

## **Municipal Equality Index 2014 Changes to Criteria**

The City received 100 points in 2013. This is the highest score that can be achieved. However, the criteria will be significantly changed for 2014. Following are the points that Austin has missed in 2013 and the criteria changes/additions (marked with \*) for 2014.

### **Part III. Municipality As An Employer**

- **Transgender Inclusive Healthcare Benefits.** The municipality must provide at least one health insurance plan that provides coverage for transgender healthcare needs (sex reassignment surgeries, hormone replacement therapy, and other gender-affirming care). The policy must affirmatively include gender-affirming care; a lack of exclusion is not sufficient for an award of points because this care is routinely not covered.
- **\* Equivalent Family Leave.**
  - Austin received these points
  - Was 10 points in 2013, will be 2 points in 2014
- **Bonus: Grossing Up of Employee Benefits.** Grossing up is when municipalities pay employees an offset to compensate for the tax penalty inflicted on some same-sex couples with regard to domestic partner benefits. Prior to the repeal of the Defense of Marriage Act, because same-sex marriages were not recognized by the federal government, all legally married same-sex couples receiving domestic partner benefits from an employer were taxed on those benefits when married heterosexual couples were not. The repeal of DOMA has eliminated this additional tax for married same-sex couples. However, couples in civil unions and domestic partnerships continue to be subject to this tax penalty. An employer can offer a stipend or a percentage increase in salary to ensure that employees in same-sex relationships are not effectively paying more to receive the same benefits. This can be done via a municipal ordinance or an employment policy.

### **Part IV. Municipal Services**

- **Enumerated Anti-Bullying School Policies.** To receive credit in this category, a city or county ordinance, state statute, or school district/school board policy must specifically prohibit bullying and enumerate the bases of sexual orientation and gender identity as prohibited grounds upon which to bully. Anti-harassment policies that are enumerated and include language that encompasses bullying will be given credit, but hazing or harassment policies that do not encompass bullying will not receive credit. Where there are multiple schools or districts in the city limits, credit will only be given at the local level if all schools within city limits have enumerated anti-bullying policies.
  - AISD is currently looking into incorporating gender identity and expression to its Anti-Harassment Statement
- **\* Bonus: Enforcement mechanism in Human/Civil Rights Commission.** Where a Human/Civil Rights Commission has the authority to conciliate, issue a right to sue letter, or otherwise enforce non-discrimination protections, that commission will earn three bonus points in addition to the four standard points awarded above.

- **\* Bonus: City provides services to LGBT youth.** Cities that provide services, partially provide services, or provide funding for services for LGBT youth will receive two bonus points.
- **\* Bonus: City provides services to LGBT homeless.** Cities that provide services, partially provide services, or provide funding for services for LGBT homeless people will receive two bonus points.
- **\* Bonus: City provides services to LGBT elderly.** Cities that provide services, partially provide services, or provide funding for services for LGBT elders will receive two bonus points.
- **\* Bonus: City provides services to people living with HIV or AIDS.** Cities that provide services, partially provide services, or provide funding for services for people who are HIV positive or living with AIDS will receive two bonus points.

#### **Part V. Law Enforcement**

- **LGBT Police Liaison or Task Force.** To get credit in this category, there must be an officially designated liaison to the LGBT community or task force charged with addressing LGBT issues. An LGBT Liaison or task force must be publicly known in order to receive credit. The function of a liaison is not simply to be a resource for the department, but also to be a resource for the public to elevate the concerns of the LGBT community and ensure they are being heard. Therefore, the liaison's contact information must be made available to the public through the city's website or where other police contact information is published. LGBT police officers, including high-ranking officers, do not qualify for credit in this category unless their service as liaison is part of his or her official job. Partial credit will be given in this category where the entire police force is trained on LGBT issues.
  - Austin received partial points in 2013 since this was approved in the budget.
  - Waiting for APD to hire to receive the rest of the points.

#### **Part VI. Leadership on LGBT Equality - Austin received perfect points in 2013 but there should be an on-going effort by the City's leadership to pursue the criteria under this section.**

- **Leadership's Public Position on LGBT Equality.** This section grades, on a sliding scale from zero to five points, how pro-equality the leadership is in public statements. City leadership includes the mayor, city manager if applicable, city council, and other government officials. These statements may include joining a pro-equality association such as Mayors for Freedom to Marry, coming out publicly in favor of LGBT rights, supporting LGBT community organizations, etc. It also includes comments made during city council meetings or at other public events. Starting in 2014, this section will also include participation in Pride events and partnership with LGBT groups to create solutions to city problems.
- **\* City engages with the LGBT community – this is removed for 2014.**
- **Leadership's Pro-Equality Legislative or Policy Efforts.** This section grades on a sliding scale from zero to three points, how actively the city has been pursuing pro-equality legislation and policies. This includes ordinances introduced, whether passed or not, and city policies, as well as pro-equality city council resolutions.

- **Bonus: Openly LGBT Elected or Appointed Municipal Leaders.** The criteria for points in this category is the person be a leader – have some kind of a senior elected or appointed position in the city – and that the person be openly LGBT. A state or federal elected representative from the city does not qualify, as the person must be elected or appointed to a position in the municipality being rated.
- **Bonus: Cities are Pro-Equality Despite Restrictive State Law.** This category, which we formerly called “Resisting Dillon’s Rule”, gives credit to cities who have a state law of some kind that restricts the city’s ability to pass LGBT inclusive ordinances and who take distinct actions to push back against that limit either by advocating for change or testing its limits. Simply being in a state with such restrictions is not enough to qualify for these points. Many states do not have this type of law, which means many cities are not qualified to receive these points. In 2014 this section will include cities that had domestic partner registries that were rendered moot by restrictive state law.

## I. Non-Discrimination Laws

This category evaluates whether discrimination on the basis of sexual orientation and gender identity is prohibited by the city, county, or state in areas of employment, housing, and public accommodations.

	STATE	COUNTY	CITY	AVAILABLE
Employment	0/0	0/0	3/3	3/3
Housing	0/0	0/0	3/3	3/3
Public Accommodations	0/0	0/0	3/3	3/3
<b>SCORE</b>			<b>18</b>	out of 18

## II. Relationship Recognition

Marriage, civil unions, and comprehensive domestic partnerships are matters of state policy. Cities and counties have only the power to create domestic partner registries.

	STATE	COUNTY	CITY	AVAILABLE
Marriage Equality, Civil Unions, or Domestic Partnerships	0	12	12	12
Municipal Domestic Partner Registry			12	12
<b>SCORE</b>			<b>12</b>	out of 12
<b>BONUS</b>			+0	+2

Municipality was forced to stop providing a domestic partner registry as a result of restrictive state law.

## III. Municipality as Employer

By offering equal employment benefits and protections to LGBT employees, and by awarding contracts to fair-minded business, municipalities cannot themselves be leading LGBT employees' equality.

	CITY	AVAILABLE
Non-Discrimination in City Employment	5/5	5/5
Domestic Partner Health Benefits	4	4
Legal Dependent Benefits	2	2
Equivalent Family Leave	2	2
City Contractor Non-Discrimination Ordinance	2/2	2/2
City Contractor Equal Benefits Ordinance	0	4
<b>SCORE</b>	<b>22</b>	out of 26
<b>BONUS</b>	+0	+3
<b>BONUS</b>	+0	+4
<b>BONUS</b>	+2	+2

**BONUS** Crossing Up of Employees Benefits

**BONUS** Transgender Inclusive Healthcare Benefits

**BONUS** Municipality is a Welcoming Place to Work

## IV. Municipal Services

This section assesses the efforts of the city to ensure LGBT constituents are included in city services and programs.

	STATE	COUNTY	CITY	AVAILABLE
Human Rights Commission			7	7
LGBT Liaison in the Mayor's Office			5	5
Entrained Anti-Bullying School Policies	0/0	0/0	3/0	3/3
<b>SCORE</b>			<b>15</b>	out of 18
<b>BONUS</b>			+2	+2

**BONUS** City provides services to particularly vulnerable populations of the LGBT community.

## V. Law Enforcement

Fair enforcement of the law includes responsible reporting of hate crimes and engaging with the LGBT community in a thoughtful and respectful way.

	CITY	AVAILABLE
LGBT Police Liaison or Task Force	4	8
Reported 2011 Hate Crime Statistics to the FBI	10	10
<b>SCORE</b>	<b>14</b>	out of 18

## VI. Relationship with the LGBT Community

This category measures the city leadership's commitment to fully include the LGBT community and to advocate for full equality.

	CITY	AVAILABLE
Leadership's Public Position on LGBT Equality	5	5
Leadership's Pro-Equality Legislative or Policy Efforts	3	3
<b>SCORE</b>	<b>8</b>	out of 8
<b>BONUS</b>	+3	+3
<b>BONUS</b>	+2	+2
<b>BONUS</b>	+2	+2

**BONUS** Openly LGBT elected or appointed municipal leaders

**BONUS** City engages with the LGBT community

**BONUS** Cities are pro-equality despite restrictive state law

**TOTAL SCORE 89 + TOTAL BONUS 11 = Final Score 100**

CANNOT EXCEED 100

PTS FOR SEXUAL ORIENTATION - PTS FOR GENDER IDENTITY - BONUS PTS for criteria not accessible to all cities at this time.

FOR MORE INFORMATION ABOUT OUR SELECTION CRITERIA FOR THE MAYOR'S OFFICE, PLEASE REFER TO PAGE 17 ON VISIT [HRC.ORG/MEI](http://HRC.ORG/MEI). ALL CITIES HAVE BEEN PROVIDED AN ADVANCE OF FEEDBACK AND GIVEN THE OPPORTUNITY TO REPLY IN WRITING. FOR FEEDBACK, REPLY TO [info@hrc.org](mailto:info@hrc.org) OR VISIT [HRC.ORG/MEI](http://HRC.ORG/MEI).

## STATE COUNTY AVAILABILITY

Human Rights Commission  
IGRI Liaison in the Mayor's Office  
Educational Anti-Bullying School Policies

COUNTY  
Arlene A. Reed

Reported 2011 Hate Crimes Statistics to the FBI	8	10
1631 Police Liaison or Task Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>

[illegible]

Leadership's Public Position on LGBT Equality

Leadership's Pro-Equality Legislative or Policy Efforts

Leadership's Public Position on LGBT Equality	Leadership's Pro-Equality Legislative or Policy Efforts
X	5
X	3




**TOTAL SCORE XXX + TOTAL BONUS XX =** **Final Score XXX**