

## Texas Supreme Court To Decide Whether Same-Sex Spouses Are Entitled To Benefits

January 26, 2017 | [Employment Lessons, Labor And Employment](#)



**Douglas M.  
Oldham**  
Of Counsel

Traditionally, marriage is about romantic concepts like love and companionship. But it also has a practical component, such as employee benefits eligibility. Same-sex couples across the country won the right to marry as a result of the U.S. Supreme Court's ruling in *Obergefell v. Hodges* in 2015. However, the practical benefits of same-sex marriage are under fire in Texas and the Texas Supreme Court could limit same-sex couples' right to spousal benefits. In 2013, same-sex marriages were not allowed in Texas, but the city of Houston granted spousal employee benefits to employees who married same-sex partners in other states. Two taxpayers sued the city, claiming their tax dollars should not pay for same-sex spouses' benefits. When the *Obergefell* ruling was announced, the appellate court held that it was bound by the decision and ruled for the city. However, the taxpayers have appealed to the Texas Supreme Court with the support of Texas' governor and attorney general. The argument the petitioners make is that the U.S. Supreme Court ruled that same-sex couples have the constitutional right to marry, but the U.S. Constitution does not require employers to offer benefits to same-sex spouses. They argue that marriage may have been declared a fundamental right, but spousal benefits were not. If the petitioners are successful and the Texas Supreme Court rules that *Obergefell* is limited only to granting same-sex couples the right to marry, not to the practical benefits that traditionally come with marriage, then opponents of same-sex marriage across the country, including some employers, may look for ways to narrow the rights of same-sex spouses and to limit employee benefits to those spouses. Employers who previously did not provide benefits for same-sex spouses will wait to see whether they are eventually allowed to return to those policies. The case is *Pidgeon v Turner*, Texas Supreme Court number 15-0688.

### RELATED PRACTICE AREAS

Labor and Employment  
Management and Employee Training  
Workplace Counseling  
Workplace Culture 2.0

### RELATED TOPICS

Employee Benefits  
same-sex marriage  
same-sex marriage  
Texas Supreme Court