

OPPOSITE SEX 18 PLUS DOMESTIC PARTNERSHIP RIDER

to

SUMMARY PLAN DESCRIPTION

Your Summary Plan Description is amended by this rider. All other provisions of the Summary Plan Description which are not inconsistent with this rider remain in effect. This rider becomes effective on the effective date of your Summary Plan Description.

The domestic partner definition under the section entitled **HOW COVERAGE BEGINS AND ENDS – HOW COVERAGE BEGINS** is deleted and replaced by:

2. **Domestic partner** is the *employee's* domestic partner of the same or opposite sex. Domestic partner does not include any person who is in active service in the armed forces. In order for the *employee* to include their domestic partner as a *dependent*, the *employee* and domestic partner must meet the following requirements:

Requirements applicable to opposite sex relationships when both persons are under age 62:

- a. Both persons are at least 18 years of age and capable of consenting to the domestic partnership.
- b. Both persons consider each other to be, and hold themselves out as engaged in a relationship of mutual caring and commitment.
- c. Both persons have a common residence and have been living together for at least the past six consecutive months.
- d. Both persons agree to be jointly responsible for each other's basic living expenses during their domestic partnership so that anyone who is owed such expenses can collect from either.
- e. Neither person has any other Domestic Partner, and neither person has had a Spouse or other Domestic Partner within the previous six months from the date of the execution of the Affidavit of Domestic Partnership.
- f. The two persons are not related by blood in a way that would prevent them from being married to each other in California.
- g. If living in a city or county providing for such registration, both persons have registered as domestic partners with a California city or county of the State of California and have provided SISC III with a copy of the Certificate of Domestic Partnership.

Requirements applicable to all same sex relationships and opposite sex relationships when one or both of the persons engaged in an opposite sex relationship are over the age of 62 and meet the criteria set forth below under g.ii.

- a. Both persons are at least 18 years of age and capable of consenting to the domestic partnership.
- b. Both persons consider each other to be, and hold themselves out as engaged in a relationship of mutual caring and commitment.
- c. Both persons have a common residence.
- d. Both persons agree to be jointly responsible for each other's basic living expenses during their domestic partnership so that anyone who is owed such expenses can collect from either.
- e. Neither person is married or a member of another domestic partnership.

- f. The two persons are not related by blood in a way that would prevent them from being married to each other in California.
- g. Either of the following:
 - i. Both persons are members of the same sex; or
 - ii. One or both of the persons meet the eligibility criteria under Title II of the Social Security Act as defined in 42 U.S.C. Section 402(a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C. Section 1381 for aged individuals. Notwithstanding any other provision of this section, persons of opposite sexes may not constitute a domestic partnership unless one or both of the persons are over the age of 62.
- h. Neither person has previously filed: (1) a Declaration of Domestic Partnership with the California Secretary of State, or a similar form with another governing jurisdiction, that has not been terminated pursuant to the laws of California, or of that other jurisdiction; or, if (1) does not apply, (2) an affidavit with SISC III declaring they are part of a domestic partnership that they have not been terminated by giving SISC III written notice that it has.
- i. It has been at least six months since: (1) the date that the Notice of Termination of Domestic Partnership was filed with the California Secretary of State, or similar form was filed with another governing authority; or, if (1) does not apply, (2) either person has given written notice to SISC III that the domestic partnership they declared in an affidavit, given to SISC III, has terminated. This item does not apply if the previous domestic partnership ended because one of the partners died or married.
- j. Both partners:
 - i. If they reside in the State of California, must file a Declaration of Domestic Partnership with the California Secretary of State pursuant to Division 2.5 of the California Family Code to establish their domestic partnership. The *employee* must provide SISC III with a certified copy of the Declaration of Domestic Partnership that was filed with the California Secretary of State;
 - ii. If they reside in another state or governing jurisdiction that registers domestic partnerships, they must register their domestic partnership with that state or governing jurisdiction. The *employee* must provide SISC III with a certified copy of the document that was filed with the governing jurisdiction registering their domestic partnership; or
 - iii. If the *employee* and their domestic partner do not reside in a city, county or state that allows them to register as domestic partners, they must provide SISC III with a signed, notarized, affidavit certifying they meet all of the requirements set forth in 2.a through 2.i above, inclusive.

Note: For the purposes of 2.j.i above, if the *employee* and their domestic partner registered their relationship prior to July 1, 2000, with a local governing jurisdiction in California, in lieu of supplying SISC III with a certified copy of the Declaration of Domestic Partnership (a State of California form), the *employee* may provide SISC III with a certified copy of the form filed with the local governing jurisdiction.

For the purposes of this provision, the following definitions apply:

"Have a common residence" means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.

"Basic living expenses" means shelter, utilities, and all other costs directly related to the maintenance of the common household of the common residence of the domestic partners. It also means any other cost, such as medical care, if some or all of the cost is paid as a benefit because a person is another person's domestic partner.

"Joint responsibility" means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for herself or himself. Persons to whom these expenses are owed may enforce this responsibility if, in extending credit or providing goods or services, they relied on the existence of the domestic partnership and the agreement of both partners to be jointly responsible for those specific expenses.