Agenda Item 4
May 3, 2016
Public Hearing

MEMORANDUM

April 29, 2016

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney

SUBJECT: **Public Hearing:** Bill 13-16, Personnel – Benefits for Domestic Partner of Employee - Amendments

Bill 13-16, Personnel – Benefits for Domestic Partner of Employee - Amendments, sponsored by Lead Sponsor Council President at the request of the County Executive, was introduced on April 12, 2016. A Government Operations and Fiscal Policy Committee worksession is tentatively scheduled for May 4, 2016 at 2:00 p.m.

Background

The recently negotiated collective bargaining agreement between the County and the Municipal and County Government Employees Organization, Local 1994 (MCGEO) provides that all health and insurance benefits be extended to opposite-sex domestic partners of employees covered under the agreement. The Fraternal Order of Police Lodge #35 (FOP) and the International Association of Firefighters, Local 1664 (IAFF) have similar provisions in their contracts. This statutory change in eligibility for health and insurance benefits would be effective January 1, 2017, so as to coincide with the normal health plan enrollment period that is done in the fall and takes effect January 1 of each year. Bill 13-16 would extend these benefits to all County employees who are eligible for health and insurance benefits.

Bill 28-99, Personnel – Benefits for Employee's Domestic Partner, enacted on November 30, 1999 and signed into law on December 3, 1999, extended health and insurance benefits to a same-sex domestic partner of an employee. According to the legislative history, sponsors and supporters of Bill 28-99 argued that the law was needed to correct an inequity in benefits provided to gay and lesbian County employees, compared to other employees. They argued that it is unfair to provide benefits for an employee's spouse but not for the partner of an employee in a long-term, committed, same-sex relationship. This benefits inequity conflicted with the County's longstanding law and policies against discrimination based on sexual orientation.[1] In short, Bill 28-99 was a civil rights law that was enacted outside of the collective bargaining process.

[1] The County first prohibited discrimination based on sexual orientation in 1984.

Bill 25-01, Personnel – Retirement – Amendments, extended opposite sex domestic partner benefits to members of the police bargaining unit on November 1, 2001. Finally, Bill 30-10, Personnel – Equal Benefits – Fire and Rescue Employees, extended opposite sex domestic partner benefits to members of the fire and rescue bargaining unit. Each of these laws were enacted at a time when same-sex marriage was prohibited in Maryland. Maryland began to recognize same-sex marriage on January 1, 2013.

The legalization of same-sex marriage in Maryland created a new inequity for employers who provided domestic partner benefits to same-sex couples only. Governor O'Malley resolved this inequity by eliminating all domestic partner benefits for State employees soon after the State legalized same-sex marriages. The Montgomery County Board of Education and Howard County each eliminated all domestic partner benefits for its employees after Maryland began to recognize same-sex marriage.[2] Although Maryland began recognizing same-sex marriages in 2013, many States did not. Last year, the U.S. Supreme Court held that the right to marry is a fundamental right that must be provided to same-sex couples in *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015). Speaking for the Court, Justice Kennedy said:

> These considerations lead to the conclusion that the right to marry is a fundamental right inherent in the liberty of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth Amendment couples of the same-sex may not be deprived of that right and that liberty. The Court now holds that same-sex couples may exercise the fundamental right to marry. 135 S.Ct. at 2604-2605.

The *Obergefell* case again changed the legal framework underlying the County's domestic partner benefits law. Except for members of the police and fire bargaining units, a County employee with a same-sex domestic partner can obtain health and insurance benefits for a partner without marriage and an employee with a domestic partner of the opposite sex must marry his or her domestic partner to obtain these benefits. The original purpose of the domestic partner benefits law no longer applies because same-sex couples are guaranteed the right to marry in all States.

Many States have reacted to this change in law by eliminating all domestic partner benefits. See the *Stateline* article reviewing these reactions at ©10-15. Bill 13-16 would resolve this inequity by expanding these benefits to everyone.

Fiscal Impact

Based upon the County's experience with police and fire employees, OMB estimated that the extension of these benefits to all employees would cost $344,276 in FY17[3] and $688,552 in FY18 and beyond. See the Fiscal and Economic Impact Statement at ©6. Applying OMB's estimated 9% annual increase in health insurance costs resulted in an estimated cost of $4.8 million over the next 6 years.

[2] The District of Columbia continues to provide domestic partner benefits to its employees, and Prince George's County never provided these benefits to its employees.

[3] The FY17 cost is half the annual cost because the Bill would take effect on January 1, 2017.

Council Resolution No. 18-461

On April 26, 2016, the Council adopted Resolution No. 18-461 indicating its intent to approve or reject provisions of the MCGEO collective bargaining contract subject to Council review. The Council indicated its intent to reject the provision in the MCGEO agreement that would require the expansion of domestic partner benefits to opposite sex couples. See ©16-18.

This packet contains:

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Bill No. 13-16
Concerning: Personnel – Benefits for Domestic Partner of Employee - Amendments
Revised: April 6, 2016 Draft No. 1
Introduced: April 12, 2016
Expires: October 12, 2017
Enacted: ____
Executive: ____
Effective: ____
Sunset Date: None
Ch. ____, Laws of Mont. Co. ____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN ACT to:

(1) provide benefits to an opposite sex domestic partner of certain employees; and
(2) generally amend the law regarding benefits for domestic partners.

By amending
Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-22

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 33-22 is amended as follows:

33-22. Benefits for Domestic Partner of Employee.

(a) *Findings and purpose.* The County has a longstanding policy, in law and practice, against employment discrimination based on sexual orientation. The County believes it is unfair to treat employees differently based solely on whether the employee's partner is legally recognized as a spouse.

The County finds that many private and public employees provide or plan to provide benefits for the domestic partners of their employees. Providing domestic partner benefits will significantly enhance the County's ability to recruit and retain highly qualified employees and will promote employee loyalty and workplace diversity,

(b) *General rule.* Any benefit the County provides for the spouse (including "widow" or other equivalent term) of a County employee or the spouse's dependents must be provided, in the same manner and to the same extent, for the domestic partner of a County employee and the partner's dependents, respectively. Benefits provided to an employee's domestic partner or partner's dependent must include benefits equivalent to those available for an employee's spouse or spouse's dependent under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the federal Family and Medical Leave Act, and other federal laws that apply to County employment benefits.

(c) *Requirements for domestic partnership.* To establish a domestic partnership, the employee and the employee's partner must either:

(1) satisfy all of the following requirements:

(A) [be the same sex, unless the employee is a member of the police bargaining unit or the fire and rescue services bargaining unit;

(B)] share a close personal relationship and be responsible for each other's welfare;

[(C)] (B) have shared the same legal residence for at least 12 months;

[(D)] (C) be at least 18 years old;

[(E)] (D) have voluntarily consented to the relationship, without fraud or duress;

[(F)] (E) not be married to, or in a domestic partnership with, any other person;

[(G)] (F) not be related by blood or affinity in a way that would disqualify them from marriage under State law [if the employee and partner were (or, for members of the police bargaining unit or the fire and rescue services bargaining unit, are) opposite sexes];

[(H)] (G) be legally competent to contract; and

[(I)] (H) share sufficient financial and legal obligations to satisfy subsection (d)(2); or

* * *

Sec. 2. Effective Date.

This Act takes effect on January 1, 2017.

LEGISLATIVE REQUEST REPORT

Bill 13-16

Bill 13-16, Personnel – Benefits for Domestic Partner of Employee – Amendments

DESCRIPTION: The legislation would extend health and insurance benefits to an opposite sex domestic partner of an employee.

PROBLEM: The recently negotiated collective bargaining agreement between the County and the Municipal and County Government Employees Organization, Local 1994 (MCGEO) provides that all health and insurance benefits be extended to opposite-sex domestic partners of employees covered under the agreement. The Fraternal Order of Police Lodge #35 (FOP) and the International Association of Firefighters, Local 1664 (IAFF) have similar provisions in their contracts. This statutory change in eligibility for health and insurance benefits would be effective January 1, 2017, so as to coincide with the normal health plan enrollment period that is done in the fall and takes effect January 1 of each year. The Bill would extend these benefits to all County employees who are eligible for health and insurance benefits.

GOALS AND OBJECTIVES: This amendment to Sec. 33-22(c) of the County Code both implements the provision of the MCGEO contract and passes through this benefit to unrepresented employees.

COORDINATION: Office of Human Resources and Finance

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Office of Management and Budget

EVALUATION: N/A

EXPERIENCE ELSEWHERE: N/A

SOURCE OF INFORMATION: Stuart Weisberg, Office of Human Resources (x.75154)

APPLICATION WITHIN MUNICIPALITIES: N/A

PENALTIES: N/A

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

April 1, 2016

TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Memorandum of Agreement between the County and MCGEO

I have attached for the Council's review the agreement resulting from the recent negotiations between the Montgomery County Government and the Municipal & County Government Employees Organization/United Food and Commercial Workers Union Local 1994 (MCGEO). The agreement is the product of a settlement reached by the parties during mediation. The agreement reflects the changes that will be made to the existing Collective Bargaining Agreement to be effective July 1, 2016 through June 30, 2017.

I have also attached a summary of the agreed upon items as well as a copy of the fiscal impact statement referenced in the Workforce/Compensation chapter of my budget to assist in Council's review of the document. The items will take effect for the first time in FY2017 and have a fiscal impact in FY2017.

IL: geb

Attachments

cc: Shawn Stokes, Director, Office of Human Resources
Jennifer Hughes, Director, Office of Management and Budget
Marc Hansen, County Attorney, Office of the County Attorney

ROCKVILLE, MARYLAND

MEMORANDUM

April 5, 2016

TO: Timothy L. Firestine, Chief Administrative Officer

FROM: Jennifer A. Hughes, Director, Office of Management and Budget
Joseph F. Beach, Director, Department of Finance

SUBJECT: County Executive Bill XX-16, Personnel – Benefits for Domestic Partners of Employees - Amendments

Please find attached the fiscal and economic impact statement for the above-referenced legislation.

JAH:mc

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Joseph F. Beach, Director, Department of Finance
Jennifer A. Hughes, Director, Office of Management and Budget
Shawn Stokes, Director, Office of Human Resources
David Platt, Department of Finance
Stuart Weisberg, Office of Human Resources
Lori O'Brien, Office of Human Resources
Alex Espinosa, Office of Management and Budget
Naeem Mia, Office of Management and Budget
Corey Orlosky, Office of Management and Budget
Felicia Zhang, Office of Management and Budget

Fiscal Impact Statement
Bill XX-16 – Personnel – Benefits for Domestic Partners of Employees – Amendments

1. **Bill Summary**

   The proposed bill extends group insurance benefits to opposite sex domestic partners of employees of the Municipal and County Government Employees Organization, Local 1994 (MCGEO) pursuant to the recently negotiated collective bargaining agreement effective July 1, 2016 through June 30, 2017. The bill also extends this coverage to unrepresented employees.

2. **An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.**

   The bill is estimated to have an impact on County Health Insurance Fund costs of $344,276 in FY17, and is included in the FY17 recommended budget. The cost estimate is based on a January 1, 2017 implementation date and plan experience of coverage for police and fire rescue bargaining unit members. Based on that experience, the cost estimate assumes 2.6% of employees would benefit from this change at an average incremental cost of $1,913.

3. **Revenue and expenditure estimates covering at least the next 6 fiscal years.**

   Based on the assumptions explained above, this bill is estimated to have an impact of $344,276 in FY17, and $688,552 annually in the following years. The estimated annual cost is approximately 0.3 percent of the $245.9 million FY17 recommended budget for the Health Insurance Fund. Health insurance claims costs are estimated to increase 9% annually. Applying the estimated 9% increase would result in a total 6-year estimated cost of $4.8 million.

4. **An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.**

   Group insurance claims costs are determined actuarially. The cost estimate for this negotiated change was based on the assumptions specified in #2 above.

5. **Later actions that may affect future revenue and expenditures if the bill authorizes future spending.**

   Not applicable.

6. **An estimate of the staff time needed to implement the bill.**

   No additional staff time is needed to implement this bill.

7. **An explanation of how the addition of new staff responsibilities would affect other duties.**

   Not applicable.

8. **An estimate of costs when an additional appropriation is needed.**

   See response to question 2, above.

9. A description of any variable that could affect revenue and cost estimates.

The number of covered employees/dependents and the cost of claims could affect the cost estimates.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

11. If a bill is likely to have no fiscal impact, why that is the case.

Not applicable.

12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis (enter name and dept.)

Stuart Weisberg, Office of Human Resources

Lori O'Brien, Office of Human Resources

Corey Orlosky, Office of Management and Budget

JAHughes

Jennifer A. Hughes, Director

3/25/16

Date

Economic Impact Statement
Bill ##-16, Personnel – Benefits for Domestic Partners for Employees - Amendments

Background:

This legislation would provide certain benefits to an opposite sex domestic partner for certain employees. The negotiated collective bargaining agreement between the County and the Municipal and County Government Employees Organization, Local 1994 (MCGEO) provides that all health and insurance benefits shall be extended to opposite sex partners of employees covered under the agreement. Bill ##-16 amends Section 33-22(c) of the County Code that: 1) implements the provisions of the MCGEO contract, and 2) passes through this benefit to unrepresented employees.

1. **The sources of information, assumptions, and methodologies used.**

   The source of information is the County Executive's FY17 Recommended Budget Operating Budget. The Office of Management and Budget (OMB) estimates the budget impact of $344,276 in FY17 and $688,552 annually thereafter. Based on the date of implementation and the plan experience for other bargaining units, OMB assumes 2.6 percent of employees would benefit at an average incremental cost of $1,913. There are no other assumptions or methodologies used in the preparation of the economic impact statement.

2. **A description of any variable that could affect the economic impact estimates.**

   The variable that could affect the economic impact estimates is the number of covered employees who would benefit from this amendment.

3. **The Bill's positive or negative effect, if any on employment, spending, savings, investment, incomes, and property values in the County.**

   Based on the budget estimates prepared by OMB, Bill ##-16 effects on employment, spending, savings, investment, incomes, and property values in the County would not be significant.

4. **If a Bill is likely to have no economic impact, why is that the case?**

   Bill ##-16 would have no significant economic impact.

5. **The following contributed to or concurred with this analysis**: David Platt and Rob Hagedoorn, Department of Finance; Corey Orlosky OMB; Lori O'Brien, Office of Human Resources.

Joseph F. Beach

Joseph F. Beach, Director
Department of Finance

4/5/16
Date

THE PEW CHARITABLE TRUSTS

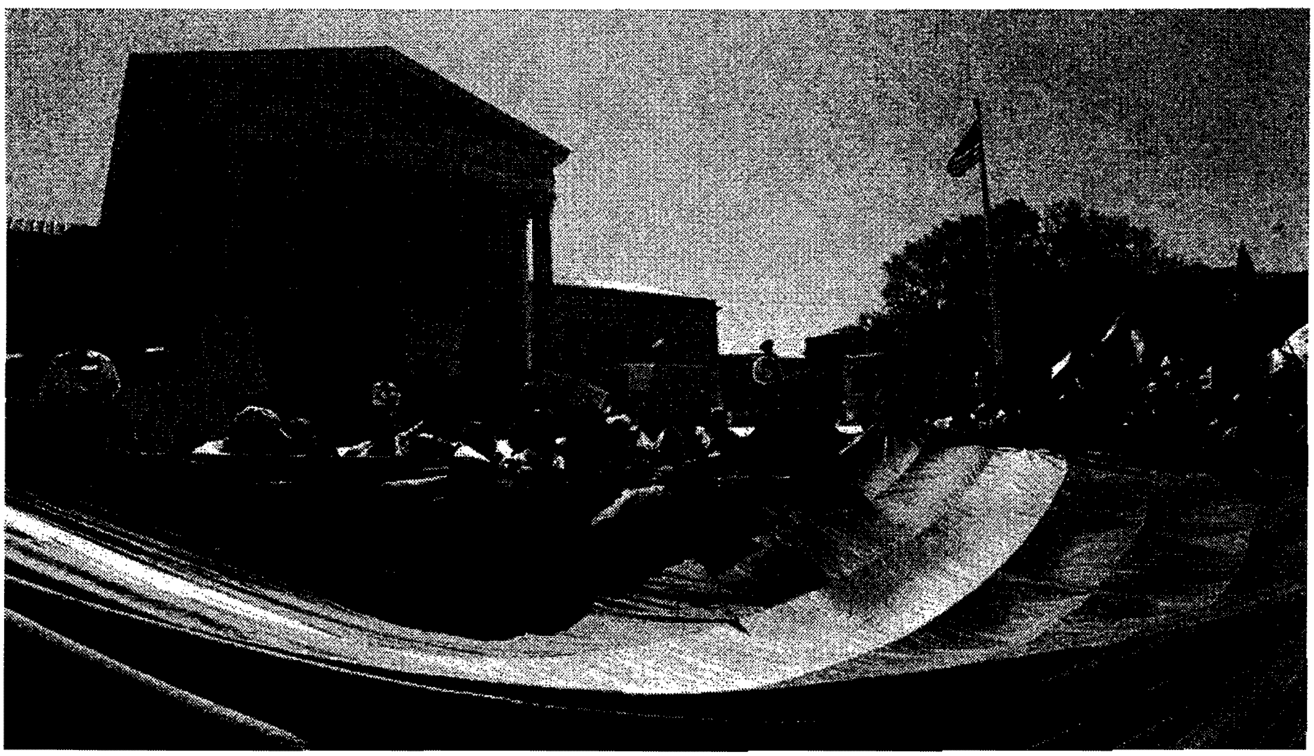
The Pew Charitable Trusts / **Research & Analysis** / **Stateline** / After Same-Sex Marriage Ruling, States Reconsider Domestic Partner Benefits

STATELINE

After Same-Sex Marriage Ruling, States Reconsider Domestic Partner Benefits

September 11, 2015

By Rebecca Beitsch



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The U.S. Supreme Court ruling legalizing same-sex marriage has some state and local governments reconsidering their domestic partner benefits.

Now that the U.S. Supreme Court has legalized same-sex marriage nationwide, some states that offer health and retirement benefits to their employees' domestic partners are considering changing those policies, in large part to save money or avoid discrimination lawsuits.

Before the ruling, 34 percent of state and local governments allowed unmarried same-sex couples to receive health care benefits, while 28 percent did so for domestic partners of the opposite sex, according to a study of public sector benefits by the Bureau of Labor Statistics.

Based on what happened in states that legalized gay marriage on their own, those numbers are about to dwindle.

Maryland ended domestic partner benefits for state employees, which it offered only to same-sex couples, just a few months after it legalized same-sex marriage in 2013. Arizona did the same after its legalization in 2014. Alaska still offers same-sex domestic partner benefits to the roughly 6,000 state employees it covers, but it is now reviewing that policy. The majority of Alaska state employees get their health insurance through state-funded union health trusts, and the state's largest union, the Alaska State Employees Association, ended same-sex domestic partner benefits for the more than 8,500 state and municipal employees it covers.

Connecticut and Delaware never offered domestic partner benefits to their workers, but they did allow those in civil unions to add their partners to their health and retirement plans. The two states scrapped those benefits once same-sex couples could marry.

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Of the 13 states that prohibited same-sex marriage before the Supreme Court's June ruling (Arkansas, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee and Texas), only Michigan offered anything similar to domestic partner benefits, as employees could add to their plan one adult they were not related to. Matthew Fedorchuk with the Michigan Civil Service Commission, which oversees state benefits, said the fate of those benefits could be hashed out in ongoing labor negotiations.

Government workers are likely to see more changes than those in the private sector.

Bruce Elliott, manager of compensation and benefits for the Society for Human Resource Management (SHRM), cited a survey of 153 companies by Mercer, a health care advocacy group, which found that although some companies had plans to get rid of their domestic partner benefits, many were not planning changes. Of the 19 percent that offered domestic partner benefits to same-sex couples, 23 percent said they would drop the option in the next year, while another 23 percent said they would do so over the next two or three years. The majority of companies offered domestic partner benefits to both homosexual and heterosexual couples, and 62 percent of those said they were not planning any changes.

Elliott said domestic partner benefits may be more vulnerable within state and local government, where competition over employees isn't as fierce as in the private sector and where leaders have been under pressure to keep finances in check since the recession.

A Question of Fairness

Cathryn Oakley, senior legislative counsel for the Human Rights Campaign, a gay rights advocacy group, said the group is encouraging public and private employers to keep offering domestic partner benefits. But she said employers that offer domestic partner

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benefits exclusively to same-sex couples should extend them to heterosexual couples to avoid discrimination lawsuits.

That risk is part of the reason the capital city of Annapolis, Maryland, decided to end its domestic partner benefit program.

"We had added it because the law didn't treat people equally," Paul Rensted, former human resources manager for the city, said of the program, created in 2010. Now all city employees must be married to add an adult to their benefits package, and Rensted said couples were given six months' notice, with four employees ultimately marrying.

Many in the gay rights community say keeping domestic partner benefits would continue to benefit some in the gay community as well as other non-traditional families. But straight couples would continue to be the biggest user of the benefits, they say.

"Millennials are waiting longer to get married, but that doesn't mean they're not living together—they're not all living with mom and dad," said SHRM's Elliott.

Nancy Polikoff, a family law professor at American University Washington College of Law, said she likes "plus one" policies that allow employees to take care of their families, whether it be a spouse, a partner or an aging relative.

"The purpose of providing benefits is to help employees fund the financial and emotional obligations in their homes, and marriage is not always a part of that," she said.

She pointed to Salt Lake City's plan as a model. City employees can add any adult to their plan as long as they live together.

Jodi Langford, who oversees the benefits program for the city, said it has been used to cover parents, siblings and unmarried children older than 26 who would otherwise age out of their parents' health insurance plans. Of the 60 people on the plan before same-

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sex marriage was made legal, only about 10 have switched to spousal benefits.

“If we stop, we would have parents, siblings, boyfriends and girlfriends who would be without benefits,” Langford said. While the program is secure for now, she said there’s been some talk about reviewing it within the next year.

In Florida, public universities are planning to review their domestic partner benefits. Because only spouses are eligible for state-funded benefits, state universities had to come up with creative solutions to offer benefits to gay employees’ domestic partners. It was an anonymous gift that covered the additional cost of adding an adult beneficiary to a health plan at Florida State University (FSU) starting in 2014, while the University of North Florida (UNF) began covering the additional cost to employees through its fundraising foundation in 2006.

Spokesmen for both universities said the programs played a role in attracting talent. UNF is winding down its program, which had only been offered to same-sex couples, said Vice President and Chief of Staff Tom Serwatka.

“When we went to this, we did so on the basis that heterosexual couples had a choice whether they wanted to marry and understood the full implication of that choice. Homosexual couples didn’t have that choice.” Now that they do, Serwatka said, it makes less sense for the university to raise private funds to pay for the benefits.

“The university wasn’t trying to change the idea of marriage as the policy for the state, and state funding required marriage,” he said.

FSU is reviewing its program, which only paid for health insurance for domestic partners who could not get insurance through their work, said spokesman Dennis Schnittker.

“The gift was made under the belief of the donor that the state would be funding the benefit in the near future,” he said.

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No Change?

In some states, however, domestic partner benefits are likely to continue.

California's domestic partner benefit statutes remain intact, and in Massachusetts the policy is part of a still-standing executive order. Maine and Vermont, which was the first state to offer domestic partner benefits, are not planning to change their programs.

"We wouldn't just get rid of it because same-sex marriage has come about," said Tom Cheney, deputy commissioner for Vermont's Department of Human Resources. "The state of Vermont has long seen the value in offering domestic partner benefits to couples of all types. It's a useful recruitment and retention tool for the state as an employer."

Elliott believes it's too early to know what most employers—both public and private—will do with domestic partner benefits.

"Once we get past this year into next year's open enrollment, we're going to see some real change. The tea leaves haven't dried yet," he said.

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Resolution No.: 18-461
Introduced: April 19, 2016
Adopted: April 26, 2016

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Government Operations and Fiscal Policy Committee

SUBJECT: Collective Bargaining Agreements with Municipal & County Government Employees Organization

Background

1. Section 511 of the County Charter authorizes the County Council to provide by law for collective bargaining, with arbitration or other impasse resolution procedures, with authorized representatives of County Government employees.

2. Chapter 33, Article VII of the County Code implements Section 511 of the Charter and provides for collective bargaining by the County Executive with the certified representatives of County employees and for review of the resulting contract by the County Council.

3. On April 1, 2016, the County Executive submitted to the Council a collective bargaining agreements between the County government and Municipal and County Government Employees Organization effective July 1, 2016 through June 30, 2017. A copy of the Agreement is attached to this Resolution.

4. The Executive has submitted to the Council the terms and conditions of the Agreements that require or may require an appropriation of funds or changes in any County law or regulation.

5. The joint Government Operations and Fiscal Policy Committee and Education Committee considered the Agreements and made recommendations on April 21, 2016.

6. The County Council has considered these terms and conditions and is required by law to indicate on or before May 1 its intention regarding the appropriation of funds or any legislation or regulations required to implement the agreements.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council intends to approve the following provisions for FY17:

1. 0.5% general wage adjustment payable on the first pay period after July 1, 2016.

2. 0.5% general wage adjustment payable on the first pay period after January 1, 2017.

3. 3.5% service increments for all eligible bargaining unit members on their anniversary date.

4. 3% longevity increment for eligible bargaining unit members.

5. 1% lump sum for each eligible bargaining unit member who is at the top of grade and not eligible for a longevity step, payable on the first pay period after July 1, 2016.

6. Tuition Assistance up to $150,000.

7. 25 individual and 7 job class classification studies.

8. Inclusion of a Pharmacy Benefit Management Programs.

9. Additional $0.25 per hour for seasonal employee.

The County Council intends to reject the following provisions for FY17:

1. 3.5% service increment for each bargaining unit member whose service increment was deferred during FY11, FY12, or FY13, and who is otherwise eligible, effective the first pay period after May 1, 2017.

2. Domestic partner benefits for an opposite sex domestic partner, effective January 1, 2017.

3. The Council intends to reject the group insurance benefits in the agreement. The Council intends to approve the group insurance provisions as they were included in the Executive's Recommended FY16 operating budget, including a Medicare Part D Employer Group Waiver Prescription Drug Plan for Medicare-eligible retirees. To the extent that this approval is inconsistent with any provision of the collective bargaining agreement, that provision is disapproved.

The Council intends to approve all other provisions of the Agreement subject to Council review.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council