



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

The Director

Friday, July 10, 2009

MEMORANDUM FOR: Heads Of Executive Departments And Agencies

FROM: John Berry, Director

Subject: Federal Benefits for Same-Sex Domestic Partner

President Obama is committed to achieving equality for all Lesbian, Gay, Bisexual, and Transgender (LGBT) Americans who are faithfully serving in the Federal Government. He believes, as do I, that achieving equality for LGBT employees is not only the right and just thing to do, but also will help the Federal Government compete with the private sector to recruit and retain the best and the brightest employees.

To further his goals, the President has issued a memorandum requesting that the heads of all executive departments and agencies review all the benefits they provide to employees and determine which of those can legally be extended to same-sex domestic partners. See Presidential Memorandum on Federal Benefits and Non-Discrimination, June 17, 2009. Executive departments and agencies are to report the results of their review to the Office of Personnel Management (OPM).

Please review the benefits offered by your agency, including workplace flexibilities and policies, and determine whether they already are available to, or could be extended to, the same-sex domestic partners of your employees. Examples include relocation assistance covering same-sex domestic partner expenses; medical evacuation of same-sex domestic partners from posts abroad; and any spousal preference or appointing/conversion authority for family members of employees who are transferred.

While most benefits and workplace flexibilities will be known to agency human capital officers, I urge you to conduct an agency-wide review to ensure that no benefits or flexibilities are missed. Think broadly about all policies and practices that are aimed at improving the lives of your employees and their families. Look closely at your agency regulations, manuals, policies, and/or collective bargaining agreements.

Please report the results of this review to your OPM-assigned Human Capital Officer (HCO) by September 15, 2009. In your report, please address the following:

Describe the benefit, including the average cost of the benefit per employee, if known;

Identify any applicable legal authority for the benefit, such as a statute, regulation, agency manual, or collective bargaining agreement;

Indicate whether the benefit is currently being provided to same-sex domestic partners;

Describe any implementation issues that may need to be addressed in order to make the benefit available to same-sex domestic partners (e.g., modifications of regulations, manuals, or contracts, or changes to automated systems);

Indicate the timeframe in which you could extend the benefit to same-sex domestic partners (e.g., immediately, within 60 days, within a year, longer than a year); and

Provide any other information you think might be useful to the assessment of whether the benefit should be extended to same-sex domestic partners.

Upon receiving your reports, I will offer recommendations to the President on measures that can be taken under existing law to provide benefits and flexibilities to same-sex domestic partners of Federal employees. Your OPM-assigned HCO will be pleased to answer any questions you have about this request.

I look forward to working with you as we continue to strive toward making the Federal Government the world's model workplace.

CC: Chief Human Capital Officers