

Passed by roll call vote
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AR 20:	In Support of Extending Competitive Benefits to All University Employees
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Section I: University of Texas Policy

WHEREAS, Full-time and twenty-hour part-time employees of The University of Texas at Austin receive benefits such as health insurance and bereavement leave, and these benefits are extended to opposite-sex spouses and certain dependents of those employees, but not to same-sex partners;¹ and,

WHEREAS, Extending health insurance benefits to domestic partners was estimated to cost 0.58% (approximately \$300,000) of the current health insurance expenditures budget of The University of Texas at Austin, while the monetary cost of replacing one faculty member who leaves based on denial of benefits was estimated at between \$214,000 and \$1.2 million²; and,

WHEREAS, The University of Texas System has had a sexual orientation non-discrimination policy for two decades;³ and,

WHEREAS, William Powers, Jr., President of The University of Texas at Austin, has stated that the University should “ensure that the Forty Acres is free from discriminatory practices, harassment and misconduct, and that all persons who come here are able to pursue their work in a fair and equitable workplace⁴,” and,

WHEREAS, President Powers has affirmed his support for extending competitive benefits to all employees of The University of Texas at Austin, stating that, “The fact that we don’t have domestic partner benefits puts us at a competitive disadvantage in recruiting students and staff, and that’s an issue that we need to get solved⁵,” and,

Section II: Current Texas Law

¹ “Benefits for Employees.” The University of Texas System: Office of Employee Benefits. <<http://www.utsystem.edu/benefits/employees/>>. Accessed 15 Nov 2009.

² “Questions and Answers about Domestic Partner Benefits.” Pride and Equity Faculty Staff Association: Domestic Partner Benefits Subcommittee; The University of Texas at Austin, April 2008. <<http://www.utexas.edu/staff/pefsa/DPBreport.pdf>>. Accessed 15 November 2009.

³ UTS105: Sexual Orientation Nondiscrimination Policy. The University of Texas System, August 1990. <<http://www.utsystem.edu/policy/policies/uts105.html>>

⁴ “Message from President Powers.” The University of Texas at Austin: Office of VP for Diversity and Community Engagement. <http://www.utexas.edu/diversity/about/message_powers.php>. Accessed 29 November 2009.

⁵ As quoted in The Daily Texan, 06 Sep 2010

WHEREAS, Chapter 51 of the Texas Education Code requires that The University of Texas System offer benefits that are “comparable” and “at least equal to” those offered by peer institutions, state agencies, and private industry²; and,

WHEREAS, Chapter 1601 of the Texas Insurance Code is intended to enable The University of Texas System to “attract and retain competent and able employees by providing employees with basic life, accident, and health benefit coverages²,” and,

WHEREAS, Chapter 1601 of the Texas Insurance Code mandates that The University of Texas System shall “determine basic coverage standards that must be comparable to those commonly provided: (A) in private industry; and (B) to employees of another agency or an institution of higher education in this state²,” and,

WHEREAS, Due to contradictions in the Texas Insurance Code, the Board of Regents of The University of Texas at Austin currently interprets Texas law as forbidding domestic partner benefits, although other public entities, including the City of Austin, not only provide employment benefits, but also unemployment and bereavement benefits⁶ to domestic partners;⁷ and,

WHEREAS, Nine of eleven peer institutions of The University of Texas at Austin provide domestic partner benefits, and more than half of those institutions are in states which have “defense of marriage” (or DOMA-like) laws similar to those of the State of Texas²; and,

WHEREAS, Several states with DOMA-like laws have not acted to overrule universities that have chosen to provide benefits to domestic partners, while some peer institutions have adapted to such restrictions, including via the introduction of language providing benefits to “Other Qualified Adults”, and potentially by supplementing the income of affected employees to cover the cost of private insurance plans²; and,

WHEREAS, All of the schools in *U.S. News & World Reports*’ list of the top ten colleges and universities (from 2007) offer domestic partner benefits, as do all Ivy League universities;⁸ and,

WHEREAS, 83% of Fortune 100 companies offer domestic partner benefits⁹; and,

WHEREAS, Legislation seeking to amend the Texas Insurance Code, by requiring and empowering The University of Texas System to offer employees competitive benefits, was left pending in the House Insurance Committee during the 81st Session of the Texas Legislature (2009)¹⁰; and,

Section III: The Harms of Denial of Competitive Benefits

WHEREAS, The University of Texas at Austin's Human Resource Services calculated that a sample employee earning a salary of \$80,000 will receive \$8,108 less in compensation per year due to the denial of

⁶ The federal government typically provides for certain unemployment and bereavement benefits via the Consolidated Omnibus Budget Reconciliation Act (COBRA), but not to same-sex partners. The City of Austin provides COBRA-like unemployment and bereavement benefits (divorce, death, or layoffs) in addition to regular employment benefits for same-sex partners.

⁷ “City of Austin expands same-sex benefits.” *The Austin-American Statesman*. <http://www.statesman.com/blogs/content/shared-gen/blogs/austin/cityhall/entries/2009/11/02/city_of_austin_expands_samesex.html>. Accessed 15 November, 2009.

⁸ Russell, Alene. 2007. “Domestic Partnership Benefits: Equity, Fairness, and Competitive Advantage.” American Association of State Colleges and Universities. <http://www.aascu.org/media/pm/pdf/domestic_partners07.pdf>. Accessed 15 November 2009.

⁹ http://www.hrc.org/issues/workplace/benefits/domestic_partner_benefits.htm

¹⁰ <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=HB861>