

Guidelines for Domestic Partnership Leave Benefits

Domestic partner leave benefits apply to APSCUF, Coaches, PSSU, Physicians and Managers. Domestic partner leave benefits do not apply to SPFPA, OPEIU, AFSCME or SCUPA.

Qualification for Benefits

To qualify for the leave benefits outlined below, an employee and partner must meet the following criteria:

1. Each partner is the same gender.
2. Neither partner is married to anyone else.
3. Both partners are at least 18 years old and mentally competent to enter into a contract in the Commonwealth of Pennsylvania.
4. Partners are the sole domestic partner of the other person.
5. Partners have lived together in the same residence on a continuous basis for at least six months immediately prior to the date of the notarized statement, with the intent to reside together permanently.
6. Partners are not related to each other by adoption or by blood, to a degree that would prohibit marriage in the Commonwealth of Pennsylvania.
7. Neither partner has been a member of another domestic partnership for the past six months (unless the prior domestic partnership ended as a result of the death or marriage of one of the domestic partners).
8. Partners are jointly responsible for the common welfare and financial obligations of each other.

Physicians and PSSU employees must provide a completed “Commonwealth of Pennsylvania Leave Benefits Domestic Partnership Verification Statement”. APSCUF, Coaches and Managers must provide a completed “Pennsylvania State System of Higher Education (PASSHE) Same-Sex Domestic Partnership Certification”. The completed notarized document is to be maintained in the employee’s official personnel file.

Leave Benefits

Once the notarized document is provided, the employee is eligible for the following leave benefits relative to the domestic partnership:

APSCUF and Coaches

Sick family may be used for the domestic partner and for the child of the domestic partner.

Sick bereavement leave may be used as follows:

- Up to three days without charge to sick leave (in accordance with Act 182), and
- Up to two additional days **with** charge to sick leave for the death of the domestic partner.

Family care leave* may be used for the domestic partner and the child of the domestic partner.

Managers

Sick family and donated leave* may be used for the domestic partner and for the child of the domestic partner.

Sick bereavement leave may be used as follows:

- Up to five days for the death of the domestic partner.

Family care leave* may be used for the domestic partner and the child of the domestic partner.

PSSU and Physicians

Sick family, additional sick family and donated leave* may be used for the domestic partner and for the child of the domestic partner.

Sick bereavement leave may be used as follows:

- Up to five days for the death of the domestic partner or the child of the domestic partner, and
- Up to three days for the death of the parent, brother, sister, grandparent, or grandchild of the domestic partner.

Family care leave* may be used for the domestic partner and the biological or adopted child of the domestic partner who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

***NOTE:** The Family and Medical Leave Act (FMLA) does not apply to employees in Pennsylvania who reside together in a domestic partner relationship. Therefore, family care leave and donated leave used for the domestic partner or a family member of the domestic partner may not be designated as FMLA leave and counted against the employee's FMLA entitlement. (There are instances where an employee who is entitled to the 12 weeks of Family Care Leave could take the family care leave entitlement for a domestic partner illness and then be entitled to 12 weeks of FMLA for a sick parent, etc.)

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