

June 2003



The Council
of
The City of New
York

Hon. Gifford Miller,
Speaker

A Staff Report To:

The Committee on
Oversight
and Investigations

Hon. Eric Gioia
Chair

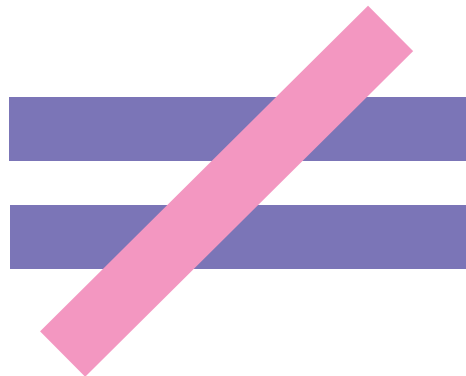
and

Hon. Christine Quinn

Hon. Philip Reed

DOMESTIC BUT NOT EQUAL:

Domestic partner benefits inconsistently
applied at public agencies



BENEFITS

**THE COUNCIL OF
THE CITY OF NEW YORK**

HON. GIFFORD MILLER
SPEAKER

**The Committee on
Oversight And Investigations**

Hon. Eric Gioia, Chair

Hon. Tracy Boyland	Hon. Miguel Martinez
Hon. Alan Gerson	Hon. James Davis
Hon. John Liu	Hon. Peter Vallone, Jr.

And

Hon. Christine Quinn, Chair
**The Committee on
Health**

Hon. Philip Reed, Chair
**The Committee on
Consumer Affairs**

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This report can be found at the Council's website at
www.council.nyc.ny.us

EXECUTIVE SUMMARY

Shockingly, some New York City (NYC) and New York State (NYS) agencies violate the civil rights of many New Yorkers because they do not provide equitable treatment to their lesbian, gay, bisexual and transgender or other non-traditional families. This inequity takes place notwithstanding a City law¹ and a State Executive Order² that extends benefits to the domestic partners of City and State employees. A New York City Council Investigation Division (CID) investigation discovered that several quasi-governmental NYC and NYS agencies that do business within the five boroughs do not offer employee benefits to the domestic partners of their employees. Investigators also found inequities in the types of benefits offered to domestic partners as compared to their co-workers with spousal benefits at both NYC and NYS public/private agencies.

In addition, employees that seek to obtain benefits for their domestic partners are not treated equal to employees with a spouse requesting the same benefits. Despite a law that states the City must make benefits available to the domestic partners of City employees on the same basis

¹ Administrative Code of the City of New York City §3-244(f); §12-307(c) (1998).

² Executive Order No. 28 (1993).

as the City makes benefits available to the spouses of City employees³, employees with domestic partners are forced to fill out significantly more paperwork. This violation of civil rights treats domestic partners as inferior to their married counterparts.

A prime example of this inequitable treatment can be found in a recent lawsuit brought against the Metropolitan Transit Authority (MTA) by a subway motorman who sued the MTA because it did not extend domestic partnership benefits to employees.

Between May 12 and May 23, 2003, CID investigators conducted a taped telephone survey of twenty-eight (28) non-mayoral NYC agencies, departments and boards and NYS authorities. Highlights of the investigation's findings include:

- **Eleven percent (11%) of the agencies surveyed are not providing any domestic partnership benefits to their employees.** These agencies are the New York State Bridge Authority, the Port Authority of New York and New Jersey, and the New York State Thruway Authority.

³ Administrative Code of the City of New York City §12-307 (1998).

Of the remaining agencies that responded to inquiries about specific benefits provided to domestic partners, grave inequities still exist.

- 100% of the agencies provide health coverage in their domestic partners benefit package.
- 63% of the agencies offer bereavement leave for domestic partners of employees, while 93% of the agencies offered bereavement leave to spouses of employees.
- 63% of the agencies offer dental and vision coverage for domestic partners of employees, while 80% of the agencies offered dental and vision coverage to spouses of employees.
- Only 37% of the agencies offer extended unpaid child care leave to employees with domestic partners, while 87% of agencies that responded to inquiries regarding spousal benefits provide extended unpaid childcare leave to employees with spouses.

- 56% of the agencies that responded to inquiries about domestic partner benefits required multiple forms of documentation to obtain those benefits.
- Only 27% of the agencies that responded to inquiries regarding spousal benefits required multiple forms of documentation to obtain benefits for the spouses of employees.

- At NYC mayoral agencies and NYS agencies, more paperwork is required for domestic partners to receive benefits than for spouses to receive benefits.

The City Council has developed the following recommendations in an effort to ensure equitable treatment for the domestic partners of City and State employees:

- Enforce the current City law regarding benefits for the domestic partners of City employees.
- Create equality in the benefits offered to domestic partners in non-mayoral NYC agencies and NYS authorities.
- Pass the “Equal Benefits Bill”.
- Enact domestic partner benefits for employees of all NYS Public Authorities.
- Pass the NYS Domestic Partnership Law.
- Obtain domestic partnership benefits for employees of the Port Authority of New York and New Jersey.
- Amend the Federal Family and Medical Leave Act (FMLA) to include domestic partners.
- Pass the Federal Domestic Partnership Benefits and Obligation Act.

BACKGROUND

The law provides that domestic partners are defined as two people who are eighteen years of age or older, have a close and committed personal relationship, who live together and have been living together on a continuous basis.¹ Many municipalities, including New York, use domestic partnerships as a means by which lesbian, gay, bisexual and transgender couples (as well as unmarried heterosexual couples, including unmarried elderly partners and various groups of unmarried people with disabilities) may document and affirm their relationship and secure the same legal protections and benefits afforded to married couples. New York City's Domestic Partnership Law, passed in 1998, recognizes these relationships and extends the same health care and other benefits to the domestic partner of a municipal employee as would be extended to the spouses of a City employee.²

As part of the struggle to gain equality for domestic partners in the NYC municipal workforce, in 1988 three New York City (NYC) public school teachers from the Lesbian and Gay Teachers Association (LGTA) sued the Board of Education (Board) for discrimination on the basis of sexual orientation, because the Board refused to extend the same benefits to

¹ Administrative Code of the City of New York City §3-241.

employees with domestic partners as they did to married couples. In response to the LGTA lawsuit, Mayor Ed Koch issued an Executive Order that extended bereavement leave benefits to city employees with domestic partners and established a registration system for domestic partnerships through The Department of Personnel.³ In 1993, Mayor David Dinkins issued two additional Executive Orders. One established a domestic partner registry, a procedure for the registration and termination of domestic partnerships, through the City Clerk's office.⁴ The other added extended unpaid childcare leave to domestic partner employee health benefits.⁵ Mayor Dinkins also authorized the City to settle the LGTA lawsuit and provide health, dental, vision and hospital benefits to the domestic partners of all City workers. In 1998, the New York City Council codified the previous City Executive Orders⁶ and established equal rights and entitlements under the law for the registered domestic partners of municipal employees.⁷ Mayor Guiliani signed this bill into law on July 7, 1998.⁸

² Administrative Code of the City of New York City §3-244(f); §12-307(c) (1998).

³ Mayoral Executive Order No. 123, 7 August 1989.

⁴ Mayoral Executive Order No. 48, 7 January 1993.

⁵ Mayoral Executive Order No. 49, 7 January 1993.

⁶ Executive Order Nos. 123 (1989), 48 and 49 (1993) collectively are referred to as the City Executive Orders.

⁷ Administrative Code of the City of New York City §3-240 - §3-244 (2001).

⁸ Press Release #319-98, "Mayor Guiliani Signs Landmark Domestic Partnership Legislation: Codifies Past Mayoral Executive Orders", 7 July 1998.

In the early 1990's, New York State also took steps to recognize domestic partnerships. In 1993, Governor Mario Cuomo issued an Executive Order (NYS E.O. No. 28)⁹ banning discrimination on the basis of sexual orientation in any matter relating to employment by the State, including benefits at all State agencies. All State employees except employees of the Senate were eligible for domestic partner benefits. In 1996, Governor George Pataki reaffirmed NYS E.O. No. 28¹⁰. In 2001, State Senate Majority Leader Joseph Bruno extended health, dental and vision benefits to Senate employees¹¹. Legislation that would codify NYS E.O. No. 28 and provide for the inclusion of domestic partners in employee benefits, has been introduced in both houses of the State Legislature.¹² Legislation is important because the Executive Orders can be rescinded at any time.¹³

In November 2002, James O'Reilly, a subway motorman, filed a lawsuit against the New York City Transit Authority (NYCTA), a subdivision of the Metropolitan Transit Authority (MTA). The MTA denied access to health

⁹ Executive Order No. 28 (1983).

¹⁰ Empire State Pride Agenda Press Release, "Gay Rights Lobby Welcomes Pataki Reissue of Order Banning Discrimination: Governor's OK an important victory for Lesbian and Gay community" 2 May 1996.

¹¹ Empire State Pride Agenda Press Release, "Statewide Gay Rights Group Applauds Senate Majority Leader Bruno's Extension of Domestic Partnership Benefits for Senate Employees" 19 January 2001.

¹² A.B. 7304 (NY 2003) and S.B. 3393 (NY2003).

¹³ New York Citizens Util. Bd. v. Pataki, 231 A.D. 2d 185 (N.Y.S. 1997).

benefits for O'Reilly's registered domestic partner.¹⁴ The MTA argued that because it was a public benefit corporation, and not a State or City agency, it was exempt from extending health benefits to domestic partners.¹⁵ While O'Reilly's case is still pending, some domestic partnership benefits were granted to MTA employees in contract negotiations between the Transport Workers Union (TWU) and the MTA.

¹⁴ Humm, Andy, "This Train is not Express: Transit Workers Press for Partner Benefits," *Gay City News*, vol.1, no. 26. (22-28 November 2002).

¹⁵ *Reilly v. Transport Workers Union*, No 123552 (N.Y. Civ. Ct. filed 2001).

METHODOLOGY

Between May 12 and May 23, 2003, the Council Investigation Division (CID) conducted a taped telephone survey of twenty-eight (28) non-mayoral NYC agencies, departments and boards and NYS authorities. Sixteen (16) of the agencies are non-mayoral City agencies. Eleven (11) are State authorities. The 28th agency, HDC (Housing Development Corporation), has public members appointed by both the Governor and the Mayor. The agencies investigated are quasi-governmental agencies that are not governed by laws applying only to City or State agencies.

CID investigators spoke with a health or employee benefits representative at each agency and asked them a series of questions relating to employee health benefits and domestic partnership benefits. Investigators requested written documentation of each agency's employee benefits policy. Not all agencies were willing to send investigators documentation. Therefore, the data collected was compiled from either telephone calls or the agency's benefits policy.

FINDINGS

Two of the twenty-eight (7%) agencies surveyed would not release any information about their employee benefits plan.

Three out of the twenty-six (11%) agencies that provided investigators with information do not provide any domestic partnership benefits to their employees. These agencies are the New York State Bridge Authority, the New York State Port Authority and the New York State Thruway Authority.

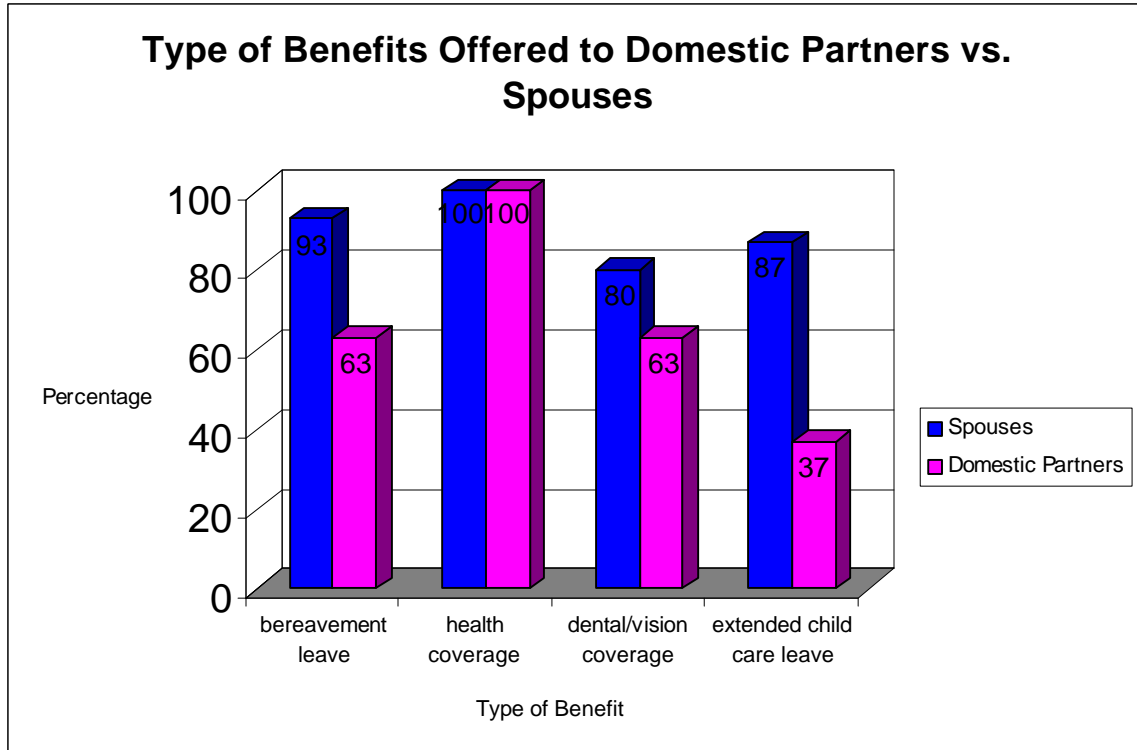
Benefits

A total of twenty-three agencies that provided investigators with information extend benefits to the domestic partners of employees. Of the twenty-three agencies, only 19 of them provided investigators with specific details on what types of benefits were extended to domestic partners. The benefits provided varied by agency.

All nineteen agencies (100%) provide health plan coverage for the domestic partners of employees. Twelve of the nineteen (63%) agencies that offer domestic partnership benefits provide bereavement leave for

employees with domestic partners. Also, twelve of the nineteen (63%) agencies extend dental and vision coverage to the domestic partners of employees. Only seven of the nineteen (37%) agencies provide extended child care leave benefits to employees with domestic partners.

As a comparison, CID investigators examined the benefits extended to spouses by these same agencies. Fifteen agencies informed investigators regarding the benefits offered to employees. Fourteen of the fifteen agencies (93%) provide bereavement leave for married employees. All of the agencies (100%) provide health coverage for the spouses of employees. Twelve of the fifteen agencies (80%) provide dental and vision coverage for the spouses of employees. Thirteen of the fifteen agencies (87%) provide extended unpaid child care leave for employees with spouses.



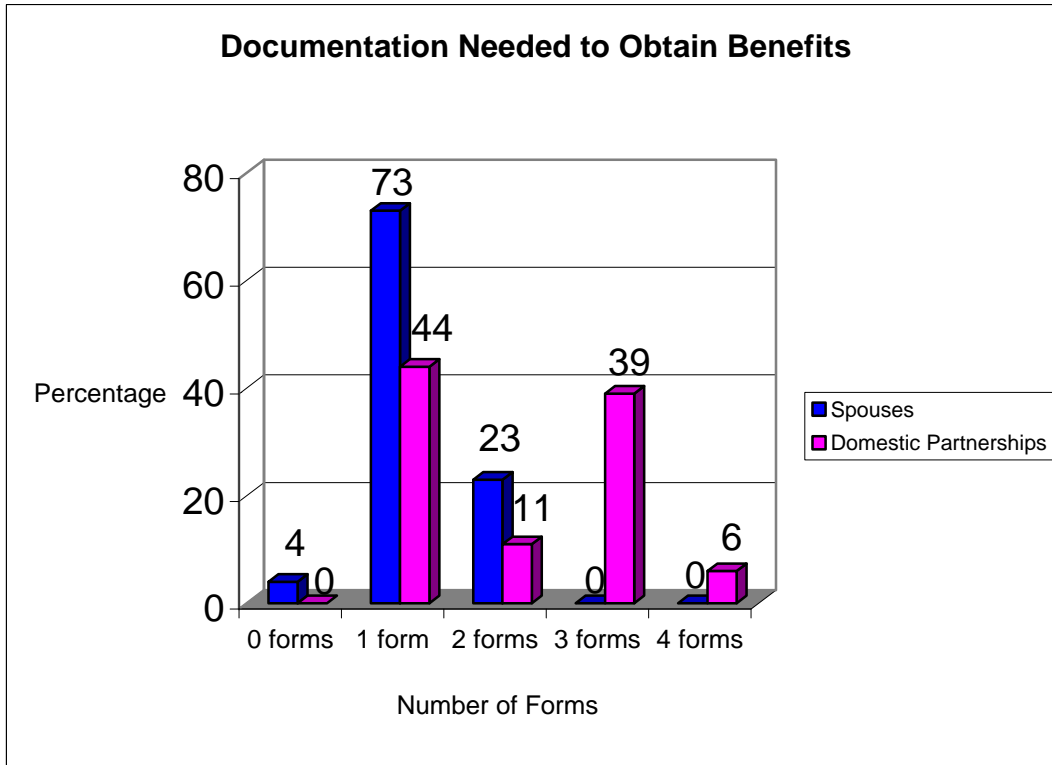
Documentation Requirements

CID investigators examined the documentation required of employees seeking domestic partner benefits. Eighteen of the agencies provided investigators with information describing the documentation required to obtain domestic partnership benefits. The documentation requirements varied by agency. Eight of the eighteen (44%) agencies that provide domestic partnership benefits required one form of documentation from the employee. This form was either the Certificate or Affidavit of

Domestic Partnership. Two of the eighteen (11%) required two forms of

documentation. Seven of the eighteen (39%) required three forms of documentation. One of the eighteen (6%) required four forms of documentation. Therefore, 56% of the agencies required multiple forms of documentation for employees to gain benefits.

As a comparison, investigators also asked about documentation required for employees to obtain spousal benefits. There was significantly less documentation required of married employees seeking spousal benefits. Twenty-two agencies provided investigators with information about documentation that was required to obtain spousal benefits. Sixteen of the twenty-two agencies (73%) required one form of documentation. Five of the twenty-two agencies (23%) required two forms of documentation. One of the twenty-two agencies (4%) required no forms of documentation. None of the agencies required three or four forms of documentation. Documentation required was either a spouse's birth certificate or a marriage certificate, or both.



To the extent that agencies provided domestic partnership benefits, agencies also were asked whether union and non-union employees alike were granted such benefits. Only one of the sixteen (6%) agencies that responded to this question told investigators domestic partner benefits were not offered to both management and its employees. However, when asked if they had an overall parity of benefits, eight of the twenty (40%) agencies that responded to this question offer different benefits to management than to its employees.

CONCLUSION

- **Some City and State agencies investigated are violating civil rights because they do not provide benefits to the domestic partners of their employees.**

Unlike the majority of non-mayoral City agencies and State authorities investigated, the New York State Bridge Authority, the Port Authority of New York and New Jersey, and the New York State Thruway Authority do not provide benefits to the domestic partners of their employees.

- **The range of benefits offered to domestic partners of employees among the agencies examined is not consistent.**

All of the agencies that provided investigators with specific details on the types of benefits that are extended to domestic partners provide health plan coverage for employees with domestic partners. However, only 63% of nineteen examined agencies that have domestic partnership benefits provide bereavement leave for employees with domestic partners.¹⁶ This compares to 93% of fifteen examined agencies that provide bereavement leave for employees with spouses. Sixty-three percent (63%) of the agencies that provided information regarding domestic partner benefits extend dental and vision coverage to the domestic partners of

¹⁶ City employees are required to extend bereavement leave for employees with domestic required (Administrative Code of the City of New York §3-244).

employees.¹⁷ By comparison, 80% of the agencies that provided information regarding spousal benefits provide dental and vision coverage to the spouses of employees. Only 37% of the responding agencies provide extended child care leave benefits to employees with domestic partners.¹⁸ Eighty-seven (87%) of the agencies that responded to spousal benefit inquiries provide child care leave benefits to employees with spouses, in comparison.

- **More extensive documentation is required of employees of non-mayoral NYC agencies and NYS authorities seeking domestic partnership benefits than is required of married employees seeking spousal benefits.**

Only 44% of the agencies that provided a description of the documentation required to obtain domestic partnership benefits required one form of documentation from the employee. Seventy-six percent (76%) of such agencies that provide spousal benefits required one form of documentation from the employee.

¹⁷ Five agencies told CID investigators that Unions negotiate these benefits for employees.

¹⁸ City employees are required to extend child care leave for employees with domestic partners (Administrative Code of the City of New York §3-244).

There is also an inconsistency among the agencies examined regarding the type of documentation required for domestic partners to receive employee benefits.

Additional Findings

- **At NYC mayoral agencies and NYS agencies, more paperwork is required for domestic partners to receive benefits than for spouses to receive benefits.**

The NYC Office of Labor Relations is the administrative body that manages the benefits for all NYC employees. The NYC Office of Labor Relations only requires employees with spouses to provide a marriage certificate or a birth certificate in order to receive benefits.¹⁹ In contrast, NYC employees with domestic partners are required to provide a Domestic Partnership Registration Certificate, a signed Declaration of Financial Interdependence, and two original forms of proof for the declaration of financial interdependence.²⁰

¹⁹ Summary Description Program Booklet of NYC 2001 Health Benefits Program, as amended in 2003.

²⁰ See appendix B for a copy of the City of New York Office of Labor Relations Health Benefits Program Instructions for the Addition of Domestic Partners to City Health Plan Coverage.

The Office of the City Clerk only requires a valid form of identification from both individuals and a signed affidavit to obtain a certificate of domestic partnership.

The NYS Department of Civil Service is the central personnel agency that administers health benefit programs covering State employees. The New York State Employee Benefits Division of the Department of Civil Service requires employees with spouses to provide a copy of the marriage license in order to receive benefits. In contrast, NYS employees with domestic partners are required to provide an Affidavit of Domestic Partnership, an Affidavit of Financial Interdependence, proof of shared residency for one year, and two forms of proof for the declaration of financial interdependence.²¹

²¹ See appendix C for a copy of the New York State Department of Civil Service Employee

RECOMMENDATIONS

- **Enforce the current City law regarding benefits for the domestic partners of City employees.**

When Mayor Guliani signed the Domestic Partnership Law of 1998, the clear intent was to grant equal benefits to the domestic partners of City employees as is granted to the spouses of City employees.

However, as is reported previously and is currently being implemented, the intent of the law is not being followed. Both LGBT families and non-traditional families are being held to a higher threshold of proof in order to gain domestic partner benefits. The Mayor's office should immediately mandate that the Office of Labor Relations review and change their documentation requirements, so that employees applying for domestic partner benefits are treated equal to City employees seeking spousal benefits.

- **Create equality in the benefits offered to domestic partners in non-mayoral city agencies and state authorities.**

There are quasi-governmental agencies that are not governed by laws applying only to City or State agencies. They are neither following the intent of the law, nor are they following the spirit of the law. Since

Benefits Division Instructions for Enrolling Domestic Partner of Participating Employer Enrollees in the New York State Health Insurance Program.

investigators found that agencies are not abiding by the NYC Administrative Code and NYS Executive Order No. 28, the Mayor and Governor should take all necessary steps to ensure that non-mayoral city agencies and state authorities immediately offer benefits to domestic partners. In an effort to assure the Mayor and Governor take these steps, the Council should adopt a resolution that calls upon the Mayor and the Governor respectively to do so.

- **Pass the “Equal Benefits Bill”.**

The “Equal Benefits Bill, or Intro. No. 271, is legislation currently pending in the New York City Council that would require equal employment benefits to the employees of city contractors. The “Equal Benefits Bill” would require companies and agencies contracting with the City for more than \$100,000 to provide the same benefits to employees with domestic partners as those provided to employees with spouses. In the legislation, a “contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.²² Therefore, many of the agencies that

²² New York City Council Intro No. 271 (2003).

CID investigated would fall under the legislation's definition of a 'contracting agency'.

- **Enact domestic partner benefits for employees of all NYS Public Authorities.**

Public Authorities are quasi-governmental NYS agencies. They should abide by both the laws and Executive Orders of NY State and of the laws of the municipalities in which they operate. Creating specific legislation that would require Public Authorities to extend health benefits to domestic partners would clarify any Public Authority that were thought to be exempt from NYS Executive Order No. 28. In an effort to assure that Public Authorities extend health benefits to domestic partners, the Council should adopt a resolution urging the NYS Legislature to create legislation that would require Public Authorities to extend the same employee benefits to domestic partners as it does to spouses.

- **Pass the NYS Domestic Partnership Law.**

New York Assembly Bill 7304 and Senate Bill 3393 would codify NYS Executive Order No. 28 and prevent it from ever being rescinded and further clarify the intent of the State of NY. The legislation would ensure that the status of domestic partnership would not be treated

differently from the marital status in the awarding of benefits and

protections and in ensuring employment rights in NYS. In an effort to assure that the State Legislature takes these steps, the Council should adopt a resolution supporting NYS pending legislation that would provide for the inclusion of health insurance coverage and other benefits for the domestic partners of NYS Employees.

- **Obtain domestic partnership benefits for employees of the Port Authority of New York and New Jersey.**

Governors of both New Jersey and New York have direct oversight over the Board of Commissioners of the Port Authority. Policy changes within the Port Authority must come from an agreement between the legislatures of both states, although either state may initiate such legislation.²³ Currently, no provision of New Jersey law addresses domestic partner benefits for state employees. State employee benefits only extend to a spouse and dependents.²⁴ In an effort to assure equality of Port Authority employees, the Council should adopt a resolution calling upon New Jersey Governor James McGreevey and NYS Governor George Pataki to extend domestic partner benefits to employees of the Port Authority of New York and New Jersey.

²³ N.Y. CLS Unconsol. Ch. §1 (1921).

²⁴ N.J. Stat. §52:14-17:26 (2003).

- **Amend the Federal Family and Medical Leave Act (FMLA) to include domestic partners.**

Currently, FMLA²⁵ allows eligible employees of a covered employer to take a job-protected, unpaid leave, either because of the birth of a child and to care for the newborn child, or because the employee is needed to care for a family member. The definition of a family member is a child, spouse, or parent. It does not include domestic partners. In an effort to assure the federal government provides equality for employees, the Council should adopt a resolution calling on the federal government to amend the FMLA to include domestic partners.

- **Pass the Federal Domestic Partnership Benefits and Obligation Act.**

The recently introduced Domestic Partnership Benefits and Obligation Act (Senate bill S.1252.IS and House of Representatives Bill 2426.IH) would provide equal benefits to the domestic partners of federal employees that are currently offered to employees' legal spouses²⁶. In an effort to assure the federal government takes this step, the Council

²⁵ The Family and Medical Leave Act of 1993 29 CFR 825.100.

²⁶ "Senator Clinton Introduces Legislation to Provide Equal Benefits to Domestic Partners of Federal Employees" Press Release, Senator Hillary Rodham Clinton, June 13, 2003.

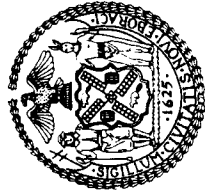
should adopt a resolution supporting this bill to gain equality for gays and lesbians in the federal workplace.

APPENDIX A:
List of Non-Mayoral NYC Agencies
and NYS Authorities Surveyed

Agency	Wouldn't release info	Provides domestic partner benefits
Board of Elections (NYC)		Y
Bridge Authority (NYS)		N
Brooklyn Public Library (NYC)		Y
Campaign Finance Board (NYC)		Y
City University of New York (NYC)		Y
Civilian Complaint Review Board (NYC)		Y
Conflicts of Interest Board (NYC)		Y
Districting Commission (NYC)		Y
Dormitory Authority (NYS)		Y
Economic Development Corporation (NYC)		Y
Energy Research and Development Authority (NYS)		Y
Health & Hospitals Corporation (NYC)		Y
Housing Authority (NYC)	X	
Housing Development Corporation		Y
Independent Budget Office (NYC)		Y
Liquor Authority (NYS)		Y
Metropolitan Transportation Authority (NYS)		Y
New York Public Library (NYC)		Y
NYS Assembly		Y
NYS Senate		Y
Police Pension Fund (NYC)	X	
Port Authority (NYS)		N
Power Authority (NYS)		Y
Queens Borough Public Library (NYC)		Y
Rent Guidelines Board (NYC)		Y
School Construction Authority (NYC)		Y
Thruway Authority (NYS)		N
Urban Development Corporation (NYS)		Y
Totals 28	2	23

APPENDIX B:
**New York City Office of the City
Clerk**
**Affidavit of Domestic Partnership
and Domestic Partnership
Registration Instructions**

[Please type or print clearly]



For Office Use Only

Registration Number

THE CITY OF NEW YORK
AFFIDAVIT OF DOMESTIC PARTNERSHIP

..... and

declare ourselves to be domestic partners.

We are both eighteen years of age or older and unmarried.

We are not related by blood in a manner that would bar marriage under the laws of the State of New York.

We have a close and committed personal relationship.

We have been living together on a continuous basis prior to the date of this certificate.

We reside in the City of New York, or one of us is employed by the City of New York.*

Neither of us has been registered as a member of another domestic partnership within the last six months.

.....

.....
Signature

.....
Address

.....
Signature

.....
Borough

Sworn to before me this day of

.....
City Agency/Employer*

.....
Notary Public

NOTE: The certificate will be issued solely upon the sworn statement of the applicants with no liability for the validity of the partnership assumed by the City of New York or the City Clerk.



THE CITY OF NEW YORK
OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING
NEW YORK, N.Y. 10007

VICTOR L. ROBLES
CITY CLERK, CLERK OF THE COUNCIL

DOMESTIC PARTNERSHIP INFORMATION

What is Domestic Partnership registration?

New York City's Domestic Partnership is a means by which unmarried couples who are residents of or employees of New York City and who are in a committed on-going relationship, may document their relationship. This recognizes the diversity of family configurations, including lesbian, gay and unmarried heterosexual couples (and their children), unmarried elderly partners, and various groups of unmarried people with disabilities.

Who are Domestic Partners?

Under the definition provided in Local Law 27 of 1998 and Executive Order No. 48, signed on January 7, 1993, Domestic Partners are two people, who are eighteen years of age or older, neither of whom are married or related by blood in manner that would bar his or her marriage in New York State, who have a close and committed personal relationship, who live together and have been living together on a continuous basis, who have registered as domestic partners and have not terminated the domestic partnership.

How do we register as Domestic Partners?

1. Obtain a Domestic Partnership Affidavit from the following City Agencies: NYC Commission on Human Rights, Mayor's Office of People with Disabilities, and NYC Department for the Aging, Mayors Action Center, Manhattan Borough President's Office, and any of the five City Clerk Offices. To have an affidavit mailed to you call the Office of the City Clerk at 212-669-8190.
2. To complete the registration both partners must return the completed domestic partners affidavit, signed by both partners and notarized, along with valid identification and a \$20 money order. Acceptable forms of identification are valid driver's license, original birth certificate, passport, immigration card and employee identification card. (All documents that are not written in English must be translated into English with an affidavit attesting to the accuracy of the translation) Registration may be completed at one of the following locations:

The Manhattan Office of the City Clerk is open Monday thru Friday from 8:30 am to 3:45 pm. The Bronx, Brooklyn, Queens and Staten Island Offices are open Monday thru Friday from 8:30 am to 4:00 pm. All offices are closed on legal holidays.

Manhattan Municipal Building
1 Centre Street, 2nd Floor South, Room 265
New York, New York 10007

Brooklyn Municipal Building
210 Joralemon Street, 2nd Floor, Room 205
Brooklyn, New York 11201

Staten Island Borough Hall Building
10 Richmond Terrace 3rd Floor, Room 311
Staten Island, New York 10301

Bronx Supreme Court
851 Grand Concourses
Bronx, New York 10451

Queens Borough Hall Building
120-55 Queens Blvd.
Kew Gardens, New York 11424

3. Upon completion of the application process, the City Clerk will issue a domestic partnership registration certificate to the registered partners. These records are not public information but may be used for statistical purposes on an anonymous basis.
4. To terminate a registered domestic partnership, obtain a Domestic Partnership Termination form from one of the above agencies, sign and have it notarized, and file it with the City Clerk, again providing personal identification and a fee of \$15 payable in money order only. A person will not be eligible to register a new partnership for six months following termination of a prior partnership.

What are the current policies for domestic partnership?

Policies applicable to domestic partners are set forth in Local Law 27 of 1998 and Executive Order 48 and 49 of 1993. A Certificate of Domestic Partnership Registration will be helpful documentation for those who are seeking the benefits of City agencies applicable to domestic partners:

1. In accordance with Executive Order 49, employees of the City of New York are entitled to bereavement leave in the event of the death of a domestic partner, or the death of a parent or child of a domestic partner, or the death of a relative of a domestic partner residing in the household.
2. In accordance with Executive Order 49, employees of the City of New York are entitled to Child Care Leave of Absence without pay when their domestic partner becomes the parent of a child either by birth or by adoption. Such leave shall be granted on the same basis as provided by the childcare leave provisions of the career and salary plan, the citywide agreement or any other collective bargaining agreement.
3. In accordance with Executive Order 49, Domestic Partners have the right to visit each other and each other's family members in accordance with visitation policies for family members in NYC correctional and juvenile facilities.
4. In accordance with Executive Order 49, Domestic Partners have the right to visit each other and each other's family members in health care and hospital facilities operated by NYC Health and Hospital Corporation in accordance with the visitation policies for family members.
5. In accordance with Executive Order 49, a Domestic Partnership Registration will be evidence when determining succession rights in apartment units owned by the Housing Authority and in apartments supervised by the City Department of Housing Preservation and Development.

Should we have any concerns about registering as domestic partners?

The City Clerk has established procedures to ensure the confidentiality of Domestic Partnership Registration records. Consistent with Local Law 27 of 1998 your registered certificate is not public information. Those choosing to register their partnership should be aware that a Certificate of Domestic Partnership is not the same as a Power of Attorney or a Health Care Proxy. If you are establishing these written agreements with your partner, we suggest you seek legal advice and assistance.

Note: Because marriage licenses are governed by the State of New York, you should be aware that a New York City certificate of Domestic Partnership is not the same as a marriage license.

ALL FEES ARE PAYABLE IN MONEY ORDER ONLY.

REGISTRATION	-	\$20.00
TERMINATION	-	\$15.00
AMENDMENT	-	\$15.00
ADDITIONAL COPIES	-	\$5.00

**APPENDIX C:
New York City
Office of Labor Relations
Health Benefits Program Instructions
for the Addition of Domestic
Partners to City Health Plan
Coverage**

THE CITY OF NEW YORK, OFFICE OF LABOR RELATIONS
HEALTH BENEFITS PROGRAM

INSTRUCTIONS FOR THE ADDITION OF DOMESTIC PARTNERS TO CITY
HEALTH PLAN COVERAGE

Beginning January 1, 1994, pursuant to an agreement between the City of New York and the Municipal Labor Committee, employees and retirees covered by the City Health Benefits Program have been granted the right to add their domestic partners to their City health plan coverage. Health benefits available to domestic partners (and their dependent children) are identical to the health benefits offered to married spouses (and their dependent children).

Domestic Partnership Registration Pursuant to Mayoral Executive Order No. 48 (January 7, 1993)

'Domestic Partnership' is defined as: two people, both of whom are eighteen years of age or older, neither of whom is married or related by blood in a manner that would bar their marriage in New York State, who have a close and committed personal relationship, who live together and have been living together on a continuous basis, who have registered as domestic partners and have not terminated the domestic partnership.

Persons may register as domestic partners if they are residents of the City of New York or at least one partner is employed by the City of New York on the date of registration. In order to register, persons must execute a Domestic Partnership Affidavit and submit it to the City Clerk, who maintains a registry of domestic partnerships. The cost of registration is \$20. The Office of the City Clerk can be reached on (212) 669-8190. No person is eligible to register as a domestic partner who at the time of registration or at any time during the prior six months was registered as a member of another domestic partnership.

Requirements for City Health Plan Coverage

In order to cover a domestic partner on your City health plan coverage, you must have a Domestic Partnership Registration Certificate issued by the City Clerk and complete a Health Benefits Application. The procedure is outlined below:

1. Register as Domestic Partners with the City Clerk.
2. Obtain a Health Benefits Application Form from your agency Health Benefits Representative. The form is also available from the NYC Office of Labor Relations, Domestic Partnership Unit (212) 306-7336.
3. Complete the form. Provide the name, Social Security number and all other requested information concerning your domestic partner in the spaces on the form provided for Spouse/Domestic Partner information.

IMPORTANT NOTE: TAX CONSEQUENCES OF HEALTH BENEFITS FOR DOMESTIC PARTNERS

You should be aware that, under IRS rulings, if your domestic partner is not a 'dependent', within the meaning of the Internal Revenue Code, the amount paid by an employer attributable to coverage of a domestic partner is treated as part of the participant's gross income for Federal tax purposes. Consequently, unless you have indicated and provided proofs to the Health Benefits Program (e.g. a copy of a recent tax return) that your domestic partner is your dependent, the value of this benefit must be included as income in your Federal tax return for the applicable year. State and local tax treatment of the amount in question will vary among jurisdictions. You should consult the applicable laws and/or a tax professional to ascertain how the amount should be treated in your case.

ATTACHMENT I

DECLARATION OF FINANCIAL INTERDEPENDENCE

We, the undersigned domestic partners, are financially interdependent. We submit the following two items of proof evidencing our financial interdependence:

- We have a joint bank account.
- We have a joint credit card.
- We are joint obligors on a loan.
- We jointly own our residence.
- We jointly appear as tenants on the lease for our residence.
- We keep a common household (household expenses, e.g., utility bills, telephone bills, joint public assistance budget, etc.).
- We jointly own a motor vehicle.
- We have executed wills naming each other as executor and/or beneficiary.
- We have granted each other durable powers of attorney.
- We have conferred upon each other authority to make health care decisions (e.g., health care power of attorney).
- At least one of us has designated the other as a beneficiary under a retirement benefits account.
- Other item of proof as is sufficient to establish economic interdependency under the circumstances of the particular case (specify).

- Other item of proof as is sufficient to establish economic interdependency under the circumstances of the particular case (specify).

Print Name

Print Name

Signature

Signature

Sworn to before me this
day of , 2003

NOTARY PUBLIC

EXAMPLES OF ITEMS OF PROOF FOR THE DECLARATION OF FINANCIAL INTERDEPENDENCE

Listed below are examples of items of proof that may be acceptable attachments to a Declaration of Financial Interdependence. Other items of proof may also be acceptable. You must provide an original plus a photocopy of all items of proof. The original documents will be returned to you.

JOINT BANK ACCOUNT

- Statement with both names
- Check with both names
- Passbook with both names

JOINT CREDIT CARD

- Statement with both names

JOINT OBLIGORS ON LOAN

- Note or other loan origination document with both names

JOINT OWNERSHIP OF RESIDENCE

- Deed or other sale/transfer document with both names
- Property or water tax document with both names

JOINT TENANTS ON LEASE

- Lease with both names

COMMON HOUSEHOLD EXPENSES

- Utility/telephone bill with both names
- Public assistance document with both names

JOINT VEHICLE OWNERSHIP

- Title in both names

JOINT WILLS

- Copy of will or wills, with each party naming the other as beneficiary and/or executor

POWER OF ATTORNEY

- Copy of Powers of Attorney with each party naming the other party and no limitation on the term of the documents

HEALTH CARE PROXY

- Copy of health care proxies/living wills, with each party giving the other party the power to make health care/non-resuscitation decisions upon incapacitation

LIFE INSURANCE

- Copy of policy with one party naming the other as beneficiary*

RETIREMENT BENEFITS

- Copy of beneficiary designation form with one party designating the other as beneficiary*

* Does not have to be the enrollee designating the dependent.

**APPENDIX D:
NYS Department of Civil Service
Employee Benefits Division
Instructions for Enrolling Domestic
Partners of Participating Employer
Enrollees in the New York State
Health Insurance Program**

Participating Employers in the New York State Health Insurance Program (NYSHIP) may now extend coverage to the domestic partners of their enrollees. Your employer has elected to provide this benefit effective April 1, 1997

To determine if your domestic partner (partner) qualifies for enrollment, carefully read these instructions and the attached information on the eligibility requirements, the affidavits you both must sign, the proof you must submit, the enrollment application, and important tax information you should know.

The affidavits and documents you are required to submit are only intended to establish the eligibility of your domestic partner for benefits available to you as a NYSHIP enrollee. However, it is recommended that you seek advice from your attorney regarding any possible legal and financial implications before you take the actions required to provide this benefit coverage to a domestic partner.

Who can be covered as a domestic partner

Unmarried enrollees may cover same or opposite sex partners with whom they reside and have a committed, long term relationship of mutual support, and for whom they have assumed long term financial responsibility or have mutual financial responsibility. See the Affidavit of Domestic Partnership for details. Persons who live together for economic reasons, but who have not made a commitment to an exclusive enduring domestic partnership as described in these documents, will not be considered to be domestic partners for the purposes of enrollment in NYSHIP.

How to enroll a domestic partner

You must do four things. First, you and your partner must complete the Affidavit of Domestic Partnership. Second, you and your partner must complete the Affidavit of Financial Interdependence. Third, you must complete a PS 404 Health Insurance Transaction form. Fourth, you must submit these documents along with two items of proof of financial interdependence and proof of residence for both partners to your Health Benefits Administrator. In addition to the above, if your partner qualifies as your dependent for federal tax purposes and you wish to avoid the additional taxes that may result from this benefit (see Income Tax Implications), you must also complete the Dependent Tax Affidavit and return it with the other documents. Applications filed without the required affidavits or proof will not be processed. Ambiguity or lack of clarity will not be interpreted in the employee's/partner's favor.

When coverage begins

Your employer may establish a special enrollment period when this benefit is initially extended. If you are already enrolled in NYSHIP, apply during the special enrollment period, and have satisfied the one year residency and financial requirements, coverage for your partner begins on the first day of the month following the month in which you have submitted all required documentation to your Health Benefits Administrator.

After the special enrollment period, if you are enrolled in NYSHIP, have satisfied the one year residency and financial requirements, and you have submitted all required documentation to your Health Benefits Administrator on or before or within seven days of your partner's first eligibility, the coverage for your partner begins on the date of first eligibility. If you apply more than seven days but not more than 30 days after the date of first eligibility, coverage for your partner begins on the first day of the month following the month in which you have submitted all required documentation to your Health Benefits Administrator. If you apply more than 30 days after the date of first eligibility, you will be subject to a late enrollment period and coverage for your partner will begin on the first day of the third month following the month in which you apply. Your partner's date of first eligibility is the day that is exactly one year later than the latest date on the supporting documents submitted with your application for coverage.

If you are not enrolled in NYSHIP, coverage for both you and your partner may be deferred until you satisfy the new employee or late enrollment waiting period. Ask your Health Benefits Administrator if you must satisfy a waiting period.



STATE OF NEW YORK
 DEPARTMENT OF CIVIL SERVICE
 THE W. AVERELL HARRIMAN
 STATE OFFICE BUILDING CAMPUS
 ALBANY, NEW YORK 12239

EMPLOYEE BENEFITS DIVISION
APPLICATION FOR HEALTH INSURANCE BENEFITS FOR DOMESTIC PARTNERS OF PARTICIPATING EMPLOYER ENROLLEES AND AFFIDAVIT OF DOMESTIC PARTNERSHIP

PS-428.1 (8/95)

STATE OF _____)
) SS.:
 COUNTY OF _____)

Application for:

- New York State Health Insurance Program benefits State Administered Vision Program benefit
 State Administered Dental Program benefit Employee Benefit Fund Program benefit

The undersigned, being duly sworn, depose and declare as follows:

We are both eighteen years of age or older and unmarried. If either or both of us has been married, we submit evidence of the termination of the marriage.

We are not related by blood in a manner that would bar marriage under the laws of the State of New York.

We are each other's sole domestic partner, have been so for at least one year prior to the date of this affidavit, and intend to remain so indefinitely. We are in a relationship of mutual support, caring and commitment, and have assumed responsibility for each other's welfare.

We have been living together on a continuous basis for at least one year prior to the date of this affidavit. (See reverse for proof of residency.)

One of us is enrolled in the New York State Health Insurance Program.

Neither of us has been registered as a member of another domestic partnership within the last two years.

I, the enrollee, affirm that I will file a Termination of Domestic Partnership form within 14 days of the date I/my partner no longer meet one or more of the qualifying criteria set forth above.

I, the enrollee, understand that any false or misleading statement made in order to receive benefits for which I do not qualify will subject me to financial responsibility for any benefits paid on behalf of my partner and/or other legal actions appropriate to the prosecution of insurance fraud.

 Print Name (Enrollee)

 Print Name (Partner)

 Address

 Address

 Address

 Address

 Signature

 Signature

Sworn to before me this _____
 day of _____, 199__

 NOTARY PUBLIC

PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

This information is being requested pursuant to section 161-a of the New York State Civil Service Law for the principal purpose of determining the eligibility of your domestic partner for benefits under the New York State Health Insurance Program (NYSHIP). This information will be used in accordance with section 96 (1) of the Personal Privacy Protection Law, particularly subdivisions (b), (c) and (f). Failure to provide this information may result in a denial of eligibility to participate in NYSHIP. This information will be maintained by the Director, Employee Benefits Division, New York State Department of Civil Service, the W. Averell Harriman State Office Building Campus, Albany, New York 12239. For further information relating only to the Personal Privacy Protection Law, call (518) 457-9375.

Over



STATE OF NEW YORK
DEPARTMENT OF CIVIL SERVICE
THE W. AVERELL HARRIMAN
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12239

EMPLOYEE BENEFITS DIVISION

**AFFIDAVIT OF FINANCIAL INTERDEPENDENCE FOR
ENROLLEES OF PARTICIPATING EMPLOYERS**

PS-428.2 (8/96)

The undersigned, being duly sworn, depose and declare as follows:

We are domestic partners who reside together and are financially interdependent. We submit original documents of two of the following items (at least one of the two items must be from List A) as proof of our financial interdependence:

(Note: Original documents will be copied only to the extent necessary to document receipt and returned to you.)

LIST A

LIST A (continued)

- joint obligation on a loan (including an affidavit by a creditor for a personal loan)
- joint ownership of our residence
- joint renters' or home owners' insurance policy
- joint responsibility for child care (e.g., school documents, guardianship)
- designated as beneficiary under the other's life insurance policy, retirement benefits account or will or executor of each other's will
- an affidavit by a corporate creditor or other disinterested third party qualified to testify to partners' financial interdependence
- mutually granted durable power of attorney

- designation of one partner as the representative payee for the other's government benefits
- joint ownership or holding of investments
- joint ownership or lease of a motor vehicle
- both listed as tenants on the lease of our shared residence
- mutually granted authority to make health care decisions (e.g., health care power of attorney)
- share a household budget for the purpose of receiving government benefits
- I claim my partner as a dependent for federal tax purposes

LIST B

LIST B (continued)

- joint bank account
- joint credit or charge card(s)

- status as authorized signatory on the partner's bank account, credit card or charge card
- other proof establishing economic interdependence

NOTE: Proof submitted must show financial interdependence for at least one year.

Print Name (Enrollee)

Address

Address

Signature

Print Name (Partner)

Address

Address

Signature

Sworn to before me this
day of , 199

NOTARY PUBLIC

PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

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STATE OF NEW YORK
 DEPARTMENT OF CIVIL SERVICE
 THE W. AVERELL HARRIMAN
 STATE OFFICE BUILDING CAMPUS
 ALBANY, NEW YORK 12239

EMPLOYEE BENEFITS DIVISION
 DEPENDENT TAX AFFIDAVIT* FOR ENROLLING DOMESTIC
 PARTNERS OF PARTICIPATING EMPLOYER ENROLLEES IN THE
 NEW YORK STATE HEALTH INSURANCE PROGRAM
 PS-428.3 (8/96)

STATE OF _____)
) SS.:
 COUNTY OF _____)

The undersigned, being duly sworn, depose and declare as follows:

My domestic partner, _____, fully
Name of domestic partner/Social Security Number

qualifies as my dependent under Internal Revenue Code rule 152. I understand that if my partner's dependent status under IRC 152 changes at any time during the tax year, I will be responsible for reporting and paying tax on any resulting imputed income. (See reverse side for definitions in Internal Revenue Code rule 152.)

 Print Name (Enrollee)

 Address

 Address

 Signature

Sworn to before me this
 day of _____, 199__

 NOTARY PUBLIC

* It is recommended that you seek the advice of an attorney prior to completing this affidavit.

PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

This information is being requested pursuant to section 161-a of the New York State Civil Service Law for the principal purpose of determining the eligibility of your domestic partner for benefits under the New York State Health Insurance Program (NYSHIP). This information will be used in accordance with section 96 (1) of the Personnel Privacy Protection Law, particularly subdivisions (b), (e) and (f). Failure to provide this information may result in a denial of eligibility to participate in NYSHIP. This information will be maintained by the Director, Employee Benefits Division, New York State Department of Civil Service, the W. Averell Harriman State Office Building Campus, Albany, New York 12239. For further information relating *only* to the Personal Privacy Protection Law, call (518) 457-9375.



STATE OF NEW YORK
 DEPARTMENT OF CIVIL SERVICE
 THE W. AVERELL HARRIMAN
 STATE OFFICE BUILDING CAMPUS
 ALBANY, NEW YORK 12239

EMPLOYEE BENEFITS DIVISION

**TERMINATION OF DOMESTIC PARTNERSHIP OF PARTICIPATING
 EMPLOYER ENROLLEES IN THE NEW YORK STATE HEALTH
 INSURANCE PROGRAM**

PS-428.4 (8/96)

certify that:

 Name of enrollee (please print)

1. I, _____, and _____
 Name of enrollee (please print) Name of domestic partner (please print)

have terminated our domestic partnership.

2. I affirm that the effective date of termination of this domestic partnership is

 date

3. I affirm that a copy of this termination statement will be provided to my former domestic partner within seven days.

4. I understand that another Affidavit of Domestic Partnership cannot be filed until two years after this statement of termination of the previous partnership has been filed with my employing agency's Health Benefits Administrator.

5. I affirm that assertions in this notice are true to the best of my knowledge and understand that false statements may require payment by myself of claims incorrectly paid on behalf of my former partner listed above. I understand that false statements may result in disciplinary action by my employer or in other legal actions appropriate to the prosecution of insurance fraud.

 Signature of enrollee

 date

 Social Security Number

PERSONAL PRIVACY PROTECTION LAW NOTIFICATION

This information is being requested pursuant to section 161-a of the New York State Civil Service Law for the principal purpose of determining the eligibility of your domestic partner for benefits under the New York State Health Insurance Program (NYSHIP). This information will be used in accordance with section 96 (1) of the Personnel Privacy Protection Law, particularly subdivisions (b), (e) and (f). Failure to provide this information may result in a denial of eligibility to participate in NYSHIP. This information will be maintained by the Director, Employee Benefits Division, New York State Department of Civil Service, the W. Averell Harriman State Office Building Campus, Albany, New York 12239. For further information relating *only* to the Personal Privacy Protection Law, call (518) 457-9375.