



Implementation of the President's
Memorandum Regarding Extension of
Benefits to Same-Sex Domestic Partners of
Federal Employees Including Coverage
under the Federal Long Term Care
Insurance Program (FLTCIP)

A Mandatory Reference for ADS Chapter 476

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In a memorandum dated June 2, 2010, President Obama directed Federal agencies to extend various benefits to their employees' same-sex domestic partners as permitted by law. Director Berry of the U.S. Office of Personnel Management (OPM) subsequently issued guidance to agency heads to ensure consistent and appropriate implementation of the President's memorandum.

One benefit of note that has been extended to employees' same-sex domestic partners is coverage under the Federal Long Term Care Insurance Program (FLTCIP). On June 1, 2010, OPM issued final regulations effective July 1, 2010, to include same-sex domestic partners of eligible Federal employees and annuitants to the list of qualified relatives eligible to apply for coverage under FLTCIP. This regulation is specific only to the FLTCIP and only applies to same-sex domestic partners who meet the requirements listed below. Please refer to No. 3 for complete details on applying for coverage under FLTCIP.

OPM's guidance is summarized below:

1. Requirements for a Same-Sex Domestic Partnership

OPM has defined a "domestic partner" as a person in a domestic partnership with an employee or annuitant of the same sex. The term "domestic partnership" is defined as a committed relationship between two adults, of the same sex, in which the partners -

- (a) Are each other's sole domestic partner and intend to remain so indefinitely;
- (b) Maintain a common residence and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);
- (c) Are at least 18 years of age and mentally competent to consent to contract;
- (d) Share responsibility for a significant measure of each other's financial obligations;
- (e) Are not married or joined in a civil union to anyone else;
- (f) Are not the domestic partner of anyone else;
- (g) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which they reside;
- (h) Are willing to certify, if required by the agency, that they understand that willful falsification of any documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification, as well as constitute a criminal violation under 18 U.S.C. 1001, and that the method for securing such certification, if required, shall be determined by the agency; and

(i) Are willing promptly to disclose, if required by the agency, any dissolution or material change in the status of the domestic partnership.

2. Extending Benefits Consistent With Law

The President's memorandum also directs agencies, to the extent consistent with law, to provide to the same-sex domestic partners of their employees (and their children) the same level of access to these benefits as is provided to spouses (and their children).

USAID will be undertaking a review of various benefits to ensure the fullest possible application of the requirements of the President's memorandum.

There is also an ongoing obligation for agencies to ensure that any new benefits that are made available to employees' spouse (or spouse's children) also be made available to employee's same-sex domestic partners (or their children).

3. Federal Long Term Care Insurance Program (FLTCIP): Qualified Relatives now Include Same-Sex Domestic Partners.

Long Term Care Partners, the FLTCIP Administrator, will begin accepting applications from same-sex domestic partners immediately. Please note that USAID does not process any FLTCIP enrollments. This process is sponsored by OPM and administered by Long Term Care Partners.

Same-sex domestic partners can access an updated copy of the FLTCIP full underwriting application and the Declaration of Domestic Partnership at www.ltcfeds.com. Same-sex domestic partners can apply for coverage under the FLTCIP on or after July 1, 2010.

The FLTCIP is medically underwritten and applicants must answer questions about their health on their application. Certain medical conditions, or combinations of conditions, will prevent some individuals from being approved for coverage. If the application is approved, the coverage will become effective the first day of the month following the application approval date.

An employee must be eligible to apply for FLTCIP coverage in order for his or her same-sex domestic partner to be eligible to apply for FLTCIP coverage. However, the domestic partner can apply on his or her own regardless of whether the employee is enrolled.

Eligible individuals must provide documentation (a "declaration") that they meet the definition of "domestic partnership." An employee or his or her same-sex domestic partner must file a Declaration of Domestic Partnership with the employee's agency.

Agency retirement officials must sign and date the declaration to indicate official receipt of the form and provide a receipted copy to the employee. Upon receipt, the declaration is filed in the employee's e-Official Personnel Folder. Applicants should not send the Declaration form to John Hancock, the FLTCIP insurer, or Long Term Partners, the FLTCIP administrator. For USAID, employees or their same-sex domestic partners should contact Regina Huggins in the Office of Human Resources, Employee and Labor Relations Division, OHR/ELR, on 712-5034.

If the same-sex domestic partnership is dissolved, the employee and his or her domestic partner can submit a signed letter to the responsible servicing Human Resources Specialist for the employee's Bureau/Independent Office/Mission, attaching the original Declaration, indicating it is now void. The letter will be filed in the employee's e-OPF. The dissolution of a domestic partnership does not end either party's insurance coverage under the FLTCIP.

4. Additional Information

For additional information, please refer to OPM's guidance at:

<http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=2982>.

For more information about the FLTCIP and Frequently Asked Questions, please visit www.ltcfeds.com or call 1-800-LTC-FEDS (1-800-582-3337); TTY 1-800-843-3557 for assistance.

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