

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

DIVISION OF STAFFING SERVICES

GENERAL INFORMATION BULLETIN No. 11-04

TO: Department and Agency Human Resource; Personnel and Affirmative
Action Officers; Agency Counsels

FROM: Patricia A. Hite

SUBJECT: Marriage Equality Act

DATE: August 25, 2011

As you are aware, the Marriage Equality Act, signed by Governor Cuomo, became effective July 24, 2011. The Act amends the Domestic Relations Law to provide that a marriage that is otherwise valid shall be valid in New York regardless of whether the parties to the marriage are of the same or different sex. No State government employee shall be treated differently with respect to the rights, benefits, privileges, protections or responsibilities relating to marriage based upon their spouse being of the same sex or a different sex.

Since April 2007, the Department has extended recognition to same-sex spouses in legal marriages from other jurisdictions for purposes of spousal benefits under NYSHIP. Additionally, in light of several court decisions and consistent with State policy, the Department conducted a review of state statutes, policy statements and regulations to ensure that terms such as “spouse”, “husband” and “wife” are construed in a manner that encompasses legally executed marriages between same-sex couples. With the enactment of the Marriage Equality Act, individuals of the same sex may be lawfully married and may not lawfully be denied any State government right, benefit, protection or privilege. If you are aware of any policy or regulation relating to employment with the State which continues a distinction based upon whether parties to a marriage are of the same or a different sex, please bring it to the attention of the Department immediately.

If you have any questions concerning health benefits for same sex spouses, please contact Mary Frye, Assistant Director of the Employee Benefits Division of the Department of Civil Service, at (518) 485-1771. For any other employment related questions or concerns, please call Mark Worden in Counsel’s Office of the Department of Civil Service at (518) 457-2624.