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Money & Markets

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VOL. 130 | NO. 145 | Tuesday, July 28, 2015

Guest Column

Same-Sex Marriage Ruling Means Changes for Benefits

By Tim Finnell

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On June 26, 2015, in the case of Obergefell v. Hodges, the U.S. Supreme Court recognized that all couples, regardless of gender, have a fundamental right to marry. The court also directed states to issue marriage certificates to same-sex couples, and to recognize same-sex marriages performed in states that previously recognized this union. This decision will impact employee benefits in a number of ways.



TIM FINNELL

Before we get to that, what does the landscape look like now?

In our tri-state area, Tennessee, Arkansas and Mississippi have previously not allowed same-sex marriage, and have not recognized same-sex marriages entered into in states that did allow for such unions. Until recently, employers in those and other states could, generally speaking, choose whether to cover domestic partners on their health insurance plans - whether the partner was the same or opposite sex as the employee. Most small companies chose not to provide coverage for domestic partners. The larger the company, the more likely coverage was offered.

Now that same-sex marriage has been legalized nationwide, how and when will this ruling affect employers and their benefits plans?

The short answer is, that depends on that employer's insurance carrier and on further direction expected to come from federal and state agencies. More specifically:

In terms of health care plans, partners in new same-sex marriages (recognized as a qualifying event) will be eligible for benefits effective immediately and will also have favorable tax treatment both on employer contribution and any pre-tax Section 125 plan contribution.

For couples previously married in states allowing same-sex marriage, most insurance companies have set special enrollment periods. Generally, the period is 30 days and will end as early as 30 days after the date of the ruling or on July 31, depending on the carrier. The employer should check with a qualified insurance professional to obtain details regarding their specific carrier's rules.

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married same-sex couples to be eligible; therefore, changes to contribution amounts will not be allowed.

It is expected that many employers will phase out domestic partners benefits coverage (and the accompanying tax complications). Employers should be cautious to carefully communicate any changes and provide ample notice to employees.

Lastly, other general benefits available to spouses will be offered to all married couples. These would include life insurance that allows for spousal coverage, dental and vision coverage, as well as COBRA rights.

In terms of language used in regard to these changes, each company should check with a qualified professional to ensure that generic language is used for the definition of marriage, and that changes to the wording of important benefit-related documents does not need to be updated to be in alignment with this recent decision.

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