State of Wisconsin



Domestic Partner Benefits



ET-2166 (REV 4/27/2015)

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Domestic Partner Benefits

As of January 1, 2010, benefits were extended to the domestic partners of Wisconsin Retirement System members that were previously only available to members' spouses. These benefits are authorized under Chapter 40 of the Wisconsin statutes and include the following programs, which are administered by the Department of Employee Trust Funds:

- **Wisconsin Retirement System**
- **State of Wisconsin Group Health Insurance Program**
- **State of Wisconsin Group Life Insurance Program**
- **Duty Disability Benefits (available only to protective occupation category employees and their survivors)**
- **Wisconsin Deferred Compensation Program**

Creating a Domestic Partnership for Chapter 40 Benefits

Requirements for a Domestic Partnership under Chapter 40

A Chapter 40 domestic partnership is completely separate from the state domestic partner registry under Chapter 770 of the statutes. Registering your partnership on the Chapter 770 registry does not create a Chapter 40 domestic partnership.

The benefits administered by ETF are governed by Chapter 40 of the Wisconsin statutes. To be eligible to establish a domestic partnership for Chapter 40 benefit purposes, you must meet **all** of the following criteria:

- On the date you sign the affidavit, both partners are legally competent and at least 18 years old;
- Neither partner is married to another person;
- Neither partner is in a Chapter 40 domestic partnership with another person;
- You are not related by blood in any way that would prohibit marriage under Wisconsin's laws;
- You consider yourselves to be members of each other's immediate family;
- You agree to be responsible for each other's basic living expenses; and
- You share a common residence. (You are considered to share a common residence even if only one partner has legal ownership of the residence, if one or both partners have additional residences not shared with the other partner or if one partner leaves the common residence temporarily with the intent to return.)

How to Establish a Chapter 40 Domestic Partnership

1. **Submit a notarized *Affidavit of Domestic Partnership* (ET-2371) to ETF.**
2. **You will receive an acknowledgement letter from ETF indicating the effective date of your partnership. Keep this letter.**

To establish a Chapter 40 domestic partnership, you and your partner must complete an *Affidavit of Domestic Partnership* (ET-2371), sign it in the presence of a notary public and submit the signed and notarized affidavit to ETF. **This is the only way you can establish a domestic partnership for Chapter 40 benefit purposes.** The affidavit form is available from ETF upon request and on ETF's Internet site at etf.wi.gov. You may submit your affidavit to ETF in person, by mail or electronically. Please keep a copy of the affidavit for your records.

Your Chapter 40 domestic partnership becomes effective on the date ETF receives your signed and notarized affidavit.[1] Affidavits received after the date of death of either domestic partner are invalid and have no force or effect.

Provide All Information Requested on the Affidavit

Be sure to complete all of the information requested on the affidavit. Failure to properly complete the form may result in your affidavit being rejected. An affidavit will be rejected if:

- it is not signed by both partners;
- it is not notarized; or
- the information provided is either illegible or insufficient to enable ETF to identify the partners.

A Chapter 40 domestic partnership will not become effective until ETF receives a legible, properly completed and notarized affidavit.

Sending Affidavits Electronically

You can send the *Affidavit of Domestic Partnership* (ET-2371) to ETF by fax, or you can scan the document and send it to ETF as an email attachment. However, the notary seal **must** be visible in the electronic copy. If the notary's stamp or raised seal is not visible in the electronically transmitted affidavit, ETF must reject the affidavit.

ETF will reject any affidavit submitted by fax or email that is determined to be incomplete, illegible or if there is any doubt as to the authenticity of the document. ETF may request the original document if necessary.

Please be aware that if you choose to send your affidavit to ETF electronically, the information contained on your affidavit may be at a higher risk of disclosure. ETF's network is secured, but the information in your affidavit may be at a higher risk of interception during transmission.

Acknowledgement of Your Affidavit of Domestic Partnership

Once ETF has accepted your *Affidavit of Domestic Partnership* (ET-2371), an acknowledgement will be mailed to you and your partner at your shared address. The acknowledgement letter will provide the effective date of your Chapter 40 domestic partnership. You may provide a copy of this acknowledgement to your employer for the purpose of enrolling your partner in any insurance programs offered through your employer. Your partner's benefit enrollment opportunities and coverage begin date may be based on the effective date of your domestic partnership, but your partner's benefit coverage cannot become effective before your Chapter 40 domestic partnership becomes effective.

Duration of Your Domestic Partnership

Once you have established a Chapter 40 domestic partnership, it remains in force until terminated. You do not need to submit a new affidavit to "renew" your partnership or to keep it in force.

Collection of Personal Information

ETF must collect data such as Social Security numbers, and the sex and age of both parties for benefit administration purposes. Your personal information is confidential under Wisconsin law, and it is not considered a public record.

Only One Affidavit Required

If you and your partner have rights to Chapter 40 benefits administered by ETF, you do not need to submit two separate *Affidavit of Domestic Partnership* (ET-2371) forms to ETF. ETF will enter information about your domestic partnership into both partners' records.

[1] *Affidavits of Domestic Partnership forms that were received before January 1, 2010, became effective on that date.*

Signing the Affidavit Using Power of Attorney

You and your partner must sign the affidavit before a notary. If this is not possible because your partner is temporarily out of the area (for example, in military service and deployed elsewhere) and if your partner granted Power of Attorney (POA) to you or to another individual that grants sufficiently broad powers to sign an *Affidavit of Domestic Partnership* (ET-2371) on your partner's behalf, the POA can sign the affidavit before the notary on your partner's behalf. The POA must sign his or her own name, then enter "(POA)" after his or her signature.

The POA will need to show a copy of the Power of Attorney document to the notary to verify that your partner has granted sufficient authority in the POA document to sign documents such as the domestic partner affidavit on your partner's behalf. You must also submit a photocopy of the POA document to ETF with your *Affidavit of Domestic Partnership.* If your partner did not grant power of attorney to you or another individual, contact ETF for information about other possible alternatives for obtaining the necessary notarized signatures.

Terminating a Chapter 40 Domestic Partnership

If your domestic partnership ends, you must submit a signed and notarized *Affidavit of Termination of Domestic Partnership* (ET-2372) to ETF. The domestic partnership is considered terminated as of the date that ETF receives the signed and notarized *Affidavit of Termination of Domestic Partnership*; the partnership is no longer in effect on that date. The termination affidavit only requires the signature of one partner. It is the responsibility of the partner submitting the termination affidavit to notify the other partner that he or she is terminating the Chapter 40 domestic partnership.

Terminations — Chapter 40 and Chapter 770 Domestic Partnerships

If you have also established a registry domestic partnership under Chapter 770 of the statutes and your partnership ends, you must terminate each partnership separately. Because Chapter 40 domestic partnerships are completely separate from the domestic partner registry under Chapter 770, terminating the Chapter 770 partnership does not automatically terminate the Chapter 40 partnership or vice versa.

If you have granted Power of Attorney (POA) to your domestic partner, terminating your Chapter 40 domestic partnership does *not* automatically terminate the POA; you must also revoke the POA. However, if you also have a registry (Chapter 770) domestic partnership and you terminate the Chapter 770 partnership, the POA is automatically revoked unless the POA document expressly states that it remains in force if the Chapter 770 domestic partnership terminates.

Submitting an *Affidavit of Termination of Domestic Partnership* (ET-2372) to ETF is the normal method of terminating a domestic partnership. A domestic partnership is also terminated effective with any one of the following dates:

- The date on which either partner legally marries. If you legally marry your domestic partner, your Chapter 40 domestic partnership terminates and your former partner's status changes to a spouse**. Notify ETF immediately if this occurs, as there may be different tax consequences related to being legally married versus domestic partners.**
- The date on which either partner dies.
- The date on which either partner establishes a Chapter 40 domestic partnership with a different partner. [2]
- The date on which neither domestic partner has any rights to any benefits under Chapter 40 of the Wisconsin statutes.
- Based on evidence provided to ETF, the date established to ETF's satisfaction that the domestic partnership no longer met the Chapter 40 statutory domestic partnership definition. (Example: The date that the partners ceased to share a common residence.)

- The date on which a court determines that a domestic partnership terminated.
- Termination of a domestic partnership is irrevocable. Once terminated, if you wish to restore your domestic partnership you must submit a new signed and notarized *Affidavit of Domestic Partnership* (ET-2371) to ETF. Your new domestic partnership becomes effective on the date ETF receives your new affidavit.

Tax Dependent Status & Domestic Partnership

Whether your domestic partner is your dependent for income tax purposes can have a significant effect on the tax consequences of certain domestic partner benefits (and benefits for your partner's dependents), and it can also affect eligibility for certain benefits.

Internal Revenue Service (IRS) Publication 501 provides criteria for determining tax dependent status. In general, the IRS requires that one meet the criteria for a qualifying relative:

- The dependent does not meet the "qualifying child" tests;
- The dependent must live with you all year as a member of your household;
- You must provide more than half of the dependent's support for the year.

Complete information about the tests for determining whether your domestic partner qualifies as a tax dependent are described in IRS Publication 501, which is available on the IRS website at irs.gov/formspubs.

The Wisconsin Retirement System

Establishing a Chapter 40 domestic partnership generally does not affect the amount of your Wisconsin Retirement System benefits. However, there are domestic partner provisions that relate to WRS benefits.

WRS Beneficiaries

You are free to designate one or more beneficiaries to receive any WRS death benefits payable upon your death. You are not required to designate your domestic partner as your primary beneficiary; you can designate your domestic partner and/or any other persons or entities that you choose with no restrictions.

Once you have filed a *Beneficiary Designation* form (ET-2320 or ET-2321) with ETF, we will pay your WRS death benefits according to the last *Beneficiary Designation* form received prior to your death.

If you have never filed a *Beneficiary Designation* (ET-2320 or ET-2321) or you designated "Standard Sequence" on the last *Beneficiary Designation* you filed with ETF, your death benefits will be paid according to the Chapter 40 statutory standard sequence.[3] Under standard sequence, your surviving Chapter 40 domestic partner has the same status as a surviving spouse. This means that if you established a Chapter 40 domestic partnership and that domestic partnership has not been terminated prior to your death, and your beneficiaries are determined under standard sequence, your domestic partner will be your primary beneficiary and will receive your WRS death benefits.

[2] *Example: Only one partner is a WRS participant and has benefit rights under Chapter 40. That participant completely closes his or her WRS account by taking a lump sum WRS benefit and has no further rights to any health insurance, life insurance or other benefits through ETF. As of the date that the participant no longer had any Chapter 40 benefit rights, the Chapter 40 domestic partnership terminates. If either partner is subsequently enrolled in any Chapter 40 benefit program, the partners must file a new Affidavit of Domestic Partnership (ET-2371) with ETF to establish a new Chapter 40 domestic partnership.*

Joint and Survivor Annuity Options

There are several annuity options available to WRS members at retirement. Joint and survivor annuity options provide a guaranteed lifetime income for the participant and one named survivor. You name your one survivor for your joint and survivor annuity on your annuity application form, which is filed with ETF shortly before retirement. Once your annuity option is final (you can only change your annuity option within 60 days after the date of your first annuity payment), **you can never change your named survivor or name a new survivor, regardless of any changes in your personal situation.** Detailed information about WRS joint and survivor annuity options is available in the *Choosing an Annuity Option* brochure (ET-4117).

Designating a Named Survivor Supersedes a Beneficiary Designation

If you retire and select a WRS joint and survivor annuity option, you must designate one named survivor on your annuity application. Once your annuity begins, the death benefits from that annuity go to the survivor you named on your annuity application, superseding any WRS beneficiary designation you previously filed. Your beneficiary designation will still govern other death benefits such as life insurance benefits. However, upon your death, your WRS joint and survivor annuity will continue to your named survivor regardless of any changes to your beneficiary designation.

Spousal or Domestic Partner Consent for Your Annuity Option

Under WRS Law, if a participant is either married or in a Chapter 40 domestic partnership when his or her WRS annuity begins, and has either been married to the same spouse or in the same Chapter 40 domestic partnership for at least one full year immediately before the annuity begin date, the participant must either select a joint and survivor annuity[4] with the spouse or domestic partner as the named survivor **or** the participant's spouse or domestic partner must sign the retirement application consenting to the non-joint-and-survivor option selected. The spouse or domestic partner does not need to sign the retirement application if the participant selects any of the joint and survivor annuity options and designates the spouse or domestic partner as the named survivor.

[3] *The present statutory standard sequence is as follows:* **Group 1.** *Surviving spouse or domestic partner.* **Group 2.** *Children (natural or legally adopted). If one of your children dies before you, that child's share is divided between your deceased child's children. The beneficiaries in Group 2 will include all of your marital and non-marital children (or grandchildren, when applicable) as long as any relevant paternity is established, regardless of whether your child's date of birth is before or after your date of death.* **Group 3.** *Grandchildren. If one of your grandchildren dies before you, that grandchild's share is divided between your deceased grandchild's children.* **Group 4.** *Parent(s)* **Group 5.** *Brother(s) and Sister(s). If one of your siblings dies before you, that sibling's share is divided between your deceased sibling's children.* **Group 6.** *If there are no survivors in Groups 1 though 5, any death benefits will be paid to your estate.*

[4] *A joint and survivor annuity provides a lifetime annuity for the participant and for one named survivor. The named survivor can never be changed, regardless of any changes in the annuitant's personal situation.*

Age Difference Restrictions for Joint and Survivor Annuity Options

Under federal law, a domestic partner is treated the same as any other person who is not a spouse. Consequently, there are restrictions that apply to some annuity payment options at retirement as shown in the chart below.

Benefit Payment Options	Age Restrictions Non-Spouse and Domestic Partner
For Annuitants Life Only	Not applicable
Life with 60 Payments Guaranteed	None
Life with 180 Payments Guaranteed	None
75% Continued to Named Survivor	Cannot be more than **19** years younger than WRS member
100% Continued to Named Survivor	Cannot be more than **10** years younger than WRS member
Reduced 25% on Death of Annuitant or Named Survivor	Cannot be more than **19** years younger than WRS member
100% Continued to Named Survivor with 180 Payments Guaranteed	Cannot be more than **10** years younger than WRS member

Death Benefit Rollovers

Under the Internal Revenue Code, your domestic partner has the same status and rights as any other non-spouse beneficiary for rollover purposes. This means that your domestic partner is eligible to roll over your WRS death benefits into an inherited traditional IRA or an inherited Roth IRA. However, only **your** beneficiaries can roll over a death benefit into an inherited IRA. If after your death your domestic partner (or other beneficiary) designates his or her own beneficiaries, and they receive part or all of your death benefits, the beneficiaries are not eligible to roll over those death benefits.

Note: *Only lump sum benefits and annuities certain payable for less than 10 years can be rolled over. Death benefits from life annuities or an annuity certain payable for more than 10 years are not eligible for rollover under any circumstances.*

Qualified Domestic Relations Orders (QDROs)

A QDRO is a domestic relations order that assigns to another person (known as the alternate payee) the right to receive a portion of the benefits payable to a participant in a pension plan. WRS law permits ETF to honor QDROs that award up to 50% of a participant's WRS account or annuity to a former domestic partner. Such divisions are not automatic; the court must decide whether to issue a QDRO awarding a portion of the participant's WRS account or annuity to the former domestic partner. If the court issues a QDRO, the participant's WRS account or annuity division is the same as the division for a former spouse. More detailed information about how WRS accounts and annuities are divided by a QDRO is available in the *How Divorce Can Affect Your WRS Benefits* (ET-4925) brochure.

Although a participant's WRS account or annuity is divided in the same manner for former spouses and domestic partners, federal law does not grant former domestic partners the same status as former spouses. A former domestic partner who was the participant's dependent for income tax purposes has different rights as an alternate payee than a former domestic partner who was not a tax dependent.

If the former domestic partner was the participant's tax dependent, his or her benefit rights are the same as those of a former spouse. However, if the domestic partner was not the participant's dependent for tax purposes, under the Internal Revenue Code there are certain restrictions on former domestic partners' benefit rights as an alternate payee. For example, a former domestic partner who was not a tax dependent cannot receive a benefit from his or her share of the participant's WRS account until the participant has either terminated all covered WRS employment **or** has reached normal retirement age,[5] whichever occurs first. The participant may also incur a tax

[5] *Normal retirement age is age 65 for teachers, educational support personnel and general category employees; age 62 for elected officials and executive retirement plan participants; age 54 for protective category participants with less than 25 years of creditable service; and age 53 for protective category participants with 25 or more years of creditable service.*

liability for the WRS benefits paid to an alternate payee who is a former domestic partner (but not a tax dependent).

Group Health Insurance Benefits

A member's domestic partner and his or her partner's eligible dependents are eligible for the same State of Wisconsin and Wisconsin Public Employer Group Health Insurance Program coverage that is available to spouses and their dependents. More detailed information about health insurance enrollment and benefits is available in the *It's Your Choice: Decision Guide* and *It's Your Choice: Reference Guide* booklets, which are updated annually.

Chapter 40 Domestic Partnership Required For Health Coverage

To enroll your domestic partner (and his or her dependents, if applicable), you must establish a Chapter 40 domestic partnership. Registering your partnership on the Chapter 770 registry does not create a Chapter 40 domestic partnership. Please refer to the information on "Creating a Domestic Partnership for Chapter 40 Benefits" in the booklet.

Enrolling Your Domestic Partner (and His or Her Dependents)

Your domestic partner (and his or her dependents, if applicable) are first eligible for coverage under your health insurance plan on your Chapter 40 domestic partnership effective date. Your domestic partnership becomes effective on the date ETF receives your completed and notarized *Affidavit of Domestic Partnership* (ET-2371).

Initial Enrollment Opportunity

To add your domestic partner (and his or her eligible dependents) to your health insurance coverage effective on your Chapter 40 domestic partnership effective date, you must submit a *Group Health Insurance Application/Change Form* (ET-2301) or enter this coverage change into the myETF Benefits electronic enrollment system* within 30 days after the date your Chapter 40 domestic partnership becomes effective.

Other Enrollment Opportunities

Eligible employees, State of Wisconsin retirees and participating local government retirees who currently participate in the group health insurance program: You may add your Chapter 40 domestic partner (and his or her eligible dependents) to your coverage during the annual It's Your Choice open enrollment opportunity by entering this coverage change into the myETF Benefits electronic enrollment system*. Otherwise, you may submit a *Group Health Insurance Application/Change Form* (ET-2301). Employees should submit this form to your WRS employer. Retirees should submit the form to ETF. Coverage will be effective January 1 of the following year.

More detailed information is available about when you may change from single to family coverage without restrictions and other enrollment opportunities after certain events in the *It's Your Choice: Reference Guide*. The It's Your Choice guides are available upon request or at ETF's Internet site at etf.wi.gov.

Enrolling When Both Partners are State of Wisconsin or Participating Local Government Employees or Retirees

If you and your domestic partner are both eligible state or university employees or retirees, you have three choices:

- You can keep your current coverage.
- You may each retain or select single coverage with your current plan(s).
- One of you can select or change to family coverage under one of your current plans, and the other partner can terminate his or her coverage. (See notes that follow.) Your family coverage will cover both partners and

* *UW System employees should not use this system, instead they should contact their employer for information.*

any eligible dependents. Employees and certain retirees will be subject to imputed income for benefits provided to non-tax dependents. Please refer to the next section for more information about potential income tax liabilities.

Note to state employees and retirees: *If both partners have single coverage and if one partner dies, the surviving partner will not be eligible to use the deceased partner's unused sick leave credits.*

Note to participating local government employees: *Your employer may determine whether two employees who are domestic partners may each elect single or family coverage or if they are eligible only for family coverage through one of the domestic partners.*

Note to participating local government retirees: *If you cancel your coverage as the subscriber, you will not be able to re-enroll later.*

Tax Liabilities Related to Coverage of Your Domestic Partner

How providing coverage for your domestic partner (and his or her dependents) affects your income tax liabilities depends on several factors:

- Whether your partner (and his or her dependents) is (are) your tax dependent(s).
- Your current status under the WRS (actively employed or retired).
- Whether your premiums are paid by your employer (which includes premiums paid from unused sick leave credits) or paid by you from post-tax dollars.

Federal and state law automatically treat a spouse and certain dependents as tax dependents, which means that those employer-paid benefits are tax free. However, a domestic partner and his or her dependents do not have the same status as a spouse and your dependents unless they are also your dependents for federal income tax reporting purposes.

This means that if your domestic partner and his or her dependents do not qualify as a tax dependent under IRC Section 152, the fair market value of the portion of your health insurance premiums paid by your employer (or from unused sick leave credits) that is attributable to coverage for your domestic partner (and his or her dependents) is reportable as taxable income. This is called imputed income. You are liable for income taxes and FICA (Social Security) contributions on the imputed income.

Retirees:

- If your premiums are either deducted from your WRS annuity or you are paying premiums directly to your health plan, there is no imputed income because you are paying the full amount of the premiums. Imputed income is reported on the W-2 form. State retirees who use accumulated sick leave credits to pay for health insurance premiums will receive a W-2 from ETF. Local retirees who use accumulated sick leave credits or whose former employer pays part or all of their health insurance premiums will receive a W-2 from their former employer.

Note: *Imputed income from domestic partner health insurance coverage is **not** reportable to the WRS as earnings and does not have any effect on your WRS benefits.*

Calculating the Imputed Income

The amount of reportable imputed income varies based on the health plan you select and the number of non-tax-dependent persons covered under your insurance plan. The categories are one non-tax-dependent (your domestic partner) or two or more non-tax-dependents (if you are covering your domestic partner and his or her dependent children). Tables providing imputed income amounts for state and local employees, annuitants and graduate assistants are available on ETF's Internet site at etf.wi.gov.

Terminating Coverage for Your Domestic Partner if Your Partnership Ends

As soon as your domestic partnership ends you must submit a signed *Affidavit of Termination of Domestic Partnership* (ET-2372) to ETF. You must also submit a *Group Health Insurance Application/Change Form* (ET-2301) to terminate your partner's coverage (and coverage for his or her dependents, if applicable) or you may enter this coverage change into the myETF Benefits electronic enrollment system*. Your domestic partner's coverage ends at the end of the month after ETF receives your signed and notarized *Affidavit of Termination of Domestic Partnership*.

If you are actively employed under the WRS, submit the *Group Health Insurance Application/ Change Form* and a photocopy of the *Affidavit of Termination of Domestic Partnership* (ET-2372) to your employer. If you are retired, send both the termination affidavit and the health insurance change application directly to ETF.

If you fail to promptly notify ETF of the termination of this domestic partnership and medical expenses are erroneously paid on your domestic partner's behalf (or on his or her dependents' behalf), you are responsible for repaying any overpaid benefits.

Continuation Rights if Your Domestic Partnership Terminates

If your domestic partnership terminates, your former domestic partner and his or her eligible dependents may be eligible to continue their health insurance coverage under COBRA for up to 36 months after their coverage ends. More detailed information on COBRA/continuation rights is available in the *It's Your Choice* in the Frequently Asked Questions section.

Use of State of Wisconsin Sick Leave Credits by Your Surviving Domestic Partner

Upon your death, your domestic partner who is insured under your family coverage qualifies as a surviving dependent who is eligible to use your unused sick leave credits to pay his or her State of Wisconsin Group Health Insurance Program premiums.

If your domestic partner obtains health coverage comparable to the Standard Plan, he or she can escrow your sick leave credits until he or she involuntarily loses eligibility for the comparable coverage (**not** through voluntary cancellation) or loses an employer-paid contribution for the comparable coverage (if it is an employer-sponsored plan). He or she can re-enroll in the State of Wisconsin Group Health Insurance Program by filing an application within **30 days** after the date that the comparable coverage ends.

Detailed information about who is eligible to use a deceased participant's unused sick leave credits and escrowing sick leave credits is available in the *Sick Leave Conversion Credit Program* brochure (ET-4132), available upon request or on ETF's Internet site at etf.wi.gov.

Six-Month Coverage Wait for Coverage of a Different Spouse or Domestic Partner

Under the statutes governing Chapter 40 domestic partner benefits, if your marriage or domestic partnership terminates, there must be six months between the effective date that your marriage or Chapter 40 domestic partnership terminates and the date on which health insurance coverage subsequently begins for a different spouse or domestic partner. For example, if your Chapter 40 domestic partnership terminates on June 1, 2010, and you marry a different person in October 2010, the first date on which your spouse can become covered is December 1, 2010. **Note:** The requirement for a six-month interval does not apply if your former spouse or domestic partner and your new spouse or domestic partner is the same person.

Group Life Insurance Program

Life Insurance Beneficiaries

You may designate your domestic partner or any other persons or entities that you choose to receive any life insurance benefits payable upon your death. Once you file a *Beneficiary Designation* (ET-2320 or ET-2321) with ETF, your life insurance death benefits will be paid according to the last *Beneficiary Designation* received prior to your death. **Once ETF receives a completed beneficiary designation form, it remains in force**

** UW System employees should not use this system, instead they should contact their employer for information.*

until you file a new designation form, regardless of any changes in your personal situation.

If you have never filed a *Beneficiary Designation* (ET-2320 or ET-2321) or you designated "Standard Sequence" on the last *Beneficiary Designation* you filed with ETF, your death benefits will be paid according to the Chapter 40 statutory standard sequence.

Under standard sequence, your Chapter 40 surviving domestic partner has the same status as a surviving spouse. If your beneficiaries are determined under standard sequence, your domestic partner will be your primary beneficiary and will receive your death benefits.

Spouse and Dependent Coverage

You can enroll your Chapter 40 domestic partner and his or her dependent children for coverage under Spouse and Dependent Coverage (part of the Wisconsin Public Employers Group Life Insurance Program) when you are first eligible to elect Spouse and Dependent Coverage. The open enrollment period is the 30 days after the date that you first have **either:**

- A spouse or domestic partner **or** a dependent child eligible for Spouse and Dependent Coverage;
- The date that you again have an eligible spouse or domestic partner or dependent to insure following a period of at least 30 days during which you did not have a spouse or domestic partner nor an eligible dependent.

30-Day Open Enrollment Period

If you do not already have a dependent(s) eligible for Spouse and Dependent Coverage, you have a 30-day open enrollment period for your domestic partner. Your WRS employer must receive your completed *Life Insurance Application* (ET-2304) for Spouse and Dependent coverage within 30 days after the date your Chapter 40 domestic partnership becomes effective. If your employer does not receive your *Life Insurance Application* by the 30-day deadline, you can only obtain coverage for your domestic partner (and his or her eligible dependent children) through evidence of insurability.

Establishing a domestic partnership does not create an open enrollment opportunity for your domestic partner if you already have a dependent child who was eligible for Spouse and Dependent coverage but you did not enroll in this program when your child was first eligible. If you were already eligible to enroll your dependent child(ren) in Spouse and Dependent Coverage but did not do so, you can only enroll your domestic partner through evidence of insurability.

Spouse and Dependent Coverage Already in Force

If you already have Spouse and Dependent Coverage in force for a dependent child when you establish a Chapter 40 domestic partnership, you do not need to file an application or take any other action to cover your domestic partner. Your partner (and his or her dependent children) will automatically be covered under your Spouse and Dependent Coverage.

Enrollment Through Evidence of Insurability

If you are required to enroll your domestic partner in Spouse and Dependent Coverage through evidence of insurability because you did not apply for coverage during an open enrollment period, you can only obtain coverage for your domestic partner (and his or her dependent children) by submitting an *Evidence of Insurability Application* (ET-2305).

Spouse and Dependent Coverage Effective Date

If you enroll your domestic partner in Spouse and Dependent Coverage, this coverage becomes effective on the first day of the calendar month after the date when both of the following have occurred:

1. your employer has received your *Life Insurance Application* (ET-2304); and 2
2. ETF has received your *Affidavit of Domestic Partnership* (ET-2371).

If your domestic partner (and his or her dependent children) applies through evidence of insurability, coverage becomes effective on the first of month after the *Evidence of Insurability Application* (ET-2305) has been approved by the carrier.

For More Information About Life Insurance Coverage

Detailed information about eligible dependents, enrollment, amount of coverage and termination of coverage is available in the *Wisconsin Public Employers Group Life Insurance* brochure (ET-2101).

Employee Reimbursement Account (ERA) Program

Federal law does not grant a domestic partner the same status as a spouse. Consequently, federal tax regulations do not allow employees to use their pre-tax flexible spending account to pay for a domestic partner's qualifying medical expenses, nor for the domestic partner's child's medical expenses, **unless the domestic partner and/or the domestic partner's child(ren) qualify as the employee's tax dependent(s) under the Internal Revenue Code (IRC) when the medical expenses are incurred.**

The same conditions apply to using pre-tax flexible spending accounts to pay for child care of a domestic partner's child. To use these monies to pay for your domestic partner's child care expenses, the child must qualify under the IRC as your tax dependent at the time the child care expenses are incurred.

Detailed information is provided in IRS Publication 501, which is available at irs.gov/formspubs.

Wisconsin Deferred Compensation (WDC) Program

To establish a Chapter 40 domestic partnership that applies to your WDC account, you must file an *Affidavit of Domestic Partnership* (ET-2371) with ETF. If your domestic partnership ends, send an *Affidavit of Termination of Domestic Partnership* (ET-2372) to ETF as soon as possible. The WDC will confirm the status of your domestic partnership with ETF before making any changes on your WDC account related to your domestic partnership.

WDC Beneficiaries

You may designate your domestic partner or any other persons or entities that you choose to receive any death benefits payable upon your death. To designate beneficiaries for your WDC account, you must file a WDC beneficiary designation form with the WDC. A WDC beneficiary designation is separate from the beneficiary designation form you file with ETF. **The ETF beneficiary designation form you filed with ETF does not govern who receives your WDC benefits after your death.**

Once you file a WDC beneficiary designation form with the WDC, your WDC death benefits will be paid according to the last beneficiary designation received by the WDC prior to your death. **Once the WDC receives a completed beneficiary designation form, it remains in force until you file a new designation form, regardless of any changes in your personal situation.**

If you have never filed a WDC beneficiary designation form or you designated "Standard Sequence" on the last beneficiary designation form you filed with the WDC, your death benefits will be paid according to the Chapter 40 statutory standard sequence.

The WDC encourages all participants to complete and submit a WDC beneficiary designation form to avoid any issues that could delay distribution of your account. The WDC beneficiary designation form is available on the Wisconsin Deferred Compensation Program website at www.wdc457.org under the "Forms and Brochures" tab.

Rollovers of WDC Death Benefits

Federal law *does not* grant a surviving domestic partner the same status as a surviving spouse. This means that under the Internal Revenue Code, your domestic partner has the same status and rights as any other non-spouse beneficiary for rollover purposes. As a non-spouse beneficiary, your domestic partner is eligible to directly roll over your WDC death benefits into an inherited traditional IRA or an inherited Roth IRA.

However, only **your** beneficiaries can roll over a death benefit into an inherited IRA. If after your death your domestic partner (or other non-spouse beneficiary) designates his or her own beneficiaries and they receive part or all of your WDC death benefits, they are not eligible to roll over those death benefits.

WDC Domestic Relations Orders (DROs)

If your domestic partnership ends, Chapter 40 law permits the WDC to honor a DRO that divides a participant's WDC account or annuity between you and your former domestic partner. Such divisions are not automatic. The court must decide whether to issue a DRO awarding a portion of the participant's WDC account or annuity to your partner.

If the court issues a DRO for your WDC account or annuity, your WDC account or annuity division is the same as the division for a former spouse. However, there are restrictions on when alternate payees who are former domestic partners can receive a benefit from their former partners' WDC accounts. There may also be significant tax consequences to the participant when a domestic partner alternate payee actually receives a benefit. Contact the WDC for additional information about the restrictions and tax consequences associated with domestic partner DROs. For questions related to the WDC program, call toll free at 1-877-457-9327, option 0.

Duty Disability Survivor Benefits

Duty Disability benefits are payable when protective occupation category participants are injured while performing their duties or contract a disease due to their occupation. The disability must be work-related, permanent and must result in one of the following:

- Retirement;
- A reduction in the employee's pay or position;
- Assignment to light duty; or
- The injury or disease adversely affects the employee's promotional opportunities within the service if state or local employer rules, ordinances, policies or written agreements specifically prohibit promotion because of the disability.

Duty Disability survivor benefits may be payable to your surviving domestic partner if you die as a result of the injury or disease for which a Duty Disability benefit is paid (or payable, if you are not yet receiving Duty Disability benefits on your date of death). **To qualify for Duty Disability survivor benefits, your domestic partnership (with the same domestic partner) must have been in force on the date you qualified for Duty Disability benefits (your "qualifying date").** This means that for your domestic partner to be eligible for survivor benefits, ETF must have received your *Affidavit of Domestic Partnership* (ET-2371) on or before your qualifying date.[6] If eligible, your surviving domestic partner will receive Duty Disability survivor benefits until one of the following occurs:

- Your domestic partner marries;
- Your domestic partner enters into a new domestic partnership; or
- Your domestic partner dies. Duty Disability survivor benefits are not payable to your domestic partner's surviving dependents.

You cannot anticipate when you might be injured or contract a work-related disease that would qualify you for Duty Disability benefits. Consequently, if you have a domestic partner and you wish to protect his or her potential Duty Disability survivor benefits rights, it is extremely important you file an *Affidavit of Domestic Partnership* (ET-2371) with ETF.

[6] *Affidavits of Domestic Partnership received before January 1, 2010, became effective on that date. This means that if your disability qualifying date is before January 1, 2010, your surviving domestic partner will not be eligible for Duty Disability survivor benefits because your domestic partnership was not in force on your qualifying date.*

Optional Insurance Programs

WRS employers may choose to offer optional insurance plans (such as vision care insurance, stand-alone dental, and excess medical plans) that are not authorized under or subject to Chapter 40 of the statutes, and therefore are not administered through ETF. The process and deadlines for enrolling your domestic partner in these programs depend on whether you are employed or retired, whether you wish to establish a Chapter 40 domestic partnership, and whether you are enrolling during a regular open enrollment period.

Enrollment Process If You Are Employed

- Complete an *Affidavit of Domestic Partnership* (ET-2371) and submit it to ETF.
- Submit a copy of the affidavit or ETF's domestic partner acknowledgement to your employer.
- Complete an insurance application for each plan in which you wish to enroll.
    - **New Partnerships:** If you are enrolling your domestic partner upon the establishment of a new domestic partnership, your employer must receive the application within 30 days of your domestic partnership effective date.
    - **Regular Open Enrollment Period:** Your employer must receive the application by the last day of the open enrollment period.

If you do not wish to establish a Chapter 40 domestic partnership with ETF, contact your personnel office for information regarding the type of certification or documentation of your domestic partnership that is required. Once you establish a domestic partnership effective date, you can enroll your domestic partner within the deadlines communicated by your employer.

Note: *The ETF Affidavit of Domestic Partnership form (ET-2371) can only be used to establish a Chapter 40 domestic partnership with ETF; it cannot be used for other purposes.*

Enrollment Process If You Are Retired

- Complete an *Affidavit of Domestic Partnership* (ET-2371) and submit it to ETF.

OR

- Contact the customer service number for the optional plan in which you wish to enroll and ask for that plan's Domestic Partner Affidavit. **Note:** *An affidavit or attestation of domestic partnership that is specific to one (or more) insurance plan(s) does not establish a domestic partnership for the purposes of Chapter 40.*

◆ Then complete an insurance application for each plan in which you wish to enroll.

- **New Partnerships:** If you are enrolling your domestic partner upon the establishment of a new domestic partnership, the insurer must receive your application within 30 days of your domestic partnership effective date.
- **Regular Open Enrollment Period:** The insurer must receive your application by the last day of the open enrollment period.

Long-Term Care Program

Any state, university or University Hospital and Clinic employee or annuitant may apply for this coverage. Spouses/domestic partners and parents of state employees and annuitants can also apply. You may apply for coverage at any time. There is no open enrollment period, because all applications are subject to medical underwriting. Some illnesses or preexisting conditions will disqualify you from these plans. However, once your policy is issued, coverage will not be limited or excluded for preexisting conditions or illnesses.

The Department of Employee Trust Funds does not discriminate on the basis of disability in the provision of programs, services or employment. If you are speech, hearing, visually or cognitively impaired and need assistance, call toll free at 1-877-533-5020 or 608-266-3285 (local Madison). We will try to find another way to get the information to you in a usable form.

ETF has made every effort to ensure that this brochure is current and accurate. However, changes in the law or processes since the last revision to this brochure may mean that some details are not current. The most current version of this form can be found at etf.wi.gov. Please contact ETF if you have any questions about a particular topic in this brochure.

Contact ETF

Visit us online at etf.wi.gov

Find Wisconsin Retirement System benefits information, forms and publications, benefit calculators, educational offerings, email and other online resources.

Call us toll free at 1-877-533-5020 or 608-266-3285 (local Madison)

Benefit specialists are available 7:00 a.m. to 5:00 p.m. (CST) Monday-Friday

Self-Service: Order forms and brochures, change your address information or tax withholding 24 hours a day, 7 days a week.

Wisconsin Relay Service for hearing and speech impaired: 7-1-1
1-800-947-3529 (English), 1-800-833-7813 (Spanish)

Write or Return Forms

P.O. Box 7931
Madison, WI 53707-7931

Visit by Appointment

801 West Badger Road
Madison, WI 53713
7:45 a.m. to 4:30 p.m.

etf
WISCONSIN DEPARTMENT OF EMPLOYEE TRUST FUNDS

Discrimination is Against the Law 45 C.F.R. § 92.8(b)(1) and (d)(1)

The Department of Employee Trust Funds complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability or sex. ETF does not exclude people or treat them differently because of race, color, national origin, age, disability or sex.

ETF provides free aids and services to people with disabilities to communicate effectively with us, such as qualified sign language interpreters and written information in other formats. ETF provides free language services to people whose primary language is not English, such as qualified interpreters and information written in other languages. If you need these services, contact ETF's Compliance Officer, who serves as ETF's Civil Rights Coordinator.

If you believe that ETF has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability or sex, you can file a grievance with: Compliance Officer, Department of Employee Trust Funds, 801 West Badger Road, P.O. Box 7931, Madison, WI 53707-7931; 1-877-533-5020; TTY: 1-800-947-3529; Fax: 608-267-4549; Email: ETFSMBPrivacyOfficer@etf.wi.gov. If you need help filing a grievance, ETF's Compliance Officer is available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at https://ocrportal.hhs.gov/ocr/portal/lobby.jsf, or by mail or phone at: U.S. Department of Health and Human Services, 200 Independence Avenue, SW, Room 509F, HHH Building, Washington, D.C. 20201; 1-800-368-1019; TDD: 1-800-537-7697. Complaint forms are available at www.hhs.gov/ocr/office/file/index.html.

Spanish: ATENCIÓN: si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-877-533-5020 (TTY: 1-800-833-7813).

Hmong: LUS CEEV: Yog tias koj hais lus Hmoob, cov kev pab txog lus, muaj kev pab dawb rau koj. Hu rau 1-877-533-5020 (TTY: 1-800-947-3529).

Chinese: 注意：如果您使用繁體中文，您可以免費獲得語言援助服務。請致電 1-877-533-5020（TTY：1-800-947-3529）

German: ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlos sprachliche Hilfsdienstleistungen zur Verfügung. Rufnummer: 1-877-533-5020 (TTY: 1-800-947-3529).

Arabic: ملاحظة: إذا كنت تتحدث اللغة العربية، فهناك خدمة مساعدة متاحة بلغتك دون أي مصاريف: اتصل بالرقم 1-877-533-5020 (خدمة الصم والبكم: 1-800-947-3529)

Russian: ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-877-533-5020 (телетайп: 1-800-947-3529).

Korean: 주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1-877-533-5020 (TTY: 1-800-947-3529)번으로 전화해 주십시오.

Vietnamese: CHÚ Ý: Nếu bạn nói Tiếng Việt, có các dịch vụ hỗ trợ ngôn ngữ miễn phí dành cho bạn. Gọi số 1-877-533-5020 (TTY: 1-800-947-3529).

Pennsylvania Dutch: Wann du [Deitsch (Pennsylvania German / Dutch)] schwetzscht, kannscht du mitaus Koschte ebber gricke, ass dihr helft mit die englisch Schprooch. Ruf selli Nummer uff: Call 1-877-533-5020 (TTY: 1-800-947-3529).

Laotian/Lao: ໂປດຊາບ: ຖ້າວ່າ ທ່ານເວົ້າພາສາ ລາວ, ການບໍລິການຊ່ວຍເຫຼືອດ້ານພາສາ, ໂດຍບໍ່ເສັຽຄ່າ, ແມ່ນມີພ້ອມໃຫ້ທ່ານ. ໂທຣ 1-877-533-5020 (TTY: 1-800-947-3529).

French: ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-877-533-5020 (ATS : 1-800-947-3529).

Polish: UWAGA: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer 1-877-533-5020 (TTY: 1-800-947-3529).

Hindi: ध्यान दें: यदि आप हिंदी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। 1-877-533-5020 (TTY: 1-800-947-3529) पर कॉल करें।

Albanian: KUJDES: Nëse flitni shqip, për ju ka në dispozicion shërbime të asistencës gjuhësore, pa pagesë. Telefononi në 1-877-533-5020 (TTY: 1-800-947-3529).

Tagalog: PAUNAWA: Kung nagsasalita ka ng Tagalog, maaari kang gumamit ng mga serbisyo ng tulong sa wika nang walang bayad. Tumawag sa 1-877-533-5020 (TTY: 1-800-947-3529).