

**California Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Same-Sex Spouses and Domestic Partnerships: Special Open Enrollment, Benefit Eligibility	REFERENCE NUMBER: PML 2013-024
DATE ISSUED: 07/19/2013	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transactions Supervisors
Personnel Transactions Staff**

FROM: California Department of Human Resources
Benefits and Training Division

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Consistent with the June 26, 2013 United States Supreme Court decisions, same-sex marriages are now legally recognized in California. Departments will now accept same-sex marriage certificates for benefit eligibility and enrollment without regard to gender.

While the Internal Revenue Service (IRS) has not issued specific guidance, the following changes will be effective as described. Any actions on retroactive adjustments will be communicated upon further guidance from the IRS. CalPERS will be issuing conforming guidance on health benefit enrollment under a separate Circular Letter. This memo provides information and guidance on eligibility and enrollment procedures for State-sponsored Dental, Vision and FlexElect benefits.

Dental and Vision Enrollments - Special Enrollment Period for Same-Sex Spouses and Their Dependents Only

Effective immediately, employees who married a same-sex spouse prior to or following the US Supreme Court decisions on June 26th, 2013, or who were in a Domestic Partnership but married following the Federal Court decision, and wish to add their spouse and/or their spouse's dependent children, have the opportunity to enroll their same-sex spouse and eligible dependent children onto their dental and/or vision plan(s). A special one-time enrollment period is now in effect through December 31, 2013.

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 and/or CalHR Form 774 (for Premier Vision plan only), along with a copy of their marriage certificate to their Personnel Office. 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 Personnel Offices, the following dental enrollment changes apply:

- Enrollments for employees adding a same-sex spouse to their dental plan will now be coded with party code two or three, as appropriate. Departments will no longer apply party codes A or B to employees adding a same-sex spouse.
- Enrollments for employees who currently have a same-sex spouse or who are converting their dental enrollment from a same-sex domestic partnership to a same-sex marriage must be amended to show party code two or three, as appropriate.

Personnel Offices must note in the remarks section of the enrollment document(s) "SPECIAL ENROLLMENT – FED". The permitting event date is the date of receipt of the enrollment form by the Personnel Office. The effective date of enrollment is the first of the following month after receipt. The special enrollment period will not preclude employees from making permitted changes during the normal open enrollment period. Forms received after December 31, 2013, will not be honored.

Departments will also immediately discontinue the use of CalHR Form 680 for employees with same-sex spouses.

For Basic vision enrollments, no enrollment action is necessary by employees or Personnel Offices.

All other current rules, including the 60-day time period allowed for dental and/or vision benefit enrollments following marriage, still apply.

Domestic Partner Additions and Imputed Tax – No change

Dental enrollments for employees adding a same-sex domestic partner or an eligible opposite-sex domestic partner have not changed. These enrollments must still be coded as an A, for two party enrollment, or B, for a three or more party enrollment. Imputed tax will still apply in these situations. Departments will also continue to submit CalHR Form 680 for any employee adding a domestic partner considered to be a tax dependent in the employee's household.

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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.

/s/Greg Beatty

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