

# **Current Benefits Offered to Maryland State Employees: How This Has Affected the University of Maryland, College Park LGBTQI Faculty and Staff**

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## **Abstract**

The purpose of this study is to identify and explore how the current benefits offered to Maryland state employees has affected the University of Maryland, College Park Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) faculty and staff and their same-sex domestic partner. Examining how Federal and Maryland State Laws govern employee benefits offered at the University of Maryland, College Park could reveal inequity, if any inequities exist among LGBTQI faculty and staff and their same sex domestic partner. Within this paper I disclose the inequity mandated by the federal government and pertains to how the benefits are taxed for LGBTQI employees. Unveiling on a state level how LGBTQI faculty and staff are unable to utilize their employee benefit of both the Family Medical Leave Act (FMLA) to care for their LGBTQI partner and how tuition remission is not extended to their domestic partner as well. The conceptual framework utilized is Adams equity theory. The core concept of Adams equity theory is the employee interpretation of fairness, essentially the evaluation of social exchange in relationships (Dalton & Cosier, 1983). Fairness is measured by the efforts an employee puts into their job and the rewards they receive. In this particular study the efforts of being and fulfilling their requirements as an employee and the rewards are the benefits being offered. The following questions guided this study: (1) what are the current benefits offered to all faculty and staff members employed at the University of Maryland, College Park? (2) How are the current benefits achieved and maintained?

## **Introduction**

The Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) leadership class I took my junior year at the University of Maryland, College Park (UMCP) elucidated and highlighted various styles of leadership. "Exploring Leadership for College Students who want to Make a Difference," written by Susan R. Komives, Nance Lucas, and Timothy R. McMahon (2007) brought forth one stratifying element of leadership in which they introduced the "Relational Leadership Model" (p. 73). The Relational Leadership Model is comprised of five primary components, which are inclusive, empowering, purposeful, ethical, and process-oriented. Komives, Lucas, and McMahon continue by stating how:

This approach to leadership is purposeful and builds commitment toward positive purposes that are inclusive of people and diverse points of view, empowers those involved, is ethical, and recognizes that all four of these elements are accomplished by being process-oriented. (p. 74)

Thus Relational leaders are inclusive, empowering, purposeful, ethical, and process-oriented. Therefore, the framework of the Relational Model is connecting and incorporating these five key elements within one's leadership role to motivate a positive social change. The core components of the Relational leadership model has guided my leadership role to motivate a positive social change for LGBTQI employees hired at the University of Maryland, College Park by conducting research and highlighting how LGBTQI employees and their domestic partner are subjected to inequitable benefits. I will continue by highlighting how the work of Eric Marcus (2002) in "Making Gay History: The Half-Century Fight for Lesbian and Gay Equal Rights," has further developed my leadership role.

Eric Marcus (2002) in "Making Gay History: The Half-Century Fight for Lesbian and Gay Equal Rights," gives in depth comprehension of the trials and tribulations the LGBTQI community has faced both on an individual and national level. In particular, I was moved by Marcus's discussion of the period from 1973 to 1981, which he refers to as the Coming of Age. The "Coming of Age" for the LGBTQI movement was just past the June 28th 1969 Stonewall

riot. Marcus stresses the importance of visibility by stating:

To young gay people who were coming of age just a few years later, in the early to mid-1970s, the world was a dramatically different place from what it had been in 1968. The lesson for both surviving and newly formed gay and lesbian organizations was that lasting change would take time and require persistent hard work... [m]uch would still depend on the courage of individual gay men and women to publicly acknowledge their homosexuality. (p. 187)

Highlighting how the 70's were a time of being openly gay, Marcus (2002) introduces the notion that, "the fight for gay and lesbian equal rights had evolved through: the development of organizations and discussion groups beginning in 1950," (p. 187). He illustrates how:

[L]ocal gay rights organizations across the country focused on immediate issues, such as the passage of gay rights legislation. In dozens of cities they succeeded in convincing elected officials to protect gay men and women from discrimination by adding "sexual orientation" or similar phrases to existing antidiscrimination laws. ... [and how]... organizations also focused their efforts on combating police harassment, overturning state sodomy laws, and increasing visibility in the media. (p. 187)

Marcus's discussion of the impact and effectiveness of organizations enabled me to understand the importance of becoming an effective leader to motivate social change of the LGBTQI community by realizing the importance of visibility.

Incorporating the ideology of the Relational Leadership Model with the works of Marcus was and still is effective in bringing about a social change for the LGBTQI community. Yet, more importantly, in my opinion this model has developed leadership identity within the queer community by fortifying and bringing visibility to each sub group of the community; hence the L, the G, the B, the T, the Q and the I!

In the introduction I brought forth the importance of LGBTQI organizational development and how these developments create visibility. Most importantly I quoted the work of Marcus (2002) in which he stressed how:

... local gay rights organizations... succeeded in convincing elected officials to protect gay men and women from discrimination by adding "sexual orientation" or similar phrases to existing antidiscrimination laws. These laws often already included provisions forbidding discrimination based on race, color, creed, gender, and religion. (p. 187)

As Marcus (2002) stated there are federal provisions protecting classes of race, color, creed, gender, and religion. Consequently, creating invisibility on a federal level for LGBTQI citizens since sexual orientation is not a protected class. As a result there is not a federal law mandating same-sex domestic partners of employees entitlement to the benefits guaranteed to heterosexual married couples. Therefore the LGBTQI employees have no federal protection at all. Examining how federal and Maryland State law affects the University of Maryland, College Park LGBTQI faculty and staff will create visibility for the LGBTQI community as well as display my leadership role for LGBTQI social justice.

## **Problem Statement**

The obstacles that some Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) employees at the University of Maryland, College Park experience due to homophobia and heterosexism reveal inequity within the system. Nichols and Scott (2005) in "Campus Climate for Lesbian, Gay, Bisexual, Transgender (LGBT) Faculty and Staff" contend that:

The Climate for LGBT faculty and staff is clearly an important concern for many campus citizens. While much of the environment is viewed as generally positive by both LGBT and non-LGBT respondents, the lack of equity in benefits remains the largest concern for LGBT faculty and staff. Both groups indicated that additional improvements to the climate can be made with targeted investments ranging from increased leadership communication to enhancing the infrastructure for entities that serve the LGBT community. (p. iii)

The lack of equity in benefits at the University of Maryland, College Park (UMCP) enabled the faculty and staff members who self-identify as LGBTQI and non-LGBTQI colleagues to observe how heterosexism and homophobia within their campus climate prevented equity in the workplace. LGBTQI faculty and staff at the University of Maryland, College Park:

Spoke of the individual burden they bore as a result of the lack of benefits; many more expressed the view that this exclusion sends a message that they are less valued than their colleagues, or that it is okay to continue to discriminate against this group of people (Nichols & Scott, 2005, p. ii)

LGBTQI faculty and staff conveyed how this inequity devalues them and creates the message that discrimination is okay. More importantly this campus report was published four years before the state extended benefits to LGBTQI employees however inequities still exist. Federal policies and Maryland state law govern health insurance, medical plans, and benefits for all Maryland state employees. Therefore the inequities that some self-identified LGBTQI faculty and staff encounter are not necessarily a reflection of the University of Maryland, College Park itself. With that being stated here is my research question: How has the current benefits offered to Maryland state employees, affect the University of Maryland, College Park LGBTQI faculty and Staff and their same sex domestic partner? This is a problem worthy of investigating for 2 reasons: (1) examining the current benefit options for LGBTQI faculty and staff hired at the University of Maryland, College Park, will reveal the inequity between LGBTQI and non-LBGTQI faculty and staff (2) learning how the benefits are achieved and maintained may reduce future inequities, if any inequities exist.

### **Purpose of Study and Research Questions**

The purpose of this study is to identify and explore how the current benefits offered to Maryland state employees has affected the University of Maryland, College Park LGBTQI faculty and staff and their same sex domestic partner. In order to determine how the current benefits offered to Maryland state employees has affected the University of Maryland, College Park LGBTQI faculty and staff and their same sex domestic partner one must figure out the current benefits and how these benefits are achieved and maintained. Given that the purpose of this study is to address inequitable benefits among faculty and staff employed at the University of Maryland, College Park the following questions will guide this study:

1. What are the current benefits offered to all faculty and staff members employed at the University of Maryland, College Park?
2. How are the current benefits achieved and maintained?

### **Significance of Research**

Examining employee benefits will expose inequity based upon sexual orientation. According to Rubenstein (1993), "There is no natural law against employment discrimination" (p. 74). As a result current benefits offered to LGBTQI employees and to LGBTQI same sex domestic partners at UMCP must be examined in order to disclose inherit heterosexism. Secondly, illustrating how these benefits are achieved and maintained will make evident of the inherit homophobic burden bestowed upon LGBTQI faculty and staff.

### **Summary of Analytic Framework**

Although several theories exist regarding equity theory, Adams equity theory anchored this study. Goodman and Friedman (1971) define Adams' Theory by illuminating how:

Inequity exists for Person whenever he perceives that the ratio of his outcomes to inputs and the ratio of Other's outcomes to Other's inputs are unequal. This may happen either (a) when Person and Other are in a direct exchange relationship or (b) when both are in an exchange relationship with a third party and Person compares himself to Other. Outcomes refer to rewards such as pay or job status which Person receives for performing his job. Inputs represent the contributions Person brings to the job, such as age, education, and physical effort. Outputs, a term not used in the definition, refer to products of Person's work, such as the number of interviews completed or pages proofed. (p. 271)

Based upon Adam's Equity theory, the measurement of equity is illustrated below:

Inequity exist when:

$$(P) \quad O:I \neq (O) \quad O:I$$

Therefore, inequities exist when LGBTQI employee outcome, input ratio does not equal heterosexual employee outcome, input ratio. This inequity is present when LGBTQI employee same-sex domestic partner do not receive the same benefits as married heterosexual spouses or when LGBTQI employees are taxed heavily by the IRS for the same benefits offered to non-LGBTQI employees and the taxation bestowed upon LGBTQI employees cease to exist for non LGBTQI employees.

## **Delimitations of Research**

Delimitations of the research within this particular study has little or nothing that focuses on hiring and promotion discrimination, recruitment and retention discrimination, mentorship and leadership discrimination, LGBTQI safety on campus and LGBTQI safe space signs displayed within departments, benefits options at other institutions within in the University System of Maryland besides University of Maryland, College Park (if they differ), on campus resources for LGBTQI faculty and staff. Additionally missed voices of LGBTQI individuals who did not participate within the studies articulated within the literature, focus groups, or case studies used to guide this study contributed to delimitations of research.

## **Definitions Related to Research**

LGBTQI: stands for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex. However, what exactly constitutes an individual to be Lesbian, Gay, Bisexual, Transgender, Queer or Intersex? According to the *LGBTQ America Today: An Encyclopedia*, they define Lesbian as a person who “encompasses a broad range of definitions that include, but are not limited to, sexual and social relations between women” (Hawley, 2009, vol. 2, pg. 661). Gay is defined as a term “specifically to men who are exclusively sexually attracted to men, though it is often used to describe all people who have sexual desire for people of their own sex” (Hawley, 2009, vol. 2 p. 422). Bisexual is defined as “a person’s capacity for sexual/emotional/romantic attraction to people of more than one gender” (Hawley, 2009, vol. 1 p. 132). As Susan Stryker puts it, transgender is defined as “people who move away from the gender they were assigned at birth” (cited in Hawley, 2009, vol. 3 p. 1210). Queer is defined as “a synonym for odd or strange... questionable character... male homosexual practices,” (Hawley, 2009, vol. 3 p. 978). Intersex is defined as “ a biological condition wherein an individual is born exhibiting genetic characteristics of both biological sexes,” (Hawley, 2009, vol. 3 p. 595).

## **Analysis and Discussion of the Literature and**

### ***Presentation of Analytic Framework***

In the introduction, I proposed the research question: How has the current benefits offered to Maryland state employees, affect the University of Maryland, College Park LGBTQI faculty and staff and their same-sex domestic partner? In order to answer the research question the following questions will guide this study:

1. What are the current benefits offered to faculty and staff employed at the University of Maryland, College Park?
2. How are they achieved and administered?

### ***Research Question #1: What are the current benefits offered to faculty and staff employed at the University of Maryland, College Park?***

The current health insurance, medical plans, and benefits offered to all faculty and staff members employed at the University of Maryland, College Park consists of the following:

- Medical
- Vision
- Dental
- Prescription Coverage
- Mental Health/Substance Abuse Plan

- Personal Accident and Dismemberment Coverage
- Flexible Spending Account
- Life insurance
- Long Term Care
- Long Term Disability
- Tuition remission
- Sick Leave
- Family Medical Leave Act (FMLA)
- Leave of Absence Without Pay (LAW)

***Research Question #2: How are benefits achieved and maintained?***

Benefits are achieved and maintained by becoming employed at the University of Maryland, College Park and maintained by fulfilling Maryland state laws and policies as well as federal laws and policies that govern the health insurance, medical plans, and benefits for all Maryland state employees. So, how has the current benefits offered to Maryland state employees, affect the University of Maryland, College Park LGBTQI faculty and staff and their same sex domestic partner? The benefits aforementioned affect UMCP LGBTQI faculty and staff and their same sex domestic partner because they are inequitable. They are inequitable for two main reasons: the first is mandated by the federal government and pertains to how the benefits are taxed, the second consisting of tuition remission being offered to married heterosexual spouses and dependents yet are not offered to same sex domestic partners and dependents. Cahill and Tobias (2007), authors of “Policy Issues Affecting Lesbian, Gay, Bisexual, and Transgender families,” illustrates the inequity between domestic partners and married couples by stating:

Even when same-sex couples earn the same as heterosexual married couples, they often pay more in taxes and are eligible for fewer elements of the social safety net, such as Social Security survivor benefits. For example, domestic partner health insurance, when offered, is taxed as income. In comparison, spousal health insurance, which married heterosexual couples can access, is tax-exempt... [while] [l]ow- and moderate-income gay families confront obstacles because many public policies and private employers do not recognize their families. Poor lesbians and gay men grapple with a welfare system that increasingly favors married heterosexual couples over single parents and all unmarried couples, including same-sex couples. (2007, p. 18)

The inequity illustrated by Cahill and Tobias (2007) currently exists within the state of Maryland. LGBTQI faculty and staff benefits are taxed as income whereas non-LGBTQI benefits are tax-exempt. Currently LGBTQI employees have their premiums deducted the same way as heterosexual employees. The issue is how same sex partner benefits are deducted and imputed differently than that of heterosexual spouses. Currently, heterosexual spouses and dependent deductions consist of the employee paying 20% of the annual benefit out of pocket while the state subsidy covers the remaining 80%. LGBTQI partners and dependents premiums are subjected to pre-tax and post-tax deductions that result in imputed income. Imputed income is explained on page 5 of the “State of Maryland (July 2010-June 2011) Guide To Your Health Benefits,” stating that:

For each group health insurance plan where there is an Employee contribution and State subsidy in which you enroll your domestic partner and your domestic partner’s eligible dependents, you are subject to tax withholding on the State’s contribution towards the coverage for those dependents not qualified as tax dependents under the IRS code. In other words, the State’s contribution towards coverage for your domestic partner and your domestic partner’s dependents is considered wages and is included in your taxable gross income subject to tax withholdings.



The table below creates a visual interpretation of the pre-tax, post-tax, and imputed income of LGBTQI employees plus domestic partner medical coverage benefit. The information listed in the table below can be found in the State of Maryland: Guide to Your Health Benefits, July 2010-June 2011 website.

Benefit Coverage:	Monthly Deduction	Bi-Weekly Deduction
Post-tax	\$61.68	\$30.84
Pre-tax	\$49.35 = \$111.03-\$61.48	\$24.68
Imputed Income	\$301.17 = \$362.85- \$61.68	\$150.59
Non-LGBTQI	\$111.03	\$55.51

The Employee premium is \$61.68 and that is the post-tax deduction. When you subtract \$61.48 from Employee + one coverage, which is \$111.03- \$61.48 = \$49.35. The \$49.35 amount is the monthly pre-tax deduction. Lastly, imputed income is the Fair Market Value (FMV) subtracted from the post-tax deduction, “in this example, the FMV equals the total cost (Employee plus State contributions) for **Employee Only** coverage, which is \$362.85 per month,” (University Human Resources, n.d.). So, when the employee premium is subtracted from the FMV the remaining balance is the imputed income, which is **\$362.85-\$61.68= \$301.17**. While married heterosexual employees and their spouse monthly deduction is **\$111.03**, hence a \$200 monthly difference. As a result, we are able to grasp how the “lack of equity” in employee benefits expressed within the UMCP Campus Climate Report still exists. Most importantly the lack of equity in imputed income is not a law or policy of the state of Maryland; it is mandated by the federal government, facilitated through the Internal Revenue Service (IRS).

The second benefit that is achieved by being employed at UMCP yet diminishes once one discloses their sexual orientation is the Family Medical Leave Act (FMLA). The FMLA is a federal law and was signed into congress by President Clinton in 1995. The FMLA guarantees a 12 week unpaid leave during a 12 month period for the birth of a child, adoption, care of a family member, or serious health condition so that a employee would not lose their job. However the FMLA does not apply to same-sex couples or partners. Cahill and Tobias (2007) stresses how the FMLA, “discriminates against same-sex couple families” (p.38). They continued by explicating the discrimination same sex couples endure by arguing that, “The federal FMLA provides up to twelve weeks of unpaid leave after the birth or adoption of a child, to facilitate recovery from a ‘serious health condition,’ or to care for an immediate family member who is extremely sick. But ‘family’ is defined specifically to exclude same-sex couple families” (Cahill and Tobias, 2007, p. 38). Cahill and Tobias highlights how the federal definition of family is based upon the Defense of Marriage Act (DOMA), in which they state how “DOMA...[bans] federal recognition of same-sex marriages...allowing states to refuse to recognize such marriages performed in other states” (p. 30). They continue by illustrating how:

DOMA defined marriage as a union between a man and a woman. The bill thereby ensured that federal benefits would be denied to same-sex couples if, at some point in the future, they won the right to marry in any particular state. DOMA also enabled states to ignore valid marriages entered into by same-sex couples in other states. (p. 61)

As for the state of Maryland, LGBTQI faculty and staff are unable to utilize their FMLA benefit to care for domestic partners.

The third and final benefit that is not extended to domestic partners of LGBTQI employees is tuition remission. Tuition remission is offered to both full-time and part-time employees, and is extended to their spouse and dependent children. However, tuition remission is not extended to the spouse and or dependent children of domestic partners. Each eligible employee, spouse, and dependent can register for a maximum of eight credits for fall and spring semester, four credits for winter term, and a total of eight credits combined for summer session I and summer session II. Full-time and part-time employees are eligible for tuition remission benefits at any University System of Maryland (USM), as well as Baltimore City Community College, St. Mary’s College of Maryland, and Morgan State University

(University Human Resources, n.d.). Coursework must be done at the employee's home campus unless the program is not offered at the home campus" (University Human Resources, n.d.). Strikingly, tuition remission is not offered to domestic partners. Tuition remission applies to employees and married heterosexual couples only.

## **Research Design and Methodology**

Research design and methodology for this particular study consisted of qualitative research and literary analysis of the current benefits offered to Maryland state employees. Focusing on the impact that it has had on LGBTQI employees hired at the University of Maryland, College Park. The methodology consisted of utilizing the data that were examined by the Campus Climate report conducted at the University of Maryland, College Park. The purpose of the Campus Climate Report was to figure out, What is it like to be a sexual or gender identity minority – LGBTQI – and work at College Park? The focus of the study examined LGBTQI faculty and staff interpretation of equity in comparison to non-LGBTQI faculty and staff. Additionally I relied heavily upon the data that can be found in the State of Maryland: Guide to Employee Benefits handbook and the Associate Director of Employee Benefits, Dave Reiger to clarify and confirm accuracy of inequity bestowed upon LGBTQI faculty and staff and their domestic partners aforementioned in the above literature section.

## **Findings, Conclusions and Recommendations for Future Research**

### ***Findings***

The findings of the Campus Climate Report conducted on campus in 2005 concluded that inequity exist between LGBTQI employees and non-LGBTQI employees due to the "lack of equity" in employee benefits. When this report was conducted benefits for LGBTQI employees ceased to exist, LGBTQI employees was not granted benefits until 2009. However, the Campus Climate Report is relevant because inequity continues to exist even after the extension of benefits. Inequity in LGBTQI employee benefits is currently present because their benefits are treated as income and is taxed heavily. Additionally their same sex domestic partner is denied their benefit of tuition remission and the Family Medical Leave Act even though they fit the same criteria of their married heterosexual colleagues.

### ***Conclusions***

Based on the analysis of the literary research I was able to conclude that the University of Maryland, College Park LGBTQI faculty and staff and their domestic partner do not receive equitable benefits. Each and every employee hired at the University of Maryland, College Park are entitled to every benefit offered. However inequity is present when heterosexual married spouses are entitled to receive tuition remission and LGBTQI domestic partners are not entitled to receive remission tuition. Inequity continues because currently LGBTQI employees cannot utilize their employee benefit of the Family Medical Leave Act to care for a domestic partner yet married heterosexual employees are capable of utilizing their employee benefit of the Family Medical Leave Act. Furthermore, LGBTQI inequity will continue to exist because the federal government treats the benefits offered to LGBTQI employees as if it is income and their benefits are taxed heavily. Whereas non-LGBTQI employees' benefits are tax free.

### ***Recommendations for Future Research***

In the future I would like to research LGBTQI workspaces within a particular state that allow LGBTQI marriage. Researching LGBTQI workspaces within states that allow marriage will enable me to compare and contrast the differences among benefits offered. Most importantly researching LGBTQI workspaces that accept LGBTQI marriage will enable me to determine if the benefits are equitable in comparison to their married heterosexual co-worker.

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