

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF HUMAN RESOURCES

February 10, 2005

**HUMAN RESOURCES MEMORANDUM 1-05**

TO: All Agency Department Heads, Human Resource Representatives

**SUBJECT: SOCIAL SECURITY PROTECTION ACT OF 2004 – DISCLOSURE TO GOVERNMENTAL EMPLOYEES OF THE EFFECT OF NONCOVERED EMPLOYMENT**


Maine State Government is an employer which does not withhold Social Security taxes and, hence, pension benefits derived from work as a state employee (under the Maine State Retirement System) may reduce a state employee's Social Security benefits. The "windfall elimination provision" primarily affects people who earn a pension from working for a government agency (such as the State of Maine) and who also worked at other jobs where they paid Social Security taxes long enough to qualify for Social Security retirement or disability benefits.

The *Social Security Protection Act of 2004* (PL 108-203, 118 STAT. 493, Sec. 419) requires that any individual commencing state employment on or after January 1, 2005 be provided with written notice explaining the effect of earnings derived from state service on Social Security benefits. The Commissioner of Social Security has developed Form SSA-1945 for this purpose. It is important to note that Form SSA-1945 lists a website and telephone numbers that may be accessed for additional information.

In order to comply with federal law, agency human resource representatives must ensure that Form SSA-1945 is completed by every employee hired on or after January 1, 2005, regardless of employment status, prior to the commencement of employment. A copy of the completed Form SSA-1945 must immediately be forwarded to Employer Services, Maine State Retirement System. The completed SSA-1945 must also be forwarded to the Bureau of Human Resources with each new employee's "New Hire" paperwork for imaging.

Employees who have been hired since January 1, 2005 must be contacted immediately to complete Form SSA-1945. Completed Forms SSA-1945 must be forwarded to Employer Services, Maine State Retirement System and the Bureau of Human Resources for imaging.

The current Form SSA-1945 (12-2004) is attached for your reference. Form SSA-1945 may also be accessed by clicking the "Forms" page at BHR's website. Please contact the Bureau of Human Resources with comments or questions.

  
Frank A. Johnson, Acting Director  
Bureau of Human Resources

Attachment: Form SSA-1945

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