



City of Albuquerque

MAYOR / CAO OFFICE

Richard J. Berry, Mayor

ADMINISTRATIVE INSTRUCTION NO: 7-29 (2016)

TITLE: *Benefits for Domestic Partners of Employees*

PRIMARY DEPARTMENT: *Human Resources*

Background:

The City of Albuquerque recognizes and values the diverse composition of its employees. The City adopts this policy acknowledging domestic partnerships.

Policy

Beginning July 1, 2000, the City will provide health and dental insurance coverage, optional supplemental life insurance and extension of COBRA benefits and leave usage, including leave under the Family and Medical Leave Act (FMLA), to its employees with domestic partners who meet the criteria established by the City, to the same extent that these benefits are provided to employees spouses. Vision insurance was added 7/1/2004 and made available to domestic partners.

1. *Domestic Partners*

The City defines domestic partners as two individuals who live together in a long-term relationship of indefinite duration. There must be an exclusive mutual commitment similar to that of marriage, in which the partners agree to be financially responsible for each other's welfare and share financial obligations.

2. *Qualifying Criteria*

To be recognized as domestic partners by the City, both individuals must meet all of the following criteria and sign an Affidavit of Domestic Partnership (form attached to this Administrative Instruction as Exhibit A) and submit any necessary documentation.

- a. *Both domestic partners must be unmarried;*
- b. *Domestic partners must have been in a mutually exclusive relationship for the last twelve (12) months, intending to do so indefinitely, and must share the same primary residence;*
- c. *Domestic partners must be jointly responsible for the common welfare of each other and share financial obligations;*
- d. *Domestic partners must meet the age requirements for marriage in the State of New Mexico and be mentally competent to consent to contract; and*

- e. *Domestic partners must not be related by blood to the degree prohibited in a legal marriage in the State of New Mexico.*

3. Affidavit of Domestic Partnership

- a. *Both partners must sign an Affidavit of Domestic Partnership using the form attached to this Administrative Instruction. The partners must also present three (3) of the documents listed below: At least one of them must be dated at least 12 months prior to the Affidavit of Domestic Partnership to support their declaration of commitment and financial interdependence*

1. *Joint lease or mortgage;*
2. *Recent bank account/credit card statement;*
3. *Recent rent bill or receipt;*
4. *Joint checking, savings or brokerage account;*
5. *Joint automobile registration;*
6. *Joint ownership of a tangible major asset;*
7. *Designation of domestic partner as beneficiary in a will;*
8. *Designation of domestic partner as beneficiary for life insurance or pension retirement benefits; or*
9. *Durable power of attorney designating the partner.*

- b. *Providing false information may result in disciplinary action, loss of benefits, and/or reimbursement to the City and insurer of costs involved in providing benefit coverage.*

4. Termination of Domestic Partnership

- a. *A domestic partnership is terminated when the employee files an Affidavit of Termination (form attached to this Administrative Instruction as Exhibit B).*
- b. *The employee must provide a valid mailing address for the ex-partner for COBRA notification purposes*
- c. *Individuals granted domestic partnership status must report any change in status that terminates the relationship within thirty-one (31) calendar days of the change.*

5. Dependents of Domestic Partners

- a. *The child of a domestic partnership may be claimed as a dependent if the child meets the age requirements for insurance benefits coverage and is biological or adopted child of the domestic partner*

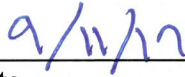
6. Taxation Issues

- a. *The value of insurance benefits provided to the domestic partner is considered taxable income to the employee by the Internal Revenue Service and is subject to social security and federal and state income tax withholding.*

- b. *Domestic partners are to be extended COBRA continuation benefits even though they do not meet the definition of spouse under COBRA. Any other laws pertaining to continuation of benefits that require coverage for a spouse will apply to a domestic partner.*
- c. *For an employee who is in a domestic partnership, the employee's portion of the premium is still eligible for pre-tax deduction.*



Robert J. Perry
Chief Administrative Officer



Effective Date

AFFIDAVIT OF DOMESTIC PARTNERSHIP

I. Declaration

We, _____
(Employee Name) (Social Security Number)

and _____
(Domestic Partner's Name) (Social Security Number)

declare that:

1. We are unmarried; nor has either of us been so during the past 12 months.
2. We are not a member of another domestic partnership; nor has either of us been so during the past 12 months.
3. We have been in a mutually exclusive relation for the last twelve (12) months and intend to do so indefinitely.
4. We have shared the same primary residence for at least (12) consecutive months.
5. We meet the age requirements for marriage in the State of New Mexico and are mentally competent to consent to contract.
6. We are not related by blood to the degree prohibited in the legal marriage in the State of New Mexico.
7. We are jointly responsible for the common welfare of each other and share financial obligations.

II. Change in Domestic Partnership

We agree to notify the City of Albuquerque Human Resources Department in writing within thirty-one (31) days of any change in our status as domestic partners (for example, if we no longer share the same principal residence) or if we wish to terminate domestic partner benefits.

III. Dependent(s) of Domestic Partners

We declare as eligible dependent(s):

Name of Child	Biological Parent-EE Or Domestic Partner	Employee Initials	Partner's Initials
_____	EE DP	_____	_____
_____	EE DP	_____	_____
_____	EE DP	_____	_____
_____	EE DP	_____	_____

III. Acknowledgements

