

For June, which is LGBT (Lesbian, Gay, Bisexual, Transgender) Pride Month, we are giving you a valuable tool to share with all your employees as you continue their education in cultural competence. We are supplying a historic timeline of barriers that have been broken, major legislation and legal decisions, protests and landmark events impacting LGBT people and their allies, plus facts & figures on demographics of open LGBT people, income/buying power/customer loyalty, and major LGBT people in business, sports and entertainment. Our cultural-competence series, “Things NOT to Say,” focuses on LGBT people this month. This information should be distributed to your entire workforce and also should be used by your LGBT/allies resource group internally and externally as a year-round educational tool.

1. Historic Timeline

The landscape for LGBT rights and being open is changing very dramatically, often on a daily basis. It’s more vital than ever for your workforce to be culturally competent and understand what LGBT equality means. We recommend you start your employees’ cultural-competence lesson by using this historic timeline, which documents LGBT organizations, “firsts,” discrimination, and significant political and legal changes in the United States. It’s important to discuss how rapidly rights for gays and lesbians are evolving and what that means for corporations, schools, religious institutions and government. It’s also valuable to discuss transgender and gender-identity rights, and how they intersect and differ with lesbian and gay rights.

Guided Questions for Employees



» **How can we build an atmosphere of inclusion, regardless of our personal or religious views?**

Have you ever heard people at work making homophobic comments? What did you do? Do you know what your corporate policies are on hate speech at work?

» **Why are “firsts” important to note? What other barrier breakers have you witnessed in your lifetime?**

This is a personal discussion designed to help the employee note other barrier breakers historically. (Cite Jason Collins, Barney Frank, Ellen DeGeneres.) This discussion can be further explored after the facts & figures section below is discussed.

2. Facts & Figures

After discussion of the timeline, the next step is to review available data and understand why the ability for more LGBT people to be open and treated equally under the law has profound societal and business implications. It’s also critical to note that almost everyone has an LGBT relative or friend, and that straight allies also frequently make purchasing and business decisions based on whether they perceive an organization to be inclusive.

This page includes a list of companies DiversityInc ranks as the Top 10 for LGBT Employees in terms of benefits, having an active resource group of LGBT employees and allies, using LGBT suppliers, cultural-competence training, and messaging on website and external communications. All of these companies have a 100 percent score on The Human Rights Campaign’s Corporate Equality Index (www.hrc.org/corporate-equality-index), which measures corporate benefits.



Guided Questions for Employees

» **Since many national figures have come out, most recently basketball’s Jason Collins, is it easier for employees in your organization to come out?**

How would you feel if you couldn’t show a photo of your significant other at work or discuss what you did over the weekend?

» **Why are LGBT people and their allies so loyal to specific customer brands?**

How should consumer-facing companies let them know that the company is gay-friendly? How should B-to-B companies communicate to clients about their inclusive culture?

» **How can you use your resource groups to reach out to the LGBT-and-allies community, internally and externally?**

Does your company have an LGBT resource group and, if so, are you a member? Does your group have the words “allies, friends or straight” in its title and does it clearly communicate that it’s a group for everyone? Is your group sponsoring community events as well as internal events?

3. Six Things NOT to Say to LGBT People

Our popular “Things NOT to Say” series includes these interviews with LGBT leaders about offensive phrases they’ve heard in the workplace and how best to respond to them to further cultural-competence education.

Guided Questions for Employees



» **What other phrases have you heard addressed to LGBT people and others from underrepresented groups?**

Discuss how these phrases and stereotypes impact office morale and productivity. For more information on this topic, go to www.DiversityInc.com/john-amaechi and www.DiversityInc.com/claude-steele

» **What role do you think the company should play when offensive comments occur?**

Have the employees talk about under what circumstances they would report offensive comments and what they believe the company should do. Get advice from DiversityInc CEO Luke Visconti at www.DiversityInc.com/atwg-offensive-language

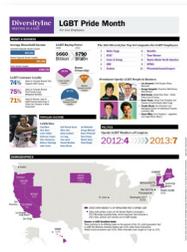
» **After today’s lesson, what would you do if you overheard a colleague make one of these comments?**

Continue the discussion with each employee having a plan of action on how to address offensive language.

DOWNLOAD YOUR DOCUMENTS



Timeline



Facts & Figures



Things NOT to Say



Finances & Marriage Equality



Domestic Partnership Financial Checklist

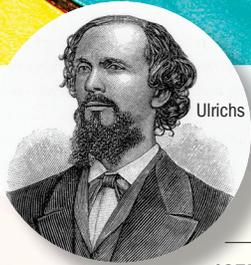


Domestic Partnership Agreements

NEXT MONTH

White Men & Diversity for all employees and **CEO Commitment** for diversity departments, executive diversity councils, HR staff, resource-group leaders and communications staff.

1867 “Father of the LGBT Movement” Karl-Heinrich Ulrichs is first to speak out for gay rights



Ulrichs

1973 American Psychiatric Association removes “homosexuality” as a mental disorder

1975 Minneapolis becomes first city to protect transgender people by law from discrimination

1978 Rainbow flag is first used as symbol of gay pride

1979 First national gay-rights march is held in Washington, D.C.

1980 David McReynolds becomes first openly LGBT person to run for president, for Socialist Party USA

1982 Wisconsin is first state to ban discrimination on basis of sexual orientation in employment, housing and public accommodations

1983 Representative Gerry Studds (Mass.) becomes first openly gay member of Congress

1986 In *Bowers v. Hardwick*, Supreme Court upholds Georgia law banning homosexual sex

1989 Denmark becomes first country to legalize same-gender partnerships

1991 First TV kiss between same-gender couple, two women on L.A. Law

1993 “Don’t Ask, Don’t Tell” policy allows gays/lesbians to serve in the U.S. military as long as they are closeted

Minnesota passes the first state-wide law prohibiting discrimination against transgender people

1903 First recorded raid on gay bathhouse, in New York City; 12 men charged with sodomy

1924 Society for Human Rights, the first gay-rights organization in the United States, is founded. It is shut down by police within a few months

1945 Veterans Benevolent Association, first LGBT veterans group, is formed

1952 George Jorgensen Jr. is first American to have gender reassignment surgery, becoming Christine Jorgensen



Jorgensen

Jorgensen

1955 Daughters of Bilitis, first national U.S. lesbian organization, is formed

1958 In first case regarding LGBT rights, Supreme Court protects First Amendment rights of ONE: The Homosexual Magazine

1962 Illinois becomes first state to remove sodomy from criminal code

1966 National Planning Conference of Homophile Organizations is formed



Stonewall riots

1969 Stonewall riots in New York gain national attention for gay rights

1970 First Gay Liberation Day March is held in New York City; similar events are held in Los Angeles and San Francisco

1993 Assistant Secretary for Fair Housing and Equal Opportunity Roberta Achtenberg becomes first openly LGBT official confirmed by Senate

1996 In *Romer v. Evans*, Supreme Court says gays and lesbians have same right to be protected against discrimination as non-LGBT people

President Clinton signs Defense of Marriage Act (DOMA) into law

1999 California becomes first state to legalize domestic partnerships for same-gender couples

2000 Vermont becomes first state to legalize civil unions for same-gender couples

2000 President Clinton declares June Gay and Lesbian Pride Month

2003 In *Lawrence v. Texas*, Supreme Court overturns 1986 ruling and declares anti-sodomy laws unconstitutional

2004 Massachusetts becomes first state to legalize same-gender marriage

2007 DiversityInc requires domestic-partner benefits as a prerequisite to make DiversityInc Top 50 list

2008 Diego Sanchez is hired as senior policy adviser by openly gay U.S. Representative Barney Frank (Mass.), making him first transgender staffer on Capitol Hill

2009 President Obama signs law making it federal crime to assault someone because of sexual orientation or gender identity

President Obama declares June Lesbian, Gay, Bisexual, and Transgender Pride Month



DeGeneres with wife Portia de Rossi

Respect for Marriage Act introduced in Congress; would repeal DOMA and require government to recognize legal same-gender marriages

2010 President Obama signs law ending “Don’t Ask, Don’t Tell” policy

Supreme Court agrees to hear Edith Windsor’s case, which challenges the constitutionality of the Defense of Marriage Act.

2011 Obama administration announces it will actively combat anti-LGBT efforts by other countries



Obama signing repeal of DADT

2012 Ellen DeGeneres is named jcpenny spokesperson; CEO Ron Johnson supports her—and her strong values—despite protests from group calling itself “One Million Moms”

Seven LGBT candidates win election into House and Senate

2013 Maryland (Jan. 1), Delaware (July 1), Rhode Island (Aug. 1), Minnesota (Aug. 1) bring to 12 the number of states to allow same-gender marriage

Supreme Court hears arguments against Proposition 8 and DOMA. A ruling on both cases is anticipated in summer 2013



Windsor

MONEY & BUSINESS

Average Household Income

Unmarried Opposite-Gender Couples

\$64,562

Married Opposite-Gender Couples

\$95,506

Same-Gender Couples

\$106,753

LGBT Customer Loyalty

74%

Likely to Consider Brands That Support LGBT Causes

75%

Likely to Consider Brands That Provide Equal Workplace Benefits

71%

Likely to Remain Loyal to LGBT-Friendly Brand Even if Others Are Cheaper or More Convenient

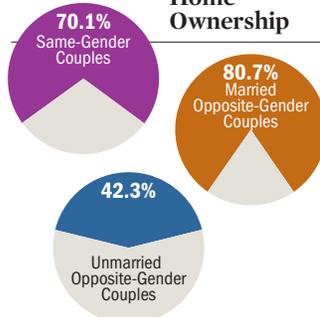
LGBT Buying Power

2006

2012

\$660 Billion >> \$790 Billion

Home Ownership



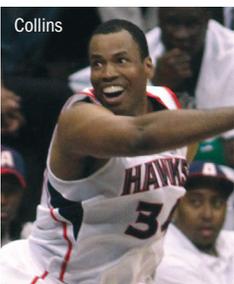
The 2013 DiversityInc Top 10 Companies for LGBT Employees

1	Wells Fargo	6	Deloitte
2	AT&T	7	Time Warner
3	Ernst & Young	8	Toyota Motor North America
4	IBM	9	KPMG
5	Sodexo	10	PricewaterhouseCoopers

Prominent Openly LGBT People in Business



- **Lisa Brummel**, Chief People Officer, Microsoft
- **George Kalogridis**, President, Walt Disney World Resort
- **Beth Brooke**, Global Vice Chair - Public Policy, Ernst & Young
- **Renee Brown**, Senior Vice President and Director of Social Media, Wells Fargo
- **Claudia Woody**, Vice President and Managing Director of Intellectual Property Licensing, IBM
- **Chuck Miller**, Vice President - Legislative and Legal Affairs, Macy's



Collins

POPULAR CULTURE

Celebrities

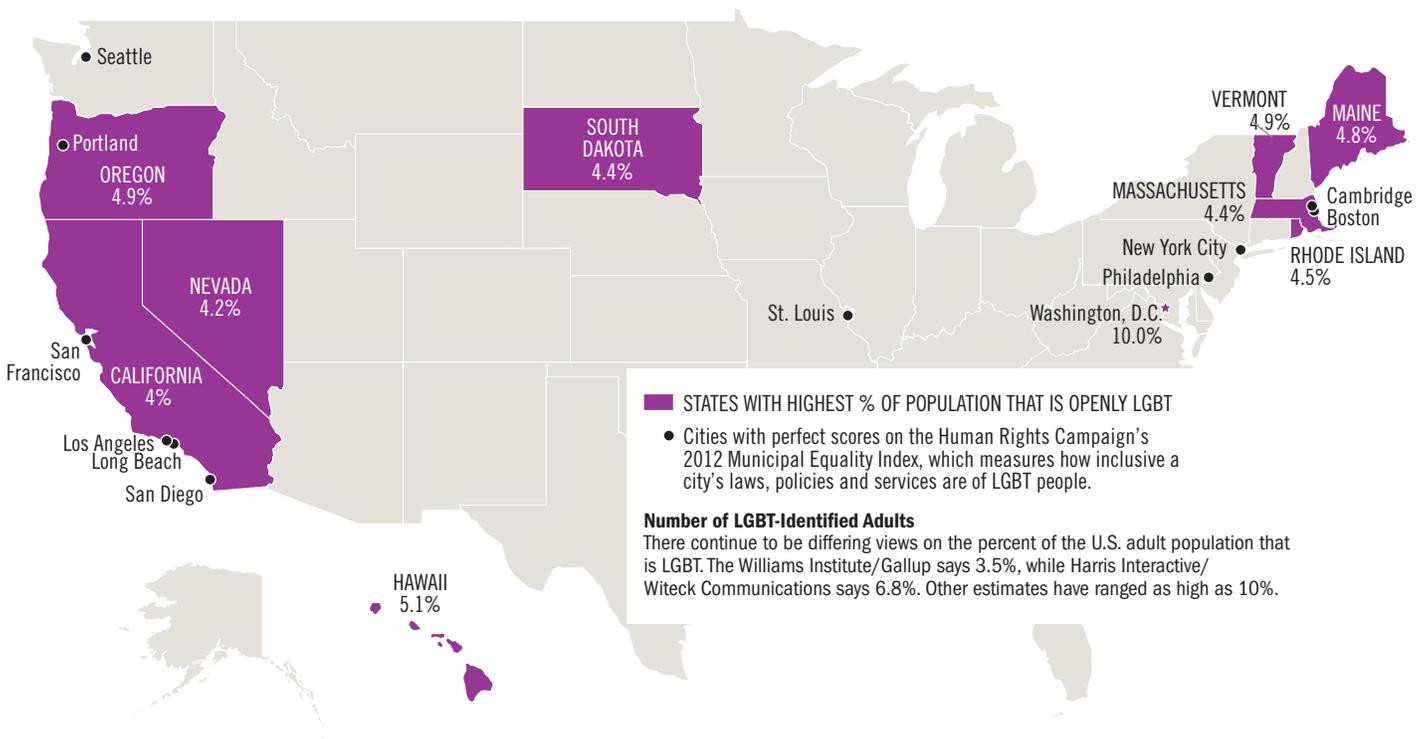
Clay Aiken	Neil Patrick Harris	Ian McKellen
Chaz Bono	Elton John	George Michael
Jason Collins	Adam Lambert	Rosie O'Donnell
Anderson Cooper	k.d. lang	Suze Orman
Ellen DeGeneres	Jane Lynch	Wanda Sykes
Melissa Etheridge	Rachel Maddow	Chely Wright
Jodie Foster	Ricky Martin	

POLITICS

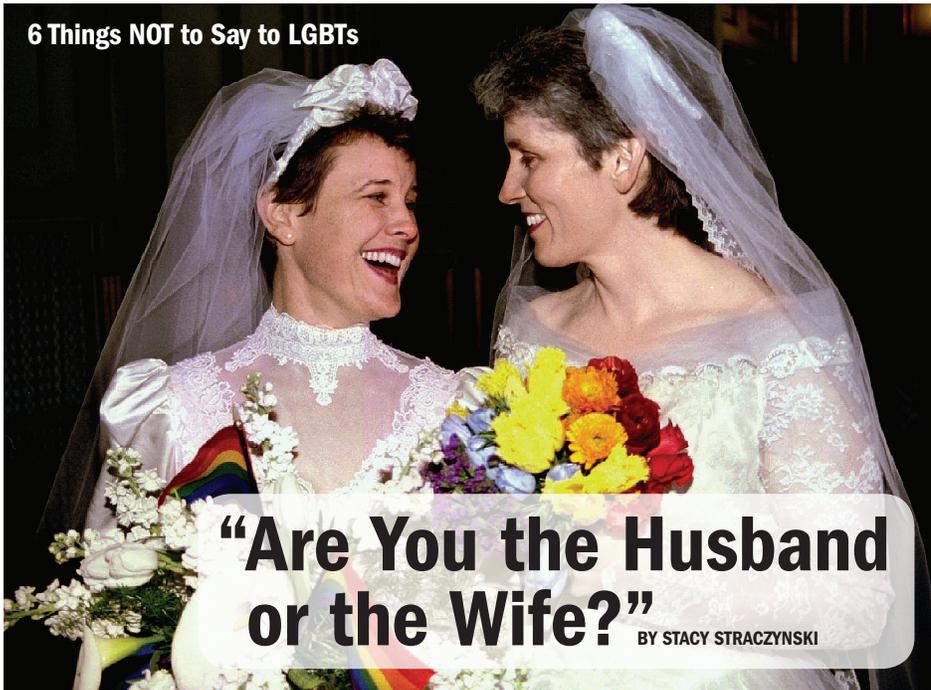
Openly LGBT Members of Congress

2012:4 >>>> 2013:7

DEMOGRAPHICS



6 Things NOT to Say to LGBTs



“Are You the Husband or the Wife?”

BY STACY STRACZYNSKI

The growing acceptance of same-gender marriage and diversity in sexual orientation in recent years has shifted mindsets and removed a lot of blatant discrimination toward LGBTs from workplaces, says Jean-Marie Navetta, Director of Equality & Diversity Partnerships at PFLAG National, a nonprofit grassroots organization that promotes the health and well-being of gay, lesbian, bisexual and transgendered persons and offers support for parents, families, friends and allies. But Navetta notes that LGBT employees still face comments and questions that subtly allow stereotypes to persist.

“These can be both more common and more hurtful. For example, it’s easy to label someone as horrible (and unprofessional) for asking about your sex life, but the line is blurrier when the question isn’t overt,” says Navetta.

When faced with an off-color comment or an inappropriate question, it’s important to remember that people do not necessarily mean to offend. Doug Case, Business/Marketing Segment manager for Wells Fargo’s Community Bank in San Francisco, suggests it’s best to address the lack of cultural competence. “We expect colleagues to have inclusive language, but we need to hold ourselves accountable to inviting that

dialogue.” says Case, who serves as an Executive Sponsor for Wells Fargo’s PRIDE Team Member Network.

Remember that everyone has their own biases and internal barriers they need to work through. “Don’t write people off,” advises Navetta. “Becoming inclusive—especially about something that is new to someone—isn’t an overnight transformation. It is a journey, and we need to be the ones who show them how.”

Things NOT to Say to LGBT Employees

1 “Wow, I never would have guessed that you’re [gay, lesbian, bi or transgenderer]!”

While this comment might be meant as a compliment—acknowledging that a person does not fall into the traditional, sometimes negative stereotype—it can still cause offense. Don’t believe the sitcoms: “Not all gay guys love Madonna,” says Michael Moran, Interactive Art Director, DiversityInc. And not all lesbians watch sports. Addressing commonplace assumptions like these is a good first step toward creating inclusion.

2 “Is one of you the husband and one the wife? I don’t get it.” Why do relationships have to be about traditional roles? In

any marriage or relationship, it’s about partnership and sharing responsibilities. Reframing the conversation this way can help open mindsets about same-gender partnerships and marriage.

3 To a transgender person: “What’s your real name? What did you used to look like?”

Transgender issues are still a very new topic to many people, says Navetta, which creates an organic curiosity among some. But asking about someone’s past life is an absolute no-no. “People should be seen as who they are today, in the affirmed gender in which they live,” she says.

4 “Your lifestyle is your business. We don’t need to talk about it here.”

Referring to sexual orientation and gender identity as a “lifestyle” or “sexual preference” suggests that being LGBT, and ultimately identifying as such, is a choice. Being able to talk about your partner at work, putting family photos in your cubicle, bringing your partner to the office holiday party—these are simple things that allow ALL employees to bring their whole selves to work and fully engage.

5 “It’s too bad you’re gay.” “Yeah, too bad for you. I get this from flirtatious women after the truth dawns,” says Moran. While it’s meant as a harmless flirtation or joke, this can imply that there is something wrong with being gay. Why else would you call it “bad”?

6 “I have a friend who’s [gay, lesbian, bisexual, transgender] that you should meet.”

Just because two people share or have similar sexual orientations does not mean that a friendship or other relationship will automatically blossom. Every person has their own personality, interests and hobbies, but being gay isn’t one of them.

More Things Not to Say

- › You’re gay? That’s great. I love gay people.
- › Do you watch *Glee*?
- › What should I [wear, do with my hair]?
- › Do you know if [insert name] is gay, too?
- › Does that mean you don’t want kids?
- › Wait, you’re not attracted to me ... right?

Wells Fargo's LGBT Financial Guide

Finances & Marriage Equality

In recent years, 20 states across the country have passed legislation granting relationship recognition to same-sex couples. Depending on the state of residence, the terminology varies from marriages to civil unions to domestic partnerships. Regardless of the name, one thing remains the same: The rights, benefits and privileges extended with any of these unions ends at the respective state border.

This patchwork approach to marriage equality for LGBT couples creates a host of complications. For instance, the benefits received from a marriage in Iowa are not recognized when a couple travels or moves to another state that lacks any type of recognition of their union. Honoring a marriage and reciprocating the benefits that come along with that marriage have long been the norm for opposite-sex spouses in all 50 states.

Discussion of federally recognized marriage equality is impossible at the moment, because of a piece of federal legislation signed into law in 1996. The Defense of Marriage Act, commonly known as DOMA, clearly defines a marriage as a union between one man and one woman. This law restricts the federal government from recognizing any state-level union of same-sex couples, the effects of which can be felt in almost every financial- and estate-planning discussion.

The U.S. tax code, for instance, does not recognize same-sex LGBT couples for tax-planning purposes. This includes joint filing of income taxes, avoidance of gift taxes when transferring assets to one another during life, and avoidance of estate taxes when inheriting assets upon the death of a partner. Pension plans with many private companies restrict inheritance benefits to federally recognized spouses only. This often results in a full disinheritance of the pension benefits to a surviving partner. Federal entitlement programs such as Social



Same-Gender Financial Planning Is Incredibly Complicated Because Laws Vary by State

- States that issue marriage licenses to same-gender couples (12): Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont, Washington
- States that provide the equivalent of state-level spousal rights to same-gender couples (1): New Jersey
- States that restrict marriage to one man and one woman but provide the equivalent of state-level spousal rights to same-gender couples (6): California, Colorado, Hawaii, Illinois, Nevada, Oregon
- States that restrict marriage to one man and one woman but provide some state-level spousal rights to same-gender couples (1): Wisconsin
- States that restrict marriage to one man and one woman (29): Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming
- States that don't address same-gender marriage at all (1): New Mexico

Security benefits, often a primary source of retirement income, are simply unavailable to a surviving same-sex partner.

The additional taxes, both during life and upon death, in addition to the loss of retirement income streams such as pensions and Social Security, are just the tip of the iceberg. The financial challenges presented by this lack of federal recognition are

widespread and add a layer of complexity to the retirement- and estate-planning process for all LGBT couples. The good news is that with the correct analysis and planning, some of these challenges can be reduced or eliminated entirely. The full benefits of marriage will likely never be realized without full federal recognition, but until that is possible, planning can go a long way.



Kyle D. Young, CFP, Accredited Domestic Partnership Advisor and Vice President – Investment Officer, Wells Fargo Advisors, addresses the unique financial challenges faced by same-gender partners in this recurring series.

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Wells Fargo's LGBT Financial Guide

Domestic Partnership Financial Checklist

In last month's column, we explained why investment planning for same-sex couples is often more complicated than it is for heterosexual couples. The complexities and unique circumstances may seem daunting, but they don't have to be insurmountable. This checklist is a great way to get started.

Select Advisers Familiar With the Issues

"Gay friendly" is no longer sufficient. Seek out advisers, attorneys and other professionals who fully understand the unique planning requirements for LGBT couples.

Execute a Healthcare Proxy and a Directive to Physicians

A new client recently told me a story about being unable to see a partner who was hospitalized, since only "immediate family members" were allowed in. A healthcare proxy designates an agent (e.g., your partner) to make medical decisions for you in the event of your incapacity. In addition, a living will outlines your wishes with regard to feeding and other end-of-life decisions.

Create Your Investment and Estate Plans—Together

When assessing your financial future, you and your partner should discuss financial values, priorities and goals. A plan can help

with long-term financial goals, determining how to save for major purchases, and laying out your paths to retirement. It can also help you address those difficult "what if" questions.

Execute a Will

Careful estate planning for same-sex partners is a must. You should be specific, clear and precise in making your wishes known. In most states, if you die without a will, your estate is distributed to your legal heirs, commonly known as your "next of kin." Lacking a will, the identity of your heirs is determined by law, not by you. A will and/

or a trust specifying your intentions can help ensure your assets transfer to your partner if you so choose.

Be Precise With Beneficiary Designations

Instead of leaving it to state laws to identify your legal heirs, your will should list the identities of your beneficiaries by name. Many of your assets, such as life insurance, 401(k) plans and IRAs, are transferred outside the will and are not subject to probate. This is something same-sex couples should remember when naming beneficiaries on individual accounts and policies.

Make a "Living Together" Agreement

If you are sharing money and assets, financially supporting each other and incurring debt together, a "living together" agreement can state what property belongs to whom and how you wish to handle your assets while you live as a couple or if you should part.

Make a Property Agreement

If you put your partner on the title, you may be making an irrevocable gift. Another approach to consider is creating a property-agreement order to address the possibilities of death or separation.

Execute a Durable Power of Attorney

A power of attorney gives one person in the couple financial authority to act and sign on behalf of the other, and can be used to authorize your partner to make financial or business decisions if you become incapacitated.

Create a Joint-Custody Agreement

Consult your attorney about an arrangement that ensures each partner's rights to seeing the child, continuing guardianship or custody, and ensuring that agreed-upon living arrangements are upheld in the event that one of you dies or you separate.



Jason McDonald, Accredited Domestic Partnership Advisor and Vice President – Investment Officer, Wells Fargo Advisors, addresses the unique financial challenges faced by same-gender partners.

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Wells Fargo's LGBT Financial Guide

Domestic Partnership Agreements

Our previous column offered suggestions to legally address healthcare and financial concerns and objectives. One of those suggestions was a "Living Together" agreement, which explains what property belongs to whom and how assets should be divided in the event that the relationship ends while both partners remain living. We think this document, which can also be called a Domestic Partnership Agreement or DPA, is tremendously important.

The inability of domestic partners to marry in many states also means there is often no prescribed blueprint for handling disputes or dissolution of a relationship. A legally recognized DPA can save time, energy and resources in the event of a partnership's dissolution. It may also provide a guide to a judge who may not be sympathetic to either partner.

The general purpose of a DPA is to address potentially stressful situations or events before they arise and state what solutions both partners feel are fair. Many couples neglect to consider DPAs, as they may see such an agreement as an admission that their relationship is destined to fail. However, a same-gender couple should think of it as similar to a married couple's prenuptial agreement: Having an agreement in place may help avoid greater turmoil, recrimination or contempt during a stressful time and could help prevent a complete break in the relationship.



Specific areas of concern to be addressed might include division of assets, income support, and child custody and care. In the event one or both partners do not abide by the terms of the agreement, the DPA provides the court a legal basis to enforce agreement in the absence of applicable law. Even when a domestic partnership is legally recognized in a particular state, the DPA still serves as a useful and durable document if a legally partnered couple moves to another state that does not acknowledge the partnership.

Consult an Attorney

A DPA is a legal contract and not a do-it-yourself project. Appropriate legal

counsel should be employed to draft the document. For a DPA to be considered fair and durable, both parties must enter into the agreement voluntarily, both parties must disclose all pertinent information, and both parties must have the opportunity to have the document examined and explained to them by independent counsel. There can be numerous instances where one partner can have a significant conflict of interest due to differences in wealth, income or legal claims to children.

As with other legal documents like wills and trusts, the partners' legal counsel should verify the number of attestations by witnesses and if the document needs to be notarized to promote enforceability. It is important to discuss with your attorney the enforceability of the agreement in your state or a state where you might relocate, as your location may affect its recognition.

A great advantage of legal contracts is that they allow interested parties to discuss and lay out a set of agreements before conflicts arise. In so doing, they help avoid distrust, confusion and doubt, and promote understanding and harmony. A thoughtful and well-crafted DPA should offer nothing less.



DAVID HELVERSON, Accredited Domestic Partnership Advisor and Vice President – Investment Officer, Wells Fargo Advisors, addresses the unique financial challenges faced by same-gender partners.

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