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# *THE LOOK FORWARD*



*2023 CEI Educational Series*

# *Spousal and Domestic Partner Benefits*

*Criteria 2a, b, and c*



# Welcome to The Look Forward

## 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**





# Today's Agenda

## 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*



# Current Spousal and Domestic Partner Benefits Criteria

## 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

**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**

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





# 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](mailto:cei@hrc.org)!



# Q+A

## *Spousal and Domestic Partner Benefits*





# FAQs before we get started

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# *Questions?*

*Please use the Q&A function to ask your questions!*



**Next Session Details:**

**Monday, April 25<sup>th</sup>  
@ 3pm ET**

***THANK YOU!***



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