



State of Wisconsin



Domestic Partner Benefits





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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.

Domestic Partner Benefits

As of Sept. 23, 2017, the State of Wisconsin no longer allows the establishment of new domestic partnerships under Chapter 40 of the Wisconsin statutes.

Carefully review this document if you are in a Chapter 40 domestic partnership established before September 23, 2017 because it contains important information about the benefit changes for established domestic partnerships.

If you are currently in a domestic partnership that was established under Chapter 40 between Jan. 1, 2010 and Sept. 22, 2017, your domestic partnership remains in force for the Wisconsin Retirement System retirement benefit administered by the Department of Employee Trust Funds. Your domestic partner is also still eligible to be the beneficiary of your life insurance policy, either through retention of your validly established domestic partnership, or through the submission of a Beneficiary Designation (ET-2320 or ET-2321) form.

Group health insurance coverage for domestic partners of state employees and retirees ended as of December 31, 2017. However, if you are the insured surviving domestic partner of a state employee or retiree who died before January 1, 2018, you will remain eligible for health care coverage.

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date that ETF receives the signed and notarized *Affidavit of Termination of Domestic Partnership*; the partnership is no longer in effect on that date.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 Domestic Partnerships

Submitting an *Affidavit of Termination of Domestic Partnership (ET-2372)* to ETF is the typical 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.
- The date on which either partner dies.
- 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. New Chapter 40 Domestic Partnerships are no longer allowed under state law, so you will be unable to restore or create a new domestic partnership after termination.

The Wisconsin Retirement System

There are domestic partner provisions that relate to WRS benefits if you established a domestic partnership prior to September 23, 2017.

WRS Beneficiaries

You may designate one or more beneficiaries to receive any WRS death benefits payable upon your death. You can designate your domestic partner and/or any other persons or entities who 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.¹ 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.

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 the one survivor for your joint and survivor annuity on your annuity application form.

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* (ET-4117) brochure or *Disability Retirement Benefits* (ET-5107) brochure.

Designating a Named Survivor Supersedes a Beneficiary Designation

If you select a 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 beneficiary designation you

¹ The present statutory standard sequence is as follows:

Group 1. Surviving spouse or domestic partner.

Group 2. Children (biologically 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. Parent(s)

Group 4. 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. If there are no survivors in Groups 1 through 4, any death benefits will be paid to your estate.

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.

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 been 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*² with the domestic partner as the named survivor **or** the participant's domestic partner must sign the retirement or disability retirement application consenting to the non-joint-and-survivor option selected. The domestic partner does not need to sign the retirement or disability retirement application if the participant selects any of the joint and survivor annuity options and designates the domestic partner as the named survivor.

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 designates his or her own beneficiaries, and they receive part or all of your death benefits, the subsequent 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.*

² 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 tax 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 Annuitant's 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

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.

Consult your tax consultant or attorney regarding the tax implications on your WRS benefits following the issuance of a QDRO upon terminating a domestic partnership under Chapter 40.

Group Health Insurance Benefits

As of January 1, 2018, domestic partners and their children who are not also your legal children are no longer eligible dependents for purposes of health insurance. The only exception is if you are the survivor of your deceased domestic partner who died on or before Dec. 31, 2017. If so, you are eligible to continue health coverage through the State of Wisconsin or Wisconsin Public Employers Group Health Insurance Program.

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

The domestic partner and surviving dependents of a member who died before January 1, 2018 may use the member's accumulated sick leave credits if they were covered by the member's group health

insurance on the date of death. Please see the ET-4132, *Sick Leave Conversion Credit Program* (ET-4132), for more details.

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 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.

³ Normal retirement age is age 65 for teachers, educational support personnel, general category employees; and employees who became covered by the elected/executive category on or after January 1, 2017, age 62 for elected officials and executive retirement plan participants who were in that category before January 1, 2017; 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.

Spouse and Dependent Coverage

Your domestic partner and their dependents (who are not also your dependents) are not eligible to be covered as dependents after Dec. 31, 2017.

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 (ET-2101)* brochure.

Employee Reimbursement Account (ERA) Program

Per IRS regulations, if your domestic partner (established prior to September 23, 2017) and your partner's dependent children are your legal tax dependents, then you can continue to use your Employee Reimbursement Account (ERA) and/or Health Savings Account (HSA) funds to pay for eligible expenses.

If you have questions, please contact your employer's payroll or benefits office or ETF.

Wisconsin Deferred Compensation (WDC) Program

If you established a domestic partnership between January 1, 2010 and September 23, 2017 and you wish for your domestic partner to receive your Wisconsin Deferred Compensation (WDC) account after your death, you must file a WDC Beneficiary Designation form listing your domestic partner as your beneficiary with Empower Wisconsin.

Without a beneficiary designation, your domestic partner will not be eligible to receive your account upon your death because Wisconsin Act 59 specifies that domestic partners are excluded from standard sequence for purposes of the WDC for deaths on or after Jan. 1, 2018. Visit www.wdc457.org to learn how to file a beneficiary designation with Empower Wisconsin.

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.

In some situations, a domestic partner may be eligible for duty disability death benefits. See the *Duty Disability And Survivor Benefits (ET-5103)* brochure.

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

The Wisconsin 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, P.O. Box 7931, Madison, WI 53707-7931; 1-877-533-5020; TTY: 711; 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: 711).

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: 711).

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: 711)

German: ACHTUNG: Wenn Sie Deutsch sprechen, stehen Ihnen kostenlos sprachliche Hilfsdienstleistungen zur Verfügung. Rufnummer: 1-877-533-5020 (TTY: 711).

Arabic: ملاحظة: إذا كنت تتحدث اللغة العربية، فهناك خدمة مساعدة متاحة بلغتك دون أي مصاريف: اتصل بالرقم 1-877-533-5020 (خدمة الصم والبكم: 711)

Russian: ВНИМАНИЕ: Если вы говорите на русском языке, то вам доступны бесплатные услуги перевода. Звоните 1-877-533-5020 (телетайп: 711).

Korean: 주의: 한국어를 사용하시는 경우, 언어 지원 서비스를 무료로 이용하실 수 있습니다. 1-877-533-5020 (TTY: 711)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: 711).

Pennsylvania Dutch: Wann du [Deutsch (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: 711).

Laotian/Lao: ໂປດຊາບ: ຖ້າ ວ່າ ທ່ານ ເວົ້າ ພາສາ ລາວ, ການ ບໍລິການ ຊ່ວຍ ຕາຍ ອັດ ທ່ານ ພາສາ, ໂດຍ ບໍ່ ເສັ້ນ ອ່າ, ແມ່ນ ມີ ພ້ອມ ທີ່ ທ່ານ. ໂທ 1-877-533-5020 (TTY: 711).

French: ATTENTION : Si vous parlez français, des services d'aide linguistique vous sont proposés gratuitement. Appelez le 1-877-533-5020 (ATS : 711).

Polish: UWAGA: Jeżeli mówisz po polsku, możesz skorzystać z bezpłatnej pomocy językowej. Zadzwoń pod numer 1-877-533-5020 (TTY: 711).

Hindi: ध्यान दें: यदि आप हिंदी बोलते हैं तो आपके लिए मुफ्त में भाषा सहायता सेवाएं उपलब्ध हैं। 1-877-533-5020 (TTY: 711) पर कॉल करें।

Albanian: KUJDES: Nëse flitni shqip, për ju ka në dispozicion shërbime të asistencës gjuhësore, papagesë. Telefononi në 1-877-533-5020 (TTY: 711).

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: 711).




Contact ETF



etf.wi.gov

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1-877-533-5020 or 608-266-3285 (local Madison)

7:00 a.m. to 5:00 p.m. (CST), Monday-Friday

Benefit specialists are available to answer questions.

Wisconsin Relay: 711



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

Write ETF or return forms.

