



Wright State
University

Office of the Dean
College of Science and Mathematics
Dayton, Ohio 45435
513/873-2611

DATE: November 2, 1993

TO: PSAC Members*

FROM: Joyce Corban *JC*

SUBJECT: PSAC Meetings with Presidential Candidates

PSAC members are scheduled to meet with the Presidential candidates at the following times:

Blaine Barnell	Tuesday, November 9	9:30-10:15	Large Conference Room
Kim Goldenberg	Friday, November 12	9:30-10:15	Large Conference Room
Harley Flack	Tuesday, November 16	9:30-10:15	Small Conference Room

Please make your best effort to come to these meetings. We must make a positive impression on all three candidates so we will have credibility with whoever becomes our next president. If you can't be at a particular session, let me know and I'll try to find a substitute. I'll also ask Jeff Vernooy, immediate past-Chair of PSAC, to attend. Thanks.

P.S. See you on Monday, November 8 at 3:00 in the Harbage Room for our regular PSAC meeting. We'll get our ducks in a row there, so we can present a unified effort at the meetings with candidates.

- * Kathy Barbour--M153A CAC
- Lois Boehm--245A Allyn
- Ken Davenport--127 SS
- Kim Grant--356 Nutter
- Mike Schulze--059 Allyn
- Bob Smith--401F Dunbar Library
- Pam Wallace-Johnson--131 SS
- Chris Watson--126 Dunbar Library
- Kevin Watson--247 Allyn

c: Jeff Vernooy



**Wright State
University**

Office of Public Relations
231 Allyn Hall
513/873-3232

November 3, 1993

Open forums set for candidates for WSU president

Faculty, staff and students who want to meet the three candidates for the presidency of Wright State University are encouraged to attend open forums for each constituency. Biographical information about each candidate was published in the Nov. 1 issue of the *University Times/This Week*. The forum schedule follows.

Dr. Blaine A. Brownell

Provost and Vice President for Academic Affairs, University of North Texas, Denton

Monday, Nov. 8	3:30-4:15 p.m., Faculty forum, Medical Sciences auditorium
	4:30-5:15 p.m., Student forum, Medical Sciences auditorium
Tuesday, Nov. 9:	2:45-3:30 p.m., Staff forum, Medical Sciences auditorium



Dr. Kim Goldenberg

Dean, School of Medicine, Wright State University, Dayton

Wednesday, Nov. 10:	3:30-4:15 p.m., Faculty forum, Medical Sciences auditorium
	4:30-5:15 p.m., Student forum, Medical Sciences auditorium
Friday, Nov. 12:	2:45-3:30 p.m., Staff forum, Medical Sciences auditorium



Dr. Harley E. Flack

Executive Vice President/Provost, Rowan College of New Jersey, Glassboro

Monday, Nov. 15	3:30-4:15 p.m., Faculty forum, Concert Hall, Creative Arts
	4:30-5:15 p.m., Student forum, Concert Hall, Creative Arts
Tuesday, Nov. 16:	2:45-3:30 p.m., Staff forum, 101 Fawcett Hall

Evaluation forms will be available at each forum to enable you to provide candidate assessments. You also may contact your representatives on the Advisory Search Committee:

Faculty: Dr. Maggie MacDonald, English; Dr. Edgar Rutter, Mathematics; Dr. Rudy Fichtenbaum, Economics; or Dr. Phyllis Henderson, Education and Human Services.

Staff: Jeff Vernooy, (Professional Staff Advisory Committee) Office of Disability Services; Lee Guild, (Classified Staff Advisory Committee) Department of Health, Physical Education and Recreation.

Students: Andrea Feldman or David Kirkhart, Student Government.

**Wright State University
Professional Staff Advisory Council
Minutes of November 8, 1993**

Joyce Corban called the meeting to order in the Harbage Room at the University Libraries. In attendance were: Kathie Barbour, Lois Boehm, Joyce Corban, Ken Davenport, Lou Faulkner, Gail Fred, Kim Grant, Ben Guild, Steve Hayden, Gerry Petrak, Catherine Queener, Mike Schulze, Bob Smith, Jeff Vernooy, Pamela Wallace-Johnson, Chris Watson and Kevin Watson.

Compensation: One change in the compensation guidelines is the "commendable" rating for the classified staff has been changed "to meritorious" to match the Compensation Philosophy terminology.

Evaluations: The Tool Kits for Supervisors to use as a management tool in completing the evaluations were mailed to supervisors on Nov. 15. (The supervisors who received the kits were from the list Human Resources asked all departments to send.)

Human Resources cannot mail these to all employees because of cost constraints, but Human Resources and PSAC recommend that all staff review the Tool Kit, especially pages 6-16 which define the OPTIONAL criteria for evaluation and give examples of level of performance for each. Employees can see the Tool Kit by asking their supervisor, or a copy is on reserve at Dunbar and Fordham Libraries. An electronic version is also available through the University Libraries LIBNET.

The deadline for turning evaluations into Human Resources will be February 28.

PSAC Charter: Joyce asked for volunteers to review the PSAC Charter and to check on the constituency breakdown. Ben Guild and Chris Watson volunteered.

Presidential Candidates: Information on PSAC was sent to each candidate. Information on the candidates is available on reserve at the Dunbar and Fordham Libraries. PSAC members will interview each candidate.

Spring Event: There was discussion on what type of spring event PSAC should sponsor this year. Steve Hayden, Mike Schulze and Kim Grant agreed to work together to bring some ideas before the council.

Governance Committee: A new committee chaired by Donna Schlagheck is looking at the university governance structure. Joyce Corban is on the committee to represent the professional staff. Lee Guild represents classified staff. Three students and eleven faculty are also on the committee.

UBRC: Pamela Wallace-Johnson reported on the discussion at UBRC regarding benefits for

REVISED DRAFT #10
October 1, 1993

COMPENSATION PHILOSOPHY

In order to attract and retain an effective, committed work force, Wright State University must offer competitive levels of compensation and recognize the achievements of its employees. The Board of Trustees has charged the university administration with making every possible effort to maintain average salary levels for each tenure-earning faculty rank at a position within the second quartile of the array of such salaries for all Ohio public four-year institutions (Board of Trustees Resolution 92-4). Classified and unclassified salaries will be determined within pay ranges, competitive to the recruitment market, including comparably sized Ohio public universities.

Wright State University believes that most faculty and staff are meritorious and deserve compensation increases which recognize their accomplishments while remaining competitive with other Ohio public universities. Wright State University's faculty and staff endorse a system that begins with a university-wide salary increase pool and combines across-the-board percent increases for effective faculty, unclassified, and classified staff with special recognition for superior performance. Merit awards should reflect real and measurable differences in individual or group performance. Increases should be denied to faculty and staff who fail to meet minimum performance standards.

Any successful compensation policy must rest upon reliable procedures for evaluating employee performance. Such evaluations will occur regularly for employees in the form of narrative assessments. Evaluations of managers/administrators will include an assessment of their effectiveness in evaluating those who report to them, as well as their demonstrated commitment to the university's affirmative action and equal opportunity goals and their commitment to quality team performance.

GUIDELINES FOR IMPLEMENTATION

1. When university resources permit consideration of a compensation increase, the president will determine, after consultation with appropriate governance, a university-wide salary pool.

In order to ensure uniformity across the Wright State University community, the Department of Human Resources will develop, whenever a compensation increase is considered, guidelines for reviewing classified and unclassified staff. Guidelines will emphasize the importance of appraisal based on job-related behaviors. Faculty evaluations will be uniform throughout each school/college.

- A. Faculty and unclassified staff shall be evaluated using four categories which include: outstanding, meritorious, satisfactory, and unsatisfactory. Those employees evaluated as meritorious or outstanding shall receive the across-the-board increase. A lesser amount of salary adjustment shall be granted to those employees evaluated as satisfactory. Those faculty and unclassified employees evaluated as unsatisfactory shall receive no salary increase.

An additional merit may be granted to faculty and unclassified staff evaluated as outstanding. This additional merit will be expressed in a dollar award to recognize exceptional performance for the rating period.

- B. All classified staff will be evaluated using three categories which include: outstanding, commendable, and unsatisfactory. Those employees evaluated as commendable or outstanding shall receive the across-the-board increase. Those classified employees evaluated as unsatisfactory shall receive no salary increase.

An additional merit may be granted to classified staff evaluated as outstanding. This additional merit will be expressed in a dollar award to recognize exceptional performance for the rating period.

2. Guidelines and procedures for the process to award additional merit for classified and unclassified staff will be developed by the Department of Human Resources to ensure uniformity throughout the university. The guidelines will be reviewed periodically for their continued applicability to the university community.

The vice president for academic affairs will charge each college to utilize its established governance process to develop a written plan for implementing additional merit increases for faculty. These plans will be reviewed periodically for their continued applicability to the university community.

3. All graduate assistants who meet expectations will receive the across-the-board increase. Vice presidential areas may deny across-the-board increases to the few graduate assistants who fail to meet the minimum performance standards.

AGENDA
Professional Staff Advisory Council
November 8, 1993

1. Compensation (attachment)
2. PSAC Charter (attachment)
3. Spring Event
4. Constituency Definitions
5. Presidential Search (attachment)
6. Governance
7. Committee Reports

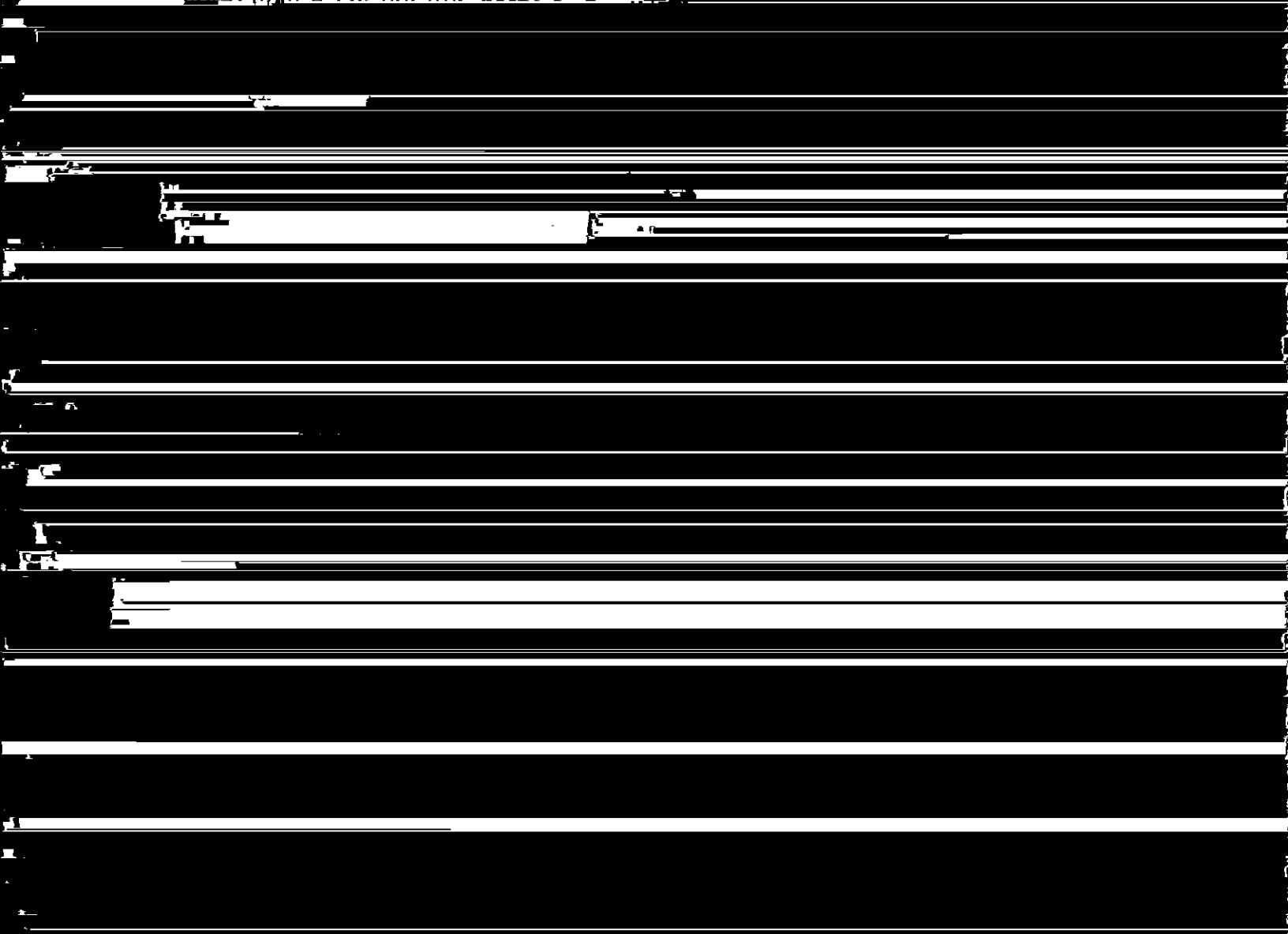


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Office of the Dean
College of Science and Mathematics
Dayton, Ohio 45435
513/873-2611

DATE: November 16, 1993
TO: PSAC Members
FROM: Joyce Corban
SUBJECT: Presidential Candidates

Attached is a draft of PSAC's recommendation to the Search Committee. Please call me at 2699 by noon Wednesday if you want to make changes (leave a message on voice mail if I'm not in). Sorry to give you such a short turn-around time. I'll be at



DATE: November 16, 1993
TO: Jeff Vernooy, Professional Staff Representative, Presidential Search Committee
FROM: Joyce Corban, Chair, Professional Staff Advisory Council
SUBJECT: Presidential Candidates

After meeting with each candidate, PSAC has the following reactions to Drs. Blaine Brownell, Harley Flack, and Kim Goldenberg:

Dr. Blaine Brownell

Dr. Brownell has no clear appreciation for the role of unclassified staff in the governance of the University. His commitment to diversity issues is vague, and his understanding of the importance of diversity-building at Wright State is questionable. Dr. Brownell made several comments about leaving Wright State after five years. We believe this indicates a lack of personal and professional commitment to Wright State and the Metropolitan community. As a group, we find Dr. Brownell unacceptable as a candidate for the office of President of Wright State University.

Dr. Harley Flack

Dr. Flack has a definite willingness to commit himself to Wright State University, the Metropolitan community, and the people of Ohio. He has a positive, upbeat personality; is clearly dedicated to diversity issues; believes that governance of the University should be based on consensus among all employees; and has a vision for Wright State that includes a continued




Wright State
University

Dayton, Ohio 45435

Date: November 12, 1993

To: PSAC Members

From: Pamela Wallace-Johnson 

Subject: Report of the Subcommittee on Benefits for Domestic Partners

Attached is a copy of the REPORT AND RECOMMENDATIONS OF THE SUBCOMMITTEE ON DOMESTIC PARTNERS as recently submitted to the UBRC. Since the report is scheduled to be discussed at the next UBRC meeting on November 30, I wanted to circulate it to each of you for your review. Please feel free to contact me with any comments/suggestions by November 18.

*

REPORT AND RECOMMENDATIONS
of the
Subcommittee on Domestic Partners

Wright State University
Dayton, Ohio

Prepared for
the University Budget Review Committee

October, 1993

Subcommittee Members

Marguerite MacDonald, Committee Chair and Faculty President,
Department of English

Tracy Consani, Student

Charles Derry, Professor, Department of Theatre Arts

Emmett Orr, Assistant Dean, School of Professional Psychology

Robert Putnam, Associate Professor, Department of Physiology &
Biophysics

Juanita Wehrle-Einhorn, Director of Affirmative Action Programs

SUMMARY

of the "REPORT AND RECOMMENDATIONS OF THE SUBCOMMITTEE ON DOMESTIC PARTNERS" prepared for the University Budget Review Committee, 10/93

The Committee has been meeting since March of 1993 to discuss the panoply of fringe benefits as they relate to domestic partners, including sick leave, bereavement, tuition remission, health insurance, and dental benefits. The Committee notes that current policies connect many fringe benefits to marriage, and by doing so, withholds these benefits from the University's gay and lesbian employees who cannot marry their partners under state law.

Further, the committee finds the administration of benefits discriminatory and in conflict with at least three specific policies: 1) Wright State's own non-discrimination policy, "Equal Opportunity in Employment," found in The Wright Way, policy 4001-2-a-1, 2) the Governor's Executive Order 83-64, and 3) the Diversity Statement for the University, unanimously passed by the Board of Trustees of Wright State on March 28, 1991--all documents which prohibit discrimination on the basis of sexual orientation.

In keeping with the movement on college campuses across the country, the Committee makes the strong argument that the University should extend these benefits to employees with domestic partners who are unable to marry, thus amending the present benefit policies which clearly have a disparate impact upon the University's gay and lesbian employees.

The trend toward fairness in benefits is moving very fast. Benefit policies for qualified domestic partners and children of domestic partners now exist at the University of Iowa, the University of Chicago, Stanford, the University of Vermont, Middlebury College, Harvard, M.I.T., Clark University, the University of Minnesota, Northeastern University, Dartmouth, Columbia University, among others. As well, numerous businesses and municipalities have pioneered in domestic partner benefits.

The Committee recognizes there are a variety of perceived problems associated with domestic partnership benefits, including the fear of higher cost, the fear of fraud, the fear of federal tax implications, and the perceived inability to find an insurance carrier. In the full report, each of these fears is examined in detail and shown basically to be unwarranted, not born out by the reality of domestic partnership programs. Finally, the Committee notes the possibility of litigation and the recent ruling in Vermont that ordered the University of Vermont to provide these benefits.

The Committee proposes a comprehensive "Domestic Partner Benefits Program," which allows employees to register their "qualified domestic partner" using the strict definition of the University of Iowa guidelines. For the use of sick leave and bereavement, the definition of family should be extended to qualified domestic partners and the children of domestic partners. As well, tuition remission, health insurance, and dental coverage should be available to qualified domestic partners and the dependent children of domestic partners.

The final section of the report discusses the cost for each of these benefits and finds them surprisingly low, adding less than one percent to the overall cost of benefits. In conclusion, the Committee

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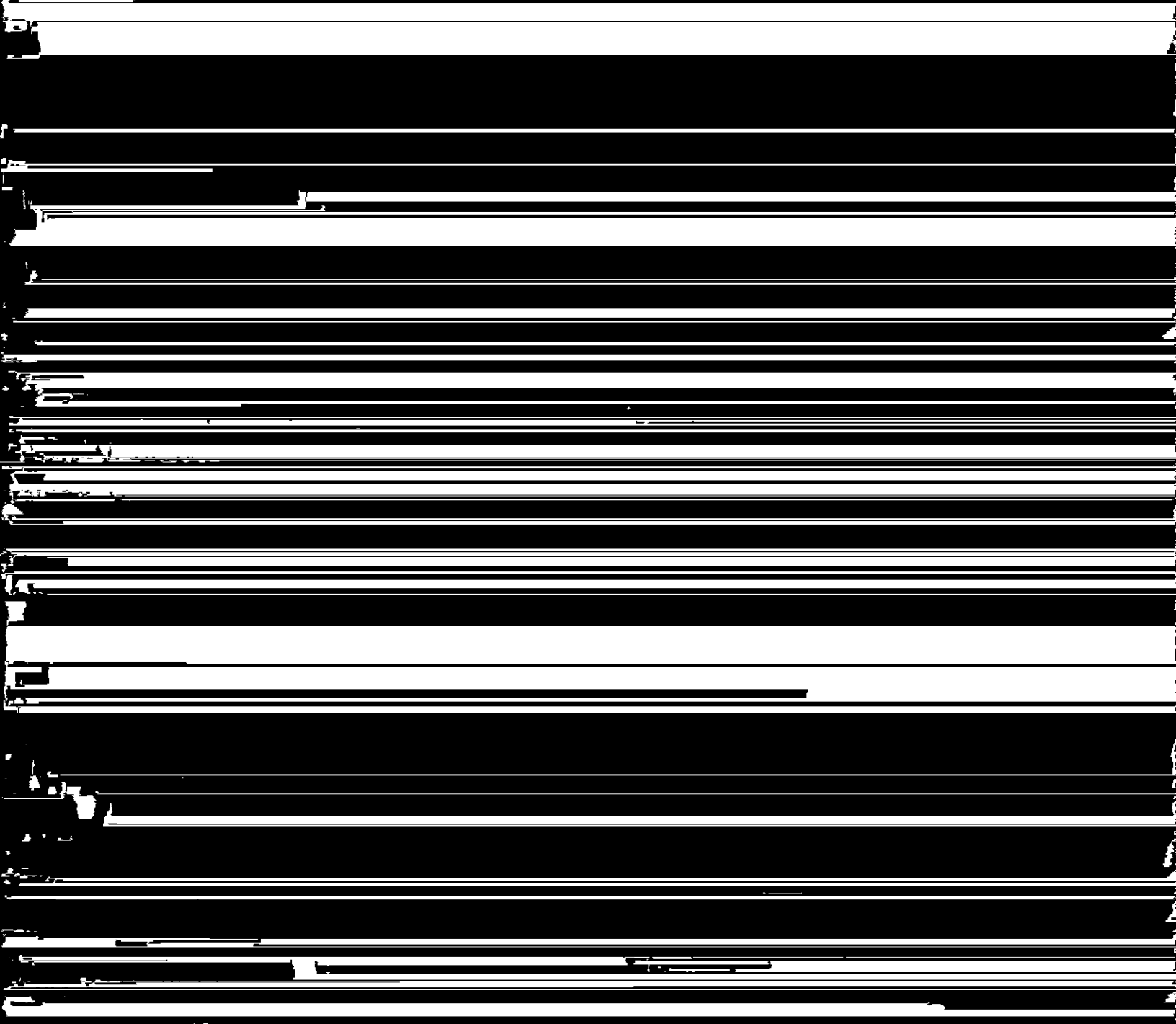
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The Domestic Partners Subcommittee of the UBRC has been meeting regularly since March of 1993, discussing and researching the whole panoply of fringe benefits as they relate to domestic partners. The major issues of equity include sick leave, bereavement, tuition remission, and health and dental insurance. The Committee notes that the area of domestic partner benefits is developing so rapidly that it is difficult to keep up with the new policies being put in place all over the country. After a thorough investigation, we nevertheless discern trends and principles which should guide Wright State's policy

2. The Governor's Executive Order 83-64, issued on December 30, 1983, which states that "agencies, departments, boards and commissions within the Executive Branch of State government and under the jurisdiction of the Governor shall not discriminate in State employment against any individual based on the individual's sexual orientation." As well, this order's "Statement of Purpose" includes the goal that "discrimination on the basis of **sexual orientation** [emphasis added] is treated with the same energy and dedication that is used to abolish any other form of discrimination." (See APPENDIX #2.)

3. Resolution 91-31, March 28, 1991, the Diversity Statement for the University, passed unanimously by the Board of Trustees of Wright State University, which includes the following:

"WHEREAS, Wright State University promotes the acceptance and appreciation of every individual regardless of race, gender, age



Ultimately, the issue is one of fairness, and the Committee calls for the University to amend its fringe benefits consonant to its non-discrimination policies.

2. HIGHLIGHTS OF OTHER INSTITUTIONS

The trend toward fairness in the distribution of fringe benefits

... had to be significantly rewritten to include new policies. A

The University of Vermont has extended, as of August 1, spousal health insurance benefits to qualified domestic partners and dependent children of domestic partners to comply with a 1993 ruling by the state labor relations board that to not do so violated the University's own

domestic partners of either sex and dependents, and health insurance for domestic partners of the same sex), and over a dozen institutions in Canada. Literally scores of other schools are about to release details of their new policies (such as American University, for one) or are in process with changes, as approved reports of faculty or administrative committees await implementation. In Ohio, a subcommittee of the Faculty Welfare Committee of Miami University has recommended sweeping changes in the domestic partner policies (either sex) in their exhaustive "Report of the Domestic Partner Benefits Task Force" (November 1992); and Ohio State has begun steps to implement its own internal "Report of The Spousal Equivalency Task Force."

What might strike some as surprising is that the business sphere has by and large taken the lead in domestic partnership benefits. Those pioneers include Lotus Computer (same-sex only), Apple Computer (same-sex), Ben and Jerry's Ice Cream (either sex--using United Insurance of Washington, D.C.), The Levi Strauss Company, The Village Voice, Gardeners Supply Company of Burlington, Borland International, The New York Times, Viacom International, and HBO.

Other organizations which include health insurance (among other benefits) for domestic partners include the Montefiore Medical Center of New York, the American Civil Liberties Union, Minnesota Public

being compensated equitably... Fears that domestic partner provisions will be proportionally more costly than spousal benefits have been largely unfounded. Santa Cruz and Berkeley, for example, have found that domestic partner costs were equivalent to adding a like number of spouses to their health plan. The Madison, Wisconsin Equal Opportunities Commission estimated that adding domestic partners [of either sex] to the city's health plans would add one to three percent to the total cost of the plans. Some employers and insurers have shied away from domestic partner benefits out of fear that gay employees will enroll significant numbers of partners with AIDS...however [...] gay employees using the benefits have not been singled out as costing more than non-gay employees. (Ohio State Law Journal, Eblin, p. 1082.)

Additionally, a recent report from the Hewitt Associates ("Domestic Partners and Employee Benefits," October 1991) on domestic partnership benefit programs already in place concludes that "the health of a non-working domestic partner is similar to that of a non-working spouse." And although typical costs for catastrophic heart and cancer are often greater than current AIDS costs, there has not been adverse selection nor catastrophic AIDS claims for existing domestic partnership programs. This is testified to again and again by those places (Lotus, among others) who have programs in place. The claims experience of the 350 domestic partners enrolled in the city of Seattle's plan (which includes either domestic partners of either sex) has been "better than for spouses to date, and much less than what was budgeted"--amounting to only 1.1% of the city's total medical claims. In fact, after three years of administering a health maintenance plan for domestic partners in Berkeley, the Kaiser Foundation Health Plan of Oakland actually lowered the premiums, noting, surprisingly, that the overall "adjusted community rating" had improved with the addition of the domestic partners (Business Insurance, March 11, 1991). And finally, the city of Seattle has noted that after one year of the program, the costs for domestic partners were less than had been expected, and that "the year of experience has demonstrated that this group of employees is no different than the general population of single or married employees." (City of Seattle/ First Year Report: Extension of Medical/Dental Benefits to Domestic Partners, July, 1991.)

B. Fear of Fraud

Accompanying and often underlying concerns over increased costs are fears that domestic partner provisions invite fraud. Critics of domestic partnership provisions argue that employees will exploit the benefit provisions by enrolling sick friends or relatives, especially those with AIDS, for whom insurance costs would otherwise be prohibitive. Where domestic partner provisions exist, however, **no evidence of fraud has been demonstrated** [emphasis added]. Furthermore, the potential for fraud exists in any employee benefit program. That potential, however, should not block the equitable extension of benefits to domestic partners. (Ohio State Law Journal, Eblin, pp. 1082-1083.)

The domestic partnership forms which are being used nationally to register domestic partnerships are rigorous, notarized affidavits. Furthermore, these forms contain safeguards which prevent their frivolous use and include clauses or phrases which in some ways make the domestic partnership a more stringent criterion than marriage. These requirements can include proof of financial interdependence, such as beneficiary status in wills, retirement contracts, and life insurance, as well as waiting periods before a new domestic partnership is recognized. More to the point, however, is that even today it requires courage for a gay or lesbian employee to step forward and file such a document. To suggest these legal documents will be used to deceive is to misunderstand the seriousness with which gay and lesbian employees value their own commitments to their partners and families.

C. Fear of Federal Tax Implications

Federal tax consequences have been a serious concern for employers considering domestic partnership benefits. Until its recent repeal [November 8, 1989], Internal Revenue Code section 89 stifled some plans to extend health plan benefits to domestic partners. The Internal Revenue Service determination that certain domestic partnership benefits constitute taxable income to the employee remains a serious concern for employers and employees.

Employer contributions to a health insurance plan are generally excluded from an employee income, as are benefits an employee receives under the plan. In the Tax Reform Act of 1986, however, Congress placed restrictions on employer-funded health plans. Passed in part to eliminate discrimination in favor of highly compensated employees and encourage extensions of coverage to employees not currently included in health plans, section 89 had the practical effect of making domestic partner coverage in employer health plans cost prohibitive.

Section 89 (k) (1) (D) provided that unless health plans were "maintained for the exclusive benefit of employees," the cost of coverage under the plan was includible in an employee's gross income. Spouses and qualified dependents could also be included in the plan. However, in order for a domestic partner to qualify as a dependent, the partner would have to receive more than fifty percent of his support from the employee. Furthermore, all employees in the plan, not merely those taking advantage of domestic partner coverage, would be taxed. Few employers would be eager to extend nontraditional benefits to a few employees at the risk of subjecting the rest of the workforce to additional federal income taxes.

Fortunately, concern over section 89 was rendered moot by its repeal [emphasis added]. Employers can extend health plan coverage to domestic partners without penalizing themselves or their entire workforce.

In response to a request from Seattle, however, the IRS has ruled that benefits extended to domestic partners are taxable income to the employee if the domestic partner does not meet the "dependent" test of section 152 of the Internal Revenue Code. The IRS concluded that "nonspouse cohabitants" (i.e., domestic partners who are not legal spouses) who do not receive more than fifty percent of their support from the employee do not qualify as "dependents" under section 152. Benefits extended to nonqualifying domestic partners will be considered taxable fringe benefits to the employee. (Ohio State Law Journal, Eblin, pp. 1084-1085.)

Since this article was written, the IRS has revised its ruling as to how it determines the amount upon which taxes are due: whereas tax had been on the "fair market value" of the health insurance premium, taxes are now due only on the "group rate" of the health insurance to the

the groups that are most likely to extend these benefits are apt to be the larger-sized groups that are self-insured and therefore can take that action on their own," he explains. If employers wanted to provide this coverage for employees, there's no reason why that coverage shouldn't be written, says White. Insurers may ask for data regarding potential claims so they could develop a reasonable premium. "At this point, insurance companies aren't very familiar with that type of coverage," says White. Indeed, there has been little experience in insuring this group of individuals. "The underwriters and actuaries go on the numbers. When they don't have numbers, they often times are at a bit of a loss," says White, although he points to Lotus' recent policy on this issue and says it will "undoubtedly be invaluable" to other companies seeking data... This is a market-driven system, and as fully insured companies decide they want to change their definitions...and approach insurance companies, insurers will respond to that market. (Personnel Journal, Laabs, p. 64.)

Since this 1991 article, there are now many precedents. In fact, the Committee notes with some irony that the health insurance offered this year to Wright State students itself allows students to purchase medical insurance for their domestic partners (of either sex) and the children of their domestic partners. The company involved is the Security Life Insurance Company of America, and its plan is administered by the Student Assurances Services. Thus, it becomes clear that circumstances regarding insurance carriers are changing very rapidly.

Actuarial data are supporting these changes. After three years of the domestic partnership program in Berkeley, Kaiser actually lowered the premium, admitting they were wrong in presuming the cost might be higher. Presenting this kind of data, which can be acquired, to local/state health insurance companies which may still be hesitant could be instrumental in their own education on this issue. A recent actuarial study of Martin Miller, a San Francisco-based health and welfare actuary, has shown that the cost of providing benefits is much lower than companies at first anticipated and suggests that this is one of the reasons so many companies are now adding coverage for domestic partners of its lesbian and gay employees. Stanford's "Report on Domestic Partners' Benefits" anticipates the University's \$24 million annual cost for health care to rise by less than .5%. Surcharges for coverage were also eliminated for the city of Seattle's coverage. And private employers that have had plans long enough to have much cost experience, all report no increase in health plan costs. Examples include Ben & Jerry's, Montefiore Hospital, and The Village Voice.

E. Litigation Concerning Discriminatory Practices

From the other side of the equation, litigation is a very real possibility for institutions not providing equal treatment of employees. Several important and appropriate test cases are on record.

At the University of Vermont, gay and lesbian employees filed a joint grievance that they were being discriminated against because they were not allowed access to medical and dental plans for their domestic partners, despite the University's own non-discrimination statements. When the Department of Labor ruled that the State Labor Relations Board of Vermont had the jurisdiction to decide the conflict, the Labor Relations Board held hearings and in a subsequent 16-page ruling (Docket No. 92-32, June 4th, 1993) concluded that the University was indeed discriminating on the basis of sexual orientation and ordered the University to implement a revised medical and dental plan which did not discriminate within 60 days. This ruling basically stated that because gays and lesbians cannot marry, the University's refusal to give benefits to their partners discriminates against them, even if it is not the University's conscious intention to discriminate, because the policy has as its result a disparate impact upon the gay and lesbian community. As the 93/94 school year progresses this ruling is

individuals." As well, the Health Benefits Task Force, in a May 20, 1992 memo from Edward Spanier to Paige E. Mulhollan recommended that a registration form be adopted (for a blanket domestic partnership registration), and that "the university should demonstrate compassion for employees involved in a domestic partnership and extend to them the use of sick and bereavement leave...", but that other issues needed continuing discussion. Human Resources presently has a registration form for domestic partners of either sex, although nothing has been codified or publicized. Therefore, this committee makes the following comprehensive recommendations for an official "Domestic Partner Benefits Program" to supersede the existing arrangement.

THE DOMESTIC PARTNER BENEFITS PROGRAM

5. The University should extend health insurance to qualified domestic partners and their dependent children immediately or with the next contract; but if until then, should reimburse the employee who purchases external coverage up to the amount the University would have contributed to cover spouse and/or children under its own medical plan.
6. The University should extend dental insurance to qualified domestic partners and their children immediately or with the next contract; but if until then, should reimburse the employee who purchases external dental coverage up to the amount the University would have contributed to cover spouse and/or children under its own dental plan.
7. The University should extend Educational Assistance Benefits (the Tuition Fee Remission policy) immediately to qualified domestic partners and their dependent children.
8. The Office of Human Resources should immediately promulgate documents to expedite these benefits, including at least a new "Statement of Domestic Partnership" document, patterned after the document from the University of Iowa (See APPENDIX #4), and a "Tax Certification of Dependency" statement and explicit guidelines explaining the benefits and the tax consequences, patterned after the documents from the University of Chicago (See APPENDIX #5). The University Budget Review Committee should be given the opportunity to review and approve the forms.
9. The Office of Human Resources and all other appropriate units within the University should immediately begin reviewing and revising all University publications, including Wright Way publications, so that "spouse" is replaced with "spouse or qualified domestic partner," "dependent children" with "dependent children or dependent children of qualified domestic partner", and so forth.
10. The office of the President and the Board of Trustees should request that STRS and PERS revise their policies to provide qualified domestic partners with survivors benefits upon the death of an employee.
11. Any additional benefits the University might accord employees in the future must meet the same non-discriminatory guidelines; and any other benefits not specifically listed here or spelled out, but which are characteristically offered to spouses (such as use of facilities) must also be made available to qualified domestic partners.

5. COST ESTIMATE

A-Sick Leave benefits for domestic partners will come at no virtual cost to the University.

B-Bereavement Leave benefits for domestic partners will come at no virtual cost to the University.

C-Health and Dental Insurance is, of course, much more complicated and requires following a complicated process of calculation. We estimate approximately 18 employees will register their domestic partners, approximately 10 employees will change their insurance status to include a domestic partner and/or children, and the cost per year to the University, based on 93/94 figures would be an additional \$22,013.

The 1992-93 UBRC collected information from the 1990 Census which projected the following: there are 8.4 million adults in the United States living in unmarried couple arrangements, amounting to 4.8% of the total 173.7 million adults. 4.8% of the 1,834 Wright State employees amounts to 88 potential domestic partners if the domestic partnership plan were to include same or either-sex couples.

To determine what percentage of these 88 might be same-sex couples, there are a variety of options. We can consider the generally accepted 10% statistic for gays and lesbians in the general population (.48% of WSU total) or the Hewitt Associates study that suggests closer to 1/3 of unmarried couple arrangements may be same-sex partners (1.6% of WSU total). In large urban cities with large gay populations which have general domestic partner registries, same-sex partners have applied in the following percentages of overall employees: in Berkeley, 1.12%; in Seattle, 1.25%; in San Francisco, 1.25%. Thus, while .48 % may seem too low, the 1.6% seems a very high estimate for Wright State, particularly since the Hewitt figures come predominantly from more heavily-populated urban areas. In fact, the University of Iowa study which predicated their own policy suggested 1% as a solid, mid-level prediction of the number who might register, a projection which seems reasonable to this committee as well. Thus, we would estimate 1% of the total number of WSU employees, or 18 employees, to register their domestic partners.

It must be noted, however, that the number of people who register their partnership (for bereavement and sick leave) is always much greater than the number who apply for health benefits. For instance, Hewitt Associates have shown that of the 50,000 offered health insurance benefits for same-sex or either-sex domestic partnerships in 1991, (potentially as high as 4.8%) only 1.5% altogether applied--of which no more than .5% were gay or lesbian. Even in San Francisco, less than .5% of the total number of employees signed up for health benefits. There are many potential explanations: In most same-sex domestic partnerships, both partners work, and each already has access to a health policy. Perhaps surprisingly, it is common for both members to be employed by the same institution and already be receiving benefits individually. A poll conducted by the Association for Gay, Lesbian, and Bisexual Faculty and Staff of Ohio State University suggested that 86% of the partners already had medical benefits from an employer and 28% of domestic partners were also employed by Ohio State; and only 26% of those eligible indicated they would apply for health insurance benefits through the University. Before installing their own health insurance coverage, Stanford estimated that "only about .3% to

~~7% of the company's employees are likely to elect the health coverage~~

to obtain medical coverage through their own employers." In schools which have already instituted health benefits for gay domestic partners, the following percentages have applied for benefits: in Stanford, 23 out of 9760 (.20%); in University of Chicago, 8 out of 6060 (.10%); at M.I.T., 17 out of 9500 (.18%); at the University of Vermont, 7 out of 2900 (.24%). These figures are a bit low certainly, and this committee would not be surprised if these institutions find them increasing somewhat in the coming years as the policies become more widely known to their employees.

Thus, we estimate that approximately .5% (one-half of one percent) of the workforce (half of those registering their partners), or about 10 employees will request changes in medical or dental insurance.

The following chart shows the cost of medical and dental benefits at Wright State as of October of 1993.

COMBINED COST of HEALTH BENEFITS

CATEGORY	MEDICAL	DENTAL	TOTAL
1) 1 FTE	133.51	11.44	144.95 per month
2) 1 FTE + 1 dependent	267.02	29.68	296.70 per month
3) 1 FTE + family	350.81	39.28	390.09 per month
1) 1 FTE	1602.12	137.28	1739.40 per year
2) 1 FTE + 1 dependent	3204.24	356.16	3560.40 per year
3) 1 FTE + family	4209.72	471.36	4681.08 per year

If we presume that perhaps half of the 10 employees with qualified domestic partners would move from category 1) to 2) and the other half from category 1) to 3), then the projected increase in cost would be $5 \times (3560.40 - 1739.40) + 5 \times (4681.08 - 1739.40)$ or a total of \$23,813.40. Depending upon the salary of the employee, increased sliding-scale employee contributions would then diminish the cost to the university by as little as \$1800 (if all employees made under \$25,000) or as much as \$3600 (if all employees made over \$50,000). Thus, we estimate the cost for health and dental benefits to be approximately \$22,013. This is only .38%, for instance, of the overall 1992/93 net cost of health and dental expenditures to the University, which came to \$5,729,600.

D-Educational Assistance (Tuition Remission)-The cost of extending tuition remission depends on whether or not one assumes these costs to be a real cost to the University or not. Although they represent real value, they come at no virtual cost.

Certainly, determining the cost of these benefits presents a conceptual problem. Wright State officially treats these waivers as a budget item, but they are not monies the University pays out. They are not even income foregone by the University unless the student would have enrolled in the University anyway and paid the fee if the benefit were not offered. As well, most students who use fee waivers generate income for the University in the form of state subsidy. And although

fee remission would be taxed for employees whose same-sex partners or dependents do not qualify for dependency status, the University is presently given the latitude to determine its own Fee Remission policies.

We can also think of the fee waivers as not representing money as much as an increase in the number of students Wright State teaches within the fixed budget established by its state subsidy and other income. Under the current policy and using Fall Quarter of 1992 as our example of record, Wright State granted fee waivers to 516 spouses and dependent children of married employees. For that quarter, the head count of all students was 17,657. If we increase the likely number of employees given fee waivers by the percentages likely to file same-sex domestic partner affidavits (1% of the total workforce), the number of additional students using fee waivers could be estimated at about 5 or 6. These additional students would have represented an increase of no more than .34 students per one thousand, a negligible effect on Wright State's student/faculty ratio.

E-Survivor Benefits through STRS and PERS. The University itself cannot categorically change the policies of STRS and PERS. Should STRS and PERS alter their policies in reaction to pressure from Ohio educational institutions, the cost would probably be passed on to the University. However, the portion of the University's STRS and PERS contribution used for the survivor benefit is small and would rise only a fraction if STRS and PERS included domestic partners and dependent children. We should note that although faculty and staff with domestic partners don't receive this benefit, they pay for it by contributing the same amount to their retirement systems as do married employees, and currently their families take a huge financial loss upon the death of the employee.

6. A FINAL NOTE

The Committee views the issue of domestic partner benefits as a simple



Respectfully submitted,

Marguerite MacDonald
 Tracy Consani
 Charles Derry
 Emmett Orr
 Robert Putnam
 Juanita Wehrle-Einhorn

APPENDICES:

- 1) The Wright Way: Policies and Procedures, "Equal Opportunity in Employment," Policy #4001-2-a-1
- 2) The Governor's Executive Order 83-64, December 30, 1983
- 3) Resolution 91-31, March 28, 1991, Diversity Statement [for Wright State University]
- 4) Domestic Partnership Packet of University of Iowa
- 5) Domestic Partnership Program at University of Chicago

ATTACHMENTS (which include a variety of documents which either support this report or which might be helpful in the implementation of its recommendations):

- 1) Domestic Partnership Recognition in the Workplace: Equitable Employee Benefits for Gay Couples (and others); Ohio State Law Journal, Volume 51:1067-1087
- 2) City of Seattle, First Year Report, Extension of Medical/Dental Benefits to Domestic Partners, July, 1991
- 3) Letter from President Paige E. Mulhollan to Dr. Edward Spanier, March 16, 1992, copied to Juanita Wehrle-Einhorn, Charles Derry, Charles E. Hathaway
- 4) Memo from Edward Spanier to Paige Mulhollan, May 20, 1992, and attached Task Force on Health Benefits Minutes for the meeting of May 5, 1992, copied to Task Force on Health Benefits Members, available through UBRC
- 5) Breaking the Silence: Employee Benefits for Gay and Lesbian Domestic Partners (University of Minnesota); pages 1-6 [personal testimony]
- 6) Letter from M.I.T. announcing new policy (April 28, 1993)
- 7) Harvard's initial announcement of its new policy (May 22, 1993), sent by Benefits Office as first part of comprehensive packet
- 8) Wright State Student Health Insurance Brochure [showing domestic partnership coverage]
- 9) Vermont Labor Relations Board Ruling, Docket #92-32, June 4, 1993

APPENDICES AND ATTACHMENTS

PROFESSIONAL STAFF ADVISORY COUNCIL

Professional Staff Advisory Council (PSAC) was established in 1984 to create a niche for Unclassified Staff in Wright State's governance structure. PSAC's charter (Attachment A) defines the purpose of the Council, membership constituencies, and other administrative guidelines.

During the past year, PSAC representatives have contributed to several important University initiatives:

- Leaders representing faculty, unclassified staff, and classified staff met regularly during 1992-93 to develop a Compensation Philosophy that addresses all employee groups and recognizes that most Wright State employees are committed to the mission of the University and perform meritoriously. The Compensation Philosophy, Wright Way Policy 4210.1 (Attachment B), was the result of this group's efforts.
- Unclassified-staff representatives worked in conjunction with the University Budget Review Committee to develop an Early Retirement Program that treats all Wright State employees equally (Attachment C). Though the plan received widespread support from the campus community, it now seems likely the Board of Trustees will not approve the plan in its present form. PSAC will continue to work with faculty and classified staff to develop a plan that treats all Wright State employees fairly and is acceptable to the Board of Trustees.
- During 1992-93, for the first time, a group of leaders from faculty, unclassified staff, classified staff, and student government met on a regular basis to discuss University issues relevant to the entire Wright State community. We hope to further legitimize this group by making it a standing committee, ensuring that the communication links established last year will continue and strengthen in the future.
- Unclassified staff are represented this year on an ad hoc committee which will examine and possibly redesign the governance structure of Wright State. Sixty-five percent of Wright State's employees are members of the unclassified and classified staff (Attachment D). Staff members at Wright State hope to become increasingly involved in University governance. Our efforts will help continue an already pervasive trend to unify all employees, rebuilding the sense of community that has suffered during the recent era of budget and staff reductions.

Members of the unclassified staff believe we can make an important contribution to achieving the mission of Wright State University. We hope we will continue to enjoy the support of the President, and we will strive to earn and maintain the respect and trust of the entire Wright State community.

PSAC Members, by Constituency:

Academic

Kathie Barbour

Administrative Assistant, Community Music Program

Joyce Corban, Chair

Assistant Dean, College of Science and Mathematics

Academic Support

Robert Smith

Librarian, Dunbar Library

Pamela Wallace-Johnson, Chair-elect

Assistant Director for Academic Advising, University Division

~~Cheryl Watson, Secretary~~

Business Manager, Dunbar Library

Externally Funded

Phyllis Cole

Program Manager, Weekend Intervention Program

Associate Director, Budgets and Regents Reporting

Mike Schulze

Assistant for Architecture, Engineering and Construction

Kevin Watson

Supervisor, Accounts Payable