

APPENDIX L1
QUALIFIED DOMESTIC PARTNER: INFORMATION SHEET
(Articles 22, 22A, and 23 – Paid Benefits)
Foothill-De Anza Community College District

Effective July 1, 1993, Domestic Partner Benefits were available to the bona fide domestic partner aged 18 years or older of an unmarried District employee. Such benefits were available only to domestic partners who were not legally allowed to marry in the state in which they resided. However, given the U.S. Supreme Court decision dated June 26, 2015, which legalized same sex marriage in all 50 states, this criteria is no longer relevant and only legally married spouses of District employees may be covered. Notwithstanding this criteria, Domestic Partners who, prior to the effective date of the U.S. Supreme Court's decision, met the district's criteria for domestic partnership as described below, and who had on file with the District's benefit office an affidavit of domestic partnership or a notarized copy of the State's Declaration of Domestic Partnership shall continue to be covered as a Domestic Partner for purposes of benefits coverage. This eligibility shall continue as long as the Domestic Partnership continues to meet the criteria as such. Any interruption in Domestic Partnership or a break in service of the District employee shall result in termination of eligibility to be covered as a Domestic Partner under this exception.

Benefits coverage under qualified domestic partner status is also provided for qualified dependents of the non-employee domestic partner.

These benefits consist of medical, prescription drug, dental, and vision.

Additional information regarding eligibility criteria may be obtained by contacting the Benefits Office.

Both the employee and the domestic partner shall have attested to certain facts prior to the effective date of the U.S. Supreme Court decision by:

- a) Completing and signing the Affidavit (a part of this Appendix), which includes an Affidavit of mutual responsibility. This Affidavit may have potential legal implications under California law, which has recognized that non marital cohabiting couples may privately contract with respect to the financial obligations of their relationship. If you have questions regarding the potential legal effects of signing the Domestic Partnership Affidavit, you should consult an attorney.

OR,

- b) Providing a copy of the completed, signed, and notarized State document, "Declaration of Domestic Partnership" (SEC/STATE NP/SF DP-1).

Domestic partner benefits under this exception are most likely taxable income unless the domestic partner is deemed to be a dependent under Internal Revenue Code section 152. Further, a domestic partner most likely does not have many federal rights involving benefits that spouses possess under ERISA, COBRA and the IRC. Again, an attorney should be consulted if you have any questions.

The District may, at its discretion, require supportive documentation satisfactory to the District concerning the eligibility criteria and assertions contained in the Affidavit.

The Administrator of any benefit plan at issue will be the sole and final judge of whether a domestic partner is qualified for benefits.