

Organization Information Extracted from: sections 701-711.docx

****PART 1: Information for ROPSSA (ROPSSA)****

Section 701. Quarterly Report Due Date

•The due dates for the Quarterly Reports shall be as follows:

- + March 31st Report due on April 30th
- + June 30th Report due on July 31st
- + September 30th Report due on October 31st
- + December 31st Report due on January 31st
- + Payment shall be made by the due dates. Payment is defined as the payment in cash or cash equivalent, in full, made to the Administration by the due date. A payment mailed and postmarked by the due date but not physically arriving at the Administration until after the due date will NOT be considered a late payment.

Section 702. Authorized Late Payment

•An employer, upon the approval of the Administrator or his/her designee, may under exceptional circumstances, file their Quarterly Report on or before the due date and pay on a later date without the assessment of a penalty, however, interest shall be assessed. Factors to be considered in approving and determining the date for the employer to pay his/her contributions include but are not limited to the following:

- + Payment history of the employer
- + Number of times the employer has requested late payment
- + The employer's history of keeping his/her promise to pay
- + Any other relevant factors

No employer will be granted more than one (1) authorized late payment in any cumulative 36-month term.

Section 703. Supplemental Reports

•There shall be no penalty assessed for underpayments of Quarterly Reports due to simple miscalculations on the employer's part. The Administration's Collections Officers shall attempt to review all Quarterly Reports before payment is collected. If a miscalculation or error is found and payment made was not enough, the payment and receipt shall be held until the employer makes complete payment. If a miscalculation or error is found and payment made was more than the actual amount owed, payment shall be received and the employer shall be informed that the remainder of the overpayment shall be transferred to the next quarter.

Section 704. Collection Process

•Upon a determination that an employer has not timely paid any sums due under 41 PNC, the Administrator shall:

- + Issue a written first notice demand letter to the employer or person concerned requesting payment in full or

by payment agreement of the sum due as well as any applicable penalties or interest within twenty-one (21) days of the date of the letter.

- + Upon passage of the twenty-one (21) day period without payment or agreement as to the means of payment, the Administrator shall issue a written second notice demand letter.
- + If payment is still not received, the Administrator shall issue a written third notice demand letter.
- + If payment is still not received, the Administrator shall refer the case to the Board for collection.

Section 705. Collection by the Board (ROPSSA)**

- If an employer has not paid their Quarterly Report within the due date, the Administrator shall refer the case to the Board for collection. The Board shall:
 - + Issue a written demand letter to the employer requesting payment in full within thirty (30) days of the date of the letter.
 - + If payment is still not received, the Board shall issue a written second demand letter.
 - + If payment is still not received, the Board shall refer the case to the Attorney General for legal action.

Section 706. Legal Action (ROPSSA)

- If an employer has not paid their Quarterly Report within the due date and has failed to respond to the Board's demand letters, the Board shall refer the case to the Attorney General for legal action. The Attorney General shall:
 - + File a lawsuit against the employer in the appropriate court.
 - + If the employer is found guilty of non-payment, the court shall order the employer to pay all accrued penalties and interest, as well as any legal fees incurred by the Administration.

Section 707. Interest on Delinquent Reports (ROPSSA)

- Interest on delinquent reports shall be calculated at a rate of one percent (1%) per month. Interest shall be charged from the due date of the Quarterly Report until the date the report is paid in full.

Section 708. Penalty Waiver (ROPSSA)

- The employer must submit a written request to the Social Security Administrator and the Board of Directors requesting a penalty waiver. The written request shall briefly describe any circumstances involving the employer or his/her business that have resulted in the assessment of penalties. The Administrator shall complete a background check on the employer and make a written determination either approving or denying the penalty waiver.

*The Administrator has the authority to act on the request for penalty waivers if the following four (4) factors are met:

1. Consistent reporting and payment contribution for the last 2 years
2. No default judgement or unpaid contributions for the last 2 years
3. No pending or outstanding audit of employer at time of request
4. Consistent payment of delinquent contributions for the past 6 months under agreement

Any request for penalty waivers outside of Administrator's authority has to be presented to the members of the Board for a decision.*

Penalty assessment and waivers for accounts under agreement:

Agreement for payment of delinquent account must be drafted by SSA collection attorney (by request), reviewed by supervisor and approved by SS Administrator.

Account is considered late and will continue to assess penalty on a monthly basis as set forth in the agreement.

Any late filing as agreed by SSA under some form of agreement shall not be assessed a penalty if paid within due date, otherwise a penalty is assessed.

Penalty waiver is considered every 6 months based on positive account performance.

The Administrator shall prepare a summary, which shall include his/her written determination, and present such summary to the members of the Board for their approval.

If the Board approves the penalty waiver (in full or in part), the Administrator shall take the necessary steps to implement the penalty waiver. If the penalty waiver is denied, it shall be put on the next Board meeting agenda for further and final discussion.

Section 709. Collection Report (ROPSSA)

•A collection report shall be completed when interest and penalties are assessed. Upon payment of a delinquent report, a collection report shall be made in duplicate. One copy shall be provided for the employer and the original copy shall be retained for the Social Security files.

Section 710. Payment Agreements (ROPSSA)

•The Administrator, when appropriate, may enter into a Payment Agreement with any debtor of the Administration. Any Payment Agreement entered into shall contain the following information:

*Name of Owner and Business

*Employer Identification Numbers

*Social Security Numbers

*Principal, Interest, and Penalties

*Approximate Quarters of Delinquency

*Statement of Debt Liability Acknowledgment

*Amounts to be Paid and frequency of payments

*Results of Breach of Agreement

*Debtor Signature

*Administrator Signature

*Any other information as may be required by the Administrator.

All employers are aware they have an obligation to collect and pay Social Security taxes to Social Security Administration therefore no debtor may enter into more than 1 payment plan in a 12 month period. Any additional debt/s incurred during this 12 month period must be paid off in full, including any penalties.

Section 711. Bounced Checks (ROPSSA)

•The Administration may accept business or personal checks for the payment of any sums owed. The Administration reserves the right to refuse any check from any person, business, or financial institution. Any person or entity that bounces a check to the Administration shall be assessed a returned check fee and/or interest. A bounced check shall be held for one quarter before being considered delinquent. When dealing with a bounced check the Administration shall retain the following information:

*Name of Person or Business

*Date Check Issued

*Amount of Check

The Administration shall not accept a check from a person or business that has an outstanding bounced check until that amount has been paid in full. The Administration shall not accept a check from a person or business that has bounced two (2) checks to the Administration.