

By Mr. Demakis of Boston, petition of Paul C. Demakis, Robert A. Havern and Brian A. Joyce relative to equal employment benefits for public employees. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT RELATIVE TO EQUAL EMPLOYMENT BENEFITS FOR PUBLIC SECTOR EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 32A of the General Laws, as appearing in the 1996 Official Edition, is hereby amended by striking out the first sentence of paragraph (d), of section 2, as so appearing, and inserting in place thereof the following sentence: — “Dependents”, an employee’s spouse or domestic partner, his unmarried children under nineteen years of age and those in the custody of his spouse or domestic partner, and any child nineteen years of age or over who is mentally or physically incapable of earning his own living, provided that an additional premium is paid for the coverage of such handicapped child.

SECTION 2. Said section 2 of said chapter 32A is hereby further amended by adding after paragraph (h) the following paragraph:—

(i) “Domestic partner”, an employee’s partner in a domestic relationship which meets the following criteria: (1) It is a same gender relationship of mutual support, caring and commitment, and both partners intend to remain in such a relationship; and (2) the employee and his domestic partner reside together; and (3) the employee and his domestic partner are not married; and (4) the employee and his domestic partner are not related by blood closer than would bar marriage in the Commonwealth of Massachusetts; and (5) the employee and his domestic partner are each other’s sole domestic partner; and (6) the employee and his domestic part-

14 ner are competent to contract; and (7) the employee and his  
15 domestic partner consider themselves to be a family.

1 SECTION 3. Section 7 of said chapter 32A is hereby amended  
2 by adding after the first paragraph the following paragraph: —

3 For the purposes of this chapter, each employee to whom this  
4 chapter applies who has a domestic partner, and who is enrolling  
5 himself and his domestic partner under the policy or policies of  
6 insurance, shall furnish the commission, in such form as it shall  
7 prescribe, certification that he and his domestic partner meet the  
8 criteria for domestic partnership as contained in paragraph (i) of  
9 section two.

1 SECTION 4. Section 10C of said chapter 32A is hereby  
2 amended by striking out subsection (g), as so appearing, and  
3 inserting in place thereof the following subsection:—

4 (g) Upon the death of an active or retired employee insured  
5 under this section, the surviving spouse or domestic partner may  
6 continue the insurance under this section, or the group hospital,  
7 surgical, medical, dental and other health insurance benefits pro-  
8 vided under section five, whichever may be applicable, and the  
9 duration of such insurance, the determination and the amount of  
10 premium to be paid will be in accordance with section eleven.

1 SECTION 5. Said chapter 32A is hereby further amended by  
2 striking out the last sentence of section 10E, as so appearing, and  
3 inserting in place thereof the following sentence: — For the  
4 purposes of this section, “dependent child” shall mean any child,  
5 whether natural, adoptive or a stepchild, of any such employee or  
6 of any such employee’s domestic partner.

1 SECTION 6. Section 11 of said chapter 32A is hereby  
2 amended by striking out the first sentence, as so appearing, and  
3 inserting in place thereof the following sentence: — Upon the  
4 death of an employee or retired employee insured under this  
5 chapter, the surviving spouse or surviving domestic partner, or the  
6 surviving dependent if there is no surviving spouse or surviving  
7 domestic partner, or the surviving dependent if the surviving  
8 spouse or surviving domestic partner subsequently dies, may  
9 continue the group or general or blanket insurance providing

10 hospital, surgical, medical, dental and other health insurance until  
11 the remarriage of or entry into a new domestic partnership  
12 arrangement by said surviving spouse or surviving domestic  
13 partner, or, if there is no surviving spouse or surviving domestic  
14 partner, until the surviving dependent becomes eligible for other  
15 group health coverage; provided, however, that application for  
16 such insurance coverage shall be filed with the commission and a  
17 method for the payment of premiums shall be determined in  
18 accordance with its rules and regulations; and provided, further,  
19 that said surviving spouse or surviving domestic partner or surviv-  
20 ing dependent shall pay fifteen per cent of the monthly premium  
21 for such insurance and the commonwealth shall contribute the  
22 remaining eighty-five per cent of said premium subject where  
23 applic-able, to reimbursement as provided under section ten B.

1 SECTION 7. Section 12 of said chapter 32A is hereby  
2 amended by striking out the first sentence, as so appearing, and  
3 inserting in place thereof the following sentence: — The commis-  
4 sion shall negotiate with and purchase on such terms as it deems  
5 to be in the best interests of the commonwealth, the political  
6 subdivisions that have accepted the provisions of this section and  
7 teachers retired from such political subdivision who are receiving  
8 a pension annuity or retirement allowance from the state teachers'  
9 retirement system, as provided in chapter thirty-two, a policy or  
10 policies of group life insurance in the amount of one thousand  
11 dollars and such greater amount of group life insurance and two  
12 thousand dollars and such greater amount of group accidental  
13 death and dismemberment insurance for teachers retired from  
14 governmental units having accepted section nine F of chapter thirty-  
15 ty-two B, and a policy or policies of group hospital, surgical,  
16 medical, dental and other health insurance including optional  
17 medicare extension from one or more insurance companies,  
18 savings banks or nonprofit hospital, medical or dental service cor-  
19 poration for such retired teacher and their dependents and the sur-  
20 viving spouse or domestic partner and dependents of such retired  
21 teachers.

1 SECTION 8. Said section 12 of said chapter 32A as most  
2 recently amended by chapter 366 of the Acts of 1996, is hereby

3 further amended by striking out the second and third sentences, as  
4 so appearing, and inserting in place thereof the following  
5 sentences: — Said policy or policies shall consist of hospital,  
6 surgical, medical and other health insurance coverage for said  
7 retired teachers, their surviving spouse or domestic partner and  
8 dependents which shall be unrelated to the health insurance cover-  
9 ages purchased by the commonwealth under the provisions of  
10 sections four and ten C or the health insurance coverages  
11 purchased by counties, cities, towns and districts under the  
12 provisions of section three and eleven C of chapter thirty-two B.  
13 The claim experience of said retired teachers, or their surviving  
14 spouses or surviving domestic partners and surviving dependents  
15 shall be maintained by the commission unrelated to the claim  
16 experience applicable to the aforementioned life and health insur-  
17 ance coverages; provided, however, when deemed advisable by  
18 the commission in the interest of attaining a more favorable total  
19 monthly cost and overall claim experience, the claim experience  
20 of the health insurance coverages provided under the section may  
21 be combined with the claim experience of the health insurance  
22 coverages provided under section ten B.

1 SECTION 9. Said section 12 of said chapter 32A is hereby  
2 further amended by striking out the first sentence of paragraph (a),  
3 as so appearing, and inserting in place thereof the following  
4 sentence: — Each retired teacher or insured surviving spouse or  
5 insured surviving domestic partner to whom this section applies  
6 shall furnish the commission, in such form as it shall prescribe,  
7 such information as is necessary to insure himself or himself and  
8 his dependents under the applicable insurance coverages described  
9 herein, and shall authorize the withholding of the appropriate  
10 premium from his pension, annuity or retirement allowance by the  
11 teachers' retirement board established by chapter fifteen.

1 SECTION 10. Said section 12 of said chapter 32A is hereby  
2 further amended by striking out paragraph (b), as so appearing,  
3 and inserting in place thereof the following paragraph: —  
4 (b) With respect to any period of insurance which is in effect  
5 for a retired teacher or surviving spouse or surviving domestic  
6 partner, and dependents, notwithstanding the provisions of section  
7 nineteen of chapter thirty-two or any other general or special law

8 to the contrary, there shall be withheld from each monthly pay-  
9 ment of pension, annuity or retirement allowance by the teachers'  
10 retirement board the appropriate premium to be paid by said  
11 teacher or surviving spouse or surviving domestic partner for such  
12 insurance and the commonwealth shall make primary payment of  
13 the remaining premium together with the subsidiary or additional  
14 rate if any, subject to reimbursement as outlined in paragraph (d).

1 SECTION 11. Said section 12 of said chapter 32A is hereby  
2 further amended by striking out the first sentence of  
3 subsection (d), as so appearing, and inserting in place thereof the  
4 following sentence: — The commission shall determine at least  
5 annually, or sooner, the amount of premiums and subsidiary or  
6 additional rates which shall be reimbursed to the commonwealth  
7 by counties, cities, towns and districts having retired teachers,  
8 surviving spouses or surviving domestic partners and dependents  
9 insured under this section.

1 SECTION 12. Said section 12 of said chapter 32A is hereby  
2 further amended by striking out paragraph (f), as so appearing,  
3 and inserting in place thereof the following paragraph: —

4 (f) Upon the death of a retired teacher insured under this  
5 section, the surviving spouse or surviving domestic partner may  
6 continue the health insurance coverage upon the payment of the  
7 appropriate premium and in a manner prescribed by the  
8 commission.

1 SECTION 13. Section 13 of said chapter 32A is hereby  
2 amended by striking out the first sentence: — Upon receipt of  
3 application from a political subdivision of the commonwealth  
4 having accepted the provisions of section eleven E of chapter  
5 thirty-two B, the commission shall determine whether the addition  
6 of the retired teachers, including dependents and surviving  
7 spouses or surviving domestic partners, of the political sub-  
8 division to the group life and health insurance coverages provided  
9 to employees under this chapter would be in the best interests of  
10 the commonwealth, the political subdivision and all insured  
11 employees with particular consideration being given to claim  
12 experience and premium cost.

1 SECTION 14. Section 14 of said chapter 32A is hereby  
2 amended by striking out the first paragraph, as so appearing, and  
3 inserting in place thereof the following paragraph: —

4 The commission may enter into a contract, hereinafter  
5 described, to make available the services of a health care organi-  
6 zation to certain eligible active and retired employees and depen-  
7 dents, including the surviving spouse or surviving domestic part-  
8 ner and dependents of such active and retired employees, on a vol-  
9 untary and optional basis, as it deems to be in the best interest of  
10 the commonwealth and such eligible persons as aforesaid,  
11 provided: — .

1 SECTION 15. Section 15 of said chapter 32A is hereby  
2 amended by striking out the first sentence of the third para-  
3 graph, as so appearing, and inserting in its place the following  
4 sentence: — Payment of premiums for catastrophic illness insur-  
5 ance provided in this section shall be made by the active and  
6 retired employee or surviving spouse or surviving domestic part-  
7 ner thereof with no contribution by the commonwealth, and the  
8 method for such payments shall be as provided in sections eight,  
9 ten, ten B, ten C, eleven, twelve, and fourteen, as may be  
10 applicable.

1 SECTION 16. Chapter 32B of the General Laws, as appearing  
2 in the 1996 Official Edition, is hereby amended by striking out the  
3 first sentence of paragraph (b) of section 2, as so appearing, and  
4 inserting in place thereof the following sentence: —  
5 “Dependents”, an employee’s spouse or domestic partner, an  
6 employee’s unmarried children under nineteen years of age, and  
7 any child nineteen years of age or over who is mentally or physi-  
8 cally incapable of earning his own living, provided that any addi-  
9 tional premium which may be required is paid for the coverage of  
10 such handicapped child.

1 SECTION 17. Said section 2 of said chapter 32B is hereby  
2 further amended by adding the following paragraph:—

3 (k) “Domestic partner”, an employee’s partner in a domestic  
4 relationship which meets the following criteria: (1) It is a same  
5 gender relationship of mutual support, caring and commitment,  
6 and both partners intend to remain in such a relationship; and

7 (2) the employee and his domestic partner reside together; and  
8 (3) the employee and his domestic partner are not married; and  
9 (4) the employee and his domestic partner are not related by blood  
10 closer than would bar marriage in the Commonwealth of  
11 Massachusetts; and (5) the employee and his domestic partner are  
12 each other's sole domestic partner; and (6) the employee and his  
13 domestic partner are competent to contract; and (7) the employee  
14 and his domestic partner consider themselves to be a family.

1 SECTION 18. Section 6 of said chapter 32B is hereby  
2 amended by inserting after the first paragraph and before the sec-  
3 ond paragraph of said section 6, as so appearing, the following  
4 paragraph: —

5 For the purposes of chapter thirty-two B, each employee to  
6 whom this chapter applies who has a domestic partner, and who is  
7 enrolling himself and his domestic partner under the policy or  
8 policies of insurance, shall furnish the treasurer of the governmen-  
9 tal unit, in such form as it shall prescribe, certification that he and  
10 his domestic partner meet the criteria for domestic partnership as  
11 contained in subsection (k) of section two.

1 SECTION 19. Section 9B of said chapter 32B is hereby  
2 amended by striking out the first paragraph, as so appearing, and  
3 inserting in place thereof the following paragraph:—

4 Section 9B. Upon the death of an employee or a retired  
5 employee, the surviving spouse or surviving domestic partner may  
6 continue the group general or blanket insurance coverage for him-  
7 self or his dependents providing hospital, surgical, medical, dental  
8 and other health benefits, until remarriage of or entry into a new  
9 domestic partnership arrangement by said surviving spouse or sur-  
10 viving domestic partner; provided, that application for such insur-  
11 ance coverage shall be filed with the appropriate public authority  
12 and a method for the payment of premiums shall be determined in  
13 accordance with its rules and regulations; and provided, further,  
14 that said surviving spouse or surviving domestic partner shall pay  
15 the entire cost of such premiums without any contribution by the  
16 governmental unit.

