

# ROCHESTER INSTITUTE OF TECHNOLOGY

## Benefits for Domestic Partners

### Questions and Answers

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**1. Q: How does RIT define Domestic Partnership?**

A: RIT defines a same or opposite sex domestic partnership as two people in a spouse-like relationship and who have met the following requirements for at least the last 12 months:

- The individuals have an exclusive mutual commitment, similar of that of marriage;
- The individuals are each other's sole domestic partner and intend to remain so indefinitely;
- Neither partner is legally married;
- Neither individual is related by blood to a degree of closeness which would prohibit legal marriage in the state in which the partners legally reside;
- Both individuals are at least (18) years of age and are legally competent to contract;
- The individuals are currently residing together and have resided together in a common household for at least twelve(12) consecutive months and intend to reside together indefinitely;
- At least twelve (12) months have elapsed since the termination of a Declaration of Domestic partnership or its equivalent in any jurisdiction;
- Both individuals are committed to the physical, emotional, and financial care and support of each other and share with each other the common necessities and tasks of one household and are financially interdependent.

**2. Q: Why is RIT offering benefits to domestic partners?**

A: Currently, the legal system does not recognize the relationship of domestic partners. RIT values the diversity of its employees and believes, therefore, that policies should be established which maintain the dignity and self-worth of each employee. Environments which promote diversity through openness and mutual respect among all employees have a better chance of realizing their competitive and social responsibility goals than organizations which do not.

**3. Q: What benefits are covered under this plan?**

A: An employee is able to cover a domestic partner under most RIT benefits, unless excluded under law or insurance policy rules. The benefits covered under this arrangement include medical, dental, and vision coverage, life and AD&D insurance, employee assistance program, education benefits, identity theft protection, legal services plan, family and medical leave, bereavement leave, death benefits, Student Life Center membership.

**4. Q: What is the procedure for enrolling a domestic partner in RIT's applicable benefit plans?**

A: An employee who wants to obtain coverage for his or her domestic partner must have a domestic partner agreement that legally binds an employee and his or her domestic partner to joint responsibility for their common welfare and financial obligations. Executing and filing a Statement of Domestic Partnership with the City Clerk of the City of Rochester will satisfy this requirement. An agreement or statement filed with the government of any other jurisdiction, or an Affidavit of Domestic Partnership is also acceptable. The benefits staff in the Human Resources Department may request you to produce a copy of this agreement or other information that indicates financial interdependency, such as joint bank accounts or joint liability on mortgages or other debt.

The employee will be asked to sign the Application for Domestic Partner Benefits and any

necessary application(s) for the various benefits (e.g., medical insurance application).

**5. Q: Are domestic partner benefits taxable?**

A: Generally, health insurance benefits are excluded from taxable income if the recipient of the benefit is the employee, or the employee's spouse or dependent. Under IRS rules, if an individual, such as a domestic partner, qualifies as a tax dependent of the employee, the University-provided value of the benefits will not be treated as taxable income and the employee can pay for the benefit with before-tax dollars. In all other cases, probably most situations,

- ◆ the employee can continue to pay his/her employee contribution with before-tax dollars (#1 in example below); and
- ◆ the employee will have taxable income equal to the value of the benefit over the individual coverage amount provided by the University, called imputed income (#2 in example below); and
- ◆ the employee contribution amount in excess of the individual coverage contribution amount will be paid with after-tax dollars (#3 in example below).

Example:

If an employee in Salary Level 2 with POS B changes from Individual coverage to Two Person coverage to cover the domestic partner (who is not a dependent on the employee's tax return), the tax consequences, on a monthly basis, are as follows:

<b>Coverage Level</b>	<b>Total Premium</b>	<b>RIT Contribution</b>	<b>Employee Contribution</b>
Two Person	\$1,127.31	\$839.68	\$287.63
Individual	\$ 506.32	- \$372.41	- \$133.91 <sup>(1)</sup>
		\$467.27 <sup>(2)</sup>	\$153.72 <sup>(3)</sup>

- (1) Amount employee pays with *before-tax* dollars.
- (2) Amount added to taxable income.
- (3) Amount employee pays with *after-tax* dollars.

Under Section 117(d) of the Internal Revenue Code, undergraduate tuition waiver benefits are provided tax-free for the employee, employee's spouse, and employee's dependent son, step-son, daughter or step-daughter. Tuition waiver benefits provided for any other individual (e.g., domestic partner) will be subject to tax.

**6. Q: How does RIT define the term "dependent?"**

A: RIT follows the definition used by Section 152 of the Internal Revenue Code: (1) you provide over one-half the support of the person for the year (you will need to compare the total of all amounts you contribute to the person with the total amounts available to the person from all other sources such as his or her earnings, interest, dividends and so forth); (2) the person must be a member of your household for the year; and (3) your home is the principal place of residence of the person for the year.

**7. Q: Does the taxable income affect other benefits at RIT?**

A: Any income imputed to you does not affect the level of other RIT benefits. You may, however, pay higher social security taxes and thus receive higher social security benefits.

**8. Q: Can I use Beneflex for my domestic partner's unreimbursed medical, vision, and/or dental expenses?**

A: Not unless the domestic partner is a tax dependent and claimed on your federal income tax return. IRS regulations for this type of plan allows reimbursement of expenses only for the employee, the employee's spouse and eligible dependents (see #6 above).

**9. Q: Do benefits continue during Family Leave?**

A: The requirements for Family Leave are not changed. However, if you are eligible for leave under RIT's Family Leave Policy, benefits for domestic partners and dependent children will be available under the same terms and conditions applicable generally to employees who take family leave.

**10. Q: What happens to Domestic Partnership benefits if an event occurs that entitles me, my domestic partner or domestic partner's children to receive continuation coverage under COBRA?**

A: COBRA requires continuation of coverage only for the spouse and dependent children of an employee. However, RIT has decided to make continuation of coverage available to domestic partners and their dependent children to the same extent the coverage is available to spouses and children of employees.

**11. Q: What am I required to do if a Domestic Partnership ends?**

A: You must notify the Human Resources Department within 31 days of the terminated relationship (same rule applies to a divorce). The Human Resources Department will provide you with the necessary forms to change any benefit coverage, if applicable.

**12. Q: Following the termination of a Domestic Partnership relationship, when can a new Partner be enrolled?**

A: There is a twelve month waiting period before a new partner can be enrolled.

**13. Q: What if my domestic partner and I both work at RIT?**

A: Because of the tax impact of covering a domestic partner as described in #5, it may be beneficial for each person to elect his/her own benefits. You should also consider the employment category (e.g., full-time, extended part-time) for each person as part of the review.