

UNIVERSITY OF CALIFORNIA, ACADEMIC SENATE

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*Chair of the Assembly of the Academic Senate
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University of California
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Oakland, California 94607-5200*

February 27, 2017

**RACHAEL NAVA
EXECUTIVE VICE PRESIDENT AND CHIEF OPERATING OFFICER
UNIVERSITY OF CALIFORNIA**

Re: UCFW Report on Domestic Partner Benefit Equity

Dear Rachael:

At its February 22, 2017 meeting, the Academic Council endorsed the attached report from the University Committee on Faculty Welfare (UCFW) calling on the University to extend health and welfare benefits to the domestic partners of all active UC employees and retirees, regardless of gender or age.

Currently, as you know, opposite-sex domestic partners of UC employees do not have access to the same health and welfare benefits as same-sex domestic partners unless one partner is 62 years or older. In contrast, there is no age requirement for opposite-sex domestic partner survivors to receive UC pension and retirement benefits.

While the report was inspired by a specific set of circumstances, it is driven by a general desire to increase the fairness of UC's benefits structure and promote more family-friendly policies at the University. As UCFW's report notes, DP-equity will also help meet the University's previously stated goal of aligning the criteria for domestic partners to qualify for health and welfare benefits with the criteria for retirement benefits.

We look forward to working with you on implementation of UCFW's recommendations for DP-equity. Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Jim Chalfant".

Jim Chalfant, Chair
Academic Council

Encl: UCFW Report on Domestic Partner Benefits Equity

Cc: Vice President Duckett
Academic Council
Senate Director Baxter
Senate Executive Directors



UNIVERSITY COMMITTEE ON FACULTY WELFARE (UCFW)
Lori Lubin, Chair
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February 14, 2017

**JIM CHALFANT, CHAIR
ACADEMIC COUNCIL**

RE: Domestic Partner Benefit Equity

Dear Jim,

The University Committee on Faculty Welfare (UCFW) became acutely aware of a discrepancy in the benefit coverage for opposite-sex vs. same-sex domestic partners and the confusing enrollment procedures following the tragic death of one of our colleagues last year. We found that these discriminatory differences and procedural deficiencies had not been addressed by UC's human resources professionals, potentially leading many in the UC community to be under-insured and ill-prepared.

In response to these findings, UCFW, with the drafting and research aid of its standing task forces on Health Care and Investment and Retirement, has unanimously approved the enclosed report for action by the Academic Council. We ask the Council to endorse the findings and echo the recommendations to the administration that call for equalizing the benefits offered and streamlining the associated enrollment and verification processes.

Please do not hesitate to contact us for further information.

Sincerely,

Lori Lubin, UCFW Chair

Copy: UCFW
Hilary Baxter, Executive Director, Academic Senate

Domestic Partner Benefits Equity

Academic Senate of The University of California

University Committee on Faculty Welfare

2 February 2017

I Introduction

For over two decades, it has been the position of the University of California Academic Senate that it is a central principle of faculty welfare that all employees be treated equitably in their access to benefits for themselves and for their families. During this time, the family-friendly aspects of health and welfare and retirement benefits have been essential to our ability to recruit and retain not only an outstanding faculty, but also maintain the quality of our non-academic workforce. In this spirit, the University has during this period provided to domestic partners of employees benefits comparable to those provided to spouses; the University's requirement for extending these benefits has been that the employee and their partner demonstrate that they are in an appropriate domestic relationship. The University Committee on Faculty Welfare (UCFW) and the Academic Senate historically have firmly supported the University's position that benefits be extended on the basis of employees' domestic relationship. Unfortunately, UC currently has in place policy on access to health and welfare benefits that does not treat all employees equitably: while these benefits are offered to same-sex domestic partners, they are denied to opposite-sex partners, unless one of the partners is at least 62 years of age. UCFW is of the view that this discriminatory policy should be changed to one of domestic partner equity (henceforth DP-equity): *Health and Welfare benefits should be available to all domestic partners of employees, same- or opposite-sex, without age restriction.*¹

DP-equity is not without precedent at UC: It is the rule for retirement benefits. Under the UC Retirement Plan (UCRP), a range of benefits are provided for survivors of deceased active employees, as well as retirees; both spouses and domestic partners qualify equally for these benefits. In the case of domestic partners, there is no age restriction for these benefits; in particular, opposite-sex partners have access to this benefit even if neither partner is 62 years of

¹ In describing existing state and university policies by which domestic partners qualify for benefits, we will distinguish between same- and opposite-sex partnerships. We adopt this terminology in deference to usage in California statute, noting that university publications differentiate same- and opposite-gender partnerships. A distinct virtue of our proposal is that these distinctions will become unnecessary because benefits will be available to married spouses and domestic partners regardless of sex or gender.

age. For UCRP benefits, there is no difference between same- and opposite-sex domestic partners.

Historically, access to health and welfare benefits was extended to same-sex domestic partners by action of the UC Regents in 1997, with benefits becoming available in 1998. In 2002, the Regents approved retirement survivor benefits for all domestic partners, irrespective of the gender of the partners. Commencing in 2005, in response to California statutes enacted in 1999, 2001 and 2003 establishing California Registered Domestic Partnerships (RDPs), the University by administrative action extended health and welfare benefits to opposite-sex partners under requirements coordinated with those for RDPs, including the restriction that one partner be at least age 62 and Social Security eligible.

At the time of these actions, Regents were aware of the discriminatory aspects of eligibility for health and welfare benefits, as this inequity was a large part of the reason that retirement benefits were granted to both same- and opposite-sex partners. In 2004, Associate Vice-President for Human Resources Judith Boyette, reporting for the Office of the President to the Regents' Committee on Finance on the extension of health and welfare benefits to opposite-sex domestic partners, made clear that adopting the age 62 restriction was intended only to bring the University into conformance with state law, and was not intended as permanent policy. Rather, the University's intention was DP-equity: "the University will extend benefits based on The Regents' prior policy determination in May 2002, at which time The Regents extended survivor benefits to all same-sex and opposite-sex domestic partners of UCRP Members."² Since 2004, however, no further actions have been taken, either by the Regents or administratively, to meet the goal of bringing the criteria for domestic partners to qualify for health and welfare benefits into coordination with those for the retirement benefits. *Accordingly, the University Committee on Faculty Welfare calls on the University to rectify this oversight by eliminating the age 62 requirement for opposite-sex domestic partners for health and welfare benefits.* The result will be that all domestic partners, regardless of gender or age, will have access to the full range of health and welfare benefits made available to domestic partnerships, based on the same criteria of DP-equity that currently grant access to domestic partners for retirement survivor benefits.

2 Current Requirements for Domestic Partnerships

The University of California definition of a Domestic Partnership for Benefits Eligibility is provided in the Benefits for Domestic Partners Handbook. The most recent revision of the Handbook (12/2016) is attached as Appendix I. As described there, UC recognizes three types of relationships as domestic partnerships: *i*) California Registered Domestic Partnerships

² Report of remarks by Associate Vice-President Boyette in the Minutes of the University of California's Regents Committee on Finance meeting of September 22nd, 2004, p. 8.

(RDPs); *ii*) Relationships formed in another jurisdiction which are substantially equivalent to California RDPs³; *iii*) Partnerships that meet certain criteria established by UC. These criteria include that the partners “must be each other’s sole domestic partner in a long-term, committed relationship and must intend to remain so indefinitely,” that they are not married to anyone else, that they are not barred from marrying each other on grounds of blood relationship, and that they are financially interdependent and share a common residence. Eligibility is demonstrated under *i*) and *ii*) by a valid certificate of registration. Eligibility under *iii*) is demonstrated by the employee attesting that the relationship meets the UC definition of domestic partnership, and submitting at least two specified forms of documentary evidence, which may include joint home ownership or leasing, joint bank accounts or credit cards, durable powers of attorney, wills, utility bills or joint tax statements.

This definition of domestic partnership sets common requirements for eligibility for both health and welfare and retirement benefits. However, the requirements diverge in two ways. First, for health and welfare benefits, in opposite-sex partnerships only, at least one partner has to be at least 62 years of age (as well as Social Security eligible). For retirement benefits, opposite-sex partners qualify with no age restriction. Second, for retirement benefits unregistered domestic partners (but not California RDPs and spouses) must submit a Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits (UBEN 250) to UC Human Resources. By signing this form, the employee and their partner are attesting under penalty of perjury that they meet the University’s requirements for a domestic partnership. (Failure to file a UBEN-250 will result in denial of survivor benefits, even if the domestic partnership would have otherwise qualified under UC criteria.) (See the Benefits for Domestic Partners Handbook, pp. 4-5 for details of the definition of domestic partners.)

The recommendations of UCFW pertain to these latter two provisions. Our recommendations are 1) that there be no age restriction on opposite-sex domestic partners, as there are none on same-sex domestic partners; and 2) that, for domestic partners who are not California RDPs, there be a single affidavit submitted to the University attesting to the existence of a domestic partnership, along with appropriate documentation of financial interdependence. Upon acceptance of the affidavit and documentation by the University, the domestic partner would qualify for both health and welfare and retirement benefits. With these two emendations, there would be a single, uniform definition of domestic partnership, applicable in determining eligibility for all spousal/partnership benefits provided by the University.

³ California law directs the Secretary of State to certify jurisdictions that authorize registered partnerships on terms substantially equivalent to California RDPs. To date, no jurisdictions have been certified. Thus, it is not clear whether it is actually possible to qualify for UC benefits under *ii*).

3 Why the Age 62 Requirement?

What is the University's rationale for the curious age 62 requirement for opposite-sex partnerships for health and welfare benefits? The answer turns out to be simple: The University is taking the expedient of coordinating its requirements to those for California RDPs. While these requirements remain, they reflect the state of political discourse of two decades ago.

The California Domestic Partnership Act was signed into law in 1999. At that time, extending government recognition to same-sex domestic relations and nonmarital opposite-sex domestic relations were both still highly contentious. There was reluctance on the part of then Governor Gray Davis and some in the legislature to allow opposite-sex registered domestic partnerships, fearing that doing so might undermine the institution of marriage. The senior-citizen action group The Gray Panthers, however, made the following argument: If a widow or widower remarries, they lose any entitlement to Social Security or Medicare survivor benefits (although they retain whatever benefits they personally earned). As a consequence, remarriage can be financially ruinous to certain people. Since age 62 is the earliest year at which one can start drawing Social Security benefits, that age was chosen. The Legislature and Gov. Davis agreed to create registered domestic partnerships for opposite-sex partners only in this narrow setting. In the original Act of 1999, the requirement was that both partners had to meet the age 62 requirement. In 2001 the Act was amended to require only one of the partners be at least age 62. The California Domestic Partners Rights and Responsibilities Act of 2003 maintained this provision, while establishing in state law that RDPs have rights and responsibilities that align with those of married couples. In 2004 the University acted to bring UC policy on domestic partnership for health and welfare benefits into conformance with that of the state, effective January 1, 2005.

It is important to recognize that, while UC cannot have a more restrictive definition of domestic partner than the state, it is under no legal obligation to coordinate its internal definition of domestic partnership with that of the state. The University is free to set whatever requirements it deems appropriate for benefit eligibility consistent with State and Federal statute, and it should do so in accordance with the interests of the University. With the provision of benefits, the core interests of the University dictate that it provide the highest quality workplace possible for its employees, as a key element in preserving and enhancing the excellence of the institution. A key aspect of this is making benefits available to employees in a non-discriminatory and family-friendly manner. While the University lives up to this goal for retirement benefits, it fails to do so for health and welfare benefits because it continues to impose the discriminatory age 62 requirement for opposite-sex domestic partners (in spite of its stated support of DP-equity, as already noted). It is UCFW's contention that this discrimination on access to benefits runs counter to core principles of the University, and its interests in maintaining the welfare and well-being of its workforce.

4 Discussion

Comparison Institutions

At the request of UCFW, UC Human Resources gathered information on the domestic partner definitions and eligibility for health benefits from our Comparison 8 universities. The information is compiled in the chart attached as Appendix 2. Of the comparison universities, MIT, SUNY Buffalo and the University of Michigan, like UC, offer benefits to domestic partners without requiring any form of external registration; unlike UC, they offer benefits equally to same- and opposite-sex partners. Harvard and Illinois both require external registration (municipal registration for Harvard; state registration for University of Illinois) and offer benefits equally to same- and opposite-sex partners. The remainder of the comparison eight either offer benefits on similar terms as UC (Stanford)⁴ or not at all (University of Virginia and Yale).

Of the UC comparison institutions, five of eight offer domestic partners health benefits on a DP-equity basis, that is, without discrimination between same- and opposite-sex partners. Given that the comparison group of universities is a measure of UC competitiveness for faculty and professional staff, by this reckoning UC is in a non-competitive position that could potentially jeopardize recruitment efforts. UCFW's recommendation is therefore that UC join the majority of its core competition and offer benefits to domestic partners on the basis of DP-equity, that is, regardless of gender or age.

Legal Issues

When UC adopted domestic partnership benefits in 1997 and 2002, same-sex couples were denied the opportunity to solemnize their relationship through the institution of civil marriage. As a consequence, same-sex couples were not similarly situated to opposite-sex couples. The denial to opposite-sex couples of benefits that were provided to same-sex couples did not constitute discrimination on the basis of sex, precisely because same-sex and opposite-sex couples differed not only on sex, but on access to marriage.

In 2013, the Supreme Court struck down those provisions of the so-called Defense of Marriage Act that purported to authorize the federal government to ignore valid marriages solemnized under the laws of a State. In 2015, in *Obergefell v. Hodges*, the Supreme Court ruled that the denial by a State of marriage to same-sex couples violated the Liberty and Due Process clauses of the 14th amendment. Marriage equality became the law of the land.

In the light of *Obergefell*, unmarried opposite-sex couples and unmarried same-sex couples

⁴ Stanford offers benefits only to California RDPs. UC does not require RDP registration, but it imposes on opposite-sex partnerships the same age requirement that applies to opposite-sex RDPs.

became similarly situated: they are now free to marry, or not marry, as their conscience and desires dictate. The only difference between them is sex.

The federal Civil Rights Act of 1964 and the California Fair Employment and Housing Act of 1959 both prohibit discrimination in employment on the basis of sex. A strong argument exists that, by imposing on opposite-sex couples an age requirement that is not applied to same-sex couples, UC is in violation of both of these laws.

Under the California Domestic Partnership Rights and Responsibilities Act of 2003 and Assembly Bill 2208 of 2004, UC is required to provide RDPs health and welfare benefits on the same basis as spouses. Thus, UC cannot under California law limit health and welfare benefits to spouses; any benefits provided to spouses must also be provided to RDPs.

So long as UC provides the benefits to RDPs there is strong argument under anti-discrimination laws, including the Civil Rights Act of 1964, that UC must provide the benefits to opposite-sex couples who do not satisfy the age 62 requirement, and so cannot avail themselves of the status of RDPs. The inability of opposite-sex couples who do not satisfy the age 62 requirement to qualify for the benefits is a form of discrimination on the basis of sex when similarly situated same-sex couples qualify for the benefit.

The only sure way for UC to comply with California law (which mandates provision of marital benefits to RDPs) and federal and State law (which mandates nondiscrimination in benefits on the basis of sex) is to remove the age 62 requirement for opposite-sex partners.

Costs

Extending access to health and welfare benefits on a DP-equity basis will come at some cost to the University. UC Human Resources requested their consultant Deloitte to develop a cost projection. The Deloitte report is attached as Appendix 3. By Deloitte's calculations, the addition of opposite-sex domestic partners would have added approximately \$21 million dollars to UC health plan costs for 2016. This represents a 1.6% increase in UC's total spending on employee health care benefits.

While UCFW concurs with Deloitte's assessment of the potential increase in the number of dependents to be covered by UC benefit plans, nevertheless care is required when assessing the projected cost increases to the University for at least the following reasons.

First, the figure developed by Deloitte is for costs to be covered from all revenue sources. The real cost to the University, however, is how much must be covered from general funds. Currently, approximately one-third of UC spending on health care comes from general funds; the rest is from other sources, primarily grants and contracts. This means that the direct UC increased cost for DP-equity would be about \$7 million.

Second, UC is already implicitly obligated to these costs, since the University must be prepared

to provide benefit coverage to current opposite-sex domestic partners in event they should decide to marry (as it must be for all employees who receive single benefits). The effect of DP-equity is therefore to turn part of this implicit obligation into an explicit cost.

Third, it is reasonable to assume that an employee whose partner does not have health insurance coverage would seriously consider marrying in order to obtain coverage. Thus, the existing pool of nonmarital partners of employees is more likely to have other employment-based coverage, and thus less likely to be signed up for UC coverage if the benefit is extended, than the pool of married partners.

Finally, the discovery of a costly health condition in a partner who does not have other employment coverage, or who loses coverage as a result of disability, is likely to prompt a serious consideration of marriage in order to obtain coverage. In other words, under current policy, unmarried partners who become ill are more likely to obtain coverage (through marriage). Unmarried partners who are added to the plan through removal of the age 62 requirement will be systematically healthier than those who are currently added through marriage in response to illness.

The cost increases to the University generated by DP-equity, while by no means negligible, nevertheless represent a small and manageable increase in the University's overall medical care spend of over \$1.5 billion. If the cost were evenly prorated over the 165,000 employees enrolled in UC health-plans, this would amount to \$3.50 per person per month. It is UCFW's view that this level of expenditure does not place a financial burden on the University.

Applicability

By distinguishing same- and opposite-sex partnerships, and placing differential requirements for partnerships to qualify for health and welfare benefits, UC policy generates circumstances in which it is unclear whether a partnership qualifies or not. We note two cases in which applicability of current criteria are unclear and potentially discriminatory.

The intent of clause *ii*) of the UC definition of domestic partnership cited above is that domestic partners in any form of recognized civil union under the laws of state or nation qualify for benefits. For example, partners in a Vermont or New Jersey civil union qualify for benefits. Current UC policy, however, is ambiguous on this point. The policy states that domestic partnerships qualify so long as they are "formed in another jurisdiction which has requirements substantially equivalent to California's requirements". The ambiguity arises from what "substantially equivalent" means: Would the University recognize a domestic partnership formed in another jurisdiction whose requirements are the same as California's, but which place no age

restriction on opposite-sex partnerships?⁵

By dichotomizing same- and opposite-sex/gender as a differential criterion for qualifying for health and welfare benefits, the University leaves in limbo transgender, gender queer, and gender fluid people, and more generally, those individuals for whom a strict dichotomous sex or gender identification is inapplicable or inappropriate. For these individuals, which of the requirements for domestic partnerships are going to be applicable in order to qualify for benefits, and how is the University going to decide in particular cases?

These issues potentially expose the University to the legal consequences of being out of conformity with federal and state statutes prohibiting workplace discrimination, as discussed above. By adopting DP-equity, and so retiring any distinction between same- vs. opposite-sex as criterial for benefits, these issues of fairness and equity are definitively set aside.

Procedural Streamlining

An additional virtue of DP-equity is that it would facilitate a significant streamlining of UC procedures for establishing a domestic partnership. Currently, the procedures for obtaining health and welfare benefits is distinct from that for retirement benefits. The former requires that documentary evidence only be provided once benefits are being received by a domestic partner. This verification is carried out by Secova, through its standard dependent verification program for UC employees receiving health and welfare benefits. In contrast, non-RDP employees and their partners must submit an affidavit, the UBEN-250, in order for the partners to be eligible for survivor benefits. Filing this form, accompanied by verifying documentation, “establishes your domestic partnership with the University of California”, and attests to the existence of their relationship, under penalty of perjury. Importantly, neither of these procedures cross-classifies a domestic partnership: Receiving health and welfare benefits does not in itself entitle a domestic partner to retirement benefits. Conversely, filing a UBEN-250 does not itself qualify a domestic partner for health-and-welfare benefits. The domestic partnership must be independently verified (perhaps using the same documentation) to receive these benefits.

UCFW recommends that these procedures be replaced by a simplified method that requires the submission of documentation of marriage, RDP status, some other form of recognized civil union, or in the case of unmarried, unregistered partners, one single affidavit (along with supporting documentation). Upon acceptance by the University, the spouse or domestic partner would then be eligible for all UC benefits, both health and welfare and retirement. Eligibility for retirement survivor benefits would commence immediately (as they currently do upon acceptance of a UBEN-250 form). For health and welfare benefits, acceptance of an affidavit would trigger a Period of Initial Eligibility (PIE), opening a 31 day window in which the domestic partners

⁵ In this regard, we note that the California Secretary of State has not recognized any other jurisdiction as having requirements substantially equivalent to California's, as required under the California Domestic Partnership Act.

could enroll in and adjust benefit choices outside of open enrollment. (This would align with the procedure for spouses and RDPs, for which a PIE is triggered upon marriage or registration.) Termination of a domestic partnership would accord with current policies, with submission of a termination form covering health and welfare and retirement benefits (superseding the current UBEN-253 “Termination of Domestic Partnership for Purposes of UC Retirement Plan Benefits” form).

5 Recommendations and Summary

“The University of California works hard to be a good employer, so it’s no surprise to learn that we’ve been a leader in offering benefits to domestic partners.” So commences the University’s Benefits for Domestic Partners Handbook. The Academic Senate and its committees, principally UCFW, have consistently endorsed the University’s position in recognizing the eligibility of domestic partners for UC benefits. That the University does so recognizes that domestic partnerships - same- and opposite-sex - are a normal and legitimate form of family relationship. That they should be treated no differently than any other family is a core principle of equity and non-discrimination central to the UC community. Recognition of this principle is part of what makes UC a good employer, as family-friendly policies are what need to be supported in maintaining a high-quality, highly-productive workforce. How employees choose to manifest their family domestically, in a marriage or a domestic partnership, the University has wisely left as a matter of personal choice; for a variety of reasons, ranging from personal to public, a domestic partnership is the best life-style choice for many UC employees.

By denying DP-equity the University has failed to live up fully to its proclaimed leadership position on domestic partnerships and its stated goal of being a good employer striving for family-friendly policies based on principles of equity and non-discrimination. Accordingly, the University Committee on Faculty Welfare makes the following recommendation:

DP-Equity: All UC health and welfare and retirement benefits be available to qualifying domestic partners without condition on age or gender.

As a corollary, UCFW additionally makes the following recommendation:

Registration Affidavit: For couples who are neither married nor in a California Registered Domestic Partnership, there be a single affidavit form to establish a domestic partnership with the University of California. Submission of this form will be required, and will suffice (along with supporting documentation) to receive both health and welfare and survivor benefits.

In establishing University of California policy for benefits for domestic partners, the Regents explicitly left the implementation and administration of their actions to the President of the

University. For health and welfare benefits, the University administration has extended these benefits to opposite-sex partners, but in a way that is ultimately inequitable and discriminatory relative to how these benefits are extended to same-sex partners. In contrast, by University policy, retirement benefits are extended in the same way to same- and opposite-sex partners, and hence equitably and without discrimination. The Academic Senate and the University Committee on Faculty Welfare are calling upon the administration to extend to all employees the full range of UC benefits - retirement and health and welfare - in this manner. Doing so will continue to demonstrate how UC works hard to be a good employer.

Benefits for Domestic Partners

UNIVERSITY
OF
CALIFORNIA

The University of California works hard to be a good employer, so it's no surprise to learn that we've been a leader in offering benefits to domestic partners. UC began offering health coverage to eligible domestic partners in 1998, and added pension survivor benefits in 2002. Many of your UC benefits may extend to your domestic partner and, in some cases, his or her child or grandchild. This booklet explains what's available to your family members and what you need to do to cover them.

Eligibility for domestic partnership benefits.....4

Your domestic partnership must meet certain criteria for UC benefits eligibility. This section includes information on eligibility rules, supporting documentation you will need to enroll your partner, as well as steps you need to take should your partnership end.

Health and welfare benefits.....6

Your partner and/or your partner's child or grandchild may be able to enroll in the following insurance plans: medical, dental, vision, dependent life, accidental death and dismemberment, and legal.

Leave policies.....9

Under UC policy, you may take time off to bond with a new child or to care for a domestic partner (or a partner's child) who is ill.

UC Retirement Plan survivor benefits.....9

Depending on your retirement plan, your domestic partner may be entitled to monthly survivor benefits in case of your death. In some instances, your partner's child may also receive survivor benefits.

Forms.....11

From registering your partnership with the state of California to notifying UC of changes to your status, these are the forms you'll need.

Eligibility for Domestic Partnership Benefits

Please note that there are differences in the eligibility requirements, and in the process for establishing eligibility, for health and welfare benefits and for UC Retirement Plan (UCRP) benefits. It is important to read all requirements carefully to ensure your domestic partner receives full benefits.

DEFINITION OF DOMESTIC PARTNERSHIP FOR BENEFITS ELIGIBILITY

Under UC’s rules, there are three definitions of a domestic partner. Your partnership must meet one of the three definitions below, as well as the benefit-specific requirements defined by the health and welfare regulations and the UCRP regulations.

- A domestic partnership registered with the state of California is a domestic partnership for UC benefits eligibility purposes.
 - Same-gender domestic partners can register their domestic partnership with the state of California.
 - Opposite-gender domestic partners can register their domestic partnership with the state of California if one or both partners are over age 62 and eligible for Social Security benefits based on age.
- A domestic partnership formed in another jurisdiction which has requirements substantially equivalent to California’s requirements also qualifies as a domestic partnership. For UCRP benefits eligibility purposes, this definition includes only same-gender domestic partnerships formed in another jurisdiction. For health and welfare benefits eligibility purposes, it includes same-gender and opposite-gender domestic partnerships formed in another jurisdiction.
- A partnership that **has not been registered with the state** can be considered a domestic partnership for UC benefits eligibility purposes if it meets the **requirements below**.
 - Parties must be each other’s sole domestic partner in a long-term, committed relationship and must intend to remain so indefinitely.
 - Neither party may be legally married or be a partner in another domestic partnership.
 - Parties must not be related to each other by blood to a degree that would prohibit legal marriage in the state of California. For example, not parents and children, brothers and sisters, half-brothers and half-sisters, uncles and aunts, nieces and nephews, or ancestors and descendants of every degree (this means grandparents and grandchildren, great-grand-parents and great-grandchildren, etc.).
 - Both parties must be at least 18 years old and capable of consenting to the relationship.
 - Parties must be financially interdependent.
 - Parties must share a common residence.

If you are in a partnership that has not been registered with the state, there is an additional requirement to be recognized for UCRP benefits eligibility: the UCRP member must submit a *Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits* (UBEN 250) to UC Human Resources and verify the partnership with the supporting documentation described on page 5.

If both you and your domestic partner are employees eligible for UCRP, you must each submit a separate UBEN 250, signed by both partners.

ELIGIBILITY FOR HEALTH AND WELFARE BENEFITS

Eligibility requirements for UC Health and Welfare benefits differ for same-gender and opposite-gender domestic partners, as noted in the table below. No declaration form or documentation is needed to initially enroll, but you will be asked to submit documentation after enrollment (see “Supporting Documentation” on page 5) to establish ongoing eligibility for health and welfare benefits.

Requirements for same-gender domestic partners	Requirements for opposite-gender domestic partners
One of the following: <ul style="list-style-type: none"> • Registered with the State of California or other valid jurisdiction OR • Able to meet the requirements above for a partnership that has not been registered, with appropriate supporting documentation upon request 	Either the Employee or the domestic partner must be age 62 or older and eligible to receive Social Security benefits based on age AND satisfy one of the following requirements: <ul style="list-style-type: none"> • Registered with the State of California or other valid jurisdiction OR • Able to meet the requirements above for a partnership that has not been registered, with appropriate supporting documentation upon request

ELIGIBILITY FOR UC RETIREMENT PLAN BENEFITS

Both same-gender and opposite-gender partners age 18 or over may be eligible for applicable survivor benefits from the UC Retirement Plan (UCRP)—unlike Health and Welfare benefits, there is no age 62 requirement for opposite-gender domestic partners for eligibility for UC Retirement Plan benefits.

However, as noted above, if your partnership is not registered, **it is important for you to submit a Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits (UBEN 250) as soon as possible.**

Requirements for same-gender domestic partners	Requirements for opposite-gender domestic partners
<ul style="list-style-type: none"> • Registered with the State of California or other valid jurisdiction OR • Able to meet the requirements above for a partnership that has not been registered, file a signed UBEN 250 and submit appropriate supporting documentation 	<ul style="list-style-type: none"> • Registered with the State of California OR • Able to meet the requirements above for a partnership that has not been registered, file a signed UBEN 250 and submit appropriate supporting documentation

UC RETIREMENT CHOICE PROGRAM PARTICIPANTS

Please note that Pension Choice participants are UCRP members (eligible for applicable UCRP benefits), and Savings Choice participants are not. Your Savings Choice account may be left to a designated beneficiary.

Make sure you name your designated beneficiary or beneficiaries by name (not just title, such as “my child” or my “domestic partner”).

SUPPORTING DOCUMENTATION

In order to verify your domestic partnership, you must submit:

- State of California form NP/SF DP-1 (Declaration of Domestic Partnership), or
- Proof of registration of partnership with other valid jurisdiction (for UCRP benefits eligibility purposes, accepted only for same-gender domestic partnerships; for health and welfare benefits eligibility purposes, accepted for same-gender and opposite-gender domestic partnerships), or
- At least two of the documents below (with a UBEN 250 signed by both partners if establishing eligibility for UCRP benefits):
 - Joint mortgage, joint property tax statement or joint tenancy on a residential lease
 - Joint bank account
 - Joint liabilities (e.g., credit card, home equity loan or car loan)
 - Joint ownership of significant property (e.g., a car or a house)
 - Durable property or health care power of attorney
 - Wills, life insurance policies or retirement annuities naming each other as primary beneficiary
 - Written agreement or contract showing mutual support obligation or joint ownership of assets acquired during the relationship
 - Copy of any declaration, affidavit or similar document filed with any other governmental entity
 - Joint utility bill
 - Joint property tax statement

SUBMITTING DOCUMENTATION

Health and welfare benefits: Supporting documents must be submitted upon request to Secova, which verifies benefits eligibility for UC.

UCRP benefits: If you have submitted documentation of your domestic partnership to Secova to verify your domestic partner’s eligibility for health and welfare benefits, no additional documentation needs to be submitted with the signed UBEN 250. If you have not submitted this documentation, or if your domestic partner is not enrolled for health and welfare benefits, you will need to submit the required documentation with the UBEN 250 or before your retirement. If you have a signed UBEN 250 on file, your surviving domestic partner may submit supporting documentation of your partnership following your death.

There is a one-year domestic partnership requirement for eligibility for certain UCRP survivor benefits. See page 9 for details of this and other requirements and their verification.

Eligibility for Domestic Partnership Benefits

TERMINATING A DOMESTIC PARTNERSHIP

FOR UCRP SURVIVOR INCOME

If your partnership ends, you must submit one of the following:

- A copy of the filed California State Notice of Termination of Domestic Partnership (SEC/STATE NP/SF DP-21)
- A copy of a final judgment of dissolution or nullity of the domestic partnership
- UC form UBEN 253 (*Termination of Domestic Partnership for Purposes of UC Retirement Plan Benefits*)

Submitting a termination notice or court order is important. If the information on file is not current, UC Human Resources could pay survivor benefits to a former partner instead of other eligible recipients, such as your child. You are responsible for providing your domestic partner with a copy of the termination form (UBEN 253).

FOR HEALTH AND WELFARE BENEFITS

Within 31 days after a domestic partnership ends, you must notify UC of the change and de-enroll an ineligible partner and his or her children.

- Employees should complete and submit form UPAY 850 (*Enrollment, Change, Cancellation or Opt Out—Employees Only*). Check the appropriate box in Section 3 and enter the date the partnership ended.
- Retirees should complete and submit form UBEN 100 (*Retiree Continuation, Enrollment or Change—Medical, Dental and/or Legal Plan*). Check the appropriate box in Section 2 and enter the date the partnership ended.

Coverage stops at the end of the month in which the domestic partnership ends. However, if covered under the medical, dental and/or vision plan, your partner and/or your partner's child or grandchild may be able to continue coverage under COBRA for up to 36 months. For more information, contact your benefits office and visit the COBRA page at ucal.us/COBRA.

Health and Welfare Benefits

WHAT'S AVAILABLE

Your partner, and/or your partner's child or grandchild, may qualify for some or all of the following benefits, assuming you and they meet the eligibility requirements described above. See *A Complete Guide to Your UC Health Benefits*, available on UCnet (ucnet.universityofcalifornia.edu), for more information about the benefit program. Keep in mind that your family members may be enrolled only in the same plans as you.

INSURANCE COVERAGE

Insurance	Employee	Retirees
Medical	•	•
Dental	•	•
Vision	•	•
Dependent life insurance	•	
AD&D	•	•
Legal	•	•
Bright Horizons Care Advantage	•	
Flexible Spending Accounts	•	

See "Enrolling your partner in insurance plans" on page 7 for details about how and when to cover your family members.

BRIGHT HORIZONS CARE ADVANTAGE

This is a membership-based Web resource to help you find prescreened childcare and eldercare. UC pays for access to the site; you pay for care. (Sorry, retirees are not eligible for UC-paid access, but may use the site with their own paid membership.)

TAX-SAVINGS PROGRAMS

UC offers an array of options for paying for certain qualified expenses on a pretax basis. Some of these benefits, such as those described below, may extend to your domestic partner and/or his or her child or grandchild.

Flexible Spending Accounts (FSAs): You may use the Dependent Care FSA and Health FSA for your partner's expenses or those of his or her child or grandchild, provided you claim them as dependents for tax purposes.

RETIREE AND SURVIVOR HEALTH BENEFITS

If you're eligible to carry UC-sponsored medical, dental and/or legal coverage into retirement, your partner (and his or her child or grandchild) may be able to continue coverage as well. To learn more, see the *Retirement Handbook*, available at ucal.us/retirementhandbook.

Similarly, your enrolled family members may be able to continue their coverage in the event of your death.

If you die while still employed by UC: For details about continued UC health and welfare plan coverage, COBRA coverage or conversion to individual policies, see the *Survivor and Beneficiary Handbook for Family Members and Beneficiaries of UC Employees*, available at ucal.us/survivorhandbook.

If you die after retirement: Your partner and/or his or her child or grandchild may be eligible to continue coverage if they are eligible to receive a monthly benefit from the UC Retirement Plan. For details about continued coverage, see the *Your Guide to Survivor and Beneficiary Benefits for Family Members and Beneficiaries of UC Retirees and Disabled Members Receiving UCRP Income*, available on UCnet (ucnet.universityofcalifornia.edu).

ENROLLING YOUR PARTNER IN INSURANCE PLANS

You may enroll your domestic partner and his or her child or grandchild, according to the table below. Note that your partner’s period of initial eligibility (PIE) is the 31 days following the date your partner first meets all eligibility requirements for

coverage (see page 4 for complete eligibility requirements). For example, depending on your circumstances, your partner may meet the eligibility requirements, and the 31-day window for making benefits changes may begin, when:

- Your partnership is registered with the State of California or (for same-gender partnerships only) other jurisdiction
- You and your partner begin to share a common residence
- You and your partner become financially interdependent (e.g., purchase a car or home together)
- Your opposite-gender domestic partner turns 62

If you are currently enrolled in a UC-sponsored medical plan and you miss the PIE to enroll your partner and/or child/grandchild, you can enroll in the medical plan at any time. Coverage will be effective after 90 days. After your partner’s initial PIE, you will need to wait until the next open enrollment (usually held in the fall of each year) to enroll your partner and/or child/grandchild in other health and welfare benefits.

After your family members are enrolled, you will be required to submit documentation to verify their eligibility for benefits. You will receive information explaining the verification process and the documents needed to verify your family members’ eligibility.

Your status	When to enroll your partner and/or child/grandchild	How to enroll them
Employee	When you’re first eligible	Online
	During open enrollment	Online
	During your PIE (beginning when your partner first meets eligibility criteria)	Submit form UPAY 850 (<i>Enrollment, Change, Cancellation or Opt Out—Employees Only</i>). If your partnership is registered with the state of California, check the appropriate box in Section 3 and enter the filing date. If the partnership is not registered, check the box for “Not registered” and enter your partner’s (or partner’s child or grandchild’s) date of eligibility.
	If you are currently enrolled in a UC-sponsored medical plan and you miss the PIE to enroll your partner and/or child/grandchild, you can enroll in the medical plan at any time. Coverage will be effective after 90 days.	
Retiree	During open enrollment	Online
	During your PIE (beginning when your partner first meets eligibility criteria)	Submit form UBEN 100 (<i>Retiree Continuation, Enrollment or Change—Medical, Dental and/or Legal Plan</i>). If your partnership is registered with the state of California, check the appropriate box in Section 2 and enter the filing date. If the partnership is not registered, check the appropriate box and enter your partner’s (or partner’s child or grandchild’s) date of eligibility.
	If you are currently enrolled in a UC-sponsored medical plan and you miss the PIE to enroll your partner and/or child/grandchild, you can enroll in the medical plan at any time. Coverage will be effective after 90 days.	

Health and Welfare Benefits

TAX IMPLICATIONS

In most cases, your domestic partner and his or her children do not automatically qualify as your dependents under the Internal Revenue Code (IRC). That means any UC contribution toward their medical, dental and vision coverage is considered “imputed income” and may be subject to federal and California state income taxes, as well as Social Security and Medicare taxes (FICA) and any other required payroll taxes. This income is reflected on your annual W-2 statement.

Federal and California state income taxes: If your partner is a dependent as defined by the IRC, you are not subject to imputed income on UC contributions toward his or her health insurance. In order for your payroll records to accurately reflect this tax dependency, complete form UPAY 886 (*Declaration of Tax Dependency*) and submit it to your local Payroll Office.

Under rules implemented as part of health care reform legislation, there is no imputed income for federal or California state income tax purposes on the value of UC’s contribution for coverage provided to your biological, adopted and/or step-children (if you are considered the child’s step-parent under state law and the child’s parent is your same-gender registered domestic partner), regardless of whether they are your tax dependents. You will have imputed income for both state and federal tax purposes for coverage provided to children of your non-registered domestic partner and step-grandchildren if they are not your tax dependents.

WHAT YOU NEED TO DO

If you have imputed income, each November UC Human Resources will mail form UPAY 886 (*Declaration of Tax Dependency*) to you. If one or more of your covered family members is your tax dependent, complete the form and submit it to your local Benefits Office. After the form is submitted, payroll records will be adjusted and:

- The taxable gross income on your Form W-2 for the year will not include any imputed income for medical/dental/vision coverage and will be reduced for pretax contributions as appropriate
- Excess FICA contributions will reduce current FICA withholding

You may claim any excess income tax withheld when you file your tax returns.

You may be asked to submit proof of tax dependency.

California state income taxes only: If you have registered your partnership with the state of California, UC’s contribution for medical, dental and vision coverage is not considered imputed income for California state income tax purposes.

Use form UPAY 850 (*Enrollment, Change, Cancellation or Opt Out—Employees Only*), available at ucal.us/UPAY850, to notify your local Benefits Office that your partnership is registered so that imputed income is not reported for state tax purposes. Once the form is received, withholding on imputed income for California state taxes will stop, and the California taxable income on your Form W-2 for the year will not include any imputed income for health coverage for your partner. You may claim any excess state income tax withheld when you file your state income tax return.

If you have not registered your partnership with the state of California but are in a valid same-gender partnership in another jurisdiction that California recognizes as substantially equivalent to a California registered domestic partnership, you may be able to exclude the imputed income from state taxation when you file your tax return.

REFERENCE

A Complete Guide to Your UC Health Benefits

Leave Policies

University policies allow you to use sick leave to bond with a newborn, adopted or foster-care child and in case of the illness or death of a domestic partner or partner's child. You may also use family and medical leave in case of a partner's or partner's child's serious health condition.

For details on sick leave and family and medical leave policies, see the applicable personnel policy. If you are a represented employee, see your collective bargaining agreement (contract), available at ucal.us/laborrelations.

UC Retirement Plan Survivor Benefits

WHAT'S AVAILABLE

Lifetime monthly income

PRERETIREMENT SURVIVOR BENEFITS

If you die before you retire, monthly survivor benefits may be available to an eligible domestic partner if you have at least two years of UC service credit and die while employed at UC or receiving UCRP disability income.

Your domestic partnership must have existed for at least one year before your death and be verified as having existed continuously until your death, and your partner must meet other eligibility requirements.

IF YOU DIE WHILE ELIGIBLE TO RETIRE

If you're an active, inactive or disabled UCRP member—meaning that you're 50 or older (55 or older if you were hired or became eligible for UCRP after July 1, 2013 as a non-Safety member) with at least five years of UC service credit—your partner may receive a lifetime monthly benefit.

There is no one-year partnership requirement for benefits paid to your domestic partner in this case.

POST-RETIREMENT SURVIVOR BENEFITS

Your partner may be eligible to receive a lifetime monthly benefit if you die after you retire.

If you were eligible for UCRP membership before July 1, 2013 (1976 Tier membership), the post-retirement survivor benefit is automatic, and your partner will receive 25 percent of your basic retirement (50 percent if you are a member with non-coordinated benefits or a Safety member). (You can set aside more than that if, before your retirement, you opt to take a reduced monthly payment.)

For your domestic partner to be eligible for this automatic post-retirement survivor benefit, your partnership must be verified as having existed for at least one year at the time of your retirement and as having existed continuously until your death. In addition, you may be asked to submit documentation establishing your domestic partnership to UC before you retire. (See "Establishing a domestic partnership for UCRP survivor income" on page 10.)

If you became eligible for UCRP membership on or after July 1, 2013 as a non-Safety member, post-retirement survivor benefits are not automatic. You can, however, provide a survivor benefit to your partner (or to any person you choose) by designating him or her as your contingent annuitant and electing, before your retirement, a reduction in your pension.

UC Retirement Plan Survivor Benefits

Your child and/or your partner's biological or adopted child may also be eligible for preretirement and post-retirement survivor benefits. If you have both a domestic partner and an eligible child, survivor benefits will be paid to your partner, unless he or she dies before the child.

UC RETIREMENT CHOICE PROGRAM PARTICIPANTS

Please note that Pension Choice participants are UCRP members (eligible for applicable UCRP benefits), and Savings Choice participants are not. Your Savings Choice account may be left to a designated beneficiary.

Make sure you name your designated beneficiary or beneficiaries by name (not just title, such as "my child" or my "domestic partner").

TAX INFORMATION

There may be special tax consequences for these benefits. You may want to consult your tax adviser before taking any action.

ESTABLISHING A DOMESTIC PARTNERSHIP FOR UCRP SURVIVOR INCOME

If your partnership is registered with the state of California or another jurisdiction: Submit a copy of the Declaration of Domestic Partnership (California state form NP/SF DP-1) that you filed with the state of California or the form filed with another jurisdiction (same-gender domestic partners only). Send the document to:

UC Human Resources
Records Management
P.O. Box 24570
Oakland, CA 94623-1570

The process will be quicker if your Social Security number—or at least the first five digits—is included.

For preretirement survivor benefits, you can submit a copy of your state registration at any time, or your partner can submit a copy after you die. For post-retirement benefits, a copy of the state registration must be submitted prior to your retirement.

UC Human Resources will use the **date the state form was filed as the beginning date of the domestic partnership.**

If your partnership was registered with the state only recently, you may want to submit form UBEN 250 and supporting documentation (see "Supporting Documentation" on page 5) if

you are nearing retirement and can establish an earlier beginning date for your partnership. This action could preserve your partner's right to pre- or post-retirement survivor benefits, for which there is a one-year partnership requirement.

If your partnership is not registered: Submit form UBEN 250 (*Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits*). If requested, be prepared to submit two supporting documents. See "Supporting Documentation" on page 9. Please note that both the UCRP member and his or her partner must sign the UBEN 250. If you do not submit this signed form, your domestic partner cannot submit the form after your death, and he or she will not be eligible to receive survivor benefits.

If both you and your domestic partner are employees eligible for UCRP, you must each submit a separate UBEN 250, signed by both partners.

If you have already submitted documentation of your domestic partnership to Secova to verify your domestic partner's eligibility for UC health and welfare benefits, no additional documentation needs to be submitted with the UBEN 250. If you have not submitted this documentation, or if your domestic partner is not enrolled for health and welfare benefits, you will need to submit the required documentation with the UBEN 250 or before your retirement. If you have a signed UBEN 250 on file, your surviving domestic partner may submit supporting documentation of your partnership following your death.

UC Human Resources will use the earliest date established by the documentation as the beginning date of the domestic partnership. For your partner to be eligible, you must submit the documentation prior to your retirement and it must establish that the relationship began at least one year prior to your retirement.

Forms You May Need

Action	Form	Available
Document domestic partnership (UCRP)	State of California form NP/SF DP-1 (Declaration of Domestic Partnership), or	Online at www.sos.ca.gov/dpregistry/forms.htm
	UC form UBEN 250 (<i>Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits</i>)*	<ul style="list-style-type: none"> At the back of this booklet Online at ucnet.universityofcalifornia.edu/forms/pdf/uben-250.pdf
Report termination of partnership (UCRP)	State of California form NP/SF DP-2 (Notice of Termination of Domestic Partnership), or	Online at www.sos.ca.gov/dpregistry/forms.htm
	UC form UBEN 253 (<i>Termination of Domestic Partnership for Purposes of UC Retirement Plan Benefits</i>)	<ul style="list-style-type: none"> At the back of this booklet Online at ucnet.universityofcalifornia.edu/forms/pdf/uben-253.pdf
Enroll or cancel coverage in health and welfare plans	Employees: UPAY 850 (<i>Enrollment, Change, Cancellation or Opt Out—Employees Only</i>)	<ul style="list-style-type: none"> Online at ucal.us/UPAY850 (for UPAY 850) and ucal.us/UBEN100 (for UBEN 100)
	Retirees: UBEN 100 (<i>Retiree Continuation, Enrollment or Change—Medical, Dental and/or Legal Plan</i>)	<ul style="list-style-type: none"> From the Retirement Administration Service Center: 800-888-8267
Designate beneficiary for	UBEN 116 (<i>Designation of Beneficiary—Employees</i>)	<ul style="list-style-type: none"> Online at ucnet.universityofcalifornia.edu/forms/pdf/uben-116.pdf (form UBEN 116) and ucal.us/UBEN117 (form UBEN 117)
	<ul style="list-style-type: none"> UCRP lump-sum death payment UCRP Capital Accumulation Provision (CAP) payment Life insurance (Basic, Supplemental, Core) Accidental Death and Dismemberment insurance 	<ul style="list-style-type: none"> From the Retirement Administration Service Center: 800-888-8267
Designate beneficiary for	Fidelity's enrollment form	<ul style="list-style-type: none"> Online at ucfocusonyourfuture.com From Fidelity: 866-682-7787
<ul style="list-style-type: none"> Savings Choice 403(b) Plan 457(b) Plan DC Plan 		

* If both you and your domestic partner are employees eligible for UCRP, you must each submit a separate UBEN 250, signed by both partners.

UBEN 250—Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits

EMPLOYEES/RETIREES:

Signing this Declaration establishes your domestic partnership with the University of California and will be used to help determine your partner’s eligibility for a number of survivor and death benefits. Signing this Declaration does not guarantee eligibility for benefits; however, if you die before confirming your partnership by an accepted method, your partner cannot be considered for such benefits.

The interests of a registered domestic partner are legally recognized under California law. Please consult your legal advisor to confirm your rights as a non-registered domestic partner.

If both you and your domestic partner are employees eligible for UCRP, you must each submit a separate UBEN 250, signed by both partners.

If you have registered your domestic partnership with the state of California or if you are in a same-gender partnership that is validly formed and registered in another jurisdiction and the partnership is substantially equivalent to a California-registered domestic partnership, you do not need to complete this form or take any other action at this time.

We, the undersigned, declare that we are domestic partners in accordance with the following criteria:

- We are each other’s sole domestic partner in a long-term, committed relationship and intend to remain so indefinitely.
- Neither of us is legally married or in another domestic partnership.
- We are not related by blood to a degree that would prohibit legal marriage in the state of California.
- We are both at least 18 years old and capable of consenting to the relationship.
- We are financially interdependent.
- We share a common residence.

REQUIRED SIGNATURES

Both parties must print and sign their names below.

Under penalty of perjury, we declare that the representations herein are true and correct and contain no material omissions of fact to the best of our knowledge and belief. We further declare that we have read, understand, and agree to the additional terms and conditions on the reverse of this form.

EMPLOYEE/RETIREE

Name (Last, First, Middle Initial) (Please Print)	Social Security Number
Signature	Date

DOMESTIC PARTNER

Name (Last, First, Middle Initial) (Please Print)	Social Security Number
Signature	Date

Send completed form to:
 UC Human Resources Records Management
 P.O. Box 24570
 Oakland, CA 94623-1570

UNIVERSITY OF CALIFORNIA Human Resources

UBEN 250—Declaration of Domestic Partnership for Purposes of UC Retirement Plan Benefits

ADDITIONAL TERMS AND CONDITIONS

1. For employees filing this declaration, the University of California will require proof that a domestic partnership meets joint residency, financial interdependence and one-year duration (if applicable) requirements at the time of the employee's retirement or death.

Acceptable documentation includes any two of the following.

- copy of any declaration, affidavit, or similar document filed with any other governmental entity
- joint mortgage or joint tenancy on a residential lease
- joint bank account
- joint liabilities (e.g., a credit card, home equity loan or car loan)
- joint ownership of significant property (e.g., a car)
- durable property or health care power of attorney
- wills, life insurance policies or retirement annuities naming each other as primary beneficiary
- written agreement or contract showing mutual support obligations or joint ownership of assets acquired during the relationship
- copy of any declaration, affidavit, or similar document filed with any other governmental entity
- joint utility bill
- joint property tax statement

If you have already submitted documentation of your domestic partnership to Secova to verify your domestic partner's eligibility for UC health and welfare benefits, no additional documentation needs to be submitted with the UBEN 250.

If you have not submitted this documentation, or if your domestic partner is not enrolled for health and welfare benefits, you will need to submit the required documentation with the UBEN 250 or at the time of your retirement. If you have a signed UBEN 250 on file, your surviving domestic partner may submit supporting documentation of your partnership following your death.

2. The university will use this declaration for the sole purpose of determining eligibility for survivor and/or death benefits for a domestic partner. It is not intended to establish any contractual rights or obligations between the employee and his/her domestic partner.

3. For UCRP members only: In most cases, for a domestic partner to be eligible for preretirement survivor income before the member was eligible to retire or (if applicable) for the postretirement survivor continuance from UCRP, the partnership must have existed, uninterrupted, for the 12-month period preceding the member's retirement or death, and continuously to the member's death.

A domestic partner will not be eligible for any UCRP survivor benefits unless one of the following requirements is satisfied: (i) the partnership is registered with the state of California; (ii) your same gender partnership is validly formed and registered in another jurisdiction and the partnership is substantially equivalent to a California-registered domestic partnership; (iii) this declaration is on file with the university and supporting documentation can be provided. Registering your partnership or filing this declaration with UC may affect the eligibility of your children for UCRP survivor benefits. The UCRP Plan Document and Regulations govern eligibility for UCRP benefits.

4. Termination of Partnership: If a domestic partnership confirmed in a *Declaration of Domestic Partnership* (UBEN 250) ends, the employee must, within 31 days after the date the partnership ends, complete and submit form UBEN 253 (*Termination of Domestic Partnership*) to UC Human Resources Records Management. Filing this form will terminate eligibility for survivor and/or death benefits for the domestic partner previously named in the declaration. Termination of a domestic partnership registered in California or another jurisdiction is governed by the laws of the applicable jurisdiction.

The member must provide the former domestic partner with a copy of the termination form.

PRIVACY NOTIFICATIONS

STATE

The State of California Information Practices Act of 1977 (effective July 1, 1978) requires the university to provide the following information to individuals who are asked to supply information about themselves. The principal purpose for requesting information on this form, including your Social Security number, is to verify your identity, and/or for benefits administration, and/or for federal and state income tax reporting. University policy and state and federal statutes authorize the maintenance of this information. Furnishing all information requested on this form is mandatory. Failure to provide such information will delay or may even prevent completion of the action for which the form is being filled out. Information furnished on this form may be transmitted to the federal and state governments when required by law. Individuals have the right to review their own records in accordance with university personnel policy and collective bargaining agreements. Information on applicable policies and agreements can be obtained from campus or Office of the President Staff and Academic Personnel Offices. The official responsible for maintaining the information contained on this form is the Vice President—University of California Human Resources, 1111 Franklin Street, Oakland, CA 94607-5200.

FEDERAL

Pursuant to the Federal Privacy Act of 1974, you are hereby notified that disclosure of your Social Security number is mandatory. The university's record keeping system was established prior to January 1, 1975 under the authority of the Regents of the University of California under Article IX, Section 9 of the California Constitution. The principal uses of your Social Security number shall be for state tax and federal income tax (under Internal Revenue Code sections 6011.6051 and 6059) reporting, and/or for benefits administration, and/or to verify your identity.

UBEN 253—Termination of Domestic Partnership for Purposes of UC Retirement Plan Benefits

EMPLOYEES/RETIREES:

Use this form to notify UC that your domestic partnership has ended if you used form UBEN 250 to establish your partnership. Do not use this form if your domestic partnership is registered with the state of California or if your same-gender partnership was validly formed and registered in another jurisdiction and the partnership is substantially equivalent to a California-registered domestic partnership. In that case, the termination process is governed by the laws of the applicable jurisdiction.

If you registered your partnership with the state of California or another jurisdiction as described above and submitted a copy of the appropriate registration form for UC benefit purposes and the partnership is terminating, you must submit a filed copy of the *State Notice of Termination of Domestic Partnership* (SEC/STATE NP/SF DP-2) or a copy of a final judgment of dissolution or nullity of the domestic partnership for a California registration or, if your same-gender partnership was validly formed and registered in another jurisdiction and is substantially equivalent to a domestic partnership, a copy of the form or order required by the other jurisdiction to document the termination or nullification of the partnership. In this situation, UC’s form (UBEN 253) will not be accepted as proof that your partnership has terminated.

It is your responsibility to provide your former domestic partner with a copy of this termination form and the date benefits end. Eligibility for survivor and/or death benefits stops on the date the domestic partnership ends.

Before you retire, you may submit a new declaration of domestic partnership if you enter into another partnership. Keep in mind, however, that other eligibility requirements still must be met—for example, the new partnership must exist for at least 12 months before certain survivor benefits can be paid.

OTHER

Submitting this termination form will not change any beneficiary designations you may have made for other university benefits—for example, the UCRP death benefit, 403(b), 457(b) or DC Plan accumulations, or life or AD&D insurance. If you want to name new beneficiaries for these plans, you must change your beneficiary online.

Also, in addition to submitting this termination form, you must cancel insurance coverage for a former partner and/or the partner’s child/grandchild. To do so, you must do as follows within 31 days of the terminating event:

Employees: Complete form UPAY 850 (*Enrollment, Change, Cancellation or Opt Out—Employees Only*) and submit it to your local Benefits or Payroll Office in accordance with local procedures.

Retirees: Complete form UBEN 100 (*Retiree Continuation, Enrollment, or Change—Medical, Dental and/or Legal Plan*) and submit it to the address shown on the form.

..... I, the undersigned, declare that my former partner (Last, First, Middle Initial)

..... and I are no longer partners . Our partnership ended on (Day, Month, Year)

EMPLOYEE/RETIREE

..... Name (Last, First, Middle Initial) (Please Print) Social Security Number

..... Signature Date

Send completed form to:
 UC Human Resources Records Management
 P.O. Box 24570
 Oakland, CA 94623-1570

UNIVERSITY OF CALIFORNIA Human Resources

UBEN 253—Termination of Domestic Partnership for Purposes of UC Retirement Plan Benefits

PRIVACY NOTIFICATIONS

STATE

The State of California Information Practices Act of 1977 (effective July 1, 1978) requires the university to provide the following information to individuals who are asked to supply information about themselves.

The principal purpose for requesting information on this form, including your Social Security number, is to verify your identity, and/or for benefits administration, and/or for federal and state income tax reporting. University policy and state and federal statutes authorize the maintenance of this information.

Furnishing all information requested on this form is mandatory. Failure to provide such information will delay or may even prevent completion of the action for which the form is being filled out. Information furnished on this form may be transmitted to the federal and state governments when required by law.

Individuals have the right to review their own records in accordance with university personnel policy and collective bargaining agreements. Information on applicable policies and agreements can be obtained from campus or Office of the President Staff and Academic Personnel Offices.

The official responsible for maintaining the information contained on this form is the Vice President—University of California Human Resources, 1111 Franklin Street, Oakland, CA 94607-5200.

FEDERAL

Pursuant to the Federal Privacy Act of 1974, you are hereby notified that disclosure of your Social Security number is mandatory. The university's record-keeping system was established prior to January 1, 1975, under the authority of the Regents of the University of California under Article IX, Section 9 of the California Constitution. The principal uses of your Social Security number shall be for state tax and federal income tax (under Internal Revenue Code sections 6011, 6051 and 6059) reporting, and/or for benefits administration, and/or to verify your identity.

By authority of the Regents, University of California Human Resources, located in Oakland, administers all benefit plans in accordance with applicable plan documents and regulations, custodial agreements, University of California Group Insurance Regulations for Faculty and Staff, group insurance contracts, and state and federal laws. No person is authorized to provide benefits information not contained in these source documents, and information not contained in these source documents cannot be relied upon as having been authorized by the Regents. Source documents are available for inspection upon request (800-888-8267). What is written here does not constitute a guarantee of plan coverage or benefits—particular rules and eligibility requirements must be met before benefits can be received. The University of California intends to continue the benefits described here indefinitely; however, the benefits of all employees, retirees, and plan beneficiaries are subject to change or termination at the time of contract renewal or at any other time by the university or other governing authorities. The university also reserves the right to determine new premiums, employer contributions and monthly costs at any time. Health and welfare benefits are not accrued or vested benefit entitlements. UC's contribution toward the monthly cost of the coverage is determined by UC and may change or stop altogether, and may be affected by the state of California's annual budget appropriation. If you belong to an exclusively represented bargaining unit, some of your benefits may differ from the ones described here. For more information, employees should contact their Human Resources Office and retirees should call the UC Retirement Administration Service Center (800-888-8267).

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides for continued coverage for a certain period of time at applicable monthly COBRA rates if you, your spouse, or your dependents lose group medical, dental, or vision coverage because you terminate employment (for reasons other than gross misconduct); your work hours are reduced below the eligible status for these benefits; you die, divorce, or are legally separated; or a child ceases to be an eligible dependent. Note: The continuation period is calculated from the earliest of these qualifying events and runs concurrently with any other UC options for continued coverage. See your Benefits Representative for more information.

In conformance with applicable law and university policy, the university is an affirmative action/equal opportunity employer. Please send inquiries regarding the university's affirmative action and equal opportunity policies for staff to Systemwide AA/EEO Policy Coordinator, University of California, Office of the President, 1111 Franklin Street, 5th Floor, Oakland, CA 94607, and for faculty to the Office of Academic Personnel, University of California Office of the President, 1111 Franklin Street, Oakland, CA 94607.

University	Same Gender	Opposite Gender	Comment
Harvard University	Yes	Yes	Municipal registration of domestic partnership and Harvard's Statement of Domestic Partnership for domestic partner coverage required. Residing together for at least six (6) months and intend to reside together indefinitely.
Massachusetts Institute of Technology	Yes	Yes	MIT Affidavit of Partnership for Benefits Eligibility required. 18 years of age and reside together in the same residence continuously for the past four (4) consecutive months and intend to do so indefinitely.
Stanford University	Yes	Yes	State of California Domestic Partnership Registration required for both same and opposite
State University of NY, Buffalo	Yes	Yes	Proof of Six Months Cohabitation. Proof of Financial Interdependence
University of Illinois, Urbana	Yes	Yes	The Domestic Partner (same gender only) category was discontinued June 1, 2011; individuals covered as of 5/31/2011 were grandfathered. Effective 6/1/2011, in accordance with Public Act 96-1513, a new State Civil Union Partner category is available for same-gender and opposite gender partners; civil union partnership certificate required
University of Michigan	Yes	Yes	If no spouse, may enroll an "Other Qualified Adult" (OQA); OQA shares a primary residence with you and has done so for the previous 6 continuous months, other than as your employee or tenant.
University of Virginia	No	No	Legal spouse only; marriage must be recognized by State of Virginia
Yale University	No	No	Legal spouse only; Same-gender civil union/domestic partners grandfathered

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Opposite-Sex Domestic Partner Coverage – Review of Potential Cost Implications

The following summarizes the potential cost effect of adding opposite-sex domestic partner coverage in 2016.

- **Background.** The University added same-sex domestic partner coverage for health plans in 1997, and extended certain pension plan rights to both same-sex and opposite-sex domestic partners. This led to consideration of extending health coverage eligibility to opposite-sex domestic partners (OSDPs).
- **No Rate Impact.** In recent renewals, the health plans indicated that the addition of opposite-sex domestic partner coverage would not change their quoted rates. However, there would be an additional cost to UC in adding this coverage due to the additional UC contribution to employees moving from a coverage category without an adult dependent to a category with an adult dependent (e.g., from Single to Two Adults).
- **UC Cost Estimates.**
 - When this was earlier considered in 2006, the University estimated the additional cost of this coverage to be in the range of \$15 million to \$30 million, using UC costs.
 - This is based on the assumption that between 4% and 8% of employees and certain non-Medicare retirees in selected coverage categories would add an additional adult dependent, and that additional children would be covered when adult dependents are added.
 - The coverage categories for which an employee or retiree could add dependents are Single and Adult plus Child(ren). These represent approximately half of the total non-Medicare population. If the above assumptions are translated to the total population, then 2% to 4% of all employees/non-Medicare retirees would add dependents.
- **Other Sources.** Various sources and studies indicate that employers have experienced a wide range of addition in dependents when providing health coverage to domestic partners (same-sex or opposite-sex). Some of this research tends to be older since this was when employers were first considering offering domestic partner coverage.
 - A 1999 Spencers Research article indicates that up to 4% of employees may add a new dependent due to offering domestic partner coverage, including both same-sex and opposite-sex partners.
 - A 2005 study prepared by Hewitt Associates indicates that, on average, about 1% of all employees add a new dependent. However, based on their survey of 146 employers, the study indicated that the following distribution of enrollment results:

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<u>% of Employees Adding an Adult Dependent</u>	<u>% of Employers</u>
Less than 1.0%	40%
1.0% - 2.9%	46%
3.0% - 4.9%	10%
5.0% or more	3%

- The Hewitt study indicated that employers also experienced the addition of children, but at a slightly lower percentage than indicated above.
- The above ranges of additional dependents includes both same-sex and opposite-sex domestic partners. Given that UC already offers same-sex coverage, the above percentages would need to be decreased to reflect the addition of only opposite-sex domestic partners.
- An early EBRI study found that 67% of all domestic-partner coverages were opposite-sex domestic partner indicating that there are almost twice as many opposite-sex domestic partners who would add coverage as same-sex domestic partners. However, this study was performed prior to the legalization of the same-sex marriage, which has caused a drop in same-sex domestic partner coverages. Prior to 2008, (the first legalization of same-sex marriage in California) approximately 1.1% of UC employees elected same-sex coverage. This would seem to imply expected opposite-sex coverage elections in the 2% range.
- These studies indicate that the range of 2% to 4% of all employees (4% to 8% of employees in Single/Adult plus Child(ren)) is reasonable, with the lower end of the range more likely to occur.
- **UC Budget Impact for 2016. Deloitte estimates that, using the lower end of the assumed range above, the addition of opposite-sex domestic partners would increase UC's 2016 medical plan costs by approximately 1.6%, or \$21 million, for Campus and Medical Center active employees.**
 - The projected cost was developed based on the proposed UC contribution policy for 2016, as determined on September 1.
 - This estimated effect on UC budget assumes that about 40% of the Single employees adding an adult dependent also add children. No additional cost is assumed for employees with children who add an adult dependent with additional children. These situations would not affect insured premiums in the first year, but may increase costs that affect future years' premiums.
 - In making the decision of whether to add opposite-sex domestic partner coverage the University may want to consider other factors adding to health care costs in 2016 such as the offer of coverage to certain BELI-5 employees for ACA compliance purposes.