



Employers Need to Respond to Ruling in Same-Gender Marriage Decision

News

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Scott Schneider was quoted in *Inside Counsel* on June 26, 2015. The article “Employers Need to Respond to Ruling in Same-Gender Marriage Decision” discussed how under the *Obergefell v. Hodges* ruling, all employees in all states may enter into same-sex marriages and their previously performed same-sex marriages must be recognized.

Scott was quoted on how employers will have to craft benefit plans moving forward.

It may remain an open question, at least theoretically, if employers can craft a plan for employees, which does not give identical benefits to same-gender spouses, according to Scott. That could apply to something that relates to “eligible beneficiaries,” he said. Similarly, faith-based employers that are opposed to same-gender marriage may not be forced to give identical employee benefits to a spouse who is the same gender as the employee.

Unless there is a state or local rule making sexual orientation a protected class, Congress would have to add that kind of prohibition to current laws, Scott said. He predicted that will be “the next battle.” Or, the Supreme Court may rule on this topic sometime in the future.

But for now, Scott said the impact from the high court’s latest decision will be “minimal.”

It will primarily impact those employers in states that do not recognize same-gender marriage, he added.

To read the full article, please visit [Inside Counsel](#).

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