

ACLU-PA and Women's Law Project File Suit on Behalf of Allegheny County Teacher Denied Benefits for Same-Sex Partner

PITTSBURG, PA, August 20, 2013 – The American Civil Liberties Union of Pennsylvania and the Women's Law Project have filed a lawsuit in the Allegheny County Court of Common Pleas on behalf of Bradley Ankney, a math teacher for the Allegheny Intermediate Unit, over the AIU's refusal to provide health insurance and other benefits to the same-sex partners of its employees while providing those benefits to employees' spouses. Ankney, who is gay, claims that the AIU's policy discriminates against employees on the basis of sexual orientation in violation of the Allegheny County Human Relations Act.

"Conditioning employment benefits on marriage discriminates against gays and lesbians because they cannot get married under Pennsylvania law and thus cannot take advantage of the important and valuable benefits that the AIU offers to its married employees, such as health insurance for employees' spouses and time off to care for a spouse who is ill," said Reggie Shuford, executive director of the ACLU of Pennsylvania.

Ankney and his partner have been together for fifteen years. They share a home, have two dogs, travel together, and provide mutual caring and support to one another. But when Ankney tried to add his partner to his AIU-sponsored health insurance policy, he learned that this benefit was only available to employees who were married. Under Pennsylvania law, Ankney and his partner are not allowed to marry because they are both men.

"My partner and I are average taxpaying American citizens who happen to be gay and in a long-term respectful relationship with each other," said Ankney. "Normally we are private individuals who do not like sharing details of our personal lives with others, but we feel it is important to speak out regarding the AIU's discriminatory policies."

Ankney has worked for the AIU for twelve years. He teaches math at the AIU's Regional Educational Support Center in McKees Rocks, an alternative school for students in grades 7-12 who have been temporarily excluded from their school or in transition from another school or placement. His students are clients of the Allegheny County Juvenile Court and Children and Youth Services.

"Brad Ankney is a dedicated teacher," said Fred Goldsmith, an ACLU-PA cooperating attorney representing Ankney. "It is not fair for the AIU to make Brad and his partner pay more for health insurance simply because they are gay."

Many other school districts in Allegheny County provide benefits to employees with same-sex domestic partners, including Upper St Clair, Keystone Oaks, Allegheny Valley, West Mifflin and Fox Chapel. These school districts are part of the same health care consortium as the AIU. The AIU could provide benefits to employees with same-sex partners but has chosen not to.

"This type of injustice is precisely why the Allegheny County Council passed an ordinance in 2009 explicitly protecting people from discrimination based on sex or sexual orientation," said Susan Frietsche, a staff attorney with the Women's Law Project who is representing Ankney.

According to the complaint, the AIU's refusal to provide health insurance and other benefits to its employees' same-sex partners, while providing those benefits to employees' spouses, violates the Allegheny County Human Relations Act's ban on sexual orientation discrimination in employment. It also violates the Pennsylvania Equal Rights Amendment, which prohibits discrimination on the basis of sex, because it treats employees differently based on the sex of their partners.

The case is *Ankney v. Allegheny Intermediate Unit*. Ankney is represented by Goldsmith of the law firm Goldsmith & Ogradowski, LLC, Frietsche and Tara Pfeifer of the Women's Law Project, and Sara Rose of the ACLU-PA.

More information about the case, including a copy of the complaint, is available at:
<http://www.aclupa.org/legal/legaldocket/ankneyvaiu>