

Resolution: Domestic Partnership Benefits University of Nebraska at Kearney (10-20-2010)

WHEREAS, the principle of equal rights is an important value to our country;

WHEREAS, the principle of equal rights is an important value to the State of Nebraska as commonly expressed in the Great Seal of the State of Nebraska with the motto "EQUALITY BEFORE THE LAW" emblazoned in capital letters as instructed and enacted by the Legislature of the State of Nebraska in Section 1 of the Act of 1867;

WHEREAS, the movement toward domestic partnership benefits in the workplace is rooted in the egalitarian principal that equal work warrants equal pay, including employment benefits which, when extended to employees with an opposite-sex spouse, should be extended to employees with a same-sex partner;¹

WHEREAS, the state anti-gay marriage, union, or partnership amendment adopted in the year 2000 in Article I, Section 29 of the Nebraska State Constitution complicates but should not prohibit the extension of employee benefits to unmarried domestic partners;²

WHEREAS, the definition of unmarried domestic partners eligible for employee benefits has been established at several Nebraska corporations with national and international business interests such as ConAgra Foods Inc., Mutual of Omaha, and Union Pacific Corporation;

WHEREAS, the definition of unmarried domestic partners eligible for employee benefits has been established at many regionally and nationally prominent public and private universities such as Harvard University, Iowa State University, Ohio State University, Purdue University, University of California, University of Illinois, University of Indiana, University of Iowa, University of Minnesota, University of Pennsylvania, and Yale University;

WHEREAS, universities restricted by state law from offering unmarried domestic partner benefits, such as the University of Michigan, still extend employee benefits to "other qualified adults" (OQA);³

WHEREAS, the University of Nebraska, as the state's premier institution of higher learning with growing regional, national and international interests, wishes to compete for the very best faculty and staff regardless of marital status or sexual orientation;

WHEREAS, the University of Nebraska, as the state's premier institution of higher learning with growing regional, national and international interests, wishes to uphold the state's founding principle of equality;

THEREFORE BE IT RESOLVED that the University of Nebraska at Kearney's Chancellor's Advisory Committee on Gender Equity supports unmarried domestic partner benefits and strongly urges the university's Faculty Senate to likewise support this resolution and in turn urge administration of the University of Nebraska at Kearney to bring this resolution to the attention of the central administration of the University of Nebraska and to the Board of Regents of the University of Nebraska.

¹ "Partners Task Force for Gay and Lesbian Couples" <http://www.buddybuddy.com/d-p-col.html#foot-denied> (accessed October 17, 2010).

² Nebraska Legislature, I-29, "Marriage; same-sex relationships not valid or recognized:" states that "Only marriage between a man and a woman shall be valid or recognized in Nebraska. The uniting of two persons of the same sex in a civil union, domestic partnership, or other similar same-sex relationship shall not be valid or recognized in Nebraska." Adopted 2000, Initiative Measure No. 416. Found unconstitutional in May 2005 by U.S. District Judge Joseph Bataillon whose decision was then reversed in July 2006 by the 8th U.S. Circuit Court of Appeals <http://uniweb.legislature.ne.gov/laws/articles.php?article=I-29> (accessed October 17, 2010).

³ University of Michigan, <http://www.askhr.umich.edu/entry/577/> (accessed October 17, 2010).

Resources:

Iowa State University

Domestic Partners are defined as those “who have a committed relationship solely to one another exhibiting the following qualities: Partners intend to continue the relationship indefinitely; Neither partner is married nor a domestic partner to another person; The partners are above the age of 18 and are not related in a way that would otherwise bar marriage; The partners agree to support one another and share significant resources for the benefit of their union.” <http://www.hrs.iastate.edu/hrs/node/161> (accessed October 17, 2010).

Mutual of Omaha, 2010 Benefits Guide. “Eligible Dependents” for “applicable benefits plans” include “your spouse; your same sex domestic partner; your unmarried child who is a Qualifying Child or a Qualifying Relative.” “Same Sex Domestic Partner” is defined as “A license or certificate and/or other evidence acceptable to the Plan Administrator issued by a state, city and /or county demonstrating Your same sex marriage, civil union or other domestic partner relationship recognized under the applicable laws of such state, city and/or county” (pp. 1, 28). <http://www.mutualofomaha.com/careers/benefits/> (accessed October 17, 2010).

Nebraska Legislature, State motto

<http://uniweb.legislature.ne.gov/laws/statutes.php?statute=s8405001000> (accessed October 17, 2010).

Nebraska Legislature, Article I, Section 29, “Marriage; same-sex relationships not valid or recognized.” Adopted 2000, Initiative Measure No. 416. Found unconstitutional in May 2005 by U.S. District Judge Joseph Bataillon whose decision was then reversed in July 2006 by the 8th U.S. Circuit Court of Appeals. <http://uniweb.legislature.ne.gov/laws/articles.php?article=I-29> (accessed October 17, 2010).

Partners Task Force for Gay and Lesbian Couples: provides a list of over 170 U.S. colleges and universities that offer some form of domestic partner benefits.

<http://www.buddybuddy.com/d-p-col.html#foot-denied> (accessed October 17, 2010).

University of California (domestic partner benefits since 1997).

<http://www.universityofcalifornia.edu/news/article/19960> (accessed October 17, 2010).

http://atyourservice.ucop.edu/employees/health_welfare/index.html (accessed October 17, 2010).

University of Iowa

<http://www.uiowa.edu/hr/benefits/domesticpart.html> (accessed October 17, 2010).

University of Michigan: Benefits for “other qualified adults”

“Domestic Partners: Question: Does the university offer domestic partner benefits?”

Answer: U-M does not offer benefits on the basis of domestic partnership, but rather offers a category of adult dependents who can be covered under an employee’s benefit plans. Learn more about the eligibility requirements for coverage of an ‘Other Qualified Adult’ on benefits page.”

<http://www.askhr.umich.edu/entry/577/> (accessed October 17, 2010).

<http://www.benefits.umich.edu/eligibility/oqa.html> (accessed October 17, 2010).