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| HUMAN RESOURCES MEMORANDUM 13-007A | | DATE ISSUED: September 12, 2013 |
| SUBJECT: Same-Sex Spouses and Domestic Partnerships: Special Open Enrollment, Benefit Eligibility | | REFERENCE: PML 2013-024 and CL 600-047-13 |
| TO: Managers, Supervisors, Personnel Liaisons and Attendance Clerks | | SUPERSEDES: <i>HR Memo 13-007</i> |

PLEASE ENSURE THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES

Purpose This memo was amended to incorporate the special Health Benefits open enrollment period for same-sex marriages.

Direction 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 retro-active adjustments will be communicated upon further guidance from IRS.

Time Frame The special, one-time Health, Dental and Vision open enrollment periods for same-sex marriages are in effect now through December 31, 2013. The exception period provides access to benefit coverage earlier than transactions processed during the regular open enrollment periods.

One-Time Health Benefits Enrollment Period 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 one-time exception also applies to members who married a same-sex spouse in another state where same-sex marriage was legal prior to June 26, 2013.

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.

Employees must submit their Health Benefits Plan Enrollment form and a copy of their marriage certificate to their Personnel Office (or to CalPERS for retirees) by December 31, 2013.

**Special
Dental &
Vision
Enrollment
Period**

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).

Employees 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 by December 31, 2013. 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.

**Personnel
Office
Instruction;
Health
Benefits**

If you receive an enrollment request that fits the one-time exception criteria, please fax the completed and signed *Health Benefits Plan Enrollment form* to CalPERS fax number (916) 795-0883 for administrative processing. You will need to 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: Per DOMA CL 600-047-13.**" The qualifying event reason is marriage and the effective date is the first of the month following receipt of supporting documentation.

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

Newly married members have 60 days from the marriage date to enroll a new spouse and dependent children into health coverage. Employers will enroll the spouse using the same business rules and process for enrolling opposite sex spouses via the my|CalPERS system.

**Personnel
Office
Instructions;
Dental and
Vision**

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 Office Instructions; Dental and Vision (Continued)

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 Partners

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.

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.

Questions

For your convenience, CalPERS has provided a Health Benefits Program Frequently Asked Questions document regarding the one-time exception enrollment. It can be found at: <http://www.calpers.ca.gov/eip-docs/employer/cir-ltrs/2013/600-047-13-attach1.pdf>.

Any other questions may be directed to your assigned OHR Personnel Specialist.

ANGIE BOLDRINI, Personnel Officer
Office of Human Resources

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