

## Board Meeting Agenda Item Executive Summary

**Supt.'s Office Use Only**

**Board Meeting** 1-20-09

**Agenda** Action

**Item No.** I. 5.

<b>Board Meeting Date:</b>	January 20, 2009
<b>Submitted By:</b>	Jim Sumner, Interim Director, Risk Management
<b>Item Description:</b>	New Policies 1419.03, 3419.03, and 4419.03, <i>Certified Domestic Partners</i> – Second Reading

**Purpose and Explanation:**

The first reading of these policies was on November 18, 2008.

These proposed policies were recommended by the Health Insurance Committee in conjunction with the Board's Health Insurance Carrier. The Policies will allow a Certified Domestic Partner of an employee and their dependents to be covered under the Board's health insurance plan, beginning in 2009. The proposed policies define domestic partners and establish eligibility criteria and processes for enrollment and for termination of a partner relationship.

**RECOMMENDED ACTION:** The Superintendent recommends that the Board adopt proposed Policies 1419.03, 3419.03, and 4419.03, *Certified Domestic Partners*, as presented.

### BUDGETARY IMPACT

<b>Funding Source (Description):</b>	<b>Amount:</b>
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<b>Staff Attorney Review &amp; Approval</b> <i>(For Contracts Only)</i>	Date: _____ Initial: _____	ADDITIONAL INFORMATION Yes: _____ No: _____
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1           B. The existence of the Certified Domestic Partner relationship must  
2           be shown by documentary evidence, acceptable to the  
3           Administrator, of at least two (2) of the following:

4           1. joint lease, mortgage, or deed of the common residence;

5           2. joint ownership of an automobile used for transportation;

6           3. joint ownership of regularly used checking or savings  
7           account;

8           4. designation of the certified domestic partner as a  
9           beneficiary for the employee's life insurance;

10          5. designation of the certified domestic partner as a primary  
11          beneficiary of the Board employee's will;

12          6. designation of the certified domestic partner as holding  
13          power of attorney for health care.

14           Evidence of compliance with the above criteria may also be  
15           required whenever benefits (coverage, payments) for the domestic  
16           partner or dependent children of the domestic partner are sought.

17          C. After initial certification, if the criteria upon which the domestic  
18          partner relationship is based changes (e.g., new joint ownership of  
19          residence or no longer joint ownership of automobile), the Board  
20          employee is responsible for submitting documentation of such  
21          change in circumstances to the Administrator within 30 days after  
22          the change occurs or coverage/benefits may be denied.

23          D. An employee is responsible for reimbursement of any expenses  
24          incurred by the Board as a result of any false or misleading  
25          statement contained in *Affidavit of Certified Domestic Partner*  
26          *Relationship* (Form 1419.03 A).

1           E.     The Affidavit of Certified Domestic Partner Relationship (Form  
2           1419.03 A) shall contain a notice to the employee that it may be  
3           advisable to consult an attorney regarding the possibility that the  
4           filing of the Affidavit may have certain legal consequences,  
5           including the possibility that it may, in the event of termination of  
6           the Certified Domestic Partner Relationship, be regarded as a  
7           factor leading a court to treat the relationship as the equivalent of  
8           marriage for the purpose of establishing and dividing community  
9           property, or for ordering payment of support.

10    **Termination of Domestic Partner Relationship**

11    A Board employee who has a certified domestic partner shall  
12    file a Notice of Termination of Certified Domestic Partner Relationship (Form  
13    1419.03 B) with the Board's Plan Administrator or the designated  
14    representative within thirty [30] days of the earlier of (a) the death of the  
15    Certified Domestic Partner; or (b) the date on which the partnership no longer  
16    meets the eligibility criteria under this policy.

17    A.     Termination by Death of Partner

18           If the relationship dissolves as a result of the death of either  
19           domestic partner, entitlement to coverage/benefits as a domestic  
20           partner or the dependent child of a domestic partner shall  
21           terminate as of the date of death.

22    B.     Termination by Failure to Meet Eligibility Criteria

23           If a domestic partnership dissolves by a method other than death  
24           of either partner, the domestic partnership shall be deemed to  
25           have terminated as of the date the partnership no longer meets  
26           eligibility criteria under this policy, and entitlement to  
27           coverage/benefits as a domestic partner or the dependent child of  
28           a domestic partner shall terminate as of that date. In the case of  
29           the dissolution of the domestic partnership by other than death,  
30           an employee who fails to timely file Notice of Termination of  
31           Certified Domestic Partner Relationship (Form 1419.03 B), as  
32           described above, may be subject to discipline and a  
33           reimbursement obligation.

34

35    Adopted \_\_\_\_\_



1           B. The existence of the Certified Domestic Partner relationship must  
2           be shown by documentary evidence, acceptable to the  
3           Administrator, of at least two (2) of the following:

4           1. joint lease, mortgage, or deed of the common residence;

5           2. joint ownership of an automobile used for transportation;

6           3. joint ownership of regularly used checking or savings  
7           account;

8           4. designation of the certified domestic partner as a  
9           beneficiary for the employee's life insurance;

10          5. designation of the certified domestic partner as a primary  
11          beneficiary of the Board employee's will;

12          6. designation of the certified domestic partner as holding  
13          power of attorney for health care.

14           Evidence of compliance with the above criteria may also be  
15           required whenever benefits (coverage, payments) for the domestic  
16           partner or dependent children of the domestic partner are sought.

17          C. After initial certification, if the criteria upon which the domestic  
18          partner relationship is based changes (e.g., new joint ownership of  
19          residence or no longer joint ownership of automobile), the Board  
20          employee is responsible for submitting documentation of such  
21          change in circumstances to the Administrator within 30 days after  
22          the change occurs or coverage/benefits may be denied.

23          D. An employee is responsible for reimbursement of any expenses  
24          incurred by the Board as a result of any false or misleading  
25          statement contained in *Affidavit of Certified Domestic Partner*  
26          *Relationship* (Form 3419.03 A).

1           E. The Affidavit of Certified Domestic Partner Relationship (Form  
2           3419.03 A) shall contain a notice to the employee that it may be  
3           advisable to consult an attorney regarding the possibility that the  
4           filing of the Affidavit may have certain legal consequences,  
5           including the possibility that it may, in the event of termination of  
6           the Certified Domestic Partner Relationship, be regarded as a  
7           factor leading a court to treat the relationship as the equivalent of  
8           marriage for the purpose of establishing and dividing community  
9           property, or for ordering payment of support.

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12    file a Notice of Termination of Certified Domestic Partner Relationship (Form  
13    3419.03 B) with the Board's Plan Administrator or the designated  
14    representative within thirty [30] days of the earlier of (a) the death of the  
15    Certified Domestic Partner; or (b) the date on which the partnership no longer  
16    meets the eligibility criteria under this policy.

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21           terminate as of the date of death.

22    B. Termination by Failure to Meet Eligibility Criteria

23           If a domestic partnership dissolves by a method other than death  
24           of either partner, the domestic partnership shall be deemed to  
25           have terminated as of the date the partnership no longer meets  
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28           a domestic partner shall terminate as of that date. In the case of  
29           the dissolution of the domestic partnership by other than death,  
30           an employee who fails to timely file Notice of Termination of  
31           Certified Domestic Partner Relationship (Form 3419.03 B), as  
32           described above, may be subject to discipline and a  
33           reimbursement obligation.

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1           B. The existence of the Certified Domestic Partner relationship must  
2           be shown by documentary evidence, acceptable to the  
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9           beneficiary for the employee's life insurance;

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11          beneficiary of the Board employee's will;

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22          the change occurs or coverage/benefits may be denied.

23          D. An employee is responsible for reimbursement of any expenses  
24          incurred by the Board as a result of any false or misleading  
25          statement contained in *Affidavit of Certified Domestic Partner*  
26          *Relationship* (Form 4419.03 A).

1           E. The Affidavit of Certified Domestic Partner Relationship (Form  
2           4419.03 A) shall contain a notice to the employee that it may be  
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6           the Certified Domestic Partner Relationship, be regarded as a  
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9           property, or for ordering payment of support.

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12    file a Notice of Termination of Certified Domestic Partner Relationship (Form  
13    4419.03 B) with the Board's Plan Administrator or the designated  
14    representative within thirty [30] days of the earlier of (a) the death of the  
15    Certified Domestic Partner; or (b) the date on which the partnership no longer  
16    meets the eligibility criteria under this policy.

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