

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2012-14

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF CORAL GABLES BY ADDING ARTICLE XI, ENTITLED "DOMESTIC PARTNER BENEFITS"; RECOGNIZING DOMESTIC PARTNERSHIPS; DEFINING DOMESTIC PARTNERS FOR PURPOSES OF CITY BENEFITS; PROVIDING LEAVE INCLUDING, BUT NOT LIMITED TO, SICK LEAVE, FAMILY LEAVE AND BEREAVEMENT LEAVE, TO CITY EMPLOYEES WITH DOMESTIC PARTNERS; PROVIDING CITY EMPLOYEES WITH INSURANCE BENEFITS FOR DOMESTIC PARTNERS AND CHILDREN OF DOMESTIC PARTNERS; PROVIDING CITY EMPLOYEE DOMESTIC PARTNERS AND CHILDREN OF SUCH DOMESTIC PARTNERS WITH ALL OTHER BENEFITS AVAILABLE TO CITY EMPLOYEE SPOUSES AND CHILDREN OF SUCH SPOUSES; PROVIDING FOR APPLICATION OF SUCH BENEFITS TO OTHER EMPLOYEES TO THE EXTENT SUCH EMPLOYEES' COLLECTIVE BARGAINING REPRESENTATIVE HAS INCLUDED SUCH BENEFITS THROUGH THE BARGAINING PROCESS; AND, DIRECTING THE CITY TO AMEND THE PERSONNEL RULES AND REGULATIONS TO PROVIDE PROCESS AND PROCEDURES FOR RECEIPT OF BENEFITS IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE AND A SEVERABILITY PROVISION.

WHEREAS, the City recognizes that City employees may establish and maintain important personal, emotional and economic relationships with persons to whom they are not married;

WHEREAS, the City recognizes that City employees forming such domestic partnerships live in a committed family relationship; and

WHEREAS, the City recognizes that City employees in domestic partner relationships should be granted employment benefits;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

SECTION 2. That Chapter 2, entitled “Administration”, is hereby amended to include ARTICLE XI, entitled, “DOMESTIC PARTNER BENEFITS”, which shall be as follows:

Sec. 2-2138. – Purpose

The City recognizes that City employees may establish and maintain important personal, emotional and economic relationships with persons to whom they are not married; that individuals forming such domestic partnerships live in a committed family relationship; and that City employees in domestic partner relationships should be granted employment benefits.

Sec. 2-2139. – Definitions

For purposes of this Article XI:

- (a) “*City employee*” means any employee who is not included in a bargaining unit for collective bargaining purposes and any employee who is included in a bargaining unit whose collective bargaining representative has agreed to domestic partner benefits through the bargaining process.
- (b) “*Domestic Partner*” means:
 - (1) Individuals who are defined as such pursuant to the Miami-Dade County Code of Ordinances, Article IX, Sec. 11A-71(b), and who have registered the domestic partnership in accordance with Article IX, Sec. 11A-72 of the Miami-Dade County Code of Ordinances.
 - (2) Individuals whose relationship has been formalized in another locality, state, or country through a marriage, civil union, domestic partnership, or the like that is authorized by law in that jurisdiction but that is not recognized under Florida law.

Sec. 2-2140. – Extension of Benefits to Domestic Partners of City Employees.

- (a) City employees who have a domestic partner shall be eligible to use all forms of leave provided by the City including, but not limited to, bereavement leave, sick leave and family leave, to care for his or her domestic partner or the children or parents of the domestic partner, as applicable. The use of leave authorized in this section shall be consistent with the terms and conditions of use as detailed in City Ordinances, Resolutions, Personnel Rules & Regulations or collective bargaining agreements, as applicable.

- (b) City employees who receive insurance benefits through the City and also have a domestic partner shall be entitled to elect insurance coverage for his or her domestic partner or the children of such domestic partner in the same way a City employee may elect insurance coverage for his or her spouse or spouse's children. It is intended that domestic partners and children of domestic partners will be covered as dependents for purposes of health or any other form of insurance coverage in accordance with the terms of the insurance plan and the procedures established by such plan, unless such coverage is prohibited by federal or state law or the terms of a collective bargaining agreement. All elections of coverage shall be made in accordance with the requirements of City Ordinances, Resolutions, Personnel Rules & Regulations or collective bargaining agreements, as applicable. However, in no event may an employee make an election for coverage of a domestic partner more than two times in a plan year.
- (c) Unless prohibited by federal or state law or the terms of a collective bargaining agreement, all other benefits available to the spouses and children of spouses of City employees shall be made available on the same basis to the City employee's domestic partner, or child of such domestic partner. Any benefits that are available to spouses or children of spouses that are not specifically addressed in subsections (a) and (b) of this section and that are granted by another section of the City Code of the City of Coral Gables will become effective on the date that amendments to such other sections of the City Code of the City of Coral Gables are effective.
- (d) The implementation of these provisions shall be liberally construed to accomplish the stated policy and purpose. However, no construction of these provisions shall supersede any federal or state laws, nor shall there be any interpretation so as to bring these provisions into conflict with federal or state laws. Nothing herein shall be construed as recognizing or treating a domestic partnership as a marriage.

Sec. 2-2141. – Obtaining Benefits Fraudulently or Failing To Notify City of Termination of A Domestic Partnership.

- (a) Any City employee who obtains or attempts to obtain benefits fraudulently or who fails to notify the City of any termination of the domestic partnership shall be subject to:
 - (1) recovery of any benefits improperly paid; and
 - (2) disciplinary action, up to and including termination.

- (b) The City may bring a civil action against either or both of the parties to the domestic partnership to recover any losses, including attorney fees, borne by the City as a result such actions.

SECTION 3. That the Personnel Rules & Regulations be amended to recognize these benefits and to establish the process and procedures by which such benefits will be received.

SECTION 4. That it is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. That if any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. That this Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED THIS THIRTIETH DAY OF OCTOBER, A.D., 2012.

(Moved: Cabrera / Seconded: Anderson)

(Yeas: Kerdyk, Quesada, Anderson, Cabrera, Cason)


(Unanimous: 5-0 Vote)

(Agenda Item: E-2)

APPROVED:


JIM CASON
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


CRAIG E. LEEN
CITY ATTORNEY