

# CAPS PROPOSAL

**Bargaining Unit:** 10

**Date:** May 15, 2018

**Exclusive Representative:** CAPS

**Article:** New Section X.5

**Subject:** Domestic Partnership

## X.5 Domestic Partnership

The purpose of this Section is to extend the eligibility for benefits under this Memorandum of Understanding to domestic partners. To qualify as a domestic partner, a Unit 10 employee and his/her partner must satisfy the criteria for either (1) State registered domestic partnership or (2) non-registered domestic partnership below:

1. State Registered Domestic Partnership: A Unit 10 employee and his/her partner must satisfy the requirements of subparagraphs (a) through (d) of this paragraph (1), and must establish that the domestic partnership is validly registered with the California Secretary of State, by providing a certified copy of the State of California Declaration of Domestic Partnership to their employer appointing authority.
  - a. Both partners must be the same sex or, if they are of opposite sex, at least one of them must be over age 62.
  - b. If partners are of opposite sex, at least one must be eligible for age-related benefits under the Social Security Act.
  - c. Neither partner may be party to an active Declaration of Domestic Partnership on file with the Secretary of State naming another domestic partner.
  - d. Both domestic partners must file a Declaration of Domestic Partnership with the Secretary of State. Copies of the appropriate form are available the applicable local county clerk's office, the California Secretary of State's office or on the internet at [www.ss.ca.gov](http://www.ss.ca.gov).
2. Non-Registered Domestic Partnership: If a Unit 10 employee and their domestic partner do not satisfy the requirements described in (1) above, they must satisfy all of the following requirements:
  - a. The two must live together (and must have continuously lived together for at least six consecutive months immediately preceding the application for benefits). Production of a picture identification card and proof of cohabitation is required. Proof of cohabitation may be established through utility bills, bank statements and other such documentation showing a common address for both parties.
  - b. The partners must agree to share common necessities of life and be jointly responsible for each other's basic living expenses during the domestic partnership.
  - c. Both partners must be at least eighteen years of age.
  - d. Both partners must be mentally competent to consent to contract.
  - e. Neither partner may be married or be a member of another domestic partnership.
  - f. Both domestic partners may not be related by blood to a degree that would bar marriage to each other in the State of California.
  - g. Both partners must sign the affidavit attesting to their status as domestic partners.