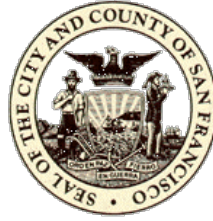


# Chapter 12B Equal Benefits Complete Compliance Guide

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# Chapter 12B Equal Benefits Compliance Guide

## THE BASICS

## THE DETAILS

<b><i>The Equal Benefits Ordinance</i></b>	<p>San Francisco Administrative Code Chapter 12B (“the Equal Benefits Ordinance”) requires the City to only contract with businesses that offer benefits equally to employees with domestic partners and employees with spouses.</p> <p>Domestic Partners are couples registered with any State or local government agency authorized to perform such registrations. This applies to both same-sex and different-sex couples. Domestic partnerships and marriages may only be verified to the same extent and in the same manner, for example, domestic partner registry certificates are fully equivalent to marriage certificates.</p>
<b><i>Requirements</i></b>	<p>Only 3 documents are required to demonstrate compliance:</p> <ol style="list-style-type: none"><li>1. <u>Compliant 12B Declaration</u> Submit through the SF City Partner portal at <a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a> <b>Paper and PDF versions are not accepted.</b></li><li>2. <u>Formal verification of your business’s employee count</u> Examples of acceptable documentation include: Form W-3, Form 941, or DE 9C form. Redact confidential employee information.</li><li>3. <u>Memorandum to Employees</u> An example of a memorandum that contains all of the necessary assurances is available upon request.</li></ol>
<b><i>Joint Ventures</i></b>	<p>Each joint venture (JV) partner must be compliant with Chapter 12B. In addition, the JV must obtain a separate supplier number and establish Equal Benefits compliance under that number.</p> <p>A JV can only become compliant after all JV partners are compliant.</p> <p>Be sure to include “JV” in the name of your business when you register in the Supplier Portal.</p>

<p><b>Tips</b></p>	<ul style="list-style-type: none"> <li>• SUBMIT ONLY THE 3 DOCUMENTS THAT ARE REQUIRED: 12B Declaration, verification of employee count and employee memorandum.</li> <li>• Start the compliance process well before bid opening.</li> </ul>
<p><b>Essentials</b></p>	<p>Compliance must be established at the time a contract is signed. It is not necessary to comply in order to bid.</p> <p>Failure to offer benefits in accordance with the Chapter 12B Equal Benefits Ordinance may result in suspension of compliance status, financial penalties, and/or the inability to contract with the City and County of San Francisco.</p> <p>The Equal Benefits Ordinance does not require that any particular benefit be offered, only that any benefit offered be administered equally.</p> <p>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> <p>A compliant business must update compliance every 3 years or if there is a name change or a significant change in employee benefits, employee count, or corporate structure.</p>
<p><b>Compliance Audits</b></p>	<p>The City and County of San Francisco audits businesses to verify that the answers on the 12B Declaration are complete and accurate.</p> <p>Upon audit, you will be required to provide benefit documentation for each benefit. Such documentation may include the employee handbook and confirmations from your insurance, union, and retirement documents.</p> <p>The Chapter 12B Equal Benefits Audit Guide provides a detailed description of compliant documentation.</p>

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# Submitting An Online 12B Declaration

***The 12B Declaration must be submitted online through the City's Supplier Portal. Each submitted Declaration stands alone as a legal document and may not be revised. If amendments to a Declaration are necessary, you must submit a new Declaration.***

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 the verification include: Form W-3, Form 941, DE 9C form, Form SS-4, Form 1040 SE, OSHA Form 300A, CA EDD Quarterly Contribution Return.
- 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.

<b>1</b>	Have your username and password ready. <i>Tip: If you do not have a username and password, contact the DTIS Help Desk at <a href="mailto:Dtis.helpdesk@sfgov.org">Dtis.helpdesk@sfgov.org</a></i>
<b>2</b>	Have the count of employees in the U.S. ready and know which benefits your business offers.
<b>3</b>	Go to the Supplier Portal at <a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>
<b>4</b>	Click the <b>Log In</b> button.
<b>5</b>	Click on the <b>Certifications</b> menu on the right side of the screen.
<b>6</b>	Click on <b>12B Declaration</b> .
<b>7</b>	For a new Declaration, click the <b>Add A New Value</b> tab. <i>To locate a previous Declaration that has not been submitted yet, click <b>Find An Existing Value</b>, enter the Declaration #, and click the <b>Search</b> button. Then skip to Step 12, below.</i>
<b>8</b>	On the search page that appears, ensure the <b>SetID</b> field is set to <b>SHARE</b> .
<b>9</b>	If the Supplier ID or Bidder ID does not automatically appear, enter the number. <i>Tip: Use your Supplier ID if you have one. If you do not have a Supplier ID, enter your Bidder ID.</i>
<b>10</b>	Under <b>Declaration Type</b> , select <b>Supplier</b> if you have a Supplier ID. If you do not have a Supplier ID, select <b>Bidder</b> . ( <b>Bidder numbers start with "B"</b> )

<b>11</b>	Click the <b>Add</b> button.
<b>12</b>	Follow the prompts to complete the 12B Declaration. Attach only the verification of employee count and Memorandum to Employees. Policy documents that are submitted with this form will be analyzed in the event of an audit.
<b>13</b>	At the end of the Declaration, click the following buttons in this order: <b>Save, Print, Submit or Cancel</b> . <i>Tip: Write down the Declaration Number that appears at the top of the page in case you need to contact the Equal Benefits Unit.</i>

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# How Benefits Apply To Dependents

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

**EXAMPLE OF 12B COMPLIANT MEMORANDUM TO EMPLOYEES**

*[DELETE THE LINE ABOVE AND PRINT THIS MEMORANDUM ON YOUR BUSINESS LETTERHEAD]*

*[THE FOLLOWING HEADER IS NECESSARY]*

To: All [Business Name] Employees  
From: [Business Representative Name, Title]  
Re: Domestic Partner Benefit Policy  
Date: [Date]

---

[Business Name] does not discriminate based on the following protected categories:

Race, Color, Creed, Religion, National origin, Ancestry, Age, Sex, Sexual Orientation, Gender identity (Transgender status), Domestic Partner status, Marital status, Disability, AIDS/HIV status, Height, Weight

[Business Name] offers the following employee benefits equally to employees with spouses and employees with domestic partners, and to the spouses and domestic partners of such employees:

[List all benefits provided by business and delete all other benefits]

- Health Insurance - [List each carrier]
- Dental Insurance - [List each carrier]
- Vision Insurance - [List each carrier]
- Retirement - [List each type of plan, for example, Pension, 401(k), 403(b), Simple IRA]
- Bereavement Leave
- Family Leave
- Parental Leave
- Employee Assistance Program
- Relocation and/or Travel
- Business Discount, Facilities & Events
- Credit Union
- Child Care
- Dependent Life Insurance - [List each carrier]
- Short Term and/or Long-Term Disability Insurance - [List each carrier]
- Accidental Death & Dismemberment Insurance – [List each carrier]

Domestic partners are defined as couples who are registered with any State or local government domestic partner registry. This applies to both same-sex and different-sex couples. Any requirements for proof of relationship or waiting periods are applied equally to domestic partnerships and marriages. Domestic partner registry certificates are accepted as fully equivalent to marriage certificates.

# Chapter 12B Equal Benefits Audit Standards

*When an audit of your company's benefits is performed, you will be required to provide all benefit documentation. Use the standards below to determine if your benefit policies are administered equally. Where spouses, stepchildren, and an employee's extended family are referenced, each benefit policy must also include domestic partners, their children, and their equivalent family members. Domestic partner language must be fully incorporated into policies. Blanket statements regarding your company'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 make clear that a Domestic Partner is any person who has a currently registered domestic partnership with any State or local governmental body. This applies to both same-sex and different-sex couples. Any requirements for proof of relationship and waiting periods 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 cannot be made equal.)	Acceptable: Basic Plan Document, Summary Plan Description, Evidence of Coverage, rider plus plan cover page.  Unacceptable: letters from brokers, enrollment forms, invoices.
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 or other family relationships established through marriage, 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.	Employee handbook policies.



Benefit Type	Guidelines	Typical Documentation
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.	The cover page and 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.
Employee Assistance Credit Union	Domestic partners/household members must be included where spouses are referenced.	A brochure or letter from the provider or the policy from the employee handbook.
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 business offers other benefits, specify what they are on the 12B Declaration and provide documentation.	Varies; send an email to <a href="mailto:cmd.equalbenefits@sfgov.org">cmd.equalbenefits@sfgov.org</a> to reach the Equal Benefits Unit.

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# Answers to Common 12B Equal Benefits Questions

Q: I submitted a 12B Declaration. How do I check my company's status?

A: You will receive a confirmation email when your company is assigned compliance.

Compliance status is specified in your PeopleSoft account on your home page.

You may also contact the Equal Benefits Unit at [cmd.equalbenefits@sfgov.org](mailto:cmd.equalbenefits@sfgov.org) or 415-581-2310 with additional status questions.

Q: How do I register compliance with the Equal Benefits Ordinance?

A: You must submit a compliant 12B Declaration, formal verification of the employee count for your business, and a copy of the notification you will provide to employees that explains your company's domestic partner policy. A template for the notification is available.

Q: My business does not have any employees. Does my business need to comply with the Equal Benefits Ordinance?

A: Yes. You will need submit both the 12B Declaration and formal verification that explicitly states that are no employees.

Q: My business does not have any employees or locations in San Francisco. Does my business need to comply with the Equal Benefits Ordinance?

A: Yes.

Q: My business does not offer any employee benefits. Does my business need to comply with the Equal Benefits Ordinance?

A: Yes.

Q: I forgot to include a benefit on my 12B Declaration. Why can't I edit the 12B Declaration I submitted?

A: Each submitted 12B Declaration stands alone as a legal document. If an amendment is necessary, a new Declaration must be submitted.

Q: My business has been assigned 12B compliance. What do I do now?

A: First, if you are a Bidder, you must be converted to a Supplier. Contact the Supplier Management Team at [supplier.management@sfgov.org](mailto:supplier.management@sfgov.org) to request conversion.

Next, notify any City department contact with whom you have been working that your business is compliant.

Q: The name of my business changed after 12B compliance was assigned. Is my business still compliant?

A: To maintain compliance, you must submit a new 12B Declaration and supporting documentation if there is a substantial change in your business. Examples of substantial changes include name changes, employee count changes that result in a change in benefits and tax ID changes.

Q: I find the compliance process to be very confusing. Is there someone I can ask for help?

A: Contact the Equal Benefits Unit at [cmd.equalbenefits@sfgov.org](mailto:cmd.equalbenefits@sfgov.org) or 415-581-2310 for assistance walking through the compliance process.