

MEMORANDUM

TO: ERSGA Retirees and Members

RE: Obergefell v. Hodges – Effect On Retirement Benefits

DATE: August 28, 2015

Background

On June 26, 2015, the U.S. Supreme Court issued its decision in the case of *Obergefell v. Hodges*, finding that same-sex couples have the legal right to marry in all U.S. jurisdictions and that states must recognize same-sex marriages performed in other states. As a result of *Obergefell*, all governmental pension plan administrators must recognize same-sex spouses and can no longer make distinctions between opposite-sex and same-sex married couples. The Employees' Retirement System of Georgia (ERSGA) has reviewed applicable plan provisions to ensure all married couples receive equal status under the plan.ⁱ

Benefits Affected

Following *Obergefell*, ERSGA plan features affected included the following:

- *Survivor Benefits*: Survivor benefits provided to spouses now provide the same treatment to opposite-sex and same-sex spouses.
- *Beneficiary Provisions*: The treatment of beneficiary designations is the same for same-sex spouses and opposite-sex spouses.

Action Required

For most retirees, no action is required. However, if you are a retired member of the Employees' Retirement System (ERS) in a same-sex marriage recognized in another state prior to June 26, 2015 and you elected to receive the maximum plan (no pension reduction for beneficiary), you have until **December 25, 2015** (six months from when your marriage was recognized in Georgia) to elect an alternative option naming your spouse as beneficiary.

If you are an active member of any of our plans, please review your beneficiary designations to ensure they reflect your wishes for your retirement benefits.

ⁱ Source – *Governmental Plans: Moving Forward After the Obergefell Decision*. July 10, 2015 (Ice Miller Bulletin)