

## Jerry Jongerius

---

**From:** Jerry Jongerius [jerryj@duckware.com]  
**Sent:** Wednesday, October 13, 2010 7:22 AM  
**To:** FCPS WATCHDOG GROUP (fcpswatchdog@stopperc.com)  
**Subject:** FCPS WATCHDOG #12: Why is FCPS discriminating by gender?

## Why is FCPS discriminating by gender?

On August 11, 2010, the FCPS Board of Education ratified the latest FCTA (Frederick County Teachers Association) negotiated agreement [[view agreement](#)]. This agreement contains the following changes (in red), which added "domestic partner" coverage:

"The Board shall pay for each participating teacher each year 96% of the premium cost of group medical, prescription, and vision unless waived by the teacher. The teacher may elect to add family coverage **or same sex domestic partner coverage** (see Appendix D for eligibility requirements). The Board **contributes** each year an amount calculated to equal 66% of that year's premium for the Board's family coverage plan **and 71% of that year's premium for the Board's employee + one cover plan.**"

However, of note is that FCPS added only "same sex" domestic partner coverage, **and did not add "opposite sex" domestic partners coverage.**

This reason this is so significant is that COMAR (Code of Maryland Regulations) [31.10.35.03A](#) (Title 31 Maryland Insurance Administration; Subtitle 10 Health Insurance -- General; Chapter 35 Domestic Partner Coverage) specifically defines "domestic partner" for insurance purposes as:

"A. The term "domestic partner" in a contract or rider to a contract shall include individuals of the same **and** the opposite sex."

So rather than use the term "domestic partner" as the State of Maryland Insurance Administration defines that term for any insurance policies, FCPS knowingly decided to exclude opposite sex domestic partners.

*And while FCPS is self-insured and may not be subject to COMAR 31.10.35, the fact that a teacher could elect to independently purchase health insurance, and obtain opposite sex domestic partner coverage, means that FCPS is discriminating by gender.*

### ▶▶ Why is FCPS discriminating by gender?

To be added or removed from this distribution list, or to provide tips, contact [fcpswatchdog@stopperc.com](mailto:fcpswatchdog@stopperc.com). All prior newsletters can be viewed at <http://fcpswatchdog.stopperc.com>