

ORDINANCE NO. BL2014-779

An Ordinance amending Title 3 of the Metropolitan Code to provide domestic partner benefits for Metropolitan Government employees.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 3 of the Metropolitan Code is hereby amended by adding the following new Chapter 3.14 – Domestic Partner Benefits:

CHAPTER 3.14 DOMESTIC PARTNER BENEFITS

3.14.010 Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Basic living expenses means the cost of basic food and shelter. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the costs.

Declaration of domestic partnership means a form provided by the metropolitan department of human resources that officially recognizes a domestic partner relationship when signed by domestic partners. By signing it, two persons attest, under penalty of perjury, that they both meet all of the requirements of domestic partners as provided herein.

Domestic partners means two (2) adults who meet all of the following requirements:

1. Both adults have chosen to share one another's lives in an intimate and committed relationship of mutual caring that is intended to be lifelong;
2. Both adults currently share a primary residence;
3. Both adults have shared a primary residence for the preceding three hundred sixty-five (365) days;
4. Both adults are jointly responsible for basic living expenses, as demonstrated by a signed declaration of financial interdependence and by providing three (3) of the following as proof of joint responsibility:
 - a. Joint ownership of a primary residence or joint tenancy of a residential lease;
 - b. Copy of a utility (water, gas, or electric) invoice listing both domestic partners;
 - c. Joint ownership of an automobile;
 - d. Joint bank or credit account;
 - e. Joint liabilities (e.g. credit cards or loans, etc.);
 - f. A will or trust designating the domestic partner as beneficiary;
 - g. A retirement plan or life insurance policy beneficiary designation form designating the domestic partner as beneficiary;

- h. A signed durable power of attorney to the effect that the employee and the domestic partner have granted powers to one another;
 - i. Copies of each domestic partner's driver's license that indicates the same address;
 - j. Other acceptable proof of joint financial responsibility as determined by the department of human resources.
- 5. Both adults have been jointly responsible for living expenses during the preceding three hundred sixty-five (365) days; and
 - 6. Neither adult is in a lawful marriage recognized by the State of Tennessee or is in another domestic partnership.

Domestic partnership means a relationship conferring benefits described in section 3.14.030 upon domestic partners who have signed a declaration of domestic partnership as provided in this chapter.

Share a primary residence means that two (2) persons share the same primary living quarters; however, it is not necessary that the legal right to possess the living quarters be in both of their names.

3.14.020 Establishing a domestic partnership.

- A. Two (2) persons may establish a domestic partnership by submitting a signed declaration of domestic partnership to the department of human resources, which shall maintain such declaration on file and give the two persons a copy showing that such declaration was filed.
- B. Persons prohibited from marrying in the state of Tennessee as a result of degrees of relationship under T.C.A. § 36-3-101 are likewise prohibited from entering into a domestic partnership under this chapter.

3.14.030 Benefits.

To the extent permitted by applicable law, and unless prohibited by a contractual agreement between the Metropolitan Government and an insurance provider at the time of enactment of this section, benefits that are available to domestic partners and their dependent children shall be identical to those benefits in the System available to spouses of Members and their dependent children. Such benefits include, but are not limited to, insurance coverage and pension benefits. The submission of a domestic partnership declaration is understood to be a qualifying event for purposes of enrolling a domestic partner and their dependent children in a benefit plan, provided that the enrollment of domestic partners and their dependent children shall be subject to the same initial enrollment and annual enrollment requirements applicable to the spouses and dependent children of employees. After the initial enrollment created by the domestic partner declaration, the domestic partner and dependent children of the domestic partner shall be subject to the same enrollment and disenrollment requirements applicable to the spouses and dependent children of employees.

3.01.040 Termination of a domestic partnership.

A. A domestic partnership terminates when at least one of the domestic partners no longer qualifies as a domestic partner as that term is defined in section 3.14.010 of this chapter.

B. If a domestic partnership ends, the employee must submit written notice to the human resources department within thirty calendar (30) days after the termination of the domestic partnership. The notice must be dated and signed under penalty of perjury. The employee must also send a written copy of the notice to his or her former domestic partner by certified mail.

3.14.050 Tax Liability.

Since a domestic partnership is not a legally recognized relationship by the U.S. Internal Revenue Service, an employee will be taxed on benefits provided to his or her domestic partner, unless the domestic partner is otherwise considered the employee's dependent for tax purposes. The employee shall be solely responsible for paying these taxes. Employees should seek independent tax advice in connection with any benefits provided to a domestic partner and their dependent children pursuant to this chapter.

3.14.060 Adoption of rules and regulations.

The metropolitan employee benefit board shall have the authority to adopt rules and regulations necessary to implement the provisions of this chapter, provided that such rules and regulations are consistent with the express provisions contained herein. Such rules and regulations may include criteria for determining when a domestic partnership is terminated in accordance with the provisions of this chapter.

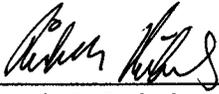
3.14.070 Severability.

Should any court of competent jurisdiction declare any section, clause, or provision of the ordinance codified in this chapter to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional, and shall not affect any other section, clause, or provision of the ordinance.

Section 2. The domestic partner benefits afforded pursuant to this ordinance shall be initially offered as part of the Annual Enrollment period for an effective date of January 1, 2015.

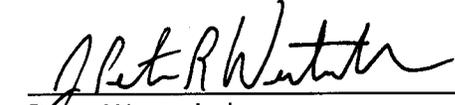
Section 3. That this Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY
OF FUNDS:

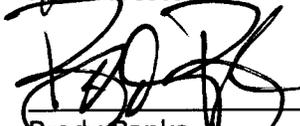


Richard M. Riebeling
Director of Finance

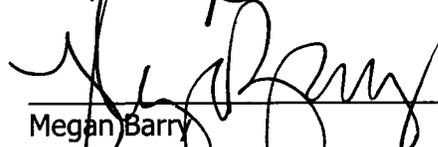
INTRODUCED BY:



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Members of Council









ORIGINAL

METROPOLITAN COUNTY COUNCIL

Bill No. BL 2014-779

2014 MAY 13 PM 2:54

FILED
METROPOLITAN
CLERK

AN ORDINANCE AMENDING TITLE 3 OF THE
METROPOLITAN CODE TO PROVIDE DOMESTIC
PARTNER BENEFITS FOR METROPOLITAN
GOVERNMENT EMPLOYEES.

Introduced MAY 20 2014

Passed First Reading MAY 20 2014

Amended _____

Passed Second Reading JUN - 3 2014

Passed Third Reading JUN 17 2014

Approved JUN 25 2014

By Kal F. De
Metropolitan Mayor

Advertised _____

Effective Date _____