M A S S A C H U S E T T S   T E A C H E R S ’   R E T I R E M E N T   S Y S T E M

# Social Security and the MTRS member

## **Remember** to contact the Social Security Administration, and **understand** whether—and how—the two offsets may apply to you

**Q** During your membership in the MTRS, you pay into the retirement system instead of Social Security. Do you still need to contact the Social Security Administration?

YES—all MTRS members should contact the Social Security Administration to determine their eligibility for Social Security benefits, including Medicare—and when they need to apply for Part B—**EITHER three months before your retirement OR three months before age 65, whichever comes first.**

Massachusetts is one of a handful of “non-Social Security” states. This means that you, as a member of a contributory retirement system, pay into our system instead of Social Security; you do not earn any Social Security “credits” or “quarters” for your MTRS contributions or service. However, you may have earned Social Security credits through other employment. If you are eligible for Social Security benefits—either based on your own past employment, or your spouse’s past employment, you may be subject to one of two Social Security “double-dipping” laws, as outlined below.

**Q** Do you expect to be eligible to collect Social Security benefits based on…

1) …your **own** past employment? ☐ Yes ☐ No

If yes, you may be subject to the Windfall Elimination Provision (WEP; page 2). If you have 40 credits (or “quarters”) under the Social Security system (in other words, you are eligible to receive Social Security benefits), then Social Security will use a “modified formula” to calculate your pension **unless:**

- you had 20 years of creditable service with the MTRS before January 1, 1986 *or*
- you were age 55 and had at least 10 years of creditable service before January 1, 1986 *or*
- you will have at least 30 years of “substantial earnings” under the Social Security system. For further information on “substantial earnings,” contact your local Social Security Administration office.

If you do not meet any of these requirements, you will receive a reduced Social Security pension. In order to determine the amount of the reduction that applies to you, please contact the Social Security Administration at 800-772-1213.

2) …your **spouse’s** past employment? ☐ Yes ☐ No

If yes, you may be subject to the Government Pension Offset (GPO; page 3). If you expect to collect a spousal or widow’s benefit under Social Security, these benefits may be reduced by two-thirds of the amount of your MTRS retirement allowance. You will be exempt from this offset if you meet all the requirements for Social Security Spousal benefits in effect in 1977 *and:*

- you had 20 years of creditable service with the MTRS before December 1, 1982 *or*
- you were age 55 and had at least 10 years of creditable service before December 1, 1982 *or*
- you were age 55 or had 20 years of creditable service before July 1, 1983 *and* you received half support from your spouse.

In all cases, the Social Security Administration requires that male retirees of the MTRS must have received at least half support from their wives to apply for spousal benefits.


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MTRS
MASSACHUSETTS TEACHERS’ RETIREMENT SYSTEM

Social Security Administration Factsheet: SSA Publication No. 05-10045 2014

# The Windfall Elimination Provision (WEP)

## Your Social Security retirement or disability benefits may be reduced

If you work for an employer who does not withhold Social Security taxes from your salary, such as a government agency or an employer in another country, any pension you get based on that work may reduce your Social Security benefits.

The Windfall Elimination Provision affects how the amount of your retirement or disability benefit is calculated if you receive a pension from work where Social Security taxes were not taken out of your pay. A modified formula is used to calculate your benefit amount, resulting in a lower Social Security benefit than you otherwise would receive.

## When your benefits may be affected

The Windfall Elimination Provision primarily affects you if you earned a pension in any job where you did not pay Social Security taxes and you also worked in other jobs long enough to qualify for a retirement or disability benefit.

For example, this provision affects Social Security benefits when any part of a person's federal service after 1956 is covered under the Civil Service Retirement System (CSRS). However, federal service where Social Security taxes are withheld (Federal Employees' Retirement System) will not reduce your Social Security benefit amounts.

The Windfall Elimination Provision may apply if:

- you reached 62 after 1985; or
- you became disabled after 1985; and
- you first became eligible for a monthly pension based on work where you did not pay Social Security taxes after 1985, even if you are still working.

## Why a different formula is used

Social Security benefits are intended to replace only a percentage of a worker's pre-retirement earnings. The way Social Security benefit amounts are figured, lower-paid workers get a higher return than highly paid workers. For example, lower-paid workers could get a Social Security benefit that equals about 55 percent of their pre-retirement earnings. The average replacement rate for highly paid workers is about 25 percent.

Before 1983, people who worked mainly in a job not covered by Social Security had their Social Security benefits calculated as if they were long-term, low-wage workers. They had the advantage of receiving a Social Security benefit representing a higher percentage of their earnings, plus a pension from a job where they did not pay Social Security taxes. Congress passed the Windfall Elimination Provision to remove that advantage.

## How it works

Social Security benefits are based on the worker's average monthly earnings adjusted for inflation. Social Security separates your average earnings into three amounts and multiplies the amounts using three factors. For example, for a worker who turns 62 in 2014, the first $816 of average monthly earnings is multiplied by 90 percent; the next $4,101 by 32 percent; and the remainder by 15 percent. The sum of the three amounts equals the total monthly payment amount.

The 90 percent factor is reduced in the modified formula and phased in for workers who reached age 62 or became disabled between 1986 and 1989. For those who reach 62 or became disabled in 1990 or later, the 90 percent factor is reduced to 40 percent.

There are exceptions to this rule. For example, the 90 percent factor is not reduced if you have 30 or more years of "substantial" earnings in a job where you paid Social Security taxes. See the table listing *Amount considered substantial, by year,* in the margin at left.

### Amount considered "substantial," by year

| Year | Substantial Earnings |
|---|---|
| 1937-54 | $ 900 |
| 1955-58 | 1,050 |
| 1959-65 | 1,200 |
| 1966-67 | 1,650 |
| 1968-71 | 1,950 |
| 1972 | 2,250 |
| 1973 | 2,700 |
| 1974 | 3,300 |
| 1975 | 3,525 |
| 1976 | 3,825 |
| 1977 | 4,125 |
| 1978 | 4,425 |
| 1979 | 4,725 |
| 1980 | 5,100 |
| 1981 | 5,550 |
| 1982 | 6,075 |
| 1983 | 6,675 |
| 1984 | 7,050 |
| 1985 | 7,425 |
| 1986 | 7,875 |
| 1987 | 8,175 |
| 1988 | 8,400 |
| 1989 | 8,925 |
| 1990 | 9,525 |
| 1991 | 9,900 |
| 1992 | 10,350 |
| 1993 | 10,725 |
| 1994 | 11,250 |
| 1995 | 11,325 |
| 1996 | 11,625 |
| 1997 | 12,150 |
| 1998 | 12,675 |
| 1999 | 13,425 |
| 2000 | 14,175 |
| 2001 | 14,925 |
| 2002 | 15,750 |
| 2003 | 16,125 |
| 2004 | 16,275 |
| 2005 | 16,725 |
| 2006 | 17,475 |
| 2007 | 18,150 |
| 2008 | 18,975 |
| 2009-2011 | 19,800 |
| 2012 | 20,475 |
| 2013 | 21,075 |
| 2014 | 21,750 |

The table titled *Percentage applied to "substantial" earnings*, in the margin at right, shows the percentage used depending on the number of years of substantial earnings. If you have 21 to 29 years of substantial earnings, the 90 percent factor is reduced to between 45 and 85 percent.

To see the maximum amount your benefit could be reduced, visit www.socialsecurity.gov/retire2/wep-chart.htm.

### Some exceptions…

The Windfall Elimination Provision does not apply if:

- you are a federal worker first hired after December 31, 1983;
- you were employed on December 31, 1983, by a nonprofit organization that did not withhold Social Security taxes from your pay at first, but then began withholding Social Security taxes from your pay;
- your only pension is based on railroad employment;
- the only work you did where you did not pay Social Security taxes was before 1957; or
- you have 30 or more years of substantial earnings under Social Security.

The Windfall Elimination Provision does not apply to survivors' benefits. However, benefits may be reduced for widows or widowers because another provision of the law. For more information, see the Government Pension Offset (Publication No. 05-10007), below.

### …and a guarantee

If you get a relatively low pension, you are protected. The reduction in your Social Security benefit cannot be more than one-half of the amount of your pension based on your earnings after 1956 on which you did not pay Social Security taxes.

**Percentage applied to "substantial" earnings**

| Years of Substantial Earnings | % |
|---|---|
| 30 or more | 90% |
| 29 | 85 |
| 28 | 80 |
| 27 | 75 |
| 26 | 70 |
| 25 | 65 |
| 24 | 60 |
| 23 | 55 |
| 22 | 50 |
| 21 | 45 |
| 20 or less | 40 |

NOTE: Be aware that, if you are eligible to receive Social Security benefits, and, at the time you are eligible for an MTRS retirement benefit you instead take a refund of your MTRS account, your Social Security benefits could be subject to reduction under the Windfall Elimination Provision.

# The Government Pension Offset (GPO)

Social Security Administration Factsheet: SSA Publication No. 05-10007 June 2012

### A law that affects spouses and widows or widowers

If you receive a pension from a federal, state or local government based on work where you did not pay Social Security taxes, your Social Security spouse's or widow's or widower's benefits may be reduced. This fact sheet provides answers to questions you may have about the reduction.

### How much will my Social Security benefits be reduced?

Your Social Security benefits will be reduced by two-thirds of your government pension. In other words, if you get a monthly civil service pension of $600, two-thirds of that, or $400, must be deducted from your Social Security benefits. For example, if you are eligible for a $500 spouse's, widow's or widower's benefit from Social Security, you will receive $100 per month from Social Security ($500 – $400 = $100).

If you take your government pension annuity in a lump sum, Social Security still will calculate the reduction as if you chose to get monthly benefit payments from your government work.

### Why will my Social Security benefits be reduced?

Benefits Social Security pays to wives, husbands, widows and widowers are "dependent's" benefits. These benefits were established in the 1930s to compensate spouses who stayed home to raise a family and who were financially dependent on the working spouse. But as it has become more common for both spouses in a married couple to work, each earned his or her own Social Security retirement benefit. The law has always required that a person's benefit as a spouse, widow, or widower be offset dollar for dollar by the amount of his or her own retirement benefit.

In other words, if a woman worked and earned her own $800 monthly Social Security retirement benefit, but she was also due a $500 wife's benefit on her husband's Social Security record, Social Security could not pay that wife's benefit because her own Social Security benefit offset it. But, before enactment of the Government Pension Offset provision, if that same woman was a government employee who did not pay into Social Security, and who earned an $800 government pension, there was no offset, and Social Security was required to pay her a full wife's benefit in addition to her government pension.

If this government employee's work had instead been subject to Social Security taxes, any Social Security benefit payable as a spouse, widow or widower would have been reduced by the person's own Social Security retirement benefit. In enacting the Government Pension Offset provision, Congress intended to ensure that when determining the amount of spousal benefit, government employees who do not pay Social Security taxes would be treated in a similar manner to those who work in the private sector and do pay Social Security taxes.

## Contacting Social Security

For information from the Social Security Administration, call the toll-free customer service phone line at 800-772-1213. Representatives are available to answer questions from 7 a.m. to 7 p.m. and the line is open 24 hours a day for general recorded information. Or visit online at **www.ssa.gov.**

### When won't my Social Security benefits be reduced?

Generally, your Social Security benefits as a spouse, widow or widower will not be reduced if you:

- are receiving a government pension that is not based on your earnings; or
- are a federal (including Civil Service Offset), state or local government employee whose government pension is based on a job where you were paying Social Security taxes; and
  - you filed for and were entitled to spouse's, widow's or widower's benefits before April 1, 2004; or
  - your last day of employment (that your pension is based on) is before July 1, 2004; or
  - you paid Social Security taxes on your earnings during the last 60 months of government service. (Under certain conditions, fewer than 60 months may be required for people whose last day of employment falls after June 30, 2004, and before March 2, 2009.)

Also, there are other situations where Social Security benefits as a spouse, widow or widower will not be reduced; for example, if you:

- are a federal employee who elected to switch from the Civil Service Retirement System (CSRS) to the Federal Employees' Retirement System (FERS) after December 31, 1987; and
  - you filed for and were entitled to spouse's, widow's or widower's benefits before April 1, 2004; or
  - your last day of service (that your pension is based on) is before July 1, 2004; or
  - you paid Social Security taxes on your earnings for 60 months or more during the period beginning January 1988 and ending with the first month of entitlement to benefits; or
- received or were eligible to receive a government pension before December 1982 and meet all the requirements for Social Security spouse's benefits in effect in January 1977; or
- received or were eligible to receive a federal, state or local government pension before July 1, 1983, and were receiving one-half support from your spouse.

**Note:** A Civil Service Offset employee is a federal employee, rehired after December 31, 1983, following a break in service of more than 365 days, with five years of prior CSRS coverage.

If you believe that, based on your age and/or amount of creditable service with the MTRS, you are exempt from either the Windfall Elimination Provision or the Government Pension Offset, the Social Security Administration will require you to submit a letter from us that states the date on which you met the eligibility requirement.

To request this letter, call us at 617-679-6877.

### What about Medicare?

Even if you do not receive cash benefits based on your spouse's work, you still can get Medicare at age 65 on your spouse's record if you are not eligible for it on your own record.

### Can I still get Social Security benefits from my own work?

The offset applies only to Social Security benefits as a spouse or widow or widower. However, your own benefits may be reduced because of another provision of the law. For more information, see Windfall Elimination Provision (Publication No. 05-10045), on page 2.