

July 1, 2015

To: State Employees Impacted by the U.S. Supreme Court's Ruling in *Obergefell v. Hodges*
From: Department of Community Health (DCH), State Health Benefit Plan (SHBP)
Employees' Retirement System (ERS)
Teachers Retirement System (TRS)
Department of Administrative Services, Human Resources Administration (HRA)
State Accounting Office (SAO)
RE: Same Sex Spouses and Employment Benefits

On Friday, June 26, 2015, the U.S. Supreme Court issued a ruling that requires all states to recognize marriages between two people of the same sex when their marriage was lawfully licensed in Georgia or another state. This decision requires states to recognize same sex marriages to the same extent that they recognize marriages between a man and a woman. Governor Deal has confirmed that Georgia will follow the federal law, and Attorney General Ollens has instructed state agencies to ensure their practices conform to the law.

This memorandum addresses employment benefits that will now be made available to all spouses of employees of the State of Georgia in accordance with the Supreme Court's ruling.

What This Change Means To You

The change in federal law means that, as of the June 26th ruling, employment benefits that the State extends to spouses of employees must be extended to spouses regardless of the gender of the employee and spouse. Employment Benefits include health insurance plans, flexible benefits, and retirement plans.

The change in law affects you if you and your current spouse are of the same gender. This change is considered a qualifying event that permits changes to benefits elections. A qualifying event is defined by the IRS in Section 125 to allow changes outside the initial enrollment period and/or Annual Enrollment due to the gain or loss of dependents due to marriage, divorce, death, or birth.

If you and your spouse are of the same gender, and you wish to extend your employment benefits to your spouse and/or your spouses' eligible dependents, you may be required to provide documentation establishing eligibility.

Options Available to You

Add Spouse and New Dependents to Insurance Coverage

- 1) Do you wish to add spousal or other new dependent coverage for Health Insurance?

The Department of Community Health administers the State Health Benefit Plan (SHBP). SHBP is incorporating programming changes to allow members to add same-sex spouses through the ADP portal at www.mySHBPga.adp.com and these changes are expected to be completed by mid-July. However, should covered members wish to add a same-sex spouse prior to this time, they can do so by calling SHBP Member Services Center at 800-610-1863 and speaking with a service representative.

- 2) Do you wish to add spousal or other new dependent coverage for Flexible Benefits (e.g., Dental, Vision, Life Insurance, Legal Insurance, etc.)?

The Department of Administrative Services administers these Flexible Benefits. If you wish to make changes to these benefits you may do so on a self-service basis via the GaBreeze website. Go to: <http://team.georgia.gov> and click on MY BENEFITS then FLEXIBLE BENEFITS to access GaBreeze. For those who were married previously in another state, please use June 26, 2015, as the effective date of the qualifying event for adding spousal coverage. This change must be requested within 30 days of the qualifying event date.

Change IRS Exemptions

- 3) Do you wish to change your marital status and exemptions to reflect a new number of dependents for tax withholding purposes (i.e., update your W-4 and G-4)

The State Accounting Office administers payroll tax changes. If you wish to make the above changes, you may do so through self-service. Go to: <http://team.georgia.gov> and click on MY ACCOUNT. You may then login to TeamWorks HCM and select Employee Self Service to make your changes.

Update Beneficiaries

Should you elect to make changes to your designated beneficiaries, or if you need to update the relationship status of a current beneficiary, the following questions will help you determine what to do and who to contact.

- 4) Do you wish to designate your spouse to receive your outstanding wages and annual leave payout?

If so, you will need to make these changes with your employer. See your HR Department to obtain, complete, and submit a Beneficiary for Outstanding Wages form, which will be held in your personnel file.

- 5) Do you wish to designate your spouse as beneficiary for your pension benefits or your grandfathered Group Term Life Insurance benefit through the Employees' Retirement System (only for ERS membership established prior to 2009)?

The Employees' Retirement System administers pension changes and Group Term Life Insurance, which only applies to certain employees and retirees. Changes affecting these benefits, to the extent otherwise authorized by Georgia retirement law, may be made through self-service. Go to: <http://team.georgia.gov> and click on MY BENEFITS then RETIREMENT. The screen will then provide a link to the Employees' Retirement System website, from which you may select "Account Access" to login and enter your changes.

The Teachers Retirement System administers the fund from which teachers in the state's public schools, many employees of the University System of Georgia, and certain other designated employees in educational-related work environments receive retirement benefits. Beneficiary changes for active TRS members affecting these benefits, to the extent otherwise authorized by Georgia retirement law, may be made through self-service. Go to: <http://team.georgia.gov> and click on MY BENEFITS then RETIREMENT. The screen will then provide a link to the Teachers Retirement System's website, from which you may select "Account Login" to login and enter your changes.

- 6) Do you wish to designate your spouse as beneficiary for Life Insurance benefits, AD&D benefits, 401k, and 457 funds? (Note: Your spouse must sign a waiver if he or she is not named as beneficiary for your 401k fund.)

The Department of Administrative Services administers Life and AD&D insurance benefits, while the Employees' Retirement System - Peach State Reserves administers 401k and 457 plans. If you wish to make the changes to these benefits you may do so on a self-service basis via the GaBreeze website. Go to: <http://team.georgia.gov> and click on MY BENEFITS then either FLEXIBLE BENEFITS or RETIREMENT. Both will send you to the GaBreeze website, where you will login using the credentials you used to select your benefits.

What Else You Should Know

The change in federal law also applies to Family and Medical Leave (FML) benefits. Eligible employees are now permitted to use FML for qualifying absences involving a same-sex spouse. The State Personnel Board Rule will soon be updated to reflect this change. Eligibility and procedural requirements will remain the same and apply the same to all married employees. Your HR Department will provide additional guidance once you provide notice of a Family and Medical Leave qualifying condition.

If You Have Questions About

Pension Benefit

ERS General Number: (404) 350-6300

ERS Toll Free: 800-805-4609

(outside metro Atlanta area)

Peach State Reserves (401k/457) Toll Free:

877-342-7339

TRS General Number: (404-) 352-6500

TRS Toll Free: 800-352-0650

Healthcare Insurance

800-610-1863

Flexible Benefits (Dental, Vision, Life, AD&D...)

877-342-7339

Outstanding Paycheck or Annual Leave Payout

Contact Your HR Department

W-2 / W-4 / G-4 Forms

Contact your HR or Payroll Department