THE LOOK FORWARD

2023 CEI Educational Series
Spousal and Domestic Partner Benefits

Criteria 2a, b, and c
Welcome to today’s installment of The Look Forward Webinar Series
• Once a Month: The last Monday of Each Month at 3pm EST
• 50 Minutes (Including Q&A)

Purpose of this Webinar: Policy – Training – Best Practices
• The Workplace Equality team is bringing you HRC Foundation’s new webinar series – timely topics to help guide your efforts in your own organizations.
• Engage with diversity & inclusion thought-leaders
• Stay up to date with information relevant to LGBTQ+ workplace equality
Who’s this for?

- HR professionals
- D&I professionals
- LGBTQ+ Employee Resource and Affinity Group members
- Executive Sponsors of LGBTQ+ employee groups
- Other stakeholders for workplace inclusion
How to engage…

This is a **recorded** Presentation followed by Q&A

- Microphones are automatically muted
- Type in your questions via the Q&A function

*Recording and all slides will be shared with attendees*
FAQs before we get started

● All slides and resources will be shared with attendees
● This session is being recorded
● There will be no CEI survey calendar year 2022
● The 2023 CEI survey will open in Spring 2023
  ○ Employers will have 3 months to complete the survey
● All changes need to be in place by the submission deadline in 2023
FAQs before we get started (cont.)

- Domestic Partner benefits are still a necessary and important benefit despite *Obergefell*
- Soft and family formation benefits are evaluated for *parity*, employers are not required to have all benefits or a certain benefit
- Internal DP affidavits account for virtually all concerns of fraud or misuse
Today’s Agenda

• Background: The Continued Importance of Domestic Partner Benefits
• Current and New Criteria
  ○ What are “Soft” Benefits?
  ○ What are Family Formation Benefits?
  ○ The Parity Principle
• Necessary Documentation
  ○ Acceptable documentation
  ○ Unacceptable documentation
• Q&A
PLEASE NOTE:
Today’s presentation will be on the changes to the Spousal and Domestic Partner Benefits portion of the CEI criteria.

For a more general overview of the criteria changes:
● Watch our 2023 CEI Informational Webinar
● Check out the 2023 CEI Criteria Toolkit or
● Review the CEI criteria webpage
Background

The Continued Importance of Domestic Partner Benefits
Why cover domestic partner benefits?

Many employers think the *Obergefell* decision negates the need for domestic partner benefits. This is incorrect.

While marriage equality is a huge step, LGBTQ+ individuals remain at risk for discrimination that creates barriers to exercising their legal right to marry.

In more than half of the states in the country, discrimination against LGBTQ+ people is still legal in the following areas of life:
- Housing, access to public places, federal funding, credit, education, jury service and more
Current and New Criteria

Inclusive Spousal and Domestic Partner Benefits
Inclusive Spousal and Domestic Partner Benefits (20)

- Equivalency in same- and different-sex spousal medical and soft benefits (10)
- Equivalency in same- and different-sex domestic partner medical and soft benefits (10)
New Spousal and Domestic Partner Benefits Criteria

Inclusive Spousal and Domestic Partner Benefits (20)

- Equivalency in same- and different-sex spousal medical and soft benefits (*No points awarded*)
- Equivalency in same- and different-sex domestic partner medical and soft benefits (10)
- Equivalency in spousal and domestic partner family formation benefits regardless of sex (10)
What are “Soft” Benefits?

In the CEI we evaluate many non-medical benefits like leave, retirement, and others. We score the following benefits:

- FMLA/ “FMLA-like” equivalent policy
- Bereavement leave
- Employer-offered supplement life insurance
- Relocation/travel assistance
- Employee discounts
- Employee Assistance Program
- QJSA/QJSA-equivalent
- QPSA/QPSA-equivalent
- Cash-balance plans

PLEASE NOTE: Some benefits are for use on the behalf of spouses/partners, such as taking leave.

Soft benefits and family formation benefits are evaluated based on parity. This means an employer is not required to have a specific benefit, just that the existing benefits extend to spouses and partners regardless of sex.
What are Family Formation Benefits?

In the new CEI criteria we will evaluate many family formation benefits. We will score the following benefits:

- Adoption benefit
- Cryopreservation (Egg and sperm freezing)
- Paid family leave (i.e. not FMLA)
- Foster care assistance
- Infertility treatment coverage (non-IVF)
- Fertility/IVF coverage
- Surrogacy benefit

Soft benefits and family formation benefits are evaluated based on parity. This means an employer is not required to have a specific benefit, just that the existing benefits extend to spouses and partners regardless of sex.
The Parity Principle

In order to earn full credit for domestic partner benefits, employers must offer ALL of the following standard medical benefits regardless of sex:

- Health
- Dental
- Vision
- Dependent health
- “COBRA-like” equivalent

All other benefits are only evaluated and scored on the basis of parity. Meaning that existing benefits should be equitable. An employer will not lose points for simply not offering these additional benefits at all.

Please note: FMLA is a federally mandated benefit that extends to the care of spouses. An FMLA-like equivalent policy should be extended for domestic partner care.
Necessary Documentation

Benefit Eligibility and Proof of Relationship
Acceptable Documentation

We will need up to two pieces of documentation in order to award full credit

Eligibility documentation (usually an SPD or an excerpt of an SPD)

- Eligibility should clearly indicate unmarried domestic partners are eligible for healthcare benefits.

Domestic Partner Affidavit (if applicable)

NOTE: HRCF cannot accept plans that require state registration for proof of domestic partnership. Given affidavits provide a clear process for couples to attest to their relationship status, requiring state registered partnerships is unnecessary.
Unacceptable Documentation

Common examples include:
- Same-sex domestic partners only
- Documentation says state registration is required
- Domestic partner affidavit includes undue time requirements (over 1 year)

NOTE: Your internal benefits manager, TPA/Insurer, account manager will likely be very familiar with your company’s eligibility and affidavit documents.
Unsure about your policy? We’re here to help!

Reach out to us at cei@hrc.org!
Q+A

Spousal and Domestic Partner Benefits
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- The 2023 CEI survey will open in Spring 2023
  - Employers will have 3 months to complete the survey
- All changes need to be in place by the submission deadline in 2023
• Domestic Partner benefits are still a necessary and important benefit
• Soft and family formation benefits are evaluated for parity employers are not required to have all benefits or a certain benefit
• Internal DP affidavits account for virtually all concerns of fraud or misuse
Questions?

Please use the Q&A function to ask your questions!
Next Session Details:

Monday, April 25th
@ 3pm ET
THANK YOU!

HUMAN RIGHTS CAMPAIGN FOUNDATION™