

## An Overview and Timeline of Domestic Partner Benefits (DPB) in Arizona

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### Background:

- According to Census data, in 2005 there were an estimated 191,000 Arizonans self-identifying as lesbian, gay, or bisexual (single and coupled). Major private employers in Arizona, including Raytheon and Wells Fargo, understand the importance of LGBT people to regional development and the economy. These companies offer domestic partner benefits and anti-discrimination policies to attract and retain workers.
- Every top 10 university in the U.S. offers domestic partner benefits (DPB). Over 75% of AAU institutions offer these benefits. As a world-class institution, the University of Arizona hires faculty, researchers and staff from these institutions. With DPB currently in place for state employees, UA is able to make competitive offers to LGBT new hires, but those benefits are at risk as the state of Arizona pursues an appeal to the U.S. Supreme Court seeking to end DPB for state employees. It is imperative that the President develop a contingency plan for maintaining DPB for UA employees in the event that Arizona wins its appeal.

### Timeline:

- **2005:** As an initial step in the campus struggle for comprehensive domestic partner benefits, President Peter Likins initiated the Qualified Tuition Reduction Program for same-sex domestic partners.
- **Nov. 2006:** Voters defeated a state constitutional amendment by referendum (Proposition 107) that would have banned gay marriage and both same- and opposite-sex domestic partnerships, the first time a gay marriage constitutional amendment was defeated by any state.
- **Nov. 2007:** Responding to years of organized pressure from OUTReach, Equality Arizona and other groups, then-Gov. Janet Napolitano instituted DPB for all state employees through a rule change implemented by the Arizona Department of Administration (ADOA).  
The University of Arizona prepared its open enrollment materials using ADOA materials that included domestic partner benefits and criteria for qualifying employees.
- **Nov. 2008:** Proposition 102, banning gay marriage and same-sex DP (only), passed by a vote of 56-44% in favor.
- **Sept. 2009:** Near the close of the open-enrollment period in which UA employees had for the first time been able to add their partners and their partners' children to their health insurance plans, Gov. Janet Brewer signed into law HB2013, a budget reconciliation bill that would have eliminated health insurance and other benefits for same-sex partners of state employees by redefining "dependent" as "a spouse under the laws of this state [or] a child...." (<http://www.azleg.gov/legtext/49leg/3s/bills/hb2013p.pdf>, pp24-25)
- Attorneys for the ADOA decided it would constitute breach of contract for Arizona to end coverage of state employees' domestic partners for the 2010 benefits year, given that open enrollment had already been completed by the time the Governor signed the law.

- **Nov. 2009:** Citing the discriminatory intent and effects of HB2013, Lambda Legal Defense Fund filed a lawsuit in the U.S. District Court of Arizona on behalf of 10 state employees, including several UA employees as plaintiffs (Diaz v. Brewer). Because Lambda Legal's case did not include *opposite*-sex domestic partners who were initially covered in the Rule Change, the UA proceeded to extend coverage to opposite-sex domestic partners through its "alternate" insurance program, demonstrating its ongoing support for the diverse families embraced by its employees. *This plan, established by Human Resources, provides the best current example of a way forward for preserving DPB (for same- and opposite-sex) in the event of a successful Supreme Court appeal.*
- **July 2010:** Judge Sedwick issues a preliminary injunction against enforcement of HB2013, preserving DP benefits for state employees.
- **Aug. 2010:** Arizona appeals to the Ninth Circuit Court to overturn the preliminary injunction.
- **Sept. 2011:** The Ninth Circuit Court of Appeals upholds the lower court's preliminary injunction and in **April 2012** the Ninth Circuit denies the State's request for an en banc rehearing of the earlier ruling, which maintains family health coverage for lesbian and gay state employees until a court issues a final decision in the case.
- **July 2, 2012:** Arizona asks the U.S. Supreme Court to consider the case.
- **August 20, 2012:** Lambda Legal files a brief on behalf of plaintiffs opposing defendants' request for Supreme Court review of the case.

### Conclusion:

- Given that Arizona has recently appealed Diaz v. Brewer to the U.S. Supreme Court, it is imperative that LGBT employees understand UA's ongoing commitment to maintaining equitable health and other benefits for families of ALL employees, including same- and opposite-sex domestic partners, regardless of the outcome of that case. We encourage the President to express her strong commitment to maintaining these benefits for eligible employees using the existing mechanism of the "alternate" health insurance program.