sex couples might present to the legitimizing social force of marriage is near uniformly resisted by the academy in application to opposite-sex couples. This coercive institutional double standard is currently under-protested. Only 10 Tier 1 and Tier 2 institutions offer domestic partner coverage for unmarried same-sex and opposite-sex couples: four campuses of the State University of New York (SUNY), University of Oregon, Michigan Technological University, Rice University, Washington University, Worcester Polytechnic Institute, and the University of Southern California. Anderson’s 1997 article predicted legal challenges to higher education’s practice of offering same-sex-only domestic partner benefits given that several varieties of employment law prohibit discrimination based on sex.¹² An employee with a same-sex partner meriting compensation denied to an employee with an unmarried opposite-sex partner seems to present a situation ripe for refutation. So far, however, higher education has not been presented with significant policy precedent or legal challenge to reverse the trend towards same-sex only domestic partner benefits compensation practices.

THE ACADEMY AS MORAL ARBITER

Since the mid-1990s, several gay activist groups have focused on obtaining the right for same-sex couples to marry. Gay marriage, the argument goes, is the most direct route to a consequent legion of legal benefits the state of matrimony bestows on its citizens.¹³ While it is only fair that same-sex couples should have the same set of social options available to them as opposite-sex couples, marriage is not universally embraced by heterosexuals or homosexuals as a family-forming institution of choice. With a steadily falling rate of marriage and a steadily rising rate of divorce, marriage does not necessarily signal longevity, commitment, stability, or fidelity in a relationship. But never mind that, even. Why should any employer, particularly an academic institution, dictate which employees have relationships and families deserving benefits compensation and which employees do not? Employees should not be penalized or rewarded for the composition of personal lives and families. The business of discriminating “deserving” families from “undeserving” ones is a business the academy should cease immediately, observing well-established academic principles of intellectual and personal freedom.

What might it look like for the academy, for any employer, to quit prescribing marriage as the primary qualification for benefits compensation? By eliminating marriage or a marriage-like same-sex arrangement as a necessary prerequisite for benefits compensation,

employers would approach compensatory equity for employees with a diversity of family structures. To be fair within the constraints of employer-based medical insurance, every employee would be welcomed to identify one domestic partner, of married or unmarried relationship to the employee, for benefits coverage. The dependent children of both partners would be covered as well, to provide benefits equitable to married couples. Married and unmarried families of any gender combination then, would receive equal, fair benefits compensation. This type of plan, currently in place in only 10 of the above-mentioned Tier 1 and Tier 2 institutions, is simple, affordable, and fair. It delivers financial equity among married and unmarried same- and opposite-sex families, achieving equal and fair compensation for a range and variety of chosen families. Higher education will do well to widely institute fair, equal compensation practices which recognize the relationships and families of unmarried employees of all sexual orientations as well as it does married heterosexual employees.

HOW TO ORGANIZE FOR DOMESTIC PARTNER BENEFITS

Sadly, efforts to obtain domestic partner benefits at CSU have been unsuccessful so far. What follows, however, is my best sequence of action for obtaining for these benefits, based on research and experience.

1. Do your research. Essential reading includes Robert Anderson's chapter on organizing for domestic partner benefits in *Homo Economics* and the Stanford document by Fried, both cited above. The Lambda Legal Defense Fund assembles current news relevant to domestic partner benefits.¹⁴ The National Gay and Lesbian Task Force features a helpful manual in PDF file format with legal and strategic advice about domestic partner benefits.¹⁵ Partner's Web site features practical advice for obtaining benefits in the workplace.¹⁶ The Human Rights Campaign (HRC) tends to advocate for "gay marriage" but also features information about domestic partner benefits.¹⁷ The American Association for Single People features helpful information about advocating for all unmarried people.¹⁸ For these and other relevant links, check the author's Special Topics–Domestic Partner Benefits Web page.¹⁹
2. Find out the current practices at your institution, identify the roadblocks to better benefits, and know the practices at peer institutions and local businesses.
3. Find allies. Organize a group to research and strategize. It is best if all levels of university community—faculty, students, staff—work together to expand the constituency and to provide solid social and political grounding. Tap existing organizations as possible partners (e.g., unions or gay, lesbian, bisexual, transgender faculty-staff-student groups, singles rights advocates). Garner support from all on campus willing to express their support publicly.
4. Establish non-discrimination policies against sexual orientation and marital status in university by-laws. This provides precedence, argument, and legal traction.
5. Make your colleagues informed and your administration accountable. Discuss and publicize your efforts outside your group of immediate supporters. Encourage deans

- and directors to articulate problems of recruitment and retention to any recalcitrant administration. Indifference and ignorance means complicity with the status quo.
6. Draft and present a proposal for domestic partner benefits to administrative bodies. Publicize this effort to make administrators accountable for their actions.
 7. If these do not work, the struggle begins. Publicize the issue in the local and national press. Sometimes national attention will inspire a parochial institution to meet academic standards disrespected by a conservative local polity. Garner student and faculty support. Let your community know where the roadblocks are, and who is responsible for them. Use personal stories to illustrate the inequities and hardships as a result of the lack of medical benefits. Force obstructionists to articulate and account for themselves in the press on this issue.
 8. Exhaust administrative grievance procedures. Publicize the process as you go along.
 9. Consider legal recourse. Many civil rights and gay/lesbian rights organizations, evidenced in the Web sites cited above, are willing to assist in these efforts pro-bono. Unions in Connecticut and New Jersey have been instrumental in reaching settlements through grievance proceedings and collective bargaining.
 10. Have FUN, using the library as a springboard for activism. Throw parties.

TABLE 1. Tier 1 Institutions' Employee Domestic Partner Benefits

Academic Institution	Same Sex DP Benefits	Opposite Sex DP
*+American University	yes	no ++
Auburn University	no	no ++
*+Baylor University	no	no ++
*Boston University	no	no
*+Brigham Young University	no	no
*+Catholic University of America	no	no ++
*Clark University	yes	no
*Clarkson University	no	no
Clemson University	no	no ++
Colorado School of Mines	no	no ++
Colorado State University	no fac/staff; yes students	no ++ fac/staff; yes
*+Duquesne University	no	no
Florida State University	no	no
*+Fordham University	no	no
George Washington University	no	no ++
*Illinois Institute of Technology	yes	no
Indiana University-Bloomington	no	no
Iowa State University	yes fac/pro; no staff	no ++
*+Loyola University	no	no
*+Marquette University	no	no
Miami University-Oxford	no	no ++
Michigan State University	yes	no
Michigan Technological University	yes	yes
North Carolina State University-	no	no
Ohio State University-Columbus	no	no ++
*Ohio University	no	no ++
*+Pepperdine University	no	no
Purdue University	no	no
*Rensselaer Polytechnic Institute	no	no
Rutgers-New Brunswick	no	no
Rutgers-Newark	no	no
*+Southern Methodist University	no	no ++
*+St. Louis University	no	no
*Stevens Institute of Technology	no	no
SUNY-Albany	yes	yes
SUNY-Binghamton	yes	yes
SUNY-Buffalo	yes	yes
SUNY-Stony Brook	yes	yes
*Syracuse University	yes	no
Texas A&M University-College Station	no	no ++

* Private institution; + Religious affiliation; ++ Common Law Marriage recognized for opposite sex couples. Opposite sex domestic partner benefits here refer to benefits offered to employees in unmarried relationships, without designation of marriage by common law. Eleven states and the District of Columbia recognize common law marriage.

TABLE 2. Tier 2 Institutions' Employee Domestic Partner Benefits

Academic Institution	Same Sex DP Benefits	Opposite Sex DP Benefits
*+Texas Christian University	no	no ++
University of Alabama	no	no ++
University of Arizona	no	no
University of California-Riverside	yes	no
University of California-Santa Cruz	yes	no
University of Colorado-Boulder	no fac/staff; yes students	no ++
University of Connecticut	yes	no
University of Delaware	no	no
*+University of Denver	yes	no ++
University of Georgia	no	no
University of Iowa	yes—some unions no	no ++
University of Kansas	no	no ++
University of Kentucky	no	no
University of Maryland-College Park	no	no
University of Massachusetts-Amherst	no	no
*University of Miami	yes	no
University of Minnesota-Twin Cities	yes	no
University of Missouri-Columbia	no	no
University of Missouri-Rolla	no	no
University of Nebraska-Lincoln	no	no
University of New Hampshire	yes fac/pro; no staff	no
University of Oregon	yes	yes
University of Pittsburgh	no	no ++
*+University of San Diego	no	no ++
University of South Carolina-Columbia	no	no ++
University of Tennessee-Knoxville	no	no
University of Vermont	yes	no
Virginia Tech	no	no
Washington State University	yes	no
*Worcester Polytechnic Institute	yes	yes

* Private institution; + Religious affiliation; ++ Common Law Marriage recognized for opposite sex couples. Opposite sex domestic partner benefits here refer to benefits offered to employees in unmarried relationships, without designation of marriage by common law. Eleven states and the District of Columbia recognize common law marriage.

TABLE 3. Summary

Institution Type (T=Tier)	T1	T1 Private	T1 Public	T2	T2 Private	T2 Public	T1+2	T1+2 Religious Affiliation
Total #	50	32	18	70	24	46	120	20
# Same Sex DP Benefits	36	28	8	23	7	16	59	4
% Same Sex DP Benefits	72%	88%	44%	33%	29%	35%	49%	25%
# Opposite Sex DP Benefits	3	3	0	7	1	6	10	0
% Opposite Sex DP Benefits	6%	10%	0%	10%	4%	13%	8%	0%

NOTES

¹ The Code of Ethics of the American Library Association states, "We treat co-workers and other colleagues with respect, fairness and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions" (Chicago, IL: American Library Association, 1995 [online] available from <http://www.ala.org/alaorg/oif/ethics.html> [cited 21 November 2000]).

² American Federation of State, County and Municipal Employees, "Achieving Domestic Partner Benefits," *Collective Bargaining Reporter* no. 1 (1999), revised June 2000 [online] available from http://www.afscme.org/wrkplace/cbr199_2.htm.

³ *Statistical Abstract of the United States* (Washington, DC: GPO, 1999), 60, table 68.

⁴ Bureau of the Census, *Marital Status and Living Arrangements: March 1998* (Washington, DC: U.S. Dept. of Commerce, Bureau of the Census, GPO, 1994), *Current Population Reports, Population Characteristics, Series P20-514* [online] available from <http://www.census.gov/prod/99pubs/p20-514u.pdf>.

⁵ Bureau of the Census, *Health Insurance Coverage: 1995* (Washington, DC: Bureau of the Census, March 1996) [online] available from <http://www.census.gov/hhes/hlthins/cover95/c95taba.html>.

⁶ Stanford's study that costs rose only about .5% covering same-sex domestic partners. See Barbara Fried, *Domestic Partner Benefits: A Case Study* (Stanford University: College and University Personnel Association, 1994).

⁷ Liz Pulliam Weston, "Health Plans for Domestic Partner Can Add to Tax Bill" *Los Angeles Times*, 24 September 2000, sec. W1.

⁸ CSU Vice President to a group of CSU faculty, staff, and students assembled to discuss domestic partner benefits for unmarried employees 23 March 2000.

⁹ Fried, *Domestic Partner Benefits*.

¹⁰ "Best National Universities," *U.S. News & World Report*, 8 August 1999, 88-91.

¹¹ Robert M. Anderson, "Domestic Partner Benefits: A Primer for Gay and Activists," in *Homo Economics: Capitalism, Community, and Lesbian and Gay Life*, eds. Amy Gluckman and Betsy Reed (New York: Routledge, 1997), 249-60.

¹² *Ibid.*

¹³ Partners Task Force for Gay and Lesbian Couples, "Marriage Benefits List," 2000 [online] available from <http://www.buddybuddy.com/mar-list.html> [cited 21 November 2000].

¹⁴ Lambda Legal Defense Fund, 2000 [online] available from <http://www.lambdalegal.org/> [cited 21 November 2000].

¹⁵ National Gay and Lesbian Task Force, 2000 [online] available from <http://www.nglftf.org/>

[cited 21 November 2000].

¹⁶ Partner's Task Force for Gay and Lesbian Couples, 2000 [online] available from <http://www.buddybuddy.com> [cited 21 November 2000].

¹⁷ Human Rights Campaign, 2000 [online] available from <http://www.hrc.org> [cited 21 November 2000].

¹⁸ American Association for Single People, (2000) [online] available from <http://www.singlesrights.com/dp-info.html> [cited 21 November 2000].

¹⁹ Gay, Lesbian, Bisexual, Transgender Studies, "Special Topic–Domestic Partner Benefits," (2000) [online] available from <http://manta.library.colostate.edu/research/gnl/domparts.html> [cited 21 November 2000].