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Title: Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article XI Personnel, Chapter 186, Domestic Partnership and Common Law Spouse Benefits, by providing enhancements relating to a Mutual Commitment Registry.

Sponsors: Bruce A. Kraus, Douglas Shields

Indexes: PGH. CODE ORDINANCES TITLE 01 - ADMINISTRATIVE

Code sections:

Attachments: 1. 2008-484.doc, 2. 2008-484 VERSION 2.doc, 3. 2008-484 VERSION 3 FINAL.doc

Date	Ver.	Action By	Action	Result
6/17/2008	3	City Council	AMENDED	Pass
6/17/2008	3	City Council	Passed Finally, As Amended	Pass
6/11/2008	2	Committee on Human Resources	AMENDED	Pass
6/11/2008	2	Committee on Human Resources	Affirmatively Recommended as Amended	Pass
6/3/2008	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code, Title One, Administrative, Article XI Personnel, Chapter 186, Domestic Partnership and Common Law Spouse Benefits, by providing enhancements relating to a Mutual Commitment Registry.

Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code, Title One, Administrative, Article XI Personnel, Chapter 186, Domestic Partnership and Common Law Spouse Benefits, is hereby amended and supplemented, as follows:

**CHAPTER 186
DOMESTIC PARTNERSHIP AND COMMON LAW SPOUSE BENEFITS**

**CHAPTER 186
DOMESTIC PARTNERSHIP AND COMMON LAW SPOUSE BENEFITS**

- § 186.01. [Generally.]
- § 186.02. Definitions.
- § 186.03. Purpose
- § 186.04. Requirements for Mutual Commitment Registry
- § 186.05. Declaration of Mutual Commitment
- § 186.06. Termination of Mutual Commitment
- § 186.07. Registration and Fees

§ 186.08. Rights

§ 186.09. Public Document

§ 186.01 [*Generally.*]

Comparable domestic partners and common law spouses shall be eligible for health insurance, dental insurance, vision care insurance, sick leave, bereavement leave, or family leave, and the ability to participate in the bonus waiver program, as are provided to other City employees and their families, to the extent consistent with the contractual obligations of the City's health care insurance providers.

§ 186.02. Definitions.

For purposes of this policy, a common law marriage shall be defined by the applicable Pennsylvania law and shall demonstrate at minimum the criteria set forth below. It should be noted, however, that the requirements set forth below do not alter the requirements set by applicable Pennsylvania law for the dissolution of a common law marriage. Employees must show appropriate documentation demonstrating the dissolution of a common law marriage before seeking benefits under this section for a new common law spouse.

(a) A domestic partnership shall be a same-sex or opposite sex partnership meeting the criteria set forth below.

1. Both partners shall be a minimum of eighteen (18) years of age and mentally competent at the time of registration;
2. Neither partner shall be married or the domestic partner/common law spouse of another person;
3. The partners are not related by blood to a degree that would bar marriage in Pennsylvania (23 Pa. C.S.A. Section 1304);
4. The partners acknowledge that they have entered into the relationship voluntarily, willfully, and without reservation intending the relationship to be the functional equivalent of marriage, including: living together as a couple, mutual financial support, mutual caring and commitment, mutual fidelity and mutual responsibility for each others welfare; and
5. The couple has been together for a minimum of twelve (12) months prior to registration and has not terminated another registration with the City of Pittsburgh less than twelve (12) months prior to the instant registration.

(b) Eligibility for benefits under the domestic partner/common law spouse benefits program is available to employees who:

1. Complete an affidavit confirming the above and complying with Sections 186.04 and 186.05, and continue to adhere to the principles stated; and
2. Provide three (3) documents demonstrating mutual responsibility, from among the following:
 - a. joint loan application
 - b. joint lease;
 - c. joint deed;
 - d. joint mortgage agreement
 - e. joint utility bills
 - f. designation by the declarant of the other party as primary beneficiary on a life insurance policy or retirement contract;
 - g. designation as the primary beneficiary in the declarant's will;
 - h. a reciprocal, durable power of attorney for health care (authorizing the partner to make medical decisions in the event of incapacity)
 - i. a reciprocal, durable financial power of attorney in the event of incapacity;
 - j. a 'relationship contract' obligating each of the parties to provide for the other party and providing, in the event of the termination of the relationship, for a division of any property jointly acquired during the relationship;

- k. joint ownership of a motor vehicle
- l. joint checking account
- m. or joint credit account;
- n. mutual legal responsibility for the care of a child.

Domestic partners in the employ of the City already covered by the pre-existing statute shall complete the Affidavit of Mutual Commitment, and will be automatically registered, and eligible for benefits specified in this amendment.

§ 186.03. Purpose.

The City of Pittsburgh is committed to promoting justice, equity, and inclusiveness in the provision of health care and many other benefits to all of its citizens that might be offered by the City or by private employers situated in the City. The City finds that it is made up of a diversity of households and that in those households relationships exist in many different forms. Those forms include committed, unmarried couples in either same or opposite sex relationships; parent and child relationships; other familial relationships; and committed friendships. The City wishes to promote the public health, safety, welfare, and prosperity of its citizens and generally improve overall quality of life by allowing for the efficient and streamlined disposition of health care benefits or other benefits that the City or businesses within the City might offer to their employees - including an employee's designee listed on a Mutual Commitment Registry. The City finds that a City-maintained list is the best way for the City and for businesses within the City to reliably ascertain whether an employee's designee listed on the Mutual Commitment Registry and beneficiaries are eligible for such benefits. Therefore, it is the policy of the City to allow any two adults in a committed relationship who meet the criteria to register with the City and to obtain a certificate attesting to their status.

§ 186.04. Requirements for Mutual Commitment Registry.

To be eligible to register a relationship of Mutual Commitment with the City of Pittsburgh, the two individuals (the "declarants") must meet the following criteria:

1. Freely declare that they are solely and mutually committed to each other;
2. Be persons eighteen years of age or older and be unmarried according to the laws of the Commonwealth of Pennsylvania;
3. Be competent to contract;
4. Be residents of the City of Pittsburgh;

§ 186.05. Declaration of Mutual Commitment.

1. Mutual Commitment declarants shall make an official record of their relationship by executing a "Declaration of Mutual Commitment" on the form prescribed by the City of Pittsburgh.
2. The Declaration must include a statement that the persons are in a relationship of mutual commitment, support, and caring, and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and support.
3. The Declaration must include a statement that both persons agree to file a termination of the relationship if there is a change in the status of their relationship such that they cease to meet the criteria for the Mutual Commitment Registry.
4. The sworn Declaration shall include the date on which the Mutual Commitment was registered, the mailing address(es) of both declarants, and the notarized signatures of both declarants. The Declaration shall further

state that the declarants meet all the criteria for the Mutual Commitment Registry set forth in section 186.02 above.

5. The City shall have no duty to verify the information provided by the individuals filing the Declaration of Mutual Commitment.

§ 186.06. Termination of Mutual Commitment.

A Mutual Commitment ends when:

1. Either of the declarants dies; or
2. One or both of the declarants executes a notice of termination, stating that one or more of the criteria listed in section 186.02 no longer applies. If only one of the declarants executes the notice of termination, then that declarant shall attest to the fact that he or she has sent a copy of the notice of termination to the other declarant at the other declarant's last known address. This notice requirement does not apply if the termination of the Mutual Commitment is due to the death of one of the declarants.
3. A person cannot register a Mutual Commitment until at least twelve months after any other Mutual Commitment of which he or she was a declarant ended and a notice that the Mutual Commitment ended was given. This does not apply if the earlier Mutual Commitment ended because one of the members died.

§ 186.07. Registration and Fees.

1. The Department of Personnel will keep a record of all Declarations of Mutual Commitment and of all notices terminating a Mutual Commitment.
2. The fee for filing a Declaration of Mutual Commitment shall be \$25.00 (consistent with the prevailing fee for a marriage license), which entitles the persons filing the Declaration of Mutual Commitment to two certified copies of the official statement.
3. No fee will be charged for filing a notice terminating a Mutual Commitment.
4. An amendment to a Declaration may be filed by a declarant with the Department of Personnel at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a Mutual Commitment are filed with the Declaration of Mutual Commitment to which they apply.

§ 186.08. Rights.

1. Use of and Access to City Facilities. All facilities owned and operated by the City, including but not limited to recreational facilities, shall allow those listed on the Mutual Commitment Registry, and his or her children, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to City facilities
2. Health Care Visitation. When one declarant is a patient in any health care facility operating within the City, such health care facility may access the City's Mutual Commitment Registry in evaluating whether to allow the other declarant to visit such patient unless the patient expresses a desire that visitation by the declarant be restricted. As used in this section, "health care facility" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with the medical services, nursing services, health screening services, other health-related services, and supervisory care services.
3. Other Benefits. The City may, from time to time, be asked by the City Council or Administration or by private employers licensed to do business within the City, to have the Registry act as verification of the Mutual Commitment status for other benefits which meet the goals of this ordinance to promote the public health, safety and welfare and prosperity of its citizens.

186.09 Public Document

The Mutual Commitment Registry, defined as the list of names, shall be considered a public document under the Pennsylvania Right to Know Act.

ATTACHMENT I

Affidavit of Mutual Commitment

**City of Pittsburgh, Pennsylvania
Department of Personnel**

City of Pittsburgh Mutual Commitment Affidavit

We, the undersigned, declare under penalty of perjury :

1. We are engaged in a committed relationship and intend to remain together indefinitely.
2. We are at least 18 years of age and have the capacity to enter into a contract.
3. We share a common permanent residence and are jointly responsible to each other for the necessities of life.
4. We are not related by blood closer than permitted for married couples under Pennsylvania marriage laws.
5. Neither of us has another domestic partner.
6. Neither of us is legally married.
7. Neither of us may lawfully be claimed as a dependant on any other person's federal income tax return.
8. We understand that the registration of this Mutual Commitment Affidavit creates a domestic partnership of continuous duration until either of us files an Affidavit of Termination or upon the death of either of us.
9. Each of us agrees to file jointly or separately an Affidavit of Termination with the Personnel Department within 30 days of a change in this domestic partnership such that we no longer meet the criteria herein.

WE DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

Domestic Partner

Domestic Partner

(Print name)

(Print name) _____

Signature
Street Address

Signature _____
City State Zip _____

Commonwealth of Pennsylvania
County of Allegheny
Subscribed and sworn before me a notary public
on this ____ day of _____, 20__
My commission expires:

Notary Public

ATTACHMENT II

Affidavit of Termination of Mutual Commitment

City of Pittsburgh Termination of Mutual Commitment Affidavit

First Mutual Commitment Partner Information

Last Name	First Name	M.I.	Phone Number
Street Address		E-mail Address	
City	State	Zip Code	

Second Mutual Commitment Partner Information

Last Name	First Name	M.I.	Phone Number
Street Address		E-mail Address	
City	State	Zip Code	

Termination of Partnership

I _____ am no longer in a mutually committed relationship with
First Partner

_____, as defined by the City of Pittsburgh's Mutual Commitment
Second Partner,

Affidavit that I signed and dated on _____.
Date filed

I have mailed a copy of this Termination Statement to my former partner on _____ at the
address listed above for my former partner.
Date filed

Signature

I declare the above statements to be true and correct.

First Mutual Commitment Partner

Date

Department of Personnel