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## U.S. Supreme Court Legalizes Same-sex Marriage

On June 26, 2015, the U.S. Supreme Court ruled in a 5-4 decision that the U.S. Constitution guarantees same-sex couples the right to marry. The case, [King v. Burwell](#), challenged same-sex marriage bans in Ohio, Tennessee, Michigan and Kentucky. Although the ruling specifically involved those four states, it affects same-sex marriage laws in every state.

The ruling, effective immediately, means that same-sex couples have the right to be married in their own states and to have their marriages recognized as valid in every other state. All states must start (or continue) issuing marriage licenses to same-sex couples.

***Due to the Supreme Court's ruling, employers will generally be required to treat employees in same-sex marriages the same as employees in opposite-sex marriages for federal and state law purposes.***

While many federal laws have already been interpreted to include both same-sex and opposite-sex marriages, this ruling will expand those legal rights and protections to additional couples.

You should review your policies and procedures and update them if necessary in order to align with the Supreme Court's ruling. For example, many states have employee leave laws that entitle an employee to take time off from work to care for his or her spouse. Employers should provide the same leave protections to same-sex spouses as they do to opposite-sex spouses in these situations, even if not previously required under the law.

In addition, same-sex spouses will be subject to the same state tax rules as opposite-sex spouses. State insurance laws may require employers with insured health plans to offer equal health plan coverage to opposite- and same-sex spouses.

Even if your health plan is not subject to state insurance laws, you may still be at risk for discrimination lawsuits if coverage is only offered to opposite-sex spouses.

You should also keep in mind applicable nondiscrimination laws when providing any rights or benefits to employees. Many states have added sexual orientation as a protected class in fair employment and nondiscrimination laws.

Alper has been in discussion with a number of health insurance carriers regarding this topic. The SCOTUS decision may allow for special enrollment periods for same sex couples to join their respective health insurance plans.

- If the couple was married prior to July 26, 2015, many carriers are allowing them to join the health plan within 31 days of the SCOTUS decision.
- If a couple is married on or after July 26, 2015, they will be afforded a special enrollment period. The special enrollment period will allow the spouse to join the plan within 31 days of the marriage date.

If you have any specific questions regarding the [King V. Burwell](#) decision, please contact the Alper Services Employee Benefits Team at [EBTeam@AlperServices.com](mailto:EBTeam@AlperServices.com) or 312-654-4269.

### Did You Know?

On July 24, 2015, Anthem, Inc. and Cigna Corporation announced they have entered into a definitive merger agreement valued at \$54.2 billion. The combined company will be an industry leader offering advanced health care delivery to consumers.

Immediate knowledge of the merger's impact on Clients is unsure, although changes are most likely expected to occur in the latter part of 2016. We continue to dialogue with our local BCBS and Cigna representatives to keep you abreast of any updates.

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