



Civil Union & Same Sex Marriage Benefits

Connecticut's Civil Union statute, which took effect October 1, 2005, provides that parties to a civil union are entitled to all the same benefits under the law as married couples. Any benefit that is provided by state law, policy, or collective bargaining agreement is covered by the new law.

Connecticut's Same Sex Marriages, which became legal on November 13, 2008, provide that parties in a same sex marriage are entitled to all the same benefits under the law as married couples. Any benefit that is provided by state law, policy, or collective bargaining agreement is covered by the new law.

Below is a summary of benefits available.

Health Care Benefits

Employees will be allowed to cover their civil union partner or spouse, and eligible dependent children. An employee who enters into a civil union or marriage will be accorded thirty-one (31) days to obtain medical and dental coverage for his or her civil partner or spouse and eligible children. An employee who enters into a civil union or marriage but fails to enroll his or her civil partner or spouse or eligible children, within thirty-one (31) days, will be required to wait until the annual health insurance open enrollment period to do so. Employees will be asked to submit a photocopy of their civil union or marriage license to the Human Resources Department.

Tax Implications Regarding Health Care Benefits

Civil Union or Same Sex Marriage

The employee's premium, to add the civil union partner or spouse to the health care benefits, will be treated on an after-tax basis for federal taxes, and on a pre-taxed basis for state taxes.¹

The State's premium, to cover the cost of the added civil union partner to the health care benefits, will be treated on a taxable basis for federal taxes, and on a non-taxable basis for state taxes.²

Civil Union or Same Sex Marriage - Qualified

*Civil Union or Same Sex Marriage - Qualified means the employee attests in writing to providing more than fifty percent of a civil union partner's or spouse's financial support.

The employee's premium, to add the civil partner or spouse to the health care benefits, will be treated on an after-tax basis for federal taxes, and on a pre-taxed basis for state taxes.¹

The State's premium, to cover the cost of the added civil partner or spouse to the health care benefits, will be treated on a non-taxable basis for federal taxes, and on a non-taxable basis for state taxes.²

Cobra Benefits

An enrolled civil union partner or spouse and their dependent children will be deemed qualified beneficiaries under Cobra regulations and will be afforded the same benefits as eligible dependents in a civil marriage.



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Pension Benefits (Applies to employees in the State Employees Retirement System Plan only.)

Regarding pension benefits, essentially two areas are impacted under the civil union or same sex marriage law. These areas are pre-retirement death benefits and spouse waivers under State Employees Retirement System.

1. **Pre-retirement Death Benefits:** The pre-retirement death benefit is a feature of State Employees Retirement System. This provision is intended to protect the spouse of an active state employee who become deceased while otherwise eligible to retire, or having accrued twenty-five (25) years of service regardless of age. Where an active employee becomes deceased under these circumstances, State Employees Retirement System presumes that such employee elected to retire on the day before his or her death having elected an allowance which approximates a fifty (50) percent spouse option: pre-retirement death benefits are further conditioned upon the employee and spouse having been married for at least a year prior to such employee's death. As a result of the civil union and same sex marriage law pre-retirement death benefits will now be extended to civil union partners and same sex marriage spouses.
2. **Spouse Waivers:** Upon retirement, a State Employee Retirement System member who has been married for at least one (1) year must obtain a waiver from his or her spouse when the said member elects an allowance that does not guarantee lifetime pension income protection for such spouse. As a function of the civil union statute and same sex marriage law, a State Employee Retirement System member who has a civil union license or a same sex marriage license for at least one (1) year prior to retirement will be required to obtain a waiver when electing an income option that does not afford lifetime protection to his or her civil partner or spouse. Where the requisite waiver is not obtained, the Retirement and Benefit Services Division will impose a fifty (50) percent option in favor of the civil partner.

Tuition Waiver Benefits

Applies to teaching faculty participating in American Association of University Professors union (AAUP), administrators participating in State University Organization of Administrative Faculty union (SUOAF-AFSCME), and Management & Confidential Professional Personnel.

Employees in a civil union or same sex marriage will be eligible for tuition waiver benefits for their eligible partner or spouse, and dependent children. Please refer to the tuition waiver/course privilege section in your union contract for details on tuition waivers benefits.

Federal Family & Medical Leave Act (FMLA)

Federal Family & Medical Leave Act is a federal law allowing employees a leave of absence, for different qualifying events, without retribution of losing their job. Under the civil union statute or same sex marriage law, FMLA benefits extend to the employee in events which apply to the employee and dependent children, but are **not** extended to qualifying events that involve the civil union partner or spouse.



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State of Connecticut Family & Medical Leave Plan

The State of Connecticut has a similar leave plan which entitles employees to a leave of absence (paid/unpaid) for different qualifying events, without retribution of losing their job. The Connecticut Family & Medical Leave Plan (C.G.S. 5-248a) is a state benefit which applies to qualifying events for the employee, their dependent children, and events which involve the civil union partner or spouse.

To qualify for the Connecticut Family & Medical Leave Plan employees must have permanent status with the State of Connecticut.

Qualifying Events:

- the birth of employee's child or adoption of a child by the employee
- the "serious illness" of a child, spouse or parent
- the "serious illness" of the employee

Under the Connecticut Family & Medical Leave Plan, employees are entitled to a maximum of twenty-four (24) weeks of unpaid leave within a two year period. The state entitlement is applied after the employee has exhausted any sick leave accruals that may be applicable. The State's policy is to allow the substitution of personal leave and vacation accruals; however, this will not extend the 24-week entitlement period. Where possible, leave time granted under the Connecticut Family & Medical Leave Plan will run concurrently with the federal FMLA entitlement.

Changes in Civil Union Status or Marriage Status

Where a civil union license or same sex marriage license has been filed with the Human Resources Department employees are required to provide notice of any change in their status to the Human Resources Department.

Employees seeking further information should contact the Human Resources Department.

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1. After-tax basis means the premium amount is considered part of the employee's gross salary for tax purposes and standard deductions apply. Pre-taxed basis means the premium amount is not considered part of the employee's taxable gross salary for tax purposes.
 2. Taxable basis means the state's premium amount will be added to the employee's gross salary for tax purposes and standard deductions will apply. Non-taxable basis means the state's premium amount is not added to the employee's gross salary for tax purposes.