



DOMESTIC PARTNER GUIDELINES AND BENEFIT DETAIL

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DOMESTIC PARTNER GUIDELINES AND BENEFIT DETAIL

1) Domestic Partner Eligibility Requirements and Benefits Coverage

Kent State University will grant domestic partner benefits to both same gender and opposite gender partners of university employees and will implement the benefits listed below for qualified, registered domestic partners effective January 1, 2009.

A) Eligibility

The definition of a domestic partner (same gender and opposite gender) for the purpose of administering applicable benefits is an individual who is registered by an eligible employee with an approved *Affidavit of Domestic Partnership*, including supporting documentation, attesting that the domestic partners meet the following conditions.

- Are at least 18 years of age and have the capacity to enter into a contract.
- Share a permanent residence (unless residing in different cities, states, or countries on a temporary basis).
- Are the sole domestic partner of each, having been in the relationship for at least six (6) months, and intending to remain in that relationship indefinitely.
- Are not currently married to, or legally separated from, another person under either statutory or common law.
- Are responsible for each other's welfare.
- Are not related by blood to a degree that would bar marriage in the State of Ohio.
- Are financially interdependent on each other verified by documentation of at least three (3) of the following:
 - A. Joint ownership of real estate property or joint tenancy on a residential lease.
 - B. Joint ownership of an automobile.
 - C. Joint bank account or credit account.
 - D. Will designating the domestic partner as the primary beneficiary.
 - E. Retirement plan or life insurance policy designating the domestic partner as the primary beneficiary.
 - F. Durable power of attorney signed to the effect that powers are granted to one another.

B) Benefits (Refer to Note under above Section A):

The following benefits will be extended to eligible domestic partners of university employees:

- Medical, prescription, vision, and dental insurance.
- Dependent life insurance.
- Voluntary Accidental Death & Dismemberment Insurance-(AD&D)
- Tuition fee waiver.

Flexible spending accounts (FSA) and health savings accounts (HSA) are governed by IRS rules. The IRS does not recognize domestic partner status as a “qualified beneficiary”; therefore, reimbursement for an eligible domestic partner’s health care expenses cannot be administered through a flexible spending account (FSA) or a health savings account (HSA).

2) Establishing a Domestic Partner Relationship Process

Eligibility of an employee’s domestic partner to participate in Kent State’s benefit programs is contingent upon the employee completing an *Affidavit of Domestic Partnership* along with required supporting documentation.

The first step in this process is for the employee to complete the *Affidavit of Domestic Partnership*. The affidavit is available in the HR Forms Library at <http://www.kent.edu/hr/benefits/benefits-forms> or the employee may request a form from the Benefits Office (23107). The form must be completed and submitted to the Benefits Office with supporting documentation during the annual Benefits Open Enrollment or within 31 days following the date on which a domestic partner becomes eligible.

The Benefits Office will verify the affidavit and supporting documentation and approve or reject the request for domestic partnership. The employee will receive an email notification of the status of their request.

Domestic partner benefit premiums are paid by the Kent State employee as required by the Internal Revenue Service (IRS). These premiums are deducted from the employees’ pay on an after-tax basis. The “fair market value” of the selected medical plan minus any premiums deducted on an after tax basis are considered as imputed income on the employee’s W-2.

Within 31 days of termination of a domestic partner relationship that has been approved by the university, an employee must complete an *Affidavit of Termination of Domestic Partnership Status* form. The form is available from the Benefits Office (23107) or in the HR Forms Library at <http://www.kent.edu/hr/benefits/benefits-forms>.

3) Termination of Domestic Partner Relationship Process

Employees who have enrolled for domestic partner benefits must notify the university within thirty-one (31) days of the termination of the relationship by submitting an *Affidavit of Termination of Domestic Partnership Status*. The form is available upon request from the Benefits Office (23107) or in the HR Forms Library at <http://www.kent.edu/hr/benefits/benefits-forms>.

Eligibility for benefits for the former domestic partner ends on the last day of the month of the date of termination of the relationship. An employee's failure to notify the university of the termination of the domestic partner relationship constitutes fraud and may result in liability for claims paid for ineligible services to both the employee and their domestic partner, disciplinary action including cancellation of the employee's medical and other insurance, and up to and including termination of employment under the provisions of university policy or applicable law or collective bargaining agreement.

4) Important Tax Information - PLEASE READ THIS NOTICE CAREFULLY

Employees applying for domestic partner benefits (including medical insurance and tuition fee waivers) should be aware that such benefits have significant tax consequences. This statement is not intended as tax or legal advice, but rather to alert employees of the potential tax ramifications. Under current Internal Revenue Code provisions, the "fair market value" of certain benefits is considered taxable income to the employee and must be included on their W-2. Under current federal law, domestic partners do not share the same status and corresponding tax benefits as those of a legal spouse. The university must report the fair market value of certain domestic partner benefits as wages to the Internal Revenue Service and make additional tax withholdings from the employee's pay.

5) COBRA - IRS Guidelines and Domestic Partner Benefits

According to the IRS, a "qualified beneficiary" status is limited to employees, their spouses, and dependent children covered on the employer's group health plan. A domestic partner is not a COBRA qualified beneficiary and therefore will not have his or her own COBRA rights. A domestic partner's children that are not dependents of the employee may also not be COBRA qualified beneficiaries.

6) Confidentiality of Information

Information provided in the *Affidavit of Domestic Partnership* used to register and/or apply for domestic partner benefits will be kept confidential to the extent permitted by business necessity and Ohio and Federal law. For example, documents may be disclosed in response to a court order, subpoena, or public records request. Additionally, the university will need to share information with applicable university departments to make appropriate payroll and tax deductions and with third parties with whom the university contracts for benefits programs.