

# FREQUENTLY ASKED QUESTIONS REGARDING STATE EMPLOYEE BENEFITS FOR SAME SEX PARTNERS\*

\*As a result of the Connecticut Supreme Court decision in Kerrigan v. Commissioner of Public Health S.C. 17716 granting same sex couples the right to marry as of November 13, 2008

## I. Effect of the Kerrigan decision on domestic partnerships

Q. How does the Kerrigan decision affect the health and pension benefits currently available to state employees for same sex **domestic partners** or eligible children of domestic partners?

A. The arbitrator's award that established domestic partner benefits for state employees stated that these benefits would terminate if same sex couples ever became eligible to marry in Connecticut. Award at <http://www.osc.state.ct.us/empret/>.)

Therefore, as a result of the Connecticut Supreme Court decision in Kerrigan, effective November 13, 2008, the state will no longer recognize "new" domestic partnerships for benefits purposes. In order to receive or be eligible for health care or pension coverage, **same sex partners must enter into a civil union or marriage.**

Q. What will happen to the **health insurance benefits** for current domestic partners and/or eligible dependents?

A. Those benefits will end effective **November 30, 2009**. If the partners do not enter into a civil union or marriage, the partner and/or dependents will be eligible for COBRA benefits after November 30, 2009.

Q. What will happen to **retirement and pension benefits** for current domestic partners and/or eligible dependents?

A. If you do not marry or enter into a civil union by **November 13, 2009**, your domestic partner will not be treated as a spouse for purposes of pension benefits at the time of your retirement. There will be no pre-retirement and/or spousal benefits available. A domestic partner can, however, continue to be named beneficiary for retirement purposes.

Q. I am a retired employee and my domestic partner is on my health insurance. What should I do?

A. You should contact the Retirement Health Insurance Unit at 860-702-3533.

## II. Effect of the Kerrigan decision on existing civil unions

- Q. If I am already in a civil union, is my partner still eligible for health and pension benefits?
- A. In accordance with Attorney General Richard Blumenthal's Opinion dated October 28, 2008 (2008-019), same sex couples who have already entered into a civil union will continue to be eligible for all rights and benefits of marriage under state law, which includes eligibility for state employee benefits.
- Q. If a same sex couple who has already entered into a civil union decides to marry, must they dissolve their civil union?
- A. No. Couples are not required to dissolve their existing civil unions if they also choose to marry. In other words, a same sex couple may enter into a **civil union**, a **marriage**, or **both**, and the partner and eligible dependents will be eligible for health and pension benefits. It is only **domestic partnerships** that are no longer recognized for benefits purposes.

## III. The effect of the Kerrigan decision if you choose to enter into a civil union or marry in the future

- Q. Can I still enter into just a civil union in Connecticut (not marriage) and if I do, will my partner be eligible for health and pension benefits?
- A. Same sex couples may continue to enter into civil unions and still be eligible for benefits, unless the legislature changes the current law.
- Q. Does Connecticut recognize civil unions or same sex marriages from out of state?
- A. Yes.
- Q. If I decide to enter into a civil union or marriage, how do I sign up my partner or dependent children for health and dental insurance?
- A. You will have thirty days from the date of the civil union or marriage to obtain medical and dental coverage for your spouse or civil union partner and eligible dependent children. If you miss this deadline, you will have to wait for the health insurance open enrollment to add them to your coverage. You will need to bring an **ORIGINAL** of your civil union or marriage certificate and **ORIGINAL** birth certificates for eligible dependents to Human Resources in Davidson 119.

- Q. If I decide to enter into a civil union or marriage, how do I sign up my partner or dependent children for retirement and pension benefits?
- A. You will need to fill out a new "Designation of Retirement System" form (CO-931) to entitle your civil union partner or spouse to retirement death benefits and survivorship protections. This form is available from Human Resources in Davidson 119.

For questions, please call Human Resources at 832-1756.