



## Highlights...



Year in Review



Vacation Pay



RUIA Contribution



Upcoming Forms

## YEAR IN REVIEW



- *Notice of Annual Rates (2022)* released. For more information, see **Program Letter 2022-01**.
- As of the 2022 reporting season, employers are now required to annually submit a BA-15, **Report of Stock Options and Other Payments**. See **Program Letter 2022-02** and **Part V, Chapter 8 of the Railroad** or **Labor Employer Reporting Instructions** for more details.
- The **Families First Coronavirus Response Act (FFCRA)** is still in effect. For more information, see **Program Letter 2021-03**.

## LEGAL OPINION ISSUED ON THE CREDITING OF SERVICE MONTHS DUE TO VACATION PAY

On June 13, 2014, the RRB's Office of General Counsel (OGC) issued legal opinion L-2014-31 in response to a request on whether an employer has the right to withhold reporting a creditable service month if an employee requests a vacation day while the employee is absent from work due to illness. The opinion concludes that the employee should receive credit in the month the vacation was requested.



- » When an employee receives vacation pay in a given month during a period of absence from work due to illness, the payment for that day is considered creditable compensation. The legal opinion quotes Section 1 of the Railroad Retirement Act (45 USC 231(h)(1)) in that "a payment made by an employer to an individual through the employer's payroll shall be presumed...to be compensation for services rendered... as an employee of the employer in the period with respect to which the payment is made."
- » Board regulations also specify that creditable compensation includes vacation pay: "Payments made to an employee with respect to vacation...shall be considered creditable compensation whether or not the employee takes the vacation..." (20 CFR §211.4).

Therefore, if an employee is credited with vacation pay during the period of absence from work due to illness, the employee is also entitled to receive service month credit for the period the vacation is credited.

Information regarding the reporting of creditable service months due to vacation pay can be found in Part IV, Chapter 4 of the Employer Reporting Instructions or Part IV, Chapter 5 of the Labor Employer Reporting Instructions. If you have further questions regarding the crediting of service months due to vacation pay, please contact the Quality Reporting Service Center by the e-mail or phone number (see footer).

## REMINDER TO EMPLOYERS ABOUT MAKING RUIA CONTRIBUTIONS



Please remember to use your new 2022 Contribution Rates when calculating your RUIA tax deposits and DC-1s. We notified you of your rates on Forms ID-40R/S which were sent out to all employers in October 2021. The maximum earnings subject to RUIA contribution for 2022 is \$1,755 per month. If you did not receive the notification via paper or ERSNet, please contact us through phone or e-mail (see footer).

## ENCRYPTION NOTICE

The RRB uses encrypted e-mail to protect Personally Identifiable Information (PII). Right now, messages are double-encrypted as a transition is taking place between contractors. If you're having trouble reading encrypted e-mails from the RRB, contact the Quality Reporting Service Center through phone or e-mail (see footer) and we can assist you.



## CONTACT OFFICIAL CHANGES

Have there been personnel changes in your organization that affect employees previously designated as contact officials with the RRB? If we are sending correspondence to an incorrect or obsolete address or contact official, please notify us by completing Form G-117a, "Designation of Contact Officials", and mail or fax it to QRSC. Please inform us if there are any users who should have their access modified or terminated on ERSNet via BA-12 as well. Current addresses and contacts are essential in providing you with RRB information.

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## RETURN GL-99 FORMS

### » **GL-99: Employer's Deemed Service Months Questionnaire**

Form GL-99 was released to employers in April. If you haven't already, please complete the forms and return them ASAP. The information you provide on the forms may result in the RRB awarding additional months of service to the applicable employees based on their reported service months and Tier II compensation for calendar year 2021.



#### **Deemed Service Optional Codes**

In order to eliminate Forms GL-99, *Employer's Deemed Service Months Questionnaire* being sent to your company for manual handling, you have the option of reporting the employment relationship on Form BA-3, by using these service month codes:

8 = Employee did not work but has an employment relationship

9 = Employee did not work and has no employment relationship

Use of these codes will eliminate Forms GL-99 being released to employers because the RRB will already have the necessary information. See the Employer & Labor Reporting Instructions for Form BA-3 on the proper reporting of these codes.

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## FORMS GL-24, GL-77A, AND GL-132

This summer, employers could receive the below forms from the Compensation and Service Center. Reply to them promptly so that we can correct possible errors in employees' records. When the form is completed, sign and date the Certification Statement and return it by e-mail or fax; see the footer for Quality Reporting Service Center contact information.

### » **GL-24- Notice to Employer of Incorrect Social Security Number**

The GL-24 advises that service and compensation cannot be credited to the employee because *the Social Security Administration indicates the Social Security Number reported belongs to another individual*. This form asks your company to review their records for the following information:

1. The employee's correct SSN.
2. The employee's full name.
3. The employee's mailing address.
4. If the employee is a female, the employee's maiden or previous name.

### » **GL-77a- Notice to Employer Regarding Reporting of Incorrect Name**

The GL-77a advises that service and compensation cannot be credited to the employee because *the name reported for this account does not agree with the name established in our records*. This form asks your company to review their records for the following information:

1. The employee's correct SSN.
2. The employee's full name.
3. The employee's mailing address.
4. If the employee is a female, the employee's maiden or previous name.

### » **GL-132- Request to Resolve Service Months Reported After Employee Retired**

Employers receive the GL-132 when they reported creditable service for periods after the annuity beginning date (ABD) for an employee. A potential overpayment exists because an annuity is not payable for any month in which an annuitant is properly credited with railroad service. This form asks your company to verify the reason for the reported service month(s).