

ANNEX B

BACKDATING OF AN ELECTION FOR EMPLOYMENT TO BE PENSIONABLE (OPT-IN)
(See Note 1)

	Automatic effective date of election	Back Period	Collection of contributions for back period
<p>Regulation 7(2)(a) (Case Type A)</p> <p>Resumption of pensionable status (opt-in by a person who had previously opted out)</p>	<p>First day of employment if made w/i 3 mths of start of employment, otherwise beginning of following month. (Reg 4(3), Reg 6(4)) & Reg 7(3) + (4))</p>	<p>Back to first day of employment if election made w/i 3 mths of start of employment. (Reg 7(4))</p> <p>No further backdating possible (because no provision made for this)</p>	<p>Employer deducts back conts automatically under normal provisions</p>
<p>Reg 7(2)(b) (Case Type B)</p> <p>Opt-in by a person in employment in Part 2 & 3 of Schedule 2</p>	<p>First day of employment if made w/i 3 mths of start of employment, otherwise beginning of following month. (Reg 2(2) or (3) & Reg 7(3) + (4))</p> <p>(Note - the opt-in applies to the particular Part 2 or 3 employment.)</p>	<p>(i) Back to first day of employment if election made w/i 3 mths of start of employment. (Reg 7(4))</p> <p>(ii) Further backdating only if:</p> <p>(a) Grounds for S of S to exercise discretion. (Reg 8(1)(b))</p> <p>(b) Employer(s) agreement. (Reg 8(1)(b) and (c))</p> <p>(c) Payment of employer(s)/ee contributions plus interest within prescribed period (Reg 8(1)d) + Reg 8(8))</p>	<p>(i) Employer deducts back conts automatically under normal provisions</p> <p>(ii) Payment of back conts plus interest w/i prescribed period. If full conts not paid on time then backdating falls. (Reg 8(8) & Reg 8(1)(d))</p>

	<p>Concurrent Part 2 or 3 employment requires an <i>individual</i> election for each employment. (Reg 2(2)+(3) & Reg 8(2))</p>	<p>(d) Not earlier than period of opted-out employment (Reg 8(3))</p> <p>(e) see Case Type E regarding combination of Case Type A with Case Type B</p>	
<p>Regulation 7(2)(c) (Case Type C)</p> <p>Opt-in by a person employed in continuation of pre-1/1/07 non-elected part-time employment</p>	<p>Beginning of following month (Reg 4(7) & Reg 7(3))</p>	<p>Backdating only if:</p> <p>(a) Grounds for S of S to exercise discretion (Reg 8(1)(c) & Reg 8(4)(b))</p> <p>(b) Employer(s) agreement. (Reg 8(1)(b) and (c))</p> <p>(c) Payment of employer(s)/ee contributions plus interest w/i prescribed period (Reg 8(1)(d) + Reg 8(8))</p> <p>(d) Not earlier than period of opted-out employment (Reg 8(5))</p> <p>(e) If more than one employer involved, backdated period is subject to all employers agreeing to pay) (Reg 8(5)(b))</p>	<p>Back conts based on salary at time of the employment. (Reg 8(6))</p> <p>If all employer and employee required conts not paid on time then backdating falls. (Reg 8(1)(d))</p>
<p>Reg 7(2)(d) (Case Type D)</p> <p>Opt-in by a person employed in continuation of pre-1/1/07 non-elected</p>	<p>Beginning of following month. (Reg 4(9) & Reg 7(3))</p>	<p>Backdating if:</p> <p>(a) Employer(s) agreement. (Reg 8(1)(b) & Reg 8(6)(b))</p> <p>(b) Payment of employer(s)/ee contributions within prescribed period. (Reg 8(1)(d) + Reg 8(8))</p>	<p>Back conts based on salary at time of the employment. (Reg 8(6))</p> <p>If full conts not paid on time then</p>

further (post-retirement) employment		<p>(c) Date not earlier than 1/4/00 in any circumstances. (Reg 8(7)(a))</p> <p>(d) Not earlier than period of opted-out employment (Reg 8(7)(b)(i))</p> <p>(e) If more than one employer involved, backdated period is subject to all employers agreeing to pay (Reg 8(7)(b)(ii))</p>	backdating falls. (Reg 8(1)(d))
<p>Combination (Case Type E)</p> <p>Combination of Case Type A & Case Type B</p>	<p>An election to opt-out applies to all employment (Schedule 2 Parts 1, 2 or 3 + Reg 2(4) and Reg 2(5) employment). But an election to resume pensionable employment does not apply automatically to Schedule 2 Part 2 and 3 employment; these employments require a separate election. Thus, if a person was in concurrent Part 1 + Part 2 or 3 employment, unless a person made a separate Part 2 or 3 election, only the Part 1 service would be pensionable.</p> <p>However, if a person elected for both Part 1 and Part 2 or 3 employments to be pensionable, the effective date of the Part 2 or 3 employment (Case Type B) could not be earlier than the date of the election to resume pensionable employment (Case Type A) i.e. in circumstances of concurrent employment, if a person had been in Part 2 or 3 employment for longer than 3 months when the Part 2 or 3 election was made, under no circumstances could the back period for the Part 2 or 3 employment precede the effective date of the Case A election. (Reg 6(4) and Reg 8(3))</p>		

Note 1 : In all cases, if a person is "a 2007 or later entrant" or "a person with mixed service", backdated service", service that is treated as pensionable by virtue of agreement to backdate counts towards normal pension age of 65. There is no discretion on this. (Reg 8(9) + (10))

"a 2007 or later entrant" = all service counts against a normal pension age of 65

"a person with mixed service" = a person with service counting against a normal pension age of 60 and service counting against a normal pension age of 65