



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Text

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File #: 18-4863, Version: 1

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### PROPOSED RESOLUTION

#### **DISSOLUTION OF RESOLUTION 99-R-178 AND THE REVOCATION OF THE AUTHORITY OF THE HUMAN RESOURCE'S BUREAU CHIEF TO CREATE AN AFFIDAVIT OF DOMESTIC PARTNERSHIP**

**WHEREAS**, the Cook County Board of Commissioners ("Board") are committed to nondiscrimination in the workplace; and

**WHEREAS**, the Board created and adopted the Cook County Employee Domestic Partnership Benefit Resolution in June 2008; and

**WHEREAS**, the resolution gave the Bureau Chief of the Bureau of Human Resources the authority to create an affidavit when presented with sufficient documentation made by an employee who self-identified as being in a domestic partnership eligible to receive the same Health Insurance Benefits and Leave Benefits for their partner's unmarried dependents and immediate family, respectively; and

**WHEREAS**, in 2011 the State of Illinois enacted Public Act 96-1513, the Illinois Religious Freedom Protection and Civil Union Act, that provided adequate procedure or the certification and registration of a civil union and provided persons entering into a civil union with the obligations, responsibilities, protections and benefits afforded or recognized by the law of Illinois to spouses; and

**WHEREAS**, in 2014 the State of Illinois enacted Public Act 98-0597, the Illinois Religious Freedom and Marriage Fairness Act that provided same-sex and different-sex couples and their children equal access to the status, benefits, protections, rights and responsibilities of civil marriage; and

**WHEREAS**, Cook County employee health benefits coverage for dependents remains accessible with all legislated partner or spouse designations; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Cook County that Resolution 99-R-178 be dissolved; and

**BE IT FURTHER RESOLVED** that the authority given to the Bureau Chief of the Bureau of Human Resources to create an Affidavit of Domestic Partnership with sufficient documentation that would provide eligibility for Health Insurance and Leave Benefits for an employee's domestic partner and the domestic partner's unmarried dependent and immediate family, respectively, is revoked effective immediately; and

**BE IT FURTHER RESOLVED** that the impacted Cook County employees will be provided sufficient notice to provide documentation as evidence of continued benefits eligibility for their dependents in conjunction with the Department of Risk Management's 2019 Open Enrollment period.

#### **AMENDMENT TO RESOLUTION 99-R-178**

**(Comm. No. 294614)**

**Sponsored by  
THE HONORABLE TODD H. STROGER, PRESIDENT,**

~~COOK COUNTY BOARD OF COMMISSIONERS and THE HONORABLE MIKE QUIGLEY, COUNTY COMMISSIONER~~

Co-Sponsored by  
THE HONORABLE FORREST CLAYPOOL, ROBERTO MALDONADO AND  
LARRY SUFFREDIN, COUNTY COMMISSIONERS

COOK COUNTY EMPLOYEE DOMESTIC PARTNERSHIP BENEFITS RESOLUTION

WHEREAS, the Cook County Board of Commissioners is committed to fairness and nondiscrimination in the workplace;  
and

WHEREAS, the County of Cook, Illinois (“County”) is a home rule unit pursuant to Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois and is constitutionally authorized to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the recruitment, hiring, retention and compensation of County Employees and the terms, privileges and conditions of their employment are matters pertaining to the County’s government and affairs; and

WHEREAS, many private companies, including approximately 500 Fortune 1000 companies, and many units of local government, as well as numerous colleges and universities, provide health insurance and other benefits to Employees for their domestic partners; and

WHEREAS, the County desires to offer benefits similar to benefits offered by private employers and other public employers to allow the County to attract and retain high quality public sector employees; and

WHEREAS, the County has home rule authority to provide County Employees with Qualified Domestic Partners, as defined herein, comparable benefits to those the County provides to Employees with spouses.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I - TITLE

This Resolution shall be known and may be cited as the Cook County Employee Domestic Partnership Benefits Resolution.

SECTION II - DEFINITIONS

As used in this Resolution:

- A. “Affidavit of Domestic Partnership” means an affidavit in the form specified by the Chief of the Bureau of Human Resources.
- B. “Employee” means a person who receives compensation from the County and is eligible for Health Insurance Benefits and Leave Benefits.
- C. “Health Insurance Benefits” means all health insurance coverage, including vision and dental insurance benefits and employee assistance program benefits that the County provides to its Employees.
- D. “Leave Benefits” means leave that the County provides to its Employees.
- E. “Qualified Domestic Partner” means a person who is the domestic partner of an Employee and who satisfies the conditions set forth in Section III (C) of this Resolution.

SECTION III - BENEFITS AND ELIGIBILITY

- A. An Employee who presents a satisfactory Affidavit of Domestic Partnership to the Chief of the Bureau of Human Resources

shall be eligible to receive the same Health Insurance Benefits for his or her domestic partner and the domestic partner's unmarried dependents as the County provides to an Employee for his or her spouse and the spouse's unmarried dependents.

- B. An Employee who presents a satisfactory Affidavit of Domestic Partnership to the Chief of the Bureau of Human Resources shall be eligible to receive the same Leave Benefits with regard to his or her domestic partner or a member of the domestic partner's immediate family as the County would provide to an Employee with regard to his or her spouse or a member of the spouse's immediate family.
- C. An Employee shall be eligible to receive Health Insurance Benefits and Leave Benefits as set forth above in Section III (A) and (B) if the Employee and his or her domestic partner state in an Affidavit of Domestic Partnership that:
1. The Employee and the domestic partner are each other's sole domestic partner and each is responsible for the other's common welfare; and
    2. Neither the Employee nor the domestic partner is married as marriage is defined under Illinois law; and
  3. The Employee and the domestic partner do not have a blood relationship that would otherwise bar marriage in the State of Illinois; and
  4. Both the Employee and the domestic partner are at least 18 years of age, are the same sex, and reside at the same residence; and
    5. At least two of the following four conditions exist:
      - a. The Employee and the domestic partner have resided together during the twelve (12) month period preceding the filing of the Affidavit of Domestic Partnership;
        - b. The Employee and the domestic partner own a residence in either common or joint tenancy;
        - c. The Employee and the domestic partner have at least two of the following arrangements:
          - i. A joint title to a motor vehicle;
          - ii. A joint credit account;
          - iii. A joint checking account;
          - iv. A lease for a residence identifying both the Employee and the domestic partner as tenants;
      - d. The domestic partner is identified as a primary beneficiary in the Employee's will.
  6. The Employee and his or her domestic partner recognize that to remain eligible to receive the Health Insurance Benefits and Leave Benefits as set forth in Sections III (A) and (B) of this Resolution, the conditions set forth in the Affidavit of Domestic Partnership must continue to be satisfied.
- D. The Employee must notify the Chief of the Bureau of Human Resources in writing within thirty (30) days of any change in the circumstances which have been attested to in the Affidavit of Domestic Partnership. Within thirty (30) days of receipt of such notice, or as soon as practicable thereafter, the Chief shall issue a written determination as to whether the Employee is eligible to receive Health Insurance Benefits and Leave Benefits as set forth in Section III (A) and (B) above. If the Chief determines that the Employee is no longer qualified and eligible to receive these benefits, all benefits accruing to the Employee's domestic partner and the partner's dependent children, except those benefits accruing as a result of the Employee's death, shall be terminated no less than thirty (30) days after the date of the Chief's written determination. The Chief shall immediately provide written notice to the Employee and the domestic partner of this termination.

#### SECTION IV - RULES AND REGULATIONS

The Chief of the Bureau of Human Resources is authorized to promulgate rules and regulations to effectuate the purposes of

this Resolution.

SECTION V - SEVERABILITY

If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION VI - EFFECTIVE DATE

This resolution goes into effect immediately upon passage.