

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0042

Sponsored by: Councilmembers Simon, Miller, Rogers, Connally, Brady and Conwell	An Ordinance extending health care benefits to domestic partners of County employees; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 9.01 of the Charter of Cuyahoga County (the “Charter”) provides that the County’s Human Resources Policies and Systems for County employees shall be established by ordinance while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 12.07 of the Charter provides that all County employees shall be appointed, employed, promoted and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 9.02 of the Charter provides that the Human Resource Commission shall have authority to ensure standardization of benefits and such other functions as may be deemed necessary by the Council for the Human Resource Commission to carry out its mission and purpose; and,

WHEREAS, the County’s current health benefits policy does not include coverage of domestic partners; and,

WHEREAS, adoption of a policy providing health benefits to domestic partners is necessary to create fairness amongst County employees with regard to compensation and to allow the County to be competitive in attracting the “best and brightest” talent to work for Cuyahoga County government; and,

WHEREAS, offering health benefits to domestic partners is consistent with the County’s commitment to social and economic justice, diversity, and inclusiveness; and,

WHEREAS, the law of the State of Ohio currently prevents two adults of the same sex from entering into legal marriage in the state; and,

WHEREAS, the Human Resource Commission has approved and recommended the adoption of this Ordinance; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order to provide sufficient time for the Human Resource Commission to meet the deadlines set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The Department of Human Resources is hereby directed to amend the County Personnel Policies and Procedures Manual of Cuyahoga County, Ohio, which was approved in Cuyahoga County Ordinance No. O2011-0015, as amended, to extend the County's health benefits to domestic partners of County employees and their children as follows:

The County's health benefits may cover an employee's spouse, dependent children, domestic partner, and the dependent children of the employee's domestic partner. To be covered, children must be ~~under age~~ **twenty-six (26) years old or less** or some different age as established by State or federal law, unmarried, and the legal dependents of the employee or the employee's domestic partner.

1. Domestic Partnership: A Domestic Partnership is defined as the exclusive, non-married, intimate, committed relationship of two adults of the same sex who share a common residence and the responsibility for each other's common welfare. An employee's Domestic Partner is eligible for health benefits upon satisfactory proof of the Domestic Partnership through (1) Sworn Affidavit of Domestic Partnership and (2) supporting evidence to the Department of Human Resources.

(a) Mandatory Sworn Affidavit under Penalty of Perjury:

To satisfy the Sworn Affidavit requirement, both the employee and his/her Domestic Partner shall submit sworn affidavits, under penalty of perjury, attesting to the following:

1. Each individual is 18 years of age or older;
2. Both individuals are in an exclusive, committed, intimate relationship;
3. Both individuals intend to continue this exclusive, committed, and intimate relationship for life;
4. Both individuals have shared a common residence for at least six (6) months and continue to share the common residence without interruption;
5. Both individuals share joint responsibility for each other's common welfare, including providing and/or payment of basic living expenses such as food, shelter, and other necessities of life;
6. Neither individual is married to any other individual;

7. Neither individual is in a civil union or any other similar relationship with any other individual;
8. Neither individual is part of an existing domestic partnership with any third party;
9. The individuals are not related to one another by blood in a way that would prevent them from being married to one another in this State.
10. Both individuals agree that were it not for the legal prohibitions of the State of Ohio that prohibit same-sex marriage, they would be legally married in Ohio.

(b) Mandatory Supporting Documentation in Addition to Sworn Affidavit: To satisfy the Supporting Evidence requirement, the employee must submit evidence of at least three of the following:

1. Joint ownership of real estate property or joint tenancy on a residential lease;
2. Joint ownership of an automobile;
3. Joint bank or credit account;
4. Joint liabilities (e.g., credit cards or loans);
5. A will designating the domestic partner as primary beneficiary;
6. A retirement plan or life insurance policy beneficiary designation form designating the domestic partner as primary beneficiary;
7. A durable power of attorney signed to the effect that the employee and the domestic partner have granted powers to one another.
8. A certificate of marriage or other evidence of a civil union from another ~~state~~ **jurisdiction**.

2. Termination of Domestic Partnership and Mandatory Notification: A domestic partnership is terminated if any of the statements sworn to in the Sworn Affidavit is no longer true. If the Domestic Partnership is terminated, the employee must notify the Department of Human Resources within 15 days of the termination. Failure to notify the Department of Human Resources of the termination will subject the employee to discipline, up to and including termination.

SECTION 2. The Department of Human Resources shall make health care benefits available to domestic partners and their children as provided herein at the next open enrollment taking place after this Ordinance goes into effect.

SECTION 3. It is necessary that this Ordinance become immediately effective in order to provide sufficient time for the Human Resource Commission to meet the deadlines set forth herein. Provided that this Ordinance receives the affirmative vote

of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Mr. Rogers, the foregoing Ordinance was duly enacted.

Yeas: Conwell, Rogers, Simon, Miller, Brady and Connally

Nays: Gallagher, Schron, Jones and Greenspan

First Reading/Referred to Committee: August 23, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity and Justice Affairs

Second Reading/Referred to Committee: October 25, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity and Justice Affairs

Third Reading/Tabled: December 6, 2011

Referred to Committee by Council President Connally: December 13, 2011

Amended on the Floor: February 14, 2012

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