UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

JUN 28 2013

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ELAINE KAPLAN
ACTING DIRECTOR

SUBJECT: Guidance on the Extension of Benefits to Married Gay and Lesbian Federal Employees, Annuitants, and Their Families

As you already know, on June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. As a result of this decision, the United States Office of Personnel Management (OPM) will now be able to extend benefits to Federal employees and annuitants who have legally married a spouse of the same sex.

There are numerous benefits that are affected by the Supreme Court's decision, and it is impossible to answer today every question that you may have. Nevertheless, I want to assure you that the U.S. Office of Personnel Management is committed to working with the Department of Justice to ensure swift and seamless implementation of the Court's ruling.

OPM will be issuing additional information covering a broader range of issues, but at this time, OPM can offer the following guidance regarding specific employee benefits that may be of particular interest:

Health Insurance (FEHB): All legally married same-sex spouses will now be eligible family members under a Self and Family enrollment. In addition, the children of same-sex marriages will be treated just as those of opposite-sex marriages and will be eligible family members according to the same eligibility guidelines. This includes coverage for children of same-sex spouses as stepchildren. Employees and annuitants will have 60 days from June 26, 2013 until August 26, 2013, to make immediate changes to their FEHB enrollment. Enrollees will continue to be eligible to make changes to their coverage options during Open Season later this year. For those employees and annuitants who already have a Self and Family insurance plan, coverage for their same-sex spouse will begin immediately upon their notifying their FEHB carrier that there is a newly eligible family member. For those employees and annuitants electing Self and Family for the first time, benefits will be effective on the first day of the first pay period after the enrollment request is received. While online enrollment systems are updated, it may be necessary for employees and annuitants to update their elections using the paper (rather than electronic) version of the SF2809 form.

Life Insurance (FEGLI): All legally married same-sex spouses and children of legal same-sex marriages are now eligible family members under the FEGLI Program, which means that employees may add coverage for a same-sex spouse and any newly eligible children under Option C. Employees will have 60 days from June 26, 2013 until August 26, 2013, to make changes to their FEGLI enrollment.

Dental and Vision Insurance (FEDVIP): As with FEHB, all legally married same-sex spouses will now be eligible family members under a Self and Family enrollment or a Self Plus One enrollment. Current FEDVIP enrollees may now call BENEFEDS (877-888-FEDS (3337)) directly to make the necessary enrollment changes. Employees will have 60 days from June 26, 2013 until August 26, 2013, to make changes to their FEDVIP enrollment. Current enrollees will also be able to make changes to their coverage options during Open Season later this year, and individuals wishing to enroll in FEDVIP for the first time may also do so at that time.

Long-Term Care Insurance (FLTCIP): All legally married same-sex spouses can now apply for long-term care insurance under FLTCIP. Same-sex spouses of employees will have 60 days from June 26, 2013, to apply for FLTCIP coverage with abbreviated underwriting.

Retirement: All retirees who are in legal same-sex marriages will have two years from the date of the Supreme Court's decision (i.e., June 26, 2015) to inform OPM that they have a legal marriage that now qualifies for recognition and elect any changes to their retirement benefits based on their recognized marital status. In the coming days, OPM will be developing guidance to help retirees determine whether they wish to change their pension benefits in a way that will provide benefits for their surviving spouse. Retirees will need to determine whether this option makes sense for them, as making this election will likely result in a deduction to the monthly annuity that the retiree currently receives. Going forward, the same-sex spouses of retiring employees will be eligible for survivor annuities.

Flexible Spending Accounts (FSA): All employees who are in legal same-sex marriages will now be able to submit claims for medical expenses for their same-sex spouse and any newly qualifying (step)children to their flexible spending program.

Additional guidance regarding these and other benefits will be coming soon. In the meantime, questions regarding the effect of the Supreme Court's DOMA decision on Federal employee and annuitant benefits should be directed to OPM through your agency Chief Human Capital Officer.

We appreciate your cooperation in our effort to implement the Supreme Court's decision, and provide greater equality to Federal employees and annuitants regardless of their sexual orientation.

cc: Chief Human Capital Officers