

Ohio State University Considers Cutting Benefits For Unmarried Same-Sex Partners

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On June 9, the Ohio State University Board of Trustees will consider whether to stop allowing employees' unmarried same-sex partners to obtain health insurance and other benefits. If the board approves the change, then unmarried same-sex partners already enrolled in benefit plans would keep those benefits through 2018, but no new unmarried same-sex partners would be allowed to obtain benefits. This decision is not entirely novel. Miami University made a similar change at the end of 2016, same-sex partners must be married to covered employees in order to obtain benefits. While any move to take away rights from minority groups might at first blush be viewed as discriminatory, further analysis proves this is not so. Ohio State does not offer benefits for unmarried partners of the opposite sex, and the proposed move is an effort to treat all unmarried employees the same. The university traditionally offered benefits to unmarried same-sex partners because same-sex couples were not legally allowed to marry. However, the 2015 *Obergefell v. Hodges* decision by the U.S. Supreme Court paved the way for legalized same-sex marriages, so there is no continuing need to have different policies to accommodate unmarried same-sex couples. Many businesses have allowed unmarried same-sex partners to obtain health insurance and other benefits under their benefits plans. It remains to be seen whether these businesses – be they state universities like Ohio State and Miami or private companies – will explore changing their policies like Ohio State.

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