



NOAO/NSO DOMESTIC PARTNER BENEFITS POLICY

A. POLICY

We recognize the diversity of AURA's NOAO and NSO staff members, and understand that family circumstances may vary among individuals. It is the policy of NOAO and NSO to allow eligible employees to include qualifying domestic partners and their qualifying dependent children on their medical, dental and certain leave benefits. The value of such benefits may be considered taxable income to the employee, and the benefits may be available only on an after tax basis or with certain other restrictions due to State and/or Federal regulations.

B. DEFINITIONS

1. **Eligible Employee.** An employee who is eligible for medical and/or leave benefits under AURA policy.
2. **Domestic Partner.** The adult partner of the eligible employee, in an established **qualifying domestic partnership** (see definition below).
3. **Qualifying Dependent Child.** Child(ren) who are legal dependents of the qualifying domestic partner.
4. **Legal Dependent.** A person who meets the definition of a dependent under federal Internal Revenue Code income tax laws, and who may be listed legally as a dependent on an income tax return.
5. **Qualifying Domestic Partnership.** Two adults who have chosen to share their lives in a committed relationship that includes the following characteristics:
 - A mutual and exclusive commitment to each other's well-being.
 - Sharing the same regular and permanent residence with the intent to continue indefinitely.
 - Neither party is married to anyone, nor has had another domestic partner within the prior twelve months.



- Have no blood relationship that would preclude marriage.
- Both parties are of age of legal majority.
- Both parties are jointly responsible for each other's common welfare, and share financial interdependence and mutual obligations akin to those of marriage. (The members of the domestic partnership may be requested to provide documented proof of this interdependence including one or more of the following: registration of domestic partnership or civil union in a state that recognizes such partnerships; joint mortgage or lease; designation of domestic partner as the beneficiary of life insurance contracts, retirement plans, or a last will and testament, durable power of attorney for property and/or health care purposes or similar legally binding document; joint banking accounts and/or joint ownership of motor vehicle.)

C. MEDICAL AND DENTAL BENEFITS

1. **Enrollment in the plans.** Qualifying domestic partners and their qualifying dependent child(ren) may be enrolled in the medical or dental plans when the eligible employee first becomes eligible for benefits under the appropriate plan, within 30 days of the date on which a qualifying domestic partnership is established, or during the plan's annual open enrollment period.
2. **Establishing a qualified domestic partnership.** To establish a qualifying domestic partnership, employees and their domestic partner must submit a notarized affidavit or certification of the partnership (see human resources office for the required certification form). Additional paperwork or forms may be required by the medical or dental insurance company as well.

Eligible employees must notify human resources within 30 days of any change in circumstances described in the qualifying domestic partnership certification affidavit, and must complete a new affidavit certifying any such changes, including termination of the domestic partnership. Failure to update such information within 30-days may affect eligibility for domestic partnership benefits.

An affidavit of certification for a qualifying domestic partnership may not be submitted, and shall not be considered, within 12-months of the termination of a prior qualifying domestic partnership.



3. **Tax status of domestic partner benefits.** Contributions by an eligible employee for their portion of the medical or dental insurance premiums for a domestic partner and his or her qualifying dependent child(ren) may be made only on an after-tax basis, unless the domestic partner or the child(ren) are legal dependents of the eligible employee. To be a legal dependent, the domestic partner or child(ren) must be considered dependents under Internal Revenue Code regulations. Eligible employees are encouraged to consult with a tax advisor regarding the IRS code regulations and requirements for legal dependents. If the eligible employee is able to provide documentation that the domestic partner and/or child(ren) are legal dependents under IRS code, then NOAO/NSO will permit the same before-tax treatment extended with respect to any other legal dependents under the benefit plans.

In addition to the above after-tax treatment of employee contributions, the value of coverage of a domestic partner and his or her qualifying dependent child(ren) will be considered “imputed income” to the employee, and will be included in the pay check as such income. All applicable income taxes will be withheld on such income.

D. LEAVE BENEFITS

1. **Sick leave.** For the purpose of granting sick leave for family needs (generally referred to as Family Sick Leave), up to 40 hours annually may normally be used to care for family members who are ill. A domestic partner, who has established a qualifying domestic partnership, will be considered a spousal equivalent and the employee will be granted leave to the same extent as is provided to all other eligible employees.
2. **Bereavement (special) leave.** For the purpose of granting special bereavement leave, the domestic partner who has established a qualifying domestic partnership, will be considered a spousal equivalent and the employee will be granted leave to the same extent as is provided to all other eligible employees.
3. **Family and Medical Leave Act (FMLA) leave.** FMLA leave is granted under the very specific provisions of the federal law, and cannot be legally provided to domestic partners or others not specified under the Act.



E. IMPACT ON OTHER EMPLOYEE BENEFITS

1. **Life insurance and long-term disability benefits.** These plans are not available to domestic partners or their child(ren). The Employee's base salary or compensation for the purposes of determining benefits under the life and disability insurance plans cannot and will not include imputed income.
2. **Retirement plans.** These plans are not available to non-employees. Base salary or compensation for the purposes of either the 401a Money Purchase Pension Plan, or the 403b Voluntary Tax Sheltered Account, cannot and will not include imputed income.
3. **Flexible spending accounts.** Employees cannot use their Section 125 Health and Dependent Care Reimbursement accounts for reimbursing domestic partner expenses because the Internal Revenue Code that governs Section 125 plans only allows reimbursement for legal dependents as defined in the tax code. Only if a domestic partner and/or if a qualifying dependent child is a legal dependent under the Internal Revenue Code, will this be available for reimbursement of such expenses.
4. **COBRA.** Continuation of benefits under COBRA is not available to domestic partners or child(ren) who do not meet the federal COBRA criteria of a "qualified beneficiary". Legal dependents of the employee may meet such criteria, and more information about the COBRA policy and qualifications is available from the human resources office.



ATTACHMENT A

SAMPLE

AFFADAVIT AND CERTIFICATION OF QUALIFYING DOMESTIC PARTNERSHIP

I, _____, and my domestic partner, _____, certify that we satisfy the definition of a Qualifying Domestic Partnership under NOAO/NSO Domestic Partnership Policy. We are both adults of the legal age of majority and have chosen to share our lives in a committed relationship with the following characteristics:

- A mutual and exclusive commitment to each other's well-being.
- Sharing the same regular and permanent residence with the intent to continue indefinitely.
- Neither party is married to anyone, nor has had another domestic partner within the prior twelve months.
- Have no blood relationship that would preclude marriage.
- Both parties are jointly responsible for each other's common welfare and share financial interdependence and mutual obligations akin to those of marriage.

We are providing the following documents to satisfy the policy requirement to show evidence of our interdependence and mutual obligations (check all that apply and provide copies of documents as indicated):

_____ registration of domestic partnership or civil union

_____ joint mortgage or lease

_____ designation of domestic partner as the beneficiary of life insurance contracts, retirement plans, last will and testament, durable power of attorney for property and/or health care purposes or similar legally binding document

_____ joint banking accounts and/or joint ownership of motor vehicle.



We further certify that we have read and understand the policy attached to this certification form, and that we will notify the human resources office within 30 days regarding any change to the circumstances of this qualifying domestic partnership.

Employee

Date

Domestic Partner

Date

Notary

Seal/stamp:



Optional Declaration of Tax Status Under IRC Section 152:

I certify that, after consulting with my tax advisor, my domestic partner, and his or her child(ren), whom I have listed below and am enrolling/reenrolling for benefits coverage, is/are my legal tax dependent(s) under Section 152 of the Internal Revenue Code and that he/she/they will be treated as such on my income tax returns for this year and for the foreseeable future. I understand that falsely certifying dependency status could result in disciplinary action, including termination of employment, as well as potential charges of tax fraud. I further agree to notify NOAO/NSO immediately of any change in this tax status.

Listed below are my partner and/or his or her dependent children who are my legal tax dependents:

Partner: _____

Partner's Child(ren):

Employee Name (print)

Employee Signature

Date

Notary

Seal/stamp: