

## FREQUENTLY ASKED QUESTIONS ABOUT THE CONTINUATION OF THE SOCIAL SECURITY TAX RATE REDUCTION

1. Since Congress passed and the President signed the law on December 23, 2011 to extend the 4.2% Social Security employee tax rate, why did the Controller's Office increase the tax rate to 6.2% in my December 2011 payroll check?

**The payrolls for the majority of State employees are processed around the 20th or 21st of each month to ensure that payroll is distributed timely. Because Congress acted after this date the 6.2% Social Security tax rate that was current law was used for December 2011 payroll.**

2. Why did my December 2011 payroll check have the higher Social Security rate applied when the 6.2% tax rate was supposed to be effective starting January 1, 2012?

**As previously prescribed by IRS, any pay issue dated January 1, 2012 or later was to be processed at the 6.2% higher tax rate, regardless of the pay period. Furthermore, employees received a full 12 months of benefit because the 4.2% employee rate was applied beginning December 2010 payroll.**

3. Now that the lower Social Security tax rate of 4.2% continues and should have been applied against my December 2011 payroll check, will I receive a refund and if so, when will that happen?

**The Internal Revenue Service has directed employers to make any offsetting adjustment in the employees' pay by no later than March 31, 2012. However, the Controller's Office will issue the adjustment for the over-withheld amount to the majority of employees in their January 2012 master payroll, issue dated February 1, 2012. All other employees will receive a separate adjustment payment, if applicable, by February 29, 2012.**

4. What circumstances require a separate adjustment payment?

**If you separate during January 2012 and do not receive a January 2012 master payroll check, you will receive a refund payment. Also, if your December 2011 payroll reflects certain types of payroll actions, special processing may be needed that could result in a refund payment. The Controller's Office will make every effort to refund the over-withheld amount as timely as possible and by no later than February 29, 2012.**

5. Why would I not receive a refund?

**If you were in a position or type of appointment that is not subject to Social Security taxes (e.g., a position eligible for safety retirement benefits or working as a retired annuitant) during the month of December 2011, you will not receive a refund. Also, if you were in an unpaid leave status for the entire month of December 2011, or are newly employed in January 2012 or received your December 2011 wages after January 1, 2012, you did not have any over-withheld Social Security taxes and consequently are not entitled to a refund.**

As always, The Center for Human Resources would like to thank you for your assistance and if you have any questions or concerns please feel free to contact me at extension 44655, or by email at [lawinter@mail.sdsu.edu](mailto:lawinter@mail.sdsu.edu).