

## **Special Enrollment for Same-Sex Married Employees From September 9 – October 9, 2013**

Based on a Supreme Court decision in June, the IRS now grants same-sex marriages the tax benefits afforded to opposite-sex marriages. As a result, we are holding a 31-day Special Enrollment period to allow same-sex married employees to update their tax status and make related enrollment changes. (This Special Enrollment opportunity DOES NOT apply to opposite-sex married employees or domestic partnerships.)

The City's "Affidavit of Marriage" must be completed to participate in the Special Enrollment. An official Marriage License IS NOT required. Employees entering into same-sex marriages after September 10 must contact their Benefit Representative within 31 days to make tax status and related enrollment changes.

### **Special Enrollment for Same-Sex Married Employees:**

- Runs for 31 days, from September 9 through October 9 at 5:00pm.
- Same-sex married employees must use this Special Enrollment period to change the tax status of their benefits and switch their contributions from after-tax to before-tax.
  - The next opportunity will be during the regular Open Enrollment (October 7 – October 31) with a January 1, 2014 effective date.
- Employees may add their spouse/children at this time to the medical, dental and/or vision plans. They may increase their Flexible Spending Account (FSA) election for the remainder of 2013.
  - An FSA increase is the only change that is consistent with and on account of the change in status. Contributions may NOT be decreased.
- If employees provide their department Benefit Representative with information on or before September 17, tax changes can be made in time for the October 4th paycheck. Medical/dental/vision enrollments will be effective October 1.
- If employees provide their department Benefit Representative with information after September 17, tax changes will take effect on the November 1st paycheck and medical/dental/vision enrollments will be effective November 1.

***If employees already have an Affidavit of Marriage on file***, they need to do the following by the Special Enrollment deadlines mentioned above:

- Notify their department Benefit Representative in writing that they want the City to stop imputing income for health coverage of their same-sex spouse and any dependent children.
- Notify their department Benefit Representative in writing that they want the City to refund year-to-date taxes paid on the "imputed income" (value) of City health coverage of their same-sex spouse and any dependent children. This will be done retroactive to the first paycheck in 2013 after their date of marriage. The payroll adjustment will occur by the end of 2013. The City will NOT be refunding taxes on imputed income for 2012 or earlier years. Affected employees must contact the IRS directly for refunds.
- Make medical/dental/vision/FSA changes if they want to ADD their spouse and/or dependent children to the City's plans now that the tax will not apply.

***If employees DO NOT have an Affidavit of Marriage on file***, they must first submit an Affidavit of Marriage to participate in the Special Enrollment as outlined above. If the employee currently has an Affidavit of Domestic Partnership on file, they'll need to submit a Termination of Domestic Partnership along with their Affidavit of Marriage.