



"The next step for equality and fairness has been taken, but clearly will have to wait for the Bush administration to leave before we can get to the finish line."

Federal GLOBE applauds the Senate Homeland Security and Governmental Affairs for today's hearing on the Domestic Partner Benefits and Obligations Act

Federal GLOBE: Gay, Lesbian, Bisexual, Transgender Employees of the Federal Government applauds the Senate Homeland Security and Governmental Affairs committee, chaired by Senator Lieberman. Additionally, Senator Collins, Ranking Minority member, and Senator Akaka provided strong support for this important legislation. Federal GLOBE President Leonard Hirsch said: *"This hearing is the next step towards equality and fairness for all Federal employees, but it again shows the shame of the Bush administration and its inability to work for equality."*

The lack of benefits for domestic partners and legal same-sex spouses is discriminatory and puts the Federal government at a disadvantage for recruiting and retaining the best employees, which is greatly needed in these times of change and crisis. The total compensation package for LGBT employees is less than heterosexual employees receive—leading to questions about fairness and whether all employees are welcome. As all hearing participants said, there is strong support for domestic partner benefits in the best of the private sector. But the Administration representative, Deputy Director Weizmann of the Office of Personnel Management, came out against the legislation. His line of argumentation went that is not needed and it might open up options for increased fraud. In one of the most astounding moments, after acknowledging that OPM had done no surveys of needs or interest on the part of prospective employees, he cited the Adam Sandler movie, "I Now Pronounce You Larry and Chuck", as evidence of the likelihood of fraud!!!

Federal GLOBE calls upon the Committee and the Administration to disavow this line of non-evidence. It is an insult to suggest that there is any added likelihood of fraud from LGBT employees. Currently, the proposed legislation mandates a higher level of certification for LGBT benefit enrollment than for heterosexual employees. OPM's Weitzman called this inconsistent with current practices. But as Federal GLOBE Board member and Human Capital Specialist Ed Horvath said: *"In fact, new employees to the federal government can identify themselves as married and are never required to provide any documentation from a state or any form of affidavit - it is purely self-certification that entitles these employees to self plus family benefits."* Weitzman is wrong in fact, in approach, and in history.

All of the other participants, from IBM, a manager from FDIC speaking for himself, AFGE and NTEU showed: how this is important for people; how industry handled the issue; DP benefits provides equity and fairness; the costs were not high; and fears of fraud and abuse are not borne by evidence.

Federal GLOBE distributed a questionnaire to its members in preparation for this hearing. In analyzing the responses, three major themes come forward: fairness, retention and recruitment. The fairness theme is broad and core to the fundamental concept of all Americans being created equally. There are many subthemes ranging from ethics to finances to good governance. The retention and recruitment issues are equally important as the government faces major needs call for the best and the brightest who can give their all and are treated as a full part of the team.

Federal GLOBE was pleased to provide the attached written testimony to the Committee and looks forward to working with them and their House counterpart to move this forward as quickly as possible.

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Federal GLOBE: Gay, Lesbian, Bisexual, Transgender Employees of the Federal Government

PO Box 23922

Washington, D.C. 20026-3922

Federal GLOBE: Gay, Lesbian, Bisexual, Transgender Employees of the Federal Government, is a 501(c)(3) not-for-profit employee resource group for all government employees. It was founded in 1992 to provide voice and guidance to lesbian, gay, bisexual and transgender (LGBT) employees who faced harassment and discrimination on the job and in many areas of employment from initial hiring through promotions and transfers. The good news is that in the years since its founding, the amount and level of harassment and discrimination which LGBT government workers face has decreased in amount and form. This is based on the work of the many department and agency GLOBE organizations, leadership within and without the government and the overall increasing understanding within American society of the principles of equity which Federal GLOBE and its allies have been working towards.

In 1992, the major issue facing LGBT Federal employees was legal discrimination during security clearance procedures. Federal GLOBE worked with departments and agencies from then onwards to evaluate their practices and procedures and to eliminate this and other overt discriminatory practices, based on the rights which Federal employees have under the 1978 Civil Service Reform Act to be free from personnel actions which are based on “non-merit” factors. President Clinton, in issuing his 1998 Executive Order 13087 (which amends E.O. 11478), reiterated and made clear that there would be a uniform policy throughout the whole government, that discrimination based on sexual orientation, would not be tolerated. Many on this Committee, in the House Committee, and in our allied organizations such as the Human Rights Campaign worked hard to get that Executive Order through and in both the Clinton and Bush administrations, it has been the law of the United States of America.

In 2008, the major issue facing LGBT Federal employees is the lack of benefits for their families and the additional costs which this imposes. The Domestic Partnership Benefits and Obligations Act addresses this major concern and we strongly support its swift adoption. From daily concerns on health benefits for our families, to concerns about the retirement benefits we can leave to our loved ones, this standing inequality not only impacts our daily lives, but our ability to recruit and retain the best and the brightest for Federal employment. In this time of economic uncertainty it is even more important for this bill to pass and to provide loyal, hard-working government employees these benefits so their families can be more secure and enabled to work bringing the United States out of its problems and again be in the forefront of the world in innovation, entrepreneurship and leadership. This is not a new issue—Federal GLOBE, OPM GLOBE and many individual federal workers have requested benefit changes and additions for many years.

“I am certainly glad this is finally coming to pass. I have been calling OPM about this over and over and over again.”

Federal GLOBE sent a questionnaire to our membership in August to gain increased insight into their benefit concerns. [All italicized quotes come from questionnaire responses.] We would like to share some of the findings with you which reflect on the importance of this bill and their concerns. The themes we heard repeatedly were that LGBT employees were looking to Congress to treat us fairly and equally with other government employees. We heard that the lack of benefits were creating problems with retention of employees and with recruitment of new employees in this critical time when the baby boomers are retiring and the government needs well skilled, creative, and innovative employees. When

we cannot compete with the private sector or many state and municipal governments, we cannot attract the best and the brightest.

We received over 750 responses. Over 2/3 reported they would be interested in receiving such benefits, and most would sign up in appropriate registries as stipulated in the bill (though some felt it was discriminatory as such affidavits are not requested of heterosexual unions). They are currently paying an average of \$1,800 additional for benefits since they cannot add their partners and families to the government plans.

Their interests are the interests of all Americans—access to affordable health care; benefits for their children, natural, adopted, and foster; retirement benefits to their families; and equal payment and support for job related expenses such as relocation expenses. Government workers in many agencies move cities and countries to do their jobs. However, many agencies believe they cannot support the movement of the whole household of LGBT families, creating increased problems and costs. As you will hear, the government will pay for the movement of an employee's canary but not of their life partner. For our members in the foreign affairs agencies this is an enormous burden and increases not only costs for them but the danger to their families when they cannot get Embassy medical care, jobs, and, when necessary, evacuation in times of emergency. [Many of the foreign affairs agency employees also articulated their issues with getting appropriate legal status for their partners from other countries, which is not included in this bill but is in the United American Families Act (UAFA) which Federal GLOBE also strongly supports.]

"I have had to turn down overseas assignments because my same sex partner could not obtain insurance to enable him to relocate with me."

We were struck with the number of comments we received from government employees that one negative impacts of not being able to provide benefits to their partners is that these hard-working Americans had additional burdens if they wanted to be entrepreneurial—starting new businesses, to working for many not-for-profits, because these new or service organizations could not afford health care insurance packages. Providing benefits for LGBT government worker partners will enable increased development of small businesses and employment options for service organizations around the country and the world. As one person put it:

"My partner could not afford to take an exciting but risky position in a startup."

A majority of our respondents knew Federal employees who had left government service to be able to provide benefits for their families from private sector employers. Not only is this a matter of simple fairness, the government is well behind civil society in this regard and cannot compete effectively. As one long-term scientist put it:

"When I joined the federal government 30 years ago domestic partner benefits were unusual. Times have changed- now EVERY university and major biotech partner would offer my partner /same-sex spouse the same benefits as an opposite-sex partner/spouse. I would not join the government today; they are discriminating against me."

In order to remain competitive and continue to offer high quality service to the American people, the government needs to be able to attract the best Americans to fill the many jobs which are open and coming open within the federal government. All studies have shown that this will be an increasing problem in the coming years and providing domestic partner benefits fully will enable the Federal government better compete for excellent and caring employees. As one respondent said:

"Each year I help recruit individuals for the DOE, and at every session I am asked if there are Domestic Partner Benefits. I think if the Federal Government wants to be able to compete and retain quality individuals, they need to consider following industry standards in this regard."

All Americans, gay and straight, have the interest and need to protect their families and build lives of merit and caring. Government policy should not lead to irony, as stated so eloquently in this final quote we will use to illustrate the problems we face by not having the benefits which this bill would provide:

"Within the last year, my partner had to quit her federal position to be at home with our special needs child and we cannot afford private health insurance. She required emergency surgery a number of months ago and we now have over \$17,000 worth of medical bills. I think it is ironic that she cannot be on my health insurance policy but these doctors/hospitals want to hold me financially responsible for her debts since we have a house in both of our names. She cannot receive Medicare/Medicaid because I make too much money yet I cannot claim her as a dependent for tax purposes."