

**OHIO EDUCATION ASSOCIATION
Bargaining Language Considerations
GLBT Member Advocacy**

IMMEDIATE FAMILY

Immediate family shall be defined as: wife, husband, same sex domestic partner, children, the minor or dependent children of the same sex domestic partner, mother-in-law, father-in law, parents, step-parents, step-children, step-brother, step-sister, foster child, grandparents, grandchildren, brothers, sisters, legal guardian, daughter-in-law, and son-in-law, or another person who assumes a similar relationship to the employee. This definition may be expanded to include other persons at the discretion of a requesting employee's supervisor on a case by case basis.

SAMPLE ASSAULT LEAVE PROVISION

ENTITLEMENT

An employee who suffers illness or injury that is caused by a job-related assault, be it on or off the Employer's premises, shall be granted assault leave for the length of the absence, without regard to race, color, religion, creed, national origin, sex, age, marital status, sexual orientation, gender identity and gender expression, disability, veteran status or political or union affiliation and to have due regard for employees' privacy and constitutional rights as citizens.

SAMPLE UNPAID LEAVES OF ABSENCE PROVISION

ENTITLEMENT

The Employer shall grant unpaid leave of absence for reasons and in keeping with provisions herein stated:

For professional growth which shall include: travel, extension of sabbatical leave, professional study, or other pursuits that will, in the determination of the employee, improve his/her competency.

To participate in other employment experience, foreign or domestic, that will increase the employee's competency and experience.

To conduct matters related to a political office to which he/she is elected. Such leave shall be for time necessary and related to the office held and may include part-time, portions of weeks, or related arrangements.

To care for a newborn child or adopted child of which the employee is a parent or legal guardian, or the partner of the legal guardian or parent.

For extended illness or for medical reasons of the employee or a member of the employee's immediate family. Immediate family shall be defined as: wife, husband, same sex domestic

partner, children, the minor or dependent children of the same sex domestic partner, mother-in-law, father-in law, parents, step-parents, step-children, step-brother, step-sister, foster child, grandparents, grandchildren, brothers, sisters, legal guardian, daughter-in-law, and son-in-law, or another person who assumes a similar relationship to the employee. This definition may be expanded to include other persons at the discretion of a requesting employee's supervisor on a case by case basis.

For other reasons as approved by the Employer so long as such leave is granted uniformly and consistent with provisions of this section.

For military reserve training or for active military duty.

SAMPLE NON-DISCRIMINATION PROVISION

The Employer agrees not to discriminate against any employee based upon race, color, religion, creed, national origin, sex, age, marital status, sexual orientation, gender identity and gender expression, disability, veteran status or political or union affiliation and to have due regard for employees' privacy and constitutional rights as citizens.

Ensure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reduction in force (RIF), education, tuition assistance, will be administered without regard race, color, religion, creed, national origin, sex, age, marital status, sexual orientation, gender identity and gender expression, disability, veteran status or political or union affiliation and to have due regard for employees' privacy and constitutional rights as citizens.

GLBT BARGAINING INSURANCE CONSIDERATIONS

The minimal **GLBT BARGAINING INSURANCE CONSIDERATIONS** contain the following:

1. A section that provides for coverage for same- or opposite-gender domestic partner benefits for such partners and any dependent children.
2. A section that provides for "grossing up" of employees' salary to offset additional imputed income tax for domestic partner benefits.

SAMPLE INSURANCES PROVISION RELATED TO GLBT EMPLOYEES

___ Coverage 1

___ A. The Employer shall provide coverage for unmarried same- or opposite-gender domestic partners and their dependents.

_____ Tax Implications 5

Any premium contributions made by Employer on behalf of domestic partners are considered taxable income. However, Employer shall pay for the tax impact on the employee's behalf with no impact on employee's net pay. [Employer will gross-up employee's salary for the value of the insurance for the domestic partner. As a result, gross wages reported on Form W-2 will be higher by the amount of the insurance including the gross up.]

INSURANCES STRATEGY AND RATIONALE

Avoid disparities between spousal and domestic partner benefits. The additional tax liability for the imputed value of the domestic partner benefit can be substantial, so bargaining the "gross-up" is a substantial benefit for employees.

Note: A gross up clause is a provision in a contract which provides that all payments must be made in the full amount, free of any deductions or withholdings, and without exercising any right of set-off (that is, a statutory defense to the whole or to a portion of a plaintiff's claim.) The provision will usually indicate that if there is a mandatory withholding or deduction by operation of law (usually with respect to tax), then the paying party shall "gross up" the payment so that the receiving party receives the same net amount.