



Chapter 12B Equal Benefits Ordinance Compliance Guide

<p>Equal Benefits Ordinance</p>	<p>Contained in San Francisco Administrative Code Chapter 12B, the Equal Benefits Ordinance prohibits the City from entering into contracts with Suppliers that do not offer benefits equally to employees with domestic partners and employees with spouses.</p>
<p>Compliance Process</p>	<p>There are two steps to the compliance process:</p> <ol style="list-style-type: none"> 1) Complete the online 12B Declaration. 2) Provide supporting documentation. <ol style="list-style-type: none"> (a) Verify the employee count. <ul style="list-style-type: none"> * <i>Verification is also required when there are no employees.</i> (b) Confirm equal coverage in all benefits that are offered. <p>The online 12B Declaration contains very helpful links to both an Equal Benefits Documentation Guide and a template for a memorandum that can be used to notify employees of equal benefit administration. <i>Note: the memorandum is not a substitute for formally incorporating compliant domestic partner language in all benefit policies.</i></p>
<p>Tips</p>	<p>It is not hard to complete the compliance process, but there are some things to keep in mind:</p> <ul style="list-style-type: none"> ◆ The Equal Benefits Ordinance defines domestic partners as same-sex and opposite-sex couples registered with ANY state or local government domestic partner registry. ◆ Domestic partners and spouses may only be required to prove a relationship in the same manner and to the same degree. ◆ Chapter 12B compliance must be in place at the time a contract is signed. We recommend starting the compliance process well before bid opening. ◆ The Equal Benefits Ordinance does not mandate that any benefits be offered, only that any benefits offered be administered equally. ◆ It is easy to obtain equal insurance coverage. Many insurance carriers are required by law to offer domestic partner coverage, and it will cost no more than spousal coverage.
<p>Joint Ventures</p>	<p>Each JV partner must be compliant with Chapter 12B. The JV must have its own vendor number and establish Equal Benefits compliance under that number. A JV can only become compliant after all JV partners are compliant.</p>
<p>Assistance</p>	<p>Please visit the Equal Benefits webpage at www.sfgov.org/cmd or contact the Equal Benefits Unit at 415-581-2310 or cmd.equalbenefits@sfgov.org.</p>

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Chapter 12B Equal Benefits At A Glance

Audit Standards

Use the standards below to determine if your benefit policies are administered equally.

Each benefit policy must include domestic partners and their children where spouses and stepchildren are referenced.

Blanket statements regarding your firm's general domestic partner policy in a separate part of the employee handbook are insufficient.

Benefit Type	Guidelines	Typical Documentation
Health Dental Vision Dependent Life Long-term Disability Long-term Care AD&D Business Travel Accident Personal Travel Accident	Insurance confirmations must explicitly define Domestic Partners as "same-sex and opposite-sex couples who are registered with any state or local government domestic partnership registry." Any requirements for proof of relationship and affidavits must apply equally to domestic partnerships and marriages. For example, domestic partner registry certificates must be recognized as fully equivalent to marriage certificates. COBRA-like continuation coverage must be available to domestic partners and their children where continuation coverage is available to spouses and stepchildren. Pre-tax benefits may not comply.	Acceptable: the cover page, eligibility section, and other relevant sections (such as the COBRA section) of the Basic Plan Document, or a letter or email message from the insurance carrier (template available). Unacceptable: letters from brokers, enrollment forms, invoices, Summary Plan Descriptions.
Retirement (Pension, 401(k), etc.)	In addition to demonstrating that anyone can be a beneficiary, plan documents must confirm that the distribution options are the same for spouse and non-spouse or domestic partner beneficiaries to the greatest extent permitted by law.	A copy of the cover page and the distribution section of the Summary Plan Description or Basic Plan Document of your 401(k) or pension or savings plan(s). If you have a prototype plan, include the Adoption Agreement.
Bereavement Leave Family Leave Family Medical Leave Military Caregiver Leave Military Exigency Leave Parental Leave Relocation and Travel Discounts/Facilities/Events	Where the term "spouse" is used, the term "domestic partner" must be included. The definition of "immediate family" must be defined in the bereavement policy and if it includes in-laws, the equivalent members of a domestic partner's family must be explicitly included. An example of a compliant definition is: <i>the employee's spouse or domestic partner; a parent, child or sibling of the employee, spouse or domestic partner; and the spouse or domestic partner of the employee's parents, children, or siblings.</i> Note: federal law does not prevent recognition of domestic partners or their children in the FMLA and military leave policies.	A copy of your employee handbook policies. When the term "Domestic Partners" is defined in an employee handbook, the following definition must be used: "same-sex and opposite-sex couples who have registered with any state or local government domestic partnership registry." Domestic partners may not be required to prove their relationship (for example, with an affidavit) or subject to waiting periods unless spouses are subject to the same requirements. Domestic partner registry certificates must be recognized as fully equivalent to marriage certificates.
Employee Assistance Credit Union	Domestic partners/household members must be included where spouses are referenced.	A brochure or letter from the provider or policy from the employee handbook.
Child Care	References to spouses must include references to domestic partners. Pre-tax benefits may not comply.	A brochure or letter from the provider.
Union	Separate documentation must be submitted for benefits administered through collective bargaining agreements.	A statement or other documentation from the union that confirms domestic partners are recognized.
Other	If your firm offers other benefits, please specify what they are on the 12B Declaration and provide documentation.	Varies; call 415-581-2310 to speak with the Equal Benefits Unit.



Submitting An Online 12B Declaration

The 12B Declaration must be submitted through the City's Supplier Portal.

- When completing the online 12B Declaration, you will be asked to provide supporting documentation:
 - Formal verification of employee count.
 - ◆ Verification is **mandatory even if there are no employees.**
 - ◆ Examples of verification include: W-3 Form, DE 9C Form, Form SS-4, 1040 Form SE, Form 990, Form 1096, OSHA Form 300A, EDD Quarterly Contribution Report.
 - Verification that your employees are notified that their benefits are provided equally to employees with spouses and employees with domestic partners.
 - ◆ A link to a template for a compliant employee memorandum is embedded in the 12B Declaration. **Note: the memorandum is not a substitute for full incorporation of domestic partner language in all written benefit policies.**
 - ◆ If you do not wish to provide a copy of the memorandum you send to your employees, you will be required to provide alternative benefit policy documentation.

1	Have your username and password ready. <i>Tip: If you do not have a username and password, contact the User Support Desk at Dtis.helpdesk@sfgov.org</i>
2	Have the verification of employee count and verification of equal benefits ready.
3	Go to the Supplier Portal at https://sfcitypartner.sfgov.org/
4	Returning Users: Click the Log In button. New Users: Under the Help drop-down menu, select the Become a Supplier option.
5	Returning Users: Under the Get Started menu, click the Log In button and log in. New Users: Under the Get Started menu, click the complete a short registration process link and follow the steps for Bidder Registration.
6	Returning Users: Select 12B Declaration under the Certifications menu. New Users: go to Step 3, above, and follow the instructions for a Returning User.
7	Select 12B Declaration .
8	Ensure the SetID field is set to SHARE .
9	Click Add A New Value (for a new Declaration) or Find An Existing Value (to locate a previous Declaration).
10	Under Declaration Type , select Supplier if you have a Supplier ID. If you do not have a Supplier ID, select Bidder . (Bidder numbers start with "B")
11	Enter your Supplier ID. If you do not have a Supplier ID, enter your Bidder ID.
12	Follow the prompts to complete the 12B Declaration. IMPORTANT: Failure to attach the required supporting documentation will prevent compliance.
13	At the end of the Declaration, click the following buttons in this order: Save, Print, Submit, Cancel or Submit . <i>Tip: Note the Declaration Number at the top of the page in case you need to contact the Equal Benefits Unit.</i>

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12B Equal Benefits Questions?

☎ 415.581.2310
✉ cmd.equalbenefits@sfgov.org
🌐 <https://sfgov.org/cmd/how-comply>



How Benefits Apply To Dependents: Answering Question 2.C on the 12B Declaration

Benefit	Check Spouse and/or Domestic Partner if they:
Health Insurance	... can be added as dependents on the employee's Health plan.
Dental Insurance	... can be added as dependents on the employee's Dental plan.
Vision Insurance	... can be added as dependents on the employee's Vision plan.
Pension	... have access to all beneficiary distribution options <i>and</i> anyone can be a beneficiary.
Retirement	... have access to all beneficiary distribution options <i>and</i> anyone can be a beneficiary.
Bereavement leave	... and/or their family are included in the definition of immediate family for whom an employee may take leave. <i>(To be equal, all included family members must be the same for both spouses and domestic partners.)</i>
Family Medical/Military Leave	... are included in the definition of immediate family for whom an employee may take leave. <i>(To be equal, all included family members must be the same for both spouses and domestic partners.)</i>
Parental Leave	... are considered to be a parent.
Employee Assistance Program	... are considered to be an eligible dependent.
Relocation and/or Travel	... are eligible for house-hunting trips and/or other relocation or travel benefits.
Discounts/Facilities/Events	... are eligible to participate in the employee's benefit.
Credit Union	... are eligible to participate in the employee's membership or establish an account.
Child Care	... can obtain care for their child.
Dependent Life Insurance	... and/or their children are recognized as an eligible dependent.
Short-Term/Long-Term Disability Insurance	... are eligible for training and/or survivor benefits.
Accidental Death & Dismemberment	... are eligible for training and/or survivor benefits.
Other	... can participate in the plan and/or benefit from it in some way.
Union	... have access to benefits through a collective bargaining agreement, and also check any of the above benefits that are offered. If benefits are provided through a collective bargaining agreement, check both the union line and any benefits above that are offered to union or nonunion employees and/or their dependents.

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12B Equal Benefits Questions?

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 cmd.equalbenefits@sfgov.org
 <https://sfgov.org/cmd/how-comply>

For passwords and account support contact the DTIS Help Desk * 628-652-5000 * dtis.helpdesk@sfgov.org
 For general registration questions contact the User Support Desk * 415-944-2442 * sfcitypartnersupport@sfgov.org