

# Employer's Guide to the State Sector Retirement Savings Scheme

KEY PROCESSES TO ADMINISTER THE SSRSS – JANUARY 2017

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## Introduction

The State Sector Retirement Savings Scheme (SSRSS) is administered by two Scheme Providers as two separate retirement savings schemes. Each scheme operates under the same SSRSS rules. The schemes are part of superannuation master trusts operated under trust deeds that conform to the provisions of the Superannuation Schemes Act 1989 (and will shortly be amended to conform to the provisions of the Financial Markets Conduct Act 2013, which replaces that Act).

The SSRSS schemes stopped accepting applications for membership from employees of Public Service and non-Public Service agencies, crown entities and kindergartens on 31 March 2008, and from state and state-integrated schools on 30 September 2008. SSRSS continues to operate for existing members.

This booklet covers all the common situations you may encounter as a participating employer for the SSRSS. It provides you with information about handling scheme transactions quickly and effectively. It also contains some background information and explanation of scheme rules that employers may need to discuss with staff.

If you are in any doubt about what to do, please pick up the phone and talk to either of the providers:

### 1.1 Provider Contact Details

<b>AMP</b>	<b>ASB</b>
www.amp.co.nz	www.asb.co.nz/ superannuation-master-trust
Fax 04 498-8831	Fax 09 487-8002
Freephone 0800 800 267	Freephone 0800 ASB RETIRE (0800 272 738)
Email <a href="mailto:workplaceadmin@amp.co.nz">workplaceadmin@amp.co.nz</a>	Email <a href="mailto:retire@asbbank.co.nz">retire@asbbank.co.nz</a>
AMP SSRSS Freepost 170 P O Box 55 Shortland Street Auckland	ASB SSRSS Freepost ASB P O Box 35 Auckland

## **2 Participating Employers' Obligations**

### **2.1 Summary of responsibilities for SSRSS participating employers**

Participating employers' obligations are to:

- Keep the following records for each member (while he or she remains a current employee):
  - whether the member is currently contributing
  - the scheme to which the member is currently contributing
  - current contribution rate
  - whether the member is a subsidised member or not
  - if subsidised, the current subsidy rate
  - whether the member has entered into a salary sacrifice arrangement, and if so the documentation recording that arrangement
- Make the required payroll deductions and calculate employer contributions and employer superannuation contribution withholding tax (ESCT)
- Forward the contribution advice to each Scheme Provider and pay the contributions to each Scheme Provider immediately after each payroll
- Work with the Scheme Providers to resolve issues where contributions paid do not match the schedule provided, or where the member queries contribution transactions.
- Notify the Scheme Provider in the event of the following member events:
  - new employee with SSRSS membership
  - exit, including death, of employee with SSRSS membership
- Provide annual contribution declarations to the Scheme Providers.

### **2.2 New employees who are existing SSRSS members**

Though SSRSS is closed to new members, if a new employee is an existing member of SSRSS the individual is entitled to continue their SSRSS contributions and is potentially eligible for employer contributions for as long as your organisation is a participating employer in SSRSS. It is up to the member to notify you that they are an SSRSS member.

See Section 7 for more details on members changing employers.

## **3 Payroll Activities**

### **3.1 Keeping records of contributions**

A participating employer needs to calculate and keep records of the following types of contributions to SSRSS that are generated through the employer's payroll activities. These are all the contribution types permitted under the SSRSS rules:

- Member regular contributions
- Employer contributions
- Member voluntary contributions
- Employer voluntary contributions (including salary sacrifice contributions).

### **3.2 Member and Employer Contributions**

#### **3.2.1 What contributions are payable**

The contributions payable by or for each member will depend on:

- written instructions the employer has received from the member about preferred contribution levels
- the member's status (whether subsidised or unsubsidised) and eligibility for the maximum subsidy rate and for other superannuation subsidies or allowances
- the level of any additional voluntary employer subsidy offered to subsidised members
- any documented salary sacrifice agreements in place.

Further details about each contribution type and when it is payable are noted in this section.

#### **3.2.2 What remuneration payments are superable for SSRSS members?**

Regular contributions for both the employee and employer are calculated as a percentage of Gross Base Salary paid in each payroll run. This includes payments made for periods of annual leave.

Other payments in the way of remuneration to employees are not superable and should not be included in regular contribution calculations. Non-superable remuneration payments include payments such as performance bonuses, overtime payments, redundancy, retirement leave and other payments that do not form part of the member's "annual before-tax amount of base salary or wages", such as holiday or leave payments paid on termination of employment or cashed-up during service.

#### **3.2.3 Member regular contributions**

Member regular contributions are contributions made by subsidised members via payroll deduction. The minimum contribution for subsidised members is 1.5% of gross base salary, and members may contribute higher amounts at 0.5% increments. The maximum amount of member regular contributions is 3% of gross base salary in most cases, though this will vary if you offer a higher Maximum Subsidy Rate to some or all of your SSRSS members.

Members can continue to make regular contributions via payroll deduction to SSRSS for as long as they maintain an SSRSS account balance and are employed by an SSRSS participating employer. There is no upper age limit on contributory membership to SSRSS.

### **3.2.4 Member voluntary contributions**

Most member voluntary contributions are any contributions over and above those matched by the employer. For subsidised members, this means any member contributions over 3% of gross base salary, as all contributions up to 3% must be matched by the employer. If you are offering a higher Maximum Subsidy Rate (i.e. over 3%) then member voluntary contributions will be any amount over the subsidy rate being paid.

For unsubsidised members (i.e. those receiving no employer subsidy) all contributions are member voluntary contributions. The minimum contribution via payroll deduction for unsubsidised members is 1.5% of gross base salary. There is no maximum contribution level.

Note: in addition to payroll deduction, members can also arrange with their scheme provider to make voluntary lump sum deposits or regular contributions. This may be useful to members who are taking a period of parental leave or a secondment to a non-participating employer but are keen to continue to build their SSRSS balance. For members in these circumstances, the member should contact their Scheme Provider for more details.

### **3.2.5 Employer contributions**

Employer contributions are contributions made by your organisation to match subsidised member contributions up to the Maximum Subsidy Rate of 3% of gross base salary. The rate is stated net of Employer's Superannuation Contribution Tax (ESCT). At the current maximum ESCT rate of 33 %, ESCT equates to approximately 1.478% of gross base salary, making the full cost of the 3% employer contribution for the relevant employee approximately 4.478%. See Section 5 for more details on ESCT.

Employers can choose to pay a higher Maximum Subsidy Rate for some or all their employees; and if so, this should be documented as agreed by the employer and the employee.

### **3.2.6 Eligibility for employer contributions**

You must determine whether the member is eligible for any employer contributions. Eligibility for employer contributions may change over time, particularly if the member also belongs to other workplace savings schemes. See section 3.2.7 (*Members who can't receive an SSRSS employer subsidy*).

In general, SSRSS members will be eligible for matching employer contributions to SSRSS if they:

- are employed by your agency on New Zealand terms and conditions, and
- are employed either full-time or part-time, and
- are contributing to SSRSS by payroll deduction, and
- are not receiving employer contributions to another scheme.

There is no upper age limit on receiving matching employer contributions to SSRSS.

### **3.2.7 Members who can't receive an SSRSS employer subsidy**

You must not pay an employer subsidy to SSRSS if:

- the member joined SSRSS while employed on a short-term agreement of less than four months' duration and has never become eligible for a subsidy.

- you are paying KiwiSaver compulsory employer contributions for the member
- the member is contributing to the Government Superannuation Fund (GSF)
- the member already receives:
  - an employer subsidy for another superannuation scheme that (after tax) is equal to or higher than the SSRSS subsidy, and is not tradable for any part of gross base salary, or
  - a superannuation allowance from your organisation that (after tax) is equal to or higher than the SSRSS subsidy

Note: If the member is otherwise eligible for the SSRSS employer subsidy, they can receive an employer contribution to their SSRSS scheme if they forgo a portion of that other scheme subsidy or allowance equivalent to the SSRSS subsidy. However this does not apply if the other scheme subsidy is payable to KiwiSaver or to GSF as employer contributions to these schemes and SSRSS are mutually exclusive.

### **3.2.8 Unsubsidised members who become eligible for an SSRSS employer subsidy**

You must pay an employer subsidy for members who are currently contributing to SSRSS and were previously unsubsidised where:

- since joining an SSRSS scheme as an unsubsidised member on a fixed-term agreement of less than four months, they have completed four or more consecutive months' service with an employer or employers under one or more fixed-term agreements, and are otherwise now eligible for an SSRSS subsidy.
- the member is receiving a retirement benefit from GSF, having ceased being a contributing GSF member, and is otherwise eligible for an SSRSS subsidy.
- the member was originally a subsidised member, became unsubsidised after joining KiwiSaver but is not currently receiving a superannuation allowance or employer contributions to KiwiSaver or some other scheme.

### **3.2.9 Employer Voluntary Contributions**

Employers can choose to contribute to their employees' SSRSS accounts at a rate above the designated Maximum Subsidy Rate of 3% of gross base salary. Such an offer could be specific to individual members or a standard offer to all employees who are members of SSRSS. If your organisation chooses to offer a higher employer contribution rate you should document that offer for the staff who are eligible.

### **3.2.10 Salary Sacrifice Contributions**

Employers can choose to allow staff to make salary sacrifice arrangements to increase the level of employer contributions to SSRSS in exchange for a reduced salary. Any such arrangement should be documented, and must be in place before the affected salary is earned.

#### **Points to note:**

- It is entirely voluntary for employers to support salary sacrifice arrangements; if available it is voluntary for employees to enter into such an arrangement.
- Any salary sacrifice amounts are treated as voluntary employer contributions for SSRSS purposes and are subject to the applicable ESCT rate.

- The lower salary amount (i.e. after the salary sacrifice amount) must apply for any other calculations based on taxable earnings, e.g. ACC levy, income tax calculations and KiwiSaver contributions. It will be a matter of negotiation and agreement with employees as to whether performance bonus and other payments that are proportional to salary are calculated on the pre-salary-sacrifice amount or the post-salary-sacrifice amount.
- Any salary sacrifice amount can be treated as a substitute for a member regular contribution and so will attract the normal employer contribution for subsidised members. The salary sacrifice amount must be at least 3% plus ESCT in order to qualify for the full rate of 3% matching employer contributions.

See Appendix 1 for more details on salary sacrifice arrangements.

### **3.3 Backdating employer contributions**

The traditional arrangements for “buying-back” contributory service or employer contributions for a period when employee contributions were not paid do not exist as a general concept in the SSRSS rules<sup>1</sup>. However, it is always possible to add lump sum or additional regular contributions to SSRSS accounts.

From time to time, members may approach you to ask for a buy-back option. This could occur where they have had a period of non-contributory service and realise they’ve also missed out on receiving employer contributions.

Apart from cases of parental leave, it is not appropriate to agree to make up the employer contributions, even if the employee decides to make extra contributions, except in the following circumstances:

- in the initial few weeks in which a member is employed, or
- where the contributions have stopped through a fault of the employer.

#### **3.3.1 Initial weeks of employment**

There may be some delay in starting contributions to SSRSS when an SSRSS member is recruited, especially where the new employee is not given the opportunity to confirm SSRSS membership prior to starting work. This may also occur where KiwiSaver auto-enrolment applies. It would be reasonable, within the first month of employment, to backdate employer contributions to the start of employment, provided the employee has made the required regular contributions through payroll deduction and is not receiving employer contributions to KiwiSaver. However, where the SSRSS member has failed to advise you of their SSRSS membership until some months later, employer contributions should start from the next practically available payroll, and not be backdated, even if the member has decided to make up their own missing contributions.

#### **3.3.2 To correct employer error**

Where contributions have stopped due to a mistake by the employer, the employer may decide to make up the employer contributions (if the employee also contributes the required amount). In fairness to the employee, the employer may need to determine whether an additional amount representing lost earnings should also be paid to the member’s account. The Scheme Provider

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<sup>1</sup> This is different from the arrangements for GSF. Because the member’s entitlements to GSF are dependent on years of contributory service, GSF allows for buy-back options.

should be able to help you determine an appropriate amount of compensatory interest. In such cases of employer error, you are not eligible to claim reimbursement of the backdated employer contributions and any compensatory interest from Vote State Services.

### **3.4 Parental leave**

#### **3.4.1 Parental leave provision**

SSRSS has an explicit provision to support the savings of employees who take time out for parental leave. Employers should ensure that SSRSS members know of this provision before they go on parental leave.

#### **3.4.2 Arrangement during period of parental leave**

During parental leave, salary payments stop and therefore there will be no regular contributions and no matching employer contributions payable.

By arrangement with the Scheme provider, the person on parental leave may choose to make voluntary contributions to their SSRSS account.

#### **3.4.3 On return to work**

On return to work, if within 7 months of returning to work, the member makes up some or all of the regular contributions missed during the parental leave, these must be matched by employer contributions, up to a maximum of 3% of gross base salary for the pay periods during parental leave, or for some of those pay periods if the member prefers not to make up the full amount.

If the member returns to work on a different salary he/she can choose whether the salary just before parental leave or the salary on re-starting work is the basis for the contributions, and can choose the higher of the two salaries.

The member does not have to make up all the missing regular contributions. The minimum amount the member must contribute to take advantage of this facility is 1.5% of the salary they would have received for one or more pay periods during the period of leave.

The basis of making up the missing employee contributions is by agreement with the employer, either through a lump sum deposit or an increase in regular contributions for up to seven months after returning from work, or some combination.

Where the member has made voluntary contributions while on parental leave, he/she can ask the Scheme Provider to re-classify these contributions as employee contributions within seven months of returning to work and can then qualify for payment of matching employer contributions.

#### **3.4.4 In event of redundancy/retrenchment**

If the member is made redundant during or on return from a period of parental leave, he/she can still make up the employee contributions for some or all of the time on parental leave and receive the matching employer subsidy contributions, as long as payment is made with respect to periods ended on or before the effective date of the redundancy.

## **4 Contributions payments – interface with the Scheme Providers**

### **4.1 Contributions are funds held in trust for employees**

The contributions you have deducted from members' pay together with the employer contributions must be passed to the Scheme Providers in a timely manner. This is money that you are now holding in trust for your employees; for the time that it is not invested with the Scheme Provider the member is missing out on investment earnings.

It is important that as early as possible you supply adequate documentation (a contribution advice) so that the provider can quickly allocate each member's contributions to the right SSRSS member account.

### **4.2 Completing Your Contribution Advice**

#### **4.2.1 Contribution Advice details**

For each member, complete the following details on a Contribution Advice spreadsheet:

- Scheme Plan Number (supplied by the Scheme Provider where applicable)
- Member number (supplied by the Scheme Provider where applicable)
- Member's employee (staff) number (which you supply to the Scheme Provider)
- Member's first name/s
- Member's surname
- Member's birth date
- Member regular contributions
- Member voluntary contributions (if applicable)
- Salary sacrifice contributions (if applicable)
- Employer contributions net of ESCT (formerly SSCWT).

Refer to Appendix 2 for a sample Contribution Advice and instructions on how to complete it. Each Scheme Provider has supplied you with an electronic template copy of its Contribution Advice file.

#### **4.2.2 Total on Contribution Advice to match banking**

The total on the Contribution Advice must equal the total paid into the provider's bank account.

#### **4.2.3 New employees who are SSRSS members**

If you have a new employee who is an SSRSS member, please add their details to the bottom of the Contribution Advice spreadsheet – just before the total lines.

#### **4.2.4 SSRSS members leaving employment with your organisation**

When a member is leaving employment with your organisation, complete the Termination Date field on the Contribution Advice when sending through the final contribution. You should delete their line on the Contribution Advice after their final contribution has been paid.

For AMP members, if you have not already done so, please also forward their completed 'leaving employment' form (see Section 7.1) or Notice of transfer (see Section 7.3) at the same time as you email the Contribution Advice (see Section 4.3).

Note: If superable arrears for an individual are payable after you have made the termination payment (or final payment) and sent their leaving employment information to the relevant Scheme Provider, please send a separate Contribution Advice showing the same information as set out above. This will enable contributions to be applied to the correct member's account.

#### **4.2.5 Zero contributions on Contribution Advice**

If a member has suspended contributions, please leave the amount as \$0.00, rather than changing the field to blank.

#### **4.2.6 Unsubsidised members making voluntary contributions**

If a member changes from being subsidised to unsubsidised (for example, because they are now receiving KiwiSaver employer contributions), you must ensure that any SSRSS contributions they make are now recorded as Voluntary Contributions on the Contribution Advice.

#### **4.2.7 Contribution corrections and adjustments – information to Scheme Provider**

On occasion, you will need to correct a payroll error, for example because a staff member turns out to be on leave without pay or an incorrect contribution rate was loaded.

If the adjustment results in additional contributions, please provide the Scheme Provider with clear written advice about the adjustment as well as including the relevant details on a Contribution Advice.

If the adjustment results in a reduction of contributions, the Scheme Provider will require proof that a refund of contributions is authorised and sanctioned by the member; once money is credited to members' accounts it can generally only be withdrawn for payment of fees or scheme benefits under the relevant Scheme's Trust Deed. (This is similar to the situation that applies to cleared funds deposited in bank accounts – the process to reverse such transactions must occur with the knowledge and consent of the account holder.)

Please provide the following to the Scheme Provider:

- the repayment request in writing
- supporting evidence from you regarding the overpayment error; this should include a copy of your notification to the member of the overpayment error
- a copy of a signed authorisation by the member regarding the repayment.

It may be possible to achieve a reversal of a contribution amount within the next pay period as long as the reversal does not result in a negative contribution.

### **4.3 Forwarding Contributions**

Each pay period, your organisation must direct credit contribution payments to the Scheme Providers' bank accounts shown below. Email the Contribution Advice, showing the details of contribution amounts by member and in total, to each Scheme Provider's nominated email address.

Emails should be set up as follows:

- subject line
- the employer name and plan number – this information is provided by each Scheme Provider.
- body of email
- the amount(s) to be deposited by direct credit
- the date of direct credit(s) for cross-referencing
- the Contribution Advice.

In order to ensure that contributions are allocated correctly and promptly to the members' accounts, send your email either on the day, or the day before, funds are credited to the Scheme Provider's bank account.

The total of member contributions on the Contribution Advice must equal the payment(s) made. The Scheme Provider will notify you if they have received payments for which they have not received adequate explanation. Payments for which there is no Contribution Advice, no valid explanation, or that do not match the Contribution Advice will be returned to your organisation.

#### **AMP**

Email the Contribution Advice to [ampsuper@amp.co.nz](mailto:ampsuper@amp.co.nz) and direct credit your payments to:

Name of Bank	Bank of New Zealand
Bank Account Name	AMP Services – NZRT
Account Number	02 0500 0762685 00 (BNZ)
Code	NZRT
Particulars	(your plan name)
Reference	(your plan number)

#### **ASB**

Email the Contribution Advice to [retire@asbbank.co.nz](mailto:retire@asbbank.co.nz) and direct credit your payments to:

Name of Bank	ASB Bank Ltd
Bank Account Name	ASB Bank Investments - Super Master Trust
Account Number	12 3113 0003586 00
Code	SSRSS
Particulars	(your plan name)
Reference	Not required

### **5 Employer's Superannuation Contribution Tax (ESCT)**

All employer contributions relating to the SSRSS attract Employer's Superannuation Contribution Tax (ESCT) – previously known as Specified Superannuation Contribution Withholding Tax (SSCWT).

The employer contribution rate of up to 3% in the SSRSS is stated net of the ESCT. ESCT is a withholding payable in addition to the employer contribution at up to 3% and should be paid directly to the Inland Revenue at the same time as you send the contributions payment to the Scheme Provider.

Please check with your organisation's tax advisor – the actual rate of ESCT payable is dependent on rules which operate essentially as follows:

- Employer contributions have ESCT deducted from them at the following rates (an income year is 1 April to 31 March):
  - 10.5% if the total of the employee's taxable earnings and the before-tax employer superannuation contributions (to any workplace savings scheme or a KiwiSaver scheme) made for his or her benefit was \$16,800 or less in the previous income year;
  - 17.5% if the total of those earnings plus employer contributions was between \$16,801 and \$57,600 in the previous income year;
  - 30% if the total of those earnings plus employer contributions was between \$57,601 and \$84,000 in the previous income year; and
  - 33% in every other case
- If an employee's current employer did not employ him or her for all of the previous income year, the above rates must be based on estimates of the employee's expected taxable earnings and employer superannuation contributions for the current income year.

(Note: You should not show ESCT on your Contribution Advice.)

## **6 Changes to Member's Accounts with the Scheme Provider**

### **6.1 Change to member's contribution rate**

Twice a year members can choose to:

- increase or decrease their contributions as long as the minimum member contribution is paid (1.5% of gross base salary)
- suspend contributions (in which case employer subsidy contributions are also suspended)
- restart contributions (in which case, if the member is eligible, employer subsidy contributions must restart at the applicable subsidy rate).

The member has to notify you that they want to make a change, and you can then implement the change in contribution rate. Most employers require this notification to be made in writing, and the Contribution Change Form (available on the [SSRSS website](#)) can be used for this purpose.

#### **Forms to use**

All providers: Contribution change form (optional) available at <http://www.ssc.govt.nz/ssrss>

### **6.2 Suspending contributions**

Members can suspend their contributions up to twice per scheme year, either for a certain period or indefinitely. You must stop employer contributions during the period of suspension.

The member can start contributions again whenever they like, by giving written instructions to the payroll office, and (if they are still eligible) you must restart their matching employer contributions.

## **6.3 Changes to be notified by the member directly to the Scheme Provider**

### **6.3.1 Change to investment options or redirecting contributions**

Twice during each financial year of the scheme, without charge, members can elect to switch their investment funds or vary the contribution allocation between their investment portfolios. A fee may be charged to the member by the Scheme Provider for any switches in excess of two in any SSRSS scheme financial year.

The member must complete a 'change of investments' form and post it to their Scheme Provider. The forms are available through the relevant Scheme Provider's website or 0800 number.

The Scheme Provider will send confirmation directly to the member regarding any changes.

**Employer's role:** You do not need to be involved in these transactions, as they occur solely within the SSRSS schemes.

### **6.3.2 Change to member's address**

To advise a change of address a member can email their Scheme Provider or complete a 'change of membership details' form (available from their Scheme Provider).

### **6.3.3 Change to member's name**

To advise a change of name by marriage or deed poll, the member should complete a 'change of membership details' form. The Scheme Provider will also need a copy of the marriage certificate/official record to verify the change.

**Employer's role:** If you have sighted the relevant document relating to a change of name, please provide a copy of this document, clearly marked 'Sighted – True and Correct Copy' and signed. This document will be used to verify the change request and record the new signature.

Please ensure you update the Contribution Advice with the new name.

#### **Forms to use**

AMP: Change of Membership Details form

ASB: Change of Personal Details form

## **6.4 Transfer between SSRSS Scheme Providers**

Members can no longer change from their existing SSRSS scheme provider to another SSRSS scheme provider. The SSRSS schemes are separate legal entities, so SSRSS membership is specific to the scheme the member has joined. Because both SSRSS schemes are closed to new members, none can enrol any new members.

## 7 Members Leaving Your Employment

SSRSS members' accounts are linked on the Scheme Provider's administration system to the member's current employer. When a member leaves your employment, the Scheme Provider will need to apply final contributions to the member's accounts before those accounts are unlinked from your organisation.

Please help the Scheme Providers by paying final contributions as soon as possible. This is crucially important when the member is restarting contributions with another participating employer.

### 7.1 Member moving to a non-participating employer

#### AMP only:

- 1 Member completes the MEMBER section of a 'leaving employment' form and forwards it to you.
- 2 You complete the EMPLOYER section of the 'leaving employment' form and send the form to the relevant Scheme Provider with a clear note confirming when the final contribution will be paid, and how much it is going to be. Please provide:
  - Plan Number and Name
  - First Name and Surname
  - Employee Number
  - Date of Birth
  - Termination Date
  - Current Address and Phone Number (if available).
- 3 You make the necessary adjustments to the payroll records and note the date of termination on the appropriate Contribution Advice forwarded to the Scheme Provider.

(Note: If the member is moving to a non-participating employer, or is leaving employment permanently, you should advise them to contact their Scheme Provider to find out what options they have for continuing their savings or accessing their retirement savings if they meet the criteria in the SSRSS rules.)

#### Top tip

It is important to send the 'leaving employment' form to the Scheme Provider as soon as the member gives in their notice – even when you anticipate a delay between notice and final termination date and payment.

#### Forms to use

AMP: If you have not previously advised AMP by filling in the Termination Date field in the Contribution Advice, you and the member must complete a Leaving Employment Notification form.

ASB: Does not require you to complete a 'leaving employment' form, relying instead on the Termination Date field in the Contribution Advice. Please ensure you use this field when a member leaves employment.

## **7.2 Members moving to another participating employer**

A member can move around participating employers within the State sector and maintain membership of their SSRSS scheme.

The **previous employer** will need to:

- ensure deductions cease at the appropriate pay period
- complete the Termination Date field on the Contribution Advice when sending through the final contribution
- exit the employee off their payroll records, and
- remove the line item from the Contribution Advice once the final payment from that employer has been made.

The **member** completes a Notice of Transfer to a New SSRSS Participating Employer (available on the [SSRSS website](#)) and forwards it to the new employer.

The **new employer** must:

- complete the employer authorisation section at the bottom of the Notice of Transfer,
- enter the new employee's Scheme Provider and contribution details into payroll, and
- forward a copy of the form to the Scheme Provider.

The new employer must enrol the employee in KiwiSaver, if eligible and not already enrolled (unless one of a Group of Employees moving as a business unit to another agency – see Section 7.3). The member has two choices:

### **i) Stay in KiwiSaver and also continue SSRSS regular contributions**

The member can stay in KiwiSaver, make KiwiSaver contributions and receive ongoing KiwiSaver member tax credits. As long as they also continue their SSRSS regular contributions, they will continue to receive the SSRSS employer subsidy (if eligible) of up to 3% of their gross base salary, but will not receive the KiwiSaver compulsory employer contribution. They can use the Notice of Transfer to a New SSRSS Participating Employer form to confirm their preferred level of contributions to SSRSS and give it to their new payroll officer.

### **ii) Opt out of KiwiSaver and continue SSRSS regular contributions**

The member can opt out of KiwiSaver during weeks two to eight of their new employment, continue to contribute to their SSRSS scheme and receive the SSRSS employer subsidy (if eligible) of up to 3% of their gross base salary. They can use the Notice of Transfer to a New SSRSS Participating Employer form to confirm their preferred level of contributions to SSRSS and give it to their new payroll officer.

**Employer's role:** The new employer will need to update their payroll system and other records to ensure the SSRSS contributions restart.

Note: the first KiwiSaver contribution and employer subsidy may have to be paid, even if the employee opts out. These contributions will be refunded. The SSRSS employer contribution can then be backdated to the date the member started contributions to SSRSS.

The new employer needs to:

- Confirm their new employee meets the membership and subsidy criteria of the SSRSS.
- Check to see if the terms and conditions of employment have changed and whether this affects the contribution amount and subsidy offered.
- Set up the new employee's SSRSS record in their payroll system to enable contributions to be deducted and paid.
- Add the new employee's details to the Contribution Advice.
- Note the appropriate first payroll deduction date on the Notice of Transfer form and forward the completed form to the Scheme Provider to update their system.

#### **Forms to use**

All providers: Notice of Transfer to a New SSRSS Participating Employer.

### **7.3 Group of employees transferring as part of business unit to another agency**

On occasion, a group of SSRSS members will transfer as part of a business unit to another participating employer or to a new agency.

If the employees transfer to another participating employer, there are a couple of matters to note:

- SSRSS members can continue their SSRSS contributions and (if eligible) will continue to receive SSRSS employer contributions
- Under s.11(3) KiwiSaver Act 2006 these employees do not need to be auto-enrolled in KiwiSaver, although they may opt in to a KiwiSaver scheme, if eligible.

If the employees transfer to a brand new agency it will not be an SSRSS participating employer:

- Their SSRSS membership continues but they can only make voluntary contributions to SSRSS, and no SSRSS employer contributions are payable
- Under s.11(3) KiwiSaver Act 2006 these employees do not need to be auto-enrolled in KiwiSaver, although they may opt in to a KiwiSaver scheme, if eligible.

#### **Points to note**

In order to meet the requirements of s.11(3) of the KiwiSaver Act 2006, a “same business” test applies.

### **7.4 Employees seconded to another employer**

The SSRSS membership conditions that apply to seconded employees will depend on which employer pays the employee's salary. The rules in sections 8.1 or 8.2 will apply except that KiwiSaver auto-enrolment does not apply even if the seconded employee changes payrolls during/after the secondment.

## 8 Withdrawals

For any withdrawal, the Member should contact their Scheme Provider for details on how to make a withdrawal request and for the necessary forms.

The following types of withdrawals are permitted under the SSRSS rules – specific conditions apply in each case. In most cases the employer is not involved in the withdrawal transaction, however where your input is or may be required, this is described in the following notes.

### 8.1 New Zealand Superannuation age

A member who has reached New Zealand Superannuation qualifying age (65 at the date of this document) may choose to withdraw part or all of the total value of their savings.

The member does not need to retire from employment in order to uplift this benefit, and is still entitled to make contributions and receive the applicable employer subsidy contributions for as long as they continue to work in the State sector.

**Employer's role:** This is a transaction that does not require your involvement.

### 8.2 *Partial retirement within 10 years of New Zealand Superannuation age*

A member who is within 10 years of reaching New Zealand Superannuation age (aged 55 or over as at the date of this document), and:

- is employed by you for 30 or fewer hours per week; and
- has reduced their working hours from full time (more than 30 hours per week); and
- has notified the Scheme Provider, in writing, that they do not intend to increase their hours in paid employment in the future

may choose to withdraw part or all of the total value of their savings.

**Employer's role:** You must provide the member with a signed statement, to attach to their withdrawal request, noting your understanding that the member's hours in paid employment with you have reduced from full-time to 30 or fewer hours a week, and that these hours will not increase.

A member can make further partial retirement withdrawal requests by completing a withdrawal form without additional documentation, as long as, at the time of the withdrawal, the member's intention not to increase hours in paid employment has not changed.

### 8.3 *50 or over and left the State sector*

A member who is 50 or over and:

- who is no longer employed by any participating employer; and
- whose most recent employer has notified the Scheme Provider that the member has ceased employment with that employer; and
- who satisfies the Scheme Provider that they have no intention of being re-employed by any participating employer, either permanently or under a fixed-term agreement

may choose to withdraw part or all of the total value of their savings.

**Employer's role:** The Scheme Provider will need to check that the member has left your employ – if you've included the Termination Date on the Contribution Advice, this should be sufficient information for the provider.

#### **8.4 Significant financial hardship**

The relevant scheme's Trustee may, at its sole discretion, permit a member to withdraw from the scheme all or part of the total value of their savings. The Trustee must be satisfied, based on whatever supporting evidence it may reasonably require, that the withdrawal is necessary to alleviate significant financial hardship on the member's part.

**Employer's role:** This is a transaction that does not require your involvement.

#### **8.5 First home purchase**

If a member is purchasing a first home, they can apply to the provider to withdraw part or all of the total value of their savings to help pay for the purchase. To be eligible the member must satisfy the provider that, if their SSRSS membership were treated as KiwiSaver membership, they would be eligible under the KiwiSaver Scheme Rules to make a first home purchase withdrawal.

A member who has already owned a home may also qualify to make a first home purchase withdrawal if they are assessed by Housing New Zealand as being in the same financial position as a first home buyer. See [www.hnzc.co.nz](http://www.hnzc.co.nz) for details.

SSRSS members may also be eligible for the KiwiSaver HomeStart grant if they meet the criteria. See [www.hnzc.co.nz](http://www.hnzc.co.nz) for details.

**Employer's role:** This is a transaction that does not require your involvement.

#### **8.6 Permanent emigration**

If a member has permanently emigrated they can withdraw the total value of their savings in their SSRSS account 12 months after they emigrated.

Alternatively they can apply to transfer the total value of their savings into another similarly locked-in superannuation scheme overseas.

**Employer's role:** You will not be involved with either of these options for members who have permanently emigrated as the member must have already left your employment. The member should contact their Scheme Provider to confirm the documentary evidence required to support the request for a permanent emigration benefit.

#### **8.7 Death benefits**

As a general rule the Scheme Provider requires the following information to be able to process a death benefit request:

- contact details of the member's legal personal representative
- certified copy of the member's death certificate
- certified copy of Proof of Probate or Letters of Administration
- completed Withdrawal Request, signed by the executor/s of the estate.

The member's legal personal representative will normally supply this information to the Scheme Provider. The Scheme Provider will pay the total credit to the member's appointed legal personal representative once the death benefit request has been approved.

**Employer's role:** If a member dies while in your employ, you can help the Provider by asking the informant for the contact details of the member's legal personal representative (if known) and passing this on to the relevant Scheme Provider.

You will need to ensure deductions cease at the appropriate pay period and complete the Termination Date field on the Contribution Advice when sending through the final contribution. You should remove the member from the Contribution Advice once you have made the final payment.

### **8.8 Serious illness or Total and Permanent Disablement (TPD) benefit requests**

The member or their representative should call the member's Scheme Provider to discuss any potential request and what process the member should follow.

#### **Serious Illness means:**

“an injury, illness or disability:

- (i) that results in the member being unable to engage in work for which they are suited by reason of experience, education, or training, or any combination of those things; or
- (ii) that poses a serious and imminent risk of death.”

#### **Total and Permanent Disablement means:**

"absence from service with the Member's Employer for six consecutive months (or such lesser period as the Trustee may determine) by reason or injury or illness of such extent that in the Trustee's opinion (after obtaining and considering such medical evidence as it considers appropriate) the Member is unlikely ever to engage in or work for reward to a significant extent in any occupation or work for which the Member is reasonably qualified by education, training or experience."

The relevant Scheme Trustee will decide whether a valid case for a Serious Illness or Total and Permanent Disablement benefit has been made under the rules of the SSRSS.

**Employer's role:** If the member is still in your employ at the time of serious illness or injury, the Scheme Provider may ask you to help with information-gathering to enable the Scheme Trustee to make an informed decision.

When a member starts a period of extended leave of this nature, continuation of contributions will be affected. As a general rule, if the member is on paid sick leave contributions may continue from both member and employer. Once paid sick leave is used up, contribution deductions and subsidy payments cease.

### **8.9 Voluntary account balance**

Members are able to withdraw all or part of any member voluntary account (subject to withdrawal amount limits and frequency restrictions) at any time.

**Employer’s role:** This is a transaction that occurs between the member and their Scheme Provider, and does not need notification to or authorisation from you.

## **9 Annual Activities**

### **9.1 Contribution Declaration**

Each employer is responsible for paying the correct amount of members' and employer contributions to the Scheme Provider. Each year, the two Scheme Providers will require you to sign and return a 'Contribution Declaration'. By doing so you are stating that:

- all contributions since the last annual update have been made in accordance with the Trust Deed, Specification Agreement, Employer Agreement, and other relevant scheme documentation; and
- no contributions remain unpaid.

### **9.2 Provider’s Annual Report to members**

Following each of the SSRSS scheme balance dates, the Scheme Provider will produce an Annual Report to its members. This follows completion of the scheme end of year processes, including finalising the scheme financial statements, audits, membership reconciliation, and collation of investment commentary and other statutory information. The Scheme Providers are required to prepare the Annual Report within four months after the balance date and distribute it to members within a further 28 days.

Because each SSRSS scheme has a different scheme balance date, these reports will be sent to members at different times of the year.

<b>Scheme Provider</b>	<b>Balance date</b>	<b>Annual report sent by</b>
AMP	30 June	28 November
ASB	31 March	28 August

### **9.3 Benefit statement to members**

At least once per year the Scheme Provider will send each member a detailed personal benefit statement showing the funds held in their name. This must be produced within 3 months after each Scheme’s balance date. ASB also produces a second statement as at the date which is six months after its balance date.

### **9.4 Annual tax certificate to members**

Each year the Scheme Provider will send members a tax certificate showing income tax paid and tax refunded on the member’s behalf. This will be produced as at 31 March.

## 10 Saving with SSRSS and KiwiSaver

SSRSS members can remain in the SSRSS and also join and save with KiwiSaver. Their SSRSS accounts stay within SSRSS and are subject to the existing SSRSS rules.

<i>If they are:</i>	<i>They can:</i>	<i>If they join KiwiSaver as well as SSRSS they will get:</i>
A subsidised SSRSS member	<p><b>Either</b> continue regular contributions to SSRSS (in which case if eligible they will continue to receive their matching employer subsidy, up to 3% of gross base salary, unless the compulsory KiwiSaver employer contributions would be higher than payable in SSRSS).</p>	Up to \$521.43 tax credit each year.
	<p><b>Or</b> suspend regular contributions to SSRSS (in which case their employer contributions must also stop).</p>	Up to \$521.43 tax credit each year.  Employer subsidy, at 3% of gross salary.
	<p>They can make voluntary contributions by payment from their bank account into their SSRSS scheme. These payments will not be locked in. Members can access their voluntary savings up to twice per scheme year, subject to a minimum withdrawal amount</p>	
An unsubsidised SSRSS member	Continue or suspend regular voluntary contributions to SSRSS.	Up to \$521.43 tax credit each year.  Employer subsidy, at 3% of gross salary (if they have no other government subsidised superannuation)

### **10.1 Existing employees already in SSRSS**

If an SSRSS member chooses to join KiwiSaver, they must contribute 3% (or 4% or 8%) of their gross pay to KiwiSaver. They can choose whether to suspend or to continue regular contributions into their SSRSS scheme.

You can pay only one employer contribution, either to SSRSS or to KiwiSaver, but not to both.

If the member suspends regular contributions to SSRSS, then you must stop making any SSRSS employer contributions and make KiwiSaver compulsory employer contributions instead.

If the member continues to make regular member contributions to their SSRSS scheme, they will continue to receive (if eligible) the matching employer subsidy (up to 3% of gross base salary), until such time as they ask to receive the KiwiSaver compulsory employer contribution.

### **10.2 New employees auto-enrolled in KiwiSaver**

You must enrol most new employees (including those who are existing SSRSS members) in KiwiSaver. The employee then chooses either to stay in KiwiSaver or to opt out during weeks 2 to 8 weeks of their new job.

If an SSRSS member chooses to stay in KiwiSaver, they must contribute 3% of their gross salary to KiwiSaver. You must pay the SSRSS employer contribution subsidy.

If an SSRSS member opts out of KiwiSaver (on auto-enrolment) and wants to contribute to SSRSS, you must make matching employer contributions (if they are eligible) of up to 3% of gross base salary. If KiwiSaver contributions have already been made, these will be returned by Inland Revenue after receipt of the Opt Out notification. You can then backdate the SSRSS employer contribution to the date of employment.

### **10.3 New employees already in both SSRSS and KiwiSaver**

If the SSRSS member has taken a KiwiSaver contribution holiday and re-starts member regular contributions to SSRSS, you must make matching employer contributions (if they are eligible) of up to 3% of gross base salary.

### **10.4 Transfer from SSRSS to KiwiSaver**

SSRSS members can transfer their account balance to KiwiSaver, at which point they cease to be a member of SSRSS, and will not be able to rejoin any SSRSS scheme. The member's SSRSS account balances are paid to their KiwiSaver account and become subject to the KiwiSaver rules.

If they cease to be an SSRSS member they will be entitled, if eligible, to the legislated government and employer contributions available in KiwiSaver. Currently these are:

- Up to \$521.43 tax credit each year
- Employer subsidy, at 3% of gross pay.

## **Appendix 1: Salary sacrifice**

### ***SALARY SACRIFICE – Some questions and answers for employers***

#### **What is “salary sacrifice”?**

Salary sacrifice is an additional employer contributions facility that employers participating in the SSRSS can choose to make available to employees who are members.

Salary sacrifice involves:

- an employee agreeing with an employer to reduce pre-tax salary for future work periods; and
- the employer agreeing to contribute to the SSRSS, for the employee’s benefit, additional before-tax amounts equal to the agreed reduction in the employee’s salary.

With the tax regime that has been in place since 1 October 2010, there are no longer any significant tax savings to be gained through salary sacrifice.

#### **Can salary sacrifice contributions replace member contributions?**

Yes. After entering into a salary sacrifice arrangement, an employee can choose to:

- continue contributing to the SSRSS from after-tax income, as well as sacrificing salary; or
- stop making regular member contributions to the SSRSS.

For an employee to stop making regular member contributions, the net (i.e. after tax) employer contributions made to the SSRSS for the employee’s benefit under the salary sacrifice arrangement must total at least 1.5% of the employee’s salary.

If member contributions are replaced by salary sacrifice contributions then, if an employee is eligible for an SSRSS employer subsidy, that subsidy entitlement will be unaffected, meaning:

- the employer’s net contributions under the salary sacrifice arrangement will be matched by employer subsidy payments in the same manner (and to the same extent) as member contributions; and
- the maximum subsidy rate for the employee will be calculable based on the combined total of reduced salary plus the before-tax amount “sacrificed” (i.e. the subsidy amount will not reduce).

#### **What are the wider effects of salary sacrifice?**

##### **1) Wider employment benefits**

If an employee enters into a salary sacrifice arrangement the employer can (and usually will) agree to continue calculating any salary-based components of the employee’s wider remuneration package based on reduced salary plus the amount sacrificed. This ensures that all employment benefits other than salary are unaffected.

##### **2) Lock-in**

A voluntary member contribution (i.e. an employee contribution exceeding the maximum subsidy rate) can be withdrawn from the SSRSS at will. However, an employer contribution

made under a salary sacrifice arrangement is “locked in” in materially the same manner as an employer subsidy contribution.

### **3) Salary “sacrificed” ceases to be income**

Choosing to sacrifice salary has the effect of reducing salary for any external purpose. Accordingly each of the following salary-based entitlements or obligations, and possibly others, can be affected (for better or worse):

- ACC entitlements and ACC earner premium payment obligations;
- social welfare and child support entitlements;
- child support payment obligations;
- student loan repayment obligations;
- entitlements under insurance policies (such as income protection insurance); and
- KiwiSaver employee contribution obligations and any KiwiSaver employer contribution entitlements.

#### **How much can an employee choose to sacrifice?**

There is currently no upper limit on the amount of salary (and/or bonus income) that an employee can agree to sacrifice if permitted by the employer, though a salary sacrifice arrangement can apply only to **future** pay periods and/or future bonuses – an employee cannot elect to sacrifice salary, or a bonus, after it is earned.

#### **Should employees seek independent advice about a possible salary sacrifice?**

Employees should be encouraged to obtain independent advice on the ramifications of salary sacrifice for them personally.

## Appendix 2: Sample Contribution Advice

Name	Plan Freq	Period Fr	Period To	Date Paid	Plan Fee	Empl Inv	Ins Prem	FundXfrInt	FundXfrOut	Total Amount				
Company Name	M	dd/mm/yy yy	dd/mm/yy yy	dd/mm/yyyy	0.00	0.00	0.00	0.00	0.00	0.00				
Plan No	Mem Num	Staff Num	First	Surname	Birth Date dd/mm/yyyy	Member	Member Voluntary	Salary Sacrifice	Lump Sum Member	Lump Sum Member Voluntary	Lump Sum Employer	Lump Sum Salary Sacrifice	Employer	Termination Date
						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
						Total - Member	Total - Member Voluntary	Total - Salary Sacrifice	Total - Lump Sum Member	Total - Lump Sum Member Voluntary	Total - Lump Sum Employer	Total - Lump Sum Salary Sacrifice	Total - Employer	
						0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

### Row 1 – Header Reference field

### Row 2 – Header Row (Data)

Company Name

Plan Frequency

Period From

Period To

Date Paid

Plan Fee

Employer Inv

Ins Premium

FundXfrInt

Your Company Name

M=Monthly F=Fortnightly W=Weekly

Start date of pay period (d=day, m=month, y=year)

End date of pay period (d=day, m=month, y=year)

Date money paid into Provider's bank account

Not Required

Not Required

Not Required

Not Required

FundXfrOut	Not Required
Total Amount	Total of all contributions paid
<b>Row 3 – Detail Reference Field</b>	
Plan No	Not Compulsory (Each employer will have a plan number held by the provider, this may be provided to you at a later date. This is used in our upload validations)
Member Number	Not Compulsory (Each employee will have a member number held by the provider, this may be provided to you at a later date. This is used in our upload validations)
Staff Number	This is the employee number.
First	Employee's full first name, i.e. Mark, Theresa etc
Surname	Employee's full surname, i.e. MacDonald, Gibson etc
Birth Date	Employee's full date of birth, format dd/mm/yyyy (eg, 14/12/1974)
Member	Dollar value for Member Regular contributions
Member Voluntary	Dollar value for Member Voluntary contributions
Salary Sacrifice	Employer Voluntary contributions (Salary sacrifice)
Lump Sum Member	Not Required
Lump Sum Member Voluntary	Not Required
Lump Sum Employer	Not Required
Lump Sum Salary Sacrifice	Not Required
Employer	Employer Regular contributions
Termination Date	Employee's last day of employment
<b>Row 9</b>	
Total Member	Total of all Member Regular contributions
Total Voluntary	Total of all Member Voluntary contributions
Total Salary Sacrifice	Total of all Employer Voluntary contributions
Total Lump Sum Member	Not Required
Total Lump Sum Member Voluntary	Not Required
Total Lump Sum Employer	Not Required
Total Lump Sum Salary Sacrifice	Not Required
Total Employer	Total of all Employer Regular contributions