



May 14, 2007

VIA EMAIL (COUNCIL@BELLEVUEWA.GOV) AND FACSIMILE (425-452-7919)

Mayor Grant Degginger (also via facsimile to 206-223-7107)  
Deputy Mayor John Chelminiak  
Councilmember Claudia Balducci  
Councilmember Don Davidson  
Councilmember Conrad Lee  
Councilmember Connie Marshall  
Councilmember Phil Noble  
450 110th Ave. N.E.  
P.O. Box 90012  
Bellevue, WA 98009

**Re: Lambda Legal Urges Bellevue City Council To Adopt and Implement Promptly A Domestic Partner Benefits Plan For All City Employees**

Dear Members of the Bellevue City Council,

Lambda Legal Defense and Education Fund, Inc. (“Lambda Legal”) writes this letter to urge the Bellevue City Council to adopt and implement swiftly a domestic partner benefits plan that provides equal family benefits to the City of Bellevue’s (“City”) dedicated employees, without discrimination on the basis of marital status, sexual orientation or sex. We write on behalf of our clients City Firefighter/Paramedic Larry deGroen, City Firefighter/Paramedic Faun Patzer, City Lead Dispatcher George Einsetler, as well as the International Association of Firefighters, Local 1604 (“Local 1604”), which represents Mr. deGroen, Ms. Patzer, and the City’s other firefighters in the collective bargaining process.

Lambda Legal represents Larry deGroen, Faun Patzer and George Einsetler in *deGroen et al. v. City of Bellevue, et al.*, Case No. 07-2-12286-9 SEA, in the Superior Court of King County, with our co-counsel Newman & Newman, Attorneys at Law, LLP. Lambda Legal is the nation’s oldest and largest legal organization advocating for the civil rights of lesbians, gay men, bisexuals and transgender people. Since 1973, Lambda Legal has appeared as counsel or *amicus curiae* in hundreds of cases in state and federal courts on behalf of lesbians and gay men who have suffered discrimination because of their sexual orientation, including many cases seeking and defending domestic partnership protections for same-sex couples. Lambda Legal’s “relationship recognition” litigation in the Washington Supreme Court has included *Heinsma v. City of Vancouver*, 144 Wn.2d 556 (2001) (helping



to defend Vancouver's authority to provide domestic partner benefits); and *Vasquez v. Hawthorne*, 145 Wn.2d 103 (2001) (helping to establish that surviving same-sex partners are to be treated the same as surviving different-sex unmarried partners regarding property division after a breakup or the death of one partner).

Lambda Legal and Local 1604 are delighted that the City Council is considering the adoption of a domestic partner benefits plan. As the plaintiffs in the *deGroen* lawsuit know well, a denial of family-support benefits inflicts real harms on dedicated, loyal City employees. Lambda Legal and Local 1604 therefore urge the City Council immediately to end the City's restriction of those benefits to only married employees. Instead, we recommend that the City Council adopt a family benefits plan that offers benefits to all employees who have a committed life partner, without exclusions based on marital status, sexual orientation, and whether an employee's sex is the same or different from his or her domestic partner's sex.

The *deGroen et al. v. City of Bellevue et al.* lawsuit seeks an end to discrimination in family benefits against gay and lesbian employees, which is the change the City must undertake at the minimum to comply with Washington's constitutional guarantees. The better policy position, however, is for employers simultaneously to end benefits discrimination against their employees based on marital status, sexual orientation and sex. This is not difficult to do. The majority of Bellevue's neighboring municipalities, King County itself, and a great many public and private employers across the state offer domestic partner benefits according to this well-advised approach as a basic principle of respect for family diversity and for employees' private decisions about how to structure their family lives. You may look in any direction and see models of simple, well-functioning, inclusive plans.

Following your neighbors' lead not only would resolve the serious constitutional infirmities inherent in the City's current policy of discrimination, but also would be good fiscal stewardship. Of course, cost savings cannot ever lawfully be gained through the denial of equal protection of the law. In the case of the City's current policy, however, benefits discrimination actually runs counter to the objective of conserving fiscal resources. Domestic partner benefits make a dramatic difference to the unmarried employees who otherwise must do without family-support benefits, while generally only having a negligible effect on an employer's budget. As many of the public and private employers surrounding Bellevue have learned, employers that offer domestic partner benefits actually realize a cost savings through the recruitment and retention of valuable, experienced employees. The sound business reasons for ending marital status, sexual orientation and sex discrimination in employment benefits are set forth in detail with supporting references in Lambda Legal's November 10, 2006 letter to Bruce Ansell in support of Local 1604's request for inclusion of domestic partner benefits within the labor agreement for Bellevue's firefighters. We understand this letter was provided to the City's representative during contract negotiations last fall, and we would be pleased to provide additional copies to any of you now upon request.



For the reasons stated in our November 10, 2006 letter and those elaborated in the *deGroen et al. v. City of Bellevue et al.* legal complaint, Lambda Legal urges the City Council to resolve this issue favorably and swiftly. The City's gay and lesbian employees have asked repeatedly for equal family benefits, both individually and through their collective bargaining agents, and have had to cope for years with the government-imposed label of inferiority, as well as the attendant anxiety and expense caused by the continuing, unjust denial of benefits. It is incumbent on the City to remedy these inequities without further delay. Domestic partner benefits that do not require the participation of a third party provider, such as bereavement leave to attend the funeral of an employee's life partner or one of the partner's parents, and family medical leave when one's beloved is very ill, should be made available immediately. If any benefits require the agreement of a third party provider that insists upon negotiating new contract terms, this process should be undertaken at once so that the benefits can be made available on a non-discriminatory basis at the earliest possible opportunity.

Providing equal employee compensation, including equal family benefits, should form a centerpiece of the City's stated commitment to diversity, inclusion and conducting itself as a "world-class" city. Lambda Legal and Local 1604 urge the City Council to carry these laudable objectives into action by immediately ending the current discrimination against the City's gay and lesbian employees and instead providing family-support benefits to all employees with a committed life partner, regardless of their marital status, their sexual orientation, and the sex of the person with whom each has formed a committed domestic relationship. Gay and heterosexual alike, your skilled and dedicated employees need you to respect their families, and we are confident that the City of Bellevue will realize the same salutary benefits from doing so as have your neighbors in both the public and private sectors.

Please feel free to contact us with any questions about these matters or if we can be of assistance in any way as you move forward.

Very truly yours,

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.

Jennifer C. Pizer  
Senior Counsel

Tara L. Borelli  
Staff Attorney

cc: Lori Riordan, Bellevue City Attorney (via facsimile)