

## Human Resources Memorandum

<b>SUBJECT:</b> <b>Same-Sex Spouses and Domestic Partnerships: Special Open Enrollment, Benefit Eligibility</b>	<b>NUMBER:</b> <b>HR 13-015</b>
	<b>DATE ISSUED:</b> <b>8/13/2013</b>
<b>DISTRIBUTION:</b> <b>All Employees</b>	<b>EXPIRES:</b> <b>N/A</b>

On June 26, 2013, the United States Supreme Court ruled same-sex marriages are now legally recognized in California. The California Department of Human Resources (CalHR) and California Public Employees Retirement System (CalPERS) have authorized Departments to accept same-sex marriage certificates for benefit eligibility and enrollment without regard to gender.

### Special One-Time Open Enrollment

In accordance with CalHR and CalPERS, a special one-time open enrollment period for employees and retirees who previously chose not to enroll their spouse and eligible dependent children is being offered. Enrollment is limited to employees and retirees who married during the period in 2008 when California first issued same-sex marriage licenses but who chose not to enroll their spouse and dependent children. The special one-time open enrollment also applies to members who married a same-sex spouse in another state where same-sex marriage was legal prior to June 26, 2013.

### Timeframe

This enrollment period is effective immediately and continues through December 31, 2013. The special one-time enrollment period provides access to health, dental, vision and FlexElect benefits earlier than transactions processed during Open Enrollment, which has a January 1, 2014 effective date. Members who miss this opportunity may add their spouse during a future Open Enrollment period, or when a qualifying event occurs, such as a loss of coverage.

### Process for Submitting Health Benefit (HBD 12)

Employees adding their same-sex spouse and dependent children to their health insurance during this one-time enrollment period must complete, sign and submit a new Health Benefits Plan Enrollment form (HBD 12 <http://www.calpers.ca.gov/eip-docs/about/pubs/member/forms/health-benefit-enroll-form.pdf>) and a copy of their marriage certificate to their Personnel Specialist. Forms received after December 31, 2013, will not be honored.

Retirees will submit the request for enrollment to CalPERS via mail, centralized fax, or using the member self-service application of my/CalPERS website. Retirees will need to submit a copy of their marriage certificate, Medicare card (if applicable), dependents' names, birthdates, social security numbers, and birth certificates (for children under age 26).

### **Process for Submitting Dental, Vision Forms**

Employees adding their same-sex spouse and dependent children during this special, one-time enrollment period must complete, sign and submit a new STD. 692 Dental Enrollment Form (<http://www.documents.dgs.ca.gov/osp/pdf/std692.pdf>) and/or CalHR Form 774 for Premier Vision plan (no enrollment changes are required for Basic Vision coverage), along with a copy of their marriage certificate to their Personnel Specialist. Forms received after December 31, 2013, will not be honored.

### **FlexElect Program**

The US Supreme Court decisions also changed the current restrictions on payment of reimbursement claims for same-sex spouses. Participants may now be reimbursed for eligible medical or dependent care claims for their same-sex spouse and dependents. Claims may be filed with ASI for reimbursements occurring on or after August 1, 2013.

The special enrollment period will not preclude employees from making permitted changes during the normal open enrollment period or current permitting events. Newly married members have 60 days from the marriage date to enroll a new spouse and dependent children into benefits.

Marriage certificates from any jurisdiction (any California county, another State, or another country) can be accepted as proof of marriage. If enrolling dependent children, a copy of each dependent child's birth certificate must also be provided.

For your convenience, we have attached Frequently Asked Questions to this memo regarding the one-time exception enrollment following the Supreme Court decision on the Defense of Marriage Act.

Should you have any questions, please contact your Personnel Specialist.

# Defense of Marriage Act: One-Time Exception Enrollment Following Supreme Court Decision

## CalPERS Health Benefits Program FAQs

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### Background

On June 26, 2013, the U.S. Supreme Court struck down the portion of the Defense of Marriage Act ("DOMA") that effectively barred legally married, same-sex couples from being recognized as "spouses" under federal law. In 2008, the California Supreme Court legalized same-sex marriage; couples in California were able to wed beginning June 16, 2008 through November 5, 2008, and again beginning on June 27, 2013.

**All** Public Employees' Medical and Hospital Care Act (PEMHCA) covered employers are required to accept valid marriage certificates issued in the State of California, or issued in any other state, regardless of the gender of the spouses. The DOMA ruling had no impact on this requirement. However, some married couples elected not to enroll the eligible spouse because of the implications of DOMA. When DOMA was stricken down, an impediment to same-sex marriages was removed. CalPERS is responding to the removal of this impediment which has caused some couples not to enroll otherwise eligible spouses and dependent children.

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### Can a same-sex spouse and eligible dependent children be added to a CalPERS Health Plan?

CalPERS members have always had the ability to enroll a spouse into health care coverage. Because of the U.S. Supreme Court ruling on DOMA, we are offering same-sex couples married prior to the ruling the opportunity to enroll spouses now.

We are providing a one-time exception enrollment opportunity effective immediately and ending December 31, 2013, to give members the opportunity to enroll a same-sex spouse.

Members who were married in 2008 but who choose not to add their same-sex spouse during this one-time exception enrollment period will not be permitted to add such persons again until the annual Open Enrollment period, or another qualifying event such as a loss of coverage.

The enrollment parameters for **all** newly married couples is the same as it has been: A person may add a **new** spouse (regardless of gender) and eligible dependent children to his or her health plan within 60 days from their marriage date. The effective date will be the first day of the month following the receipt of all required documentation.

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## CalPERS Health Benefits Program FAQs, Continued

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**How do employers process the one-time exception enrollment?**

Employers will need to fax the completed and signed *Health Benefits Plan Enrollment form* to CalPERS fax number (916) 795-0883 for administrative processing. Employers must ensure the form is complete and free of errors, and that it validates the supporting documentation. In the remarks section (box 35) include **“One Time Exception Enrollment of Spouse: DOMA CL#600-047-13.”** The permitting event is marriage, and the effective date is the first of the month following receipt of all supporting documentation.

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**To whom does the one-time exception enrollment period apply?**

The one-time exception enrollment period applies to employees and retirees who married a same-sex spouse in California or another state where same-sex marriage is legal prior to the June 26, 2013 DOMA ruling, and wish to enroll their spouse and eligible dependent children onto their CalPERS health plan.

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**When is the one-time exception enrollment period?**

The one-time exception enrollment period is available immediately and ends on December 31, 2013.

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**What is the health coverage effective date?**

A spouse and eligible children will be enrolled effective the first day of the month following the receipt of all required documentation.

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## CalPERS Health Benefits Program FAQs, Continued

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**What supporting documentation is required?**

**Active employees:**

Complete and submit a *Health Benefits Plan Enrollment form* along with a copy of the marriage certificate. The form should include the social security number of the new spouse and any eligible dependent children, date of birth, and gender of all new enrollees. A copy of the birth certificate for each eligible dependent child must also be requested. A daytime telephone number should also be included.

**Retirees:**

Submit a written request to CalPERS to add the same-sex spouse, along with a copy of the marriage certificate. The request should include the social security number of the new spouse and any eligible dependent children, date of birth, gender, and Medicare card, if applicable, of all new enrollees. A copy of the birth certificate for each eligible dependent child must also be requested. A daytime telephone number should also be included.

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**Where should the enrollment request and supporting documentation be submitted?**

**Active employees:**

The completed paperwork and supporting documentation should be submitted to the designated Personnel Office or Health Benefits Officer.

**Retirees:**

Submit a written enrollment request and supporting documentation to:  
CalPERS, Health Account Services  
P.O. Box 942715  
Sacramento, CA 94229-2715  
Fax to: (800) 959-0645

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**How long will it take to receive identification cards from the health plan?**

An employee's or retiree's spouse and eligible dependents should receive identification cards in approximately 45 days. If they do not receive the identification cards, or need to obtain medical or prescription services before the cards arrive, please contact the health plan's Member Services Department.

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## CalPERS Health Benefits Program FAQs, Continued

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**What if a person's same-sex spouse and children are already enrolled as a domestic partner on their health plan?**

The employee or retiree will be required to submit a copy of their marriage certificate to their employer, or CalPERS if retired. The relationship status of the parties and eligible dependent children will be changed to the appropriate relationship status.

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**Can a person who marries a same-sex spouse in another state add their spouse and dependent children?**

A valid same-sex marriage performed outside California is recognized by CalPERS, as with any other marriage. As a result, a person who validly marries a same-sex spouse outside California may enroll the spouse and eligible dependent children onto their health plan. Currently, Massachusetts, Connecticut, Iowa, Vermont, New Hampshire, New York, Maryland, Maine, Minnesota, Washington, Rhode Island, Delaware, and the District of Columbia (Washington D.C.) have legalized same-sex marriage.

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**Can a person add their same-sex spouse and dependent children to their dental plan?**

There are various Dental Plan Administrators. Employers should refer questions regarding the eligibility and enrollment of a same-sex spouse and eligible dependent children to the respective Dental Plan Administrator. CalHR administers the State-sponsored dental plan, the Chancellor's Office administers the CSU dental plan, and public agencies will vary by employer.

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**Are there tax implications to add my same-sex spouse to my health plan?**

Please consult a tax consultant to determine the impact to your personal tax obligation.

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