

Frequently Asked Questions: Domestic Partner

1. Who can enroll a domestic partner for health benefits?

Any Franklin County employee enrolled in the Franklin County Cooperative Health Benefits Program.

2. Who is considered a domestic partner?

The domestic partner of a covered employee is someone who meets all of the following criteria:

- shares a permanent residence with the employee
- is the sole domestic partner of the employee, has been in a relationship of domestic partnership with the employee for at least the past six (6) months and intends to remain in the relationship indefinitely
- is not currently married to or legally separated from another person
- shares responsibility with the employee for each other's common welfare
- is at least 18 years of age and mentally competent
- is not related to the employee by blood to a degree of closeness that would prohibit marriage
- is currently and has been for at least the past six (6) months financially interdependent with the employee in accordance with the plan requirements.

Financial interdependency requires the existence of three (3) of the following. Documents submitted to support financial interdependency must illustrate financial interdependency for at least six (6) months.

- joint ownership of real estate property or joint tenancy on a residential lease
- joint ownership of an automobile
- joint bank or credit account
- joint liabilities (e.g. credit cards or loans)
- a will designating the domestic partner as primary beneficiary
- a retirement plan or life insurance policy beneficiary designation form designating the domestic partner as primary beneficiary
- a durable power of attorney signed to the effect that the employee and the domestic partner have granted powers to one another

A notarized Affidavit of Domestic Partnership affirming these criteria is also required.

3. Are domestic partner dependent child(ren) eligible?

Yes. The eligibility of a domestic partner's dependent child follows the same guidelines of a dependent child of an employee. The domestic partner must enroll in order to enroll the domestic partner dependent child(ren).

4. What information must be supplied?

The employee provides name, gender, date of birth, and social security number of the domestic partner and domestic partner dependent child(ren) via the online enrollment system. In addition, an Affidavit of Domestic Partnership must be completed and submitted as well as birth certificates for each dependent child of the domestic partner.

5. Must an "Affidavit of Domestic Partnership" be completed and submitted if a marriage certificate from a state recognizing same-sex marriage can be supplied? *

Yes. *

6. What is a qualifying event to enroll a domestic partner and a domestic partner’s dependent(s)?

The date of the completion of the “Affidavit of Domestic Partnership” will be the ‘qualifying or life event’ for enrolling a domestic partner and domestic partner dependent child(ren).

7. What is the employee contribution for domestic partner coverage?

The employee contribution is based upon coverage level and mirrors the contribution of an employee covering a spouse and/or dependent children. The portion of the employee contribution attributed to domestic partner and domestic partner dependent child(ren) coverage is not eligible to be paid on a pre-tax basis. See example to the right. \$101 of the \$207 employee contribution is deducted from your pay pre-tax. \$106 of the \$207 employee contribution is deducted from your pay post-tax.

Example: Jane enrolls a domestic partner		
Jane’s monthly contribution: \$207		Fair Market Value (FMV) of domestic partner benefit, per month: \$778.18
Pre-tax	Post-tax	Jane’s income tax bracket: 20%
\$101	\$106	Jane’s additional taxes per month: \$156.00 *

* Equals 20% of \$778.18.

In this example, Jane’s monthly pay is reduced by \$363.00 (contributions and taxes).

8. What tax implications are present when enrolling a domestic partner?

In addition to the employee contribution, your monthly take home pay is reduced by the additional taxes you must pay on the value of the domestic partner benefit. The IRS does not recognize domestic partners or their children as dependents of the employee, and as a result, requires the fair market value (FMV) of the domestic partner benefit (i.e. the cost or value of the benefit provided to your domestic partner and their dependents) be taxed as regular income to the employee. Tax implications for domestic partner benefits are driven by IRS regulations, not the County, and could impact your take home pay significantly. This must be taken into consideration when calculating your total cost for domestic partner coverage.

10. When does coverage for a domestic partner or a domestic partner’s child(ren) end?

If an employee and their partner end their domestic partnership, an “Affidavit of Termination of Domestic Partnership” must be completed. Coverage for the domestic partner and domestic partner dependent child(ren) ends the date the affidavit is signed. An employee cannot add the same or a different domestic partner for at least 6 months from the date of terminating a domestic partnership.

11. Is a domestic partner and/or domestic partner dependent child(ren) eligible for COBRA?

Yes. COBRA rules apply to a domestic partner and domestic partner dependent child(ren).

12. What is required to apply for FMLA, or take sick leave to care for a domestic partner or a domestic partner’s child(ren) or to use bereavement leave for a domestic partner or domestic partner’s child(ren)?

Check with your agency’s human resources department regarding use of sick leave, FMLA, or bereavement leave with respect to a domestic partner or domestic partner’s child(ren).

* Recently, the Supreme Court in *United States v. Windsor* struck down Section 3 of DOMA as unconstitutional. This decision allows tax-favored benefits under the Internal Revenue Code to be extended to same sex spouses. Additional guidance provided by the Internal Revenue Service in late August clarified that – for **federal** tax purposes – same sex spouses residing in states that do not recognize same sex marriage (Ohio) will receive the same tax advantages as same sex spouses residing in states that do recognize same sex marriage. As a result, the Franklin County Cooperative Health Benefits Program can offer the same federal tax advantages to both same and opposite sex marriages.

NOTE: This does not impact domestic partnerships, civil unions or similar arrangements. Furthermore, the IRS ruling has no effect on the tax codes of individual states, and individual states remain free to only recognize *opposite-sex* marriage for *state* tax law purposes.