



CITY AND COUNTY OF SAN FRANCISCO CONTRACT MONITORING DIVISION

CHAPTER 12B EQUAL BENEFITS DOCUMENTATION GUIDE

Each benefit policy must include domestic partners and their children where spouses and stepchildren are referenced.
Blanket statements regarding your firm's general domestic partner policy in a separate part of the employee handbook are insufficient.

Benefit Type	Guidelines	Standard Documentation
Health Dental Vision Dependent Life Long-term Disability Long-term Care Accidental Death & Dismemberment Business Travel Accident Personal Travel Accident	Insurance confirmations must explicitly define Domestic Partners as "same-sex and opposite-sex couples who have registered with any state or local government domestic partnership registry." In addition, it must be confirmed that any requirements for proof of relationship for domestic partnerships are also applied to marriages. For example, domestic partner registry certificates must be recognized as fully equivalent to marriage certificates. Insurance policies that provide continuation coverage to spouses and stepchildren must specify that COBRA-like continuation coverage is available to domestic partners and their children. Pre-tax benefits may not comply.	Acceptable: the cover page, eligibility section, and other relevant sections (such as the COBRA section) of the Basic Plan Document, or you may submit a letter or email message from the insurance carrier (contact us for an example). Unacceptable: letters from brokers, enrollment forms, invoices, Summary Plan Descriptions.
Retirement (Pension, 401(k), etc.)	Plan documents must confirm that the distribution options are the same for spouse and non-spouse or domestic partner beneficiaries (not who can be a beneficiary, but how the money is distributed upon the employee's death).	A copy of the cover page and the distribution section of the Summary Plan Description or Basic Plan Document of your 401(k) or pension or savings plan(s). If you have a prototype plan, please include the Adoption Agreement.
Bereavement Leave Family Leave Family Medical Leave Military Caregiver Leave Military Exigency Leave Parental Leave Relocation and Travel Discounts, Facilities & Events	Where the term "spouse" is used, the term "domestic partner" must be included. The definition of "immediate family" must be defined in the bereavement policy and if it includes in-laws, the equivalent members of a domestic partner's family must be explicitly included. <i>An example of a compliant definition is: the employee's spouse or domestic partner; a parent, child, or sibling of the employee, spouse or domestic partner; and the spouse or domestic partner of the employee's parents, children, or siblings.</i> Federal law does not prevent recognition of domestic partners or their children in the FMLA and Military policies.	A copy of your employee handbook policies. When the term "Domestic Partners" is defined in an employee handbook, the following definition must be used: "same-sex and opposite-sex couples who have registered with any state or local government domestic partnership registry." Domestic partners may not be required to prove their relationship (for example, with an affidavit) or subject to waiting periods unless a firm provides proof that spouses are subject to the same requirements. Domestic partner registry certificates must be recognized as fully equivalent to marriage certificates.
Employee Assistance Program Credit Union	References to spouses must include references to domestic partners or household members.	A brochure or letter from the provider or policy from the employee handbook.
Child Care	References to spouses must include references to domestic partners. Pre-tax benefits may not comply.	A brochure or letter from the provider.
Union	Separate documentation must be submitted for benefits administered through collective bargaining agreements.	Unions that recognize domestic partners have usually prepared a 1-page statement that is available upon request. If a union doesn't recognize domestic partners, call the Equal Benefits Unit at 415-581-2310 for assistance.
Other	If your firm offers other benefits, please specify what they are on the 12B Declaration and provide documentation.	Varies; call the Equal Benefits Unit at 415-581-2310 for assistance.