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BENEFITS FOR FEDERAL EMPLOYEES IN SAME-SEX MARRIAGES

On June 26, 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges* that same-sex couples can marry nationwide. As a result of this decision, Federal benefits now extend to all legally married same-sex spouses of Federal employees and annuitants, as well as to their eligible children, including stepchildren.

This decision renders domestic partners ineligible for certain benefits. This includes domestic partners who have filed domestic partnership certifications. Only employees' legal spouses and their children are eligible for most Federal benefits.

Federal employees and annuitants who wish to cover a same-sex spouse and/or eligible children may make the necessary changes to their enrollment status during Open Enrollment Season or as a result of a Qualifying Life Event (QLE) (such as marriage, adoption, or the birth of a child).

FEDERAL BENEFITS HAVE BEEN UPDATED AS FOLLOWS:

Federal Employees Health Benefits (FEHB) Program

All legally married same-sex spouses are considered eligible family members for the FEHB program. In addition, the children of same-sex marriages are treated the same way as those of opposite-sex marriages and are held to the same eligibility guidelines.

As a result of the U.S. Supreme Court's decision, as of January 1, 2016, children of same-sex domestic partners who were covered under FEHB are **no longer covered** based on domestic partner certification. Same-sex couples must be married to cover or continue coverage of eligible children under FEHB.

The Office of Personnel Management (OPM) recognizes that medical treatment may be necessary to address a gender dysphoria diagnosis. Therefore, FEHB carriers may not exclude services, drugs, or supplies related to gender transition or "sex transformations."

Federal Employees Dental and Vision Insurance Program (FEDVIP)

All legally married same-sex spouses and their children are eligible family members under a Self Plus One or a Self and Family enrollment in FEDVIP. In the past, FEDVIP extended to domestic partners' children, but with the legalization of same-sex marriage in every state, this is no longer the case. If a federal employee enrolled a domestic partner and his or her domestic partner's children in FEDVIP in the past, it should be noted that all FEDVIP benefits for domestic partners and their children ended on December 31, 2015. Beginning in 2016, only legally married individuals and their children are eligible for FEDVIP.

Current FEDVIP enrollees may call BENEFEDS (1-877-888-3337) directly to make necessary enrollment changes.

Federal Employees Group Life Insurance (FEGLI) Program

All legally married same-sex spouses and children of legal same-sex marriages are eligible family members under the FEGLI program. It is important to designate how and to whom benefits should be allocated. If a life insurance designation is not submitted, benefits will be paid according to the order provided by law, which provides first for the surviving spouse, including a same-sex spouse.



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Federal Long-Term Care Insurance Program (FLTCIP)

All qualifying relatives (including legally married same-sex spouses, same-sex domestic partners, parents, parents-in-law, step-parents, and adult children) can apply for long-term care insurance under FLTCIP. Children may apply for long-term care insurance with full underwriting when they are 18 years or older.

Federal Flexible Spending Account (FSAFEDS)

Employees can submit claims for medical expenses for their same-sex spouse and qualified children. Daycare expenses for children under 13 years of age are reimbursable with pre-tax income set aside in a Daycare Flexible Spending Account.

For enrollment questions or to learn about the program's contribution limits, contact FSAFEDS directly at **1-877-372-3337**.

Family Medical Leave Act (FMLA)

Legally married same-sex couples are entitled to the same FMLA benefits as opposite-sex couples.

Retirement

Each individual who is currently married is required by law to provide a full survivor benefit to his or her spouse, unless the spouse consents to something other than a full survivor benefit. Survivor benefits are automatically provided by law for children up to age 18, for children who are between 18 and 22 and full-time students, and for children who are incapable of self-support. Insurable interest survivor benefits may extend to individuals with whom the Federal employee shares a financial interest, including but not limited to relatives, a domestic partner, or a business partner.