

# The basics of social insurance

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## **Speaker**



**Christiane Droste-Klempp Magister Economics, German studies, history** 

1995 to 1999 Activities in the personnel management and payroll accounting

1999 to 2001 Introduction and implementation of partial retirement in a large

company

Seit 2002 Self-employed trainer, consultant, project manager with the emphases partial retirement, time accounts, occupational pensions, travel expenses

> Numerous publications on the subject of flexible working hours and their implementation



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#### **Abbreviations**

CAL Contribution Assessment Limit

AlL Annual Income Limit

HI Health Insurance

NC Nursing Care

PI Pension Insurance

UEI Unemployment Insurance

CR HI Contribution Health Insurance

AC HI Additional Contribution Health Insurance

Tax Cl. Tax Class



## Judgement of health insurance





## Private insurance and insurance freedom Annual income limit

**56,250 Euro** (50,850 Euro\*)

<sup>\* =</sup> special annual income limit for employees, who were until December 31st 2002 on the top of the actual annual income limit.



## Private insurance and insurance freedom Annual income limit (AIL)

At December 31st 2015 legally insured, freely insured or unemployed:

Staff was correctly privately insured on December 31st 2002 due to exceeding the annual income limit

General AIL (normal case)

Special AIL-Border

Insurance free if AIL

2015: 54,900 Euro and

2016: expected 56,250 Euro

Insurance free if AIL

> 2015: 49,500 Euro

> 2016: 50,850 Euro

Decisive ist the

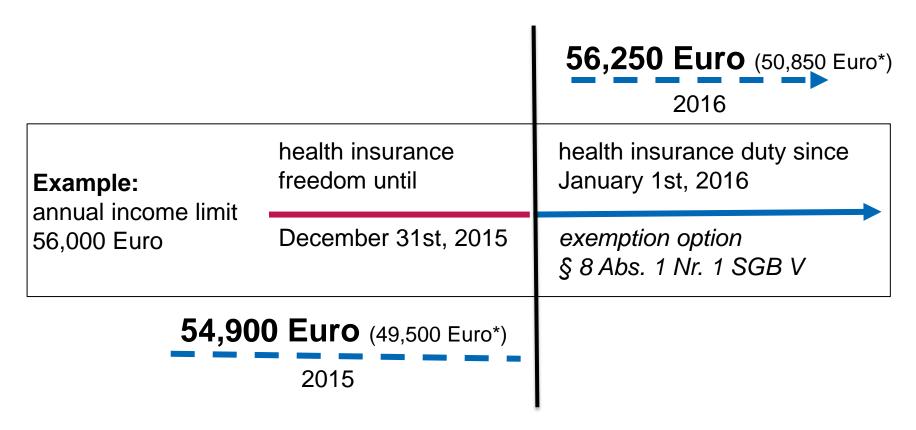
- > expected,
- regular pay lump.

Sum payments, which are paid for reliably at least once per year, (appreciate) and are included.

Beware if wages permanently return.



## Requirement health insurance duty / freedom Annual income limit (AIL)



<sup>\* =</sup> special AIL for employees who were already on December 31st, 2002 exempt from insurance and private insurance for exceeding the former AIL



## Requirement health insurance duty / freedom Review of compulsory insurance

#### At the commencement of employment

Decisive only if the regular pay of a year (twelve times monthly wage) expected the annual income limit exceed.

#### For each content change

The "new" wages are (twelve times new wage) extrapolated to an annual fee.

If the annual income limit is still not achieved or is now compulsory insurance in the statutory health insurance (if request for exemption).





## Requirement health insurance duty / freedom Review of compulsory insurance

The following principles apply:

Getting out of an existing legal obligation employees always come first of the year.

- if the annual income limit has been exceeded in the past year
- > and is expected to exceed in the following year.

#### Into the compulsory insurance within the year

from the month during which due to reductions in wages the annual income limit is not reached.

Basis of the judgment is not the actual salary but the "final" monthly amount twelve times plus potentially added time payments.



#### Private health insurance

**Example**: annual income limit

> 56,000 Euro/2015

> 58,000 Euro/2016



health insurance duty until

December 31st, 2015

health insurance freedom

since January 1st, 2016

54,900 Euro

2015

Employees can stay in healthinsurance-freedom or switch from January 1st, 2016 to private health insurance



## Contribution calculation and contribution payment





## Overview contribution calculation Income thresholds

#### Health and care insurance

**2015**: 49,500 Euro – per month 4,125 Euro

**2016**: 50,850 Euro – per month 4,237.50 Euro

#### Pension and unemployment insurance

**2015**: 72,600 Euro – per month 6,050 Euro

**2016**: 74,400 Euro – per month 6,200 Euro



## Overview contribution calculation Income thresholds new federal states

#### Health and care insurance

**2015**: 49,500 Euro – per month 4,125 Euro

**2016**: 50,850 Euro – per month 4,237.50 Euro

#### Pension and unemployment insurance

**2015**: 62,400 Euro – per month 5,200 Euro

**2016**: 64,800 Euro – per month 5,400 Euro



### Overview contribution calculation

### 1. Contribution rates – (almost) unchanged

	2015	2016
pension insurance	18.7 percent	18.7 percent
unemployment insurance	3.0 percent	3.0 percent
nursing care		
potentially childless	2.35 percent	2.35 percent
surcharge	0.25 percent	0.25 percent
General health insurance		
general*	14.6 percent	14.6 percent
reduced*	14.0 percent	14.0 percent
average additional contribution rate	0.9 percent	1.1 percent
Insolvency fund allocations	0.15 percent	0.12 percent

http://www.gkv-ag.de/beitragssatzdatei.gkvnet



<sup>\*</sup>plus cash individual additional contribution rate -

#### Overview contribution calculation

### 1. Contribution subsidy to voluntary health insurance

health insurance

- Maximum 309.34 Euro (7.3 percent from 4,237.50 Euro) per month for employees with sick leave in
- Maximum 296.63 Euro (7 percent from 4,237.50 Euro) per month for employees with no sick leave in

nursing care

Nationwide more than

- > 49.79 Euro per month
- > 28.60 Euro per month (Saxony).



#### Overview contribution calculation

### 1. Contribution subsidy to voluntary health insurance

health insurance

- Half of the contract, maximum 309.34 Euro per month
- Half of the contract, maximum 296.63 Euro per month

nursing care

Half of the contract,

- > 49.79 Euro per month
- > 28.60 Euro per month (Saxony).



## Overview contribution calculation The additional contribution



It does not include: Allocations U1 + U2 / insolvency benefit contributions / contributions voluntary health insurance / artist social levy



## Overview contribution calculation Post group key

#### **Contribution group insurance**

1st postition	2nd position	3rd position	4th position
Health	Pension	Unemployment	Nursing care
insurance	insurance	insurance	





## Overview contribution calculation Group Key

- > 101 social insurance contributions featureless
- > 102 trainee
- > 103 partial retirement
- > 105 interns
- > 106 working students
- **>** ...
- > 109 minijob
- > 110 short term employment
- **>** ...





### 1. example: Employee has earned less the CAL

legally compulsorily insured in the health insurance

#### **Information**:

Salary 2,500 Euro

HI TK

CR HI 14.6 percent

AC HI 1.0 percent

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### 2. example: Employee earns more than the CAL

legally voluntarily insured in the health insurance (old provinces)

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Salary 6,500 Euro

HI TK

CR HI 14.6 percent

AC HI 1.0 percent

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	4.041,37€
Nettobe- und Abzüge	
Abzug FKV 14,6 %	618,68€
Abzug ZB 1,0 %	42,38€
Zuschuss FKV 7,3 %	309,34€
Abzug PKV 2,35 %	99,58€
Zuschuss PKV 1,175 %	49,79€
_	
EUR	3.639,86€



### 3. example: Employee earns more than the CAL

legally voluntarily insured in the health insurance (new provinces)

Information:						
Salary	6,500 Euro					
HI	TK					
CR HI	14.6 percent					
AC HI	1.0 percent					
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### 4. example: Employee earns above the CAL

private medical insurance (old provinces)

Information:
Salary 6,500 Euro
HI Contrib. 750 Euro
CI Contrib. 55 Euro
Tax Cl. I, 0, 0

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## One time payments Typical time payments

- Christmas bonus
- Holiday pay
- Pensions compensation
- Severance
- > Bonuses, premiums





## Time payments – proportionate contribution assessment limit

- Does not exceed the sum of the contributory current salary and the contributory. Once covering the contribution assessment limit (CAL) in the social insurance, no further special features must be observed. A pro-rata (annual) contribution ceiling is not to form in these cases.
- If, however, exceeded by paying a one-off covering along with current remuneration contribution assessment limit in the social insurance, on a pro rata (annual) the income threshold shall be determined. This is the contributory earnings for the period (excluding the current one-time reference) to face. If the one-time reference is higher than the determined difference, the one-time reference only pays contributions in the amount of this difference.



### 1. example: SI-Air representation

An employee receives a monthly salary of 4,000 Euro. In July, he will receive a holiday allowance (one-off payment) in the amount of 2,000 Euro.

The income thresholds are in 2016:

HI; NC: federally: 50,850 Euro per month 4,237.50 Euro

PI, UEI: new provinces: 64,800 Euro per month 5,400 Euro

old provinces: 74,400 Euro per month 6,200 Euro





### 1. example: SI-Air representation

#### Solution |

- Until the end of July sum up to 210 (7 x 30) SI-days.
- The income threshold is calculated as follows:

- PI, UEI: 74,400 Euro x 210 = 43,400 Euro 360
- Wages excluding vacations pay are by the end of July:

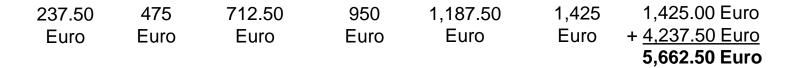
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7 \times 4,000 \text{ Euro} = 28,000 \text{ Euro}
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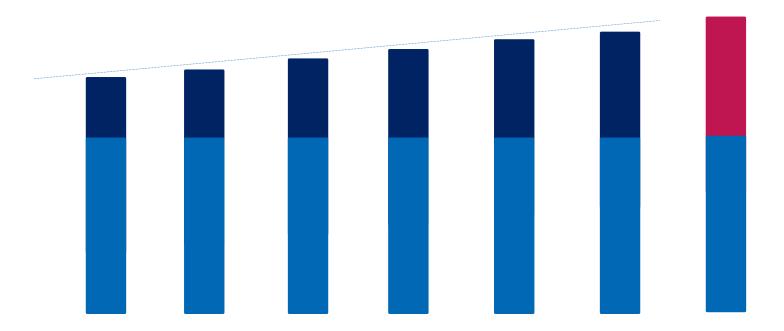
**Result** | Pay contributions, the difference between contribution assessment limit and salary, at most, the amount of holiday pay.

- XI, NI: the holiday pay 1662.50 Euro to pay contributions.
- PI, UEI: holiday pay contributions in the amount of 2,000 Euro.



### 1. example: SI-Air representation







#### March clause

If a one-time reference, which will be paid in the months of January, February or March, is not completely in the health insurance contributions, the total one-time reference is assigned in all branches of the social insurance, the last billing month of the previous year.





#### March clause

- > Payment of one-off payments to March 31th (of the year),
- monthly contribution assessment limit is exceeded by one-time reference,
- > and the pro contribution assessment limit is exceeded until the payment month,
- and last year was a employment relationship with the same employer.

Then the one-time reference migrates from the previous year!

Whether there is yet SI-air for one-time reference from the period January 1st to March 31st is irrelevant.



## Practical examples 2. example: March clause

An employee receives a monthly salary of 4,000 Euro. In March, he receives a bonus (one-off payment) of 2,000 Euro.

The income thresholds are in 2016:

HI, NC: federally: 50,850 Euro per month 4,237.50 Euro

PI, UEI: new provinces: 64,800 Euro per month 5,400 Euro

old provinces: 74,400 Euro per month 6,200 Euro





## Practical examples 2. example: March clause

#### Solution |

- Until the end of March through 90 (3 x 30) SI-days.
- > The income threshold is calculated as follows:

PI, UEI: 
$$74,400 \text{ Euro } \times 90 = 18,600 \text{ Euro}$$
  
360

Wages excluding bonus amount to the end of March:

$$3 \times 4,000 \text{ Euro} = 12,000 \text{ Euro}$$

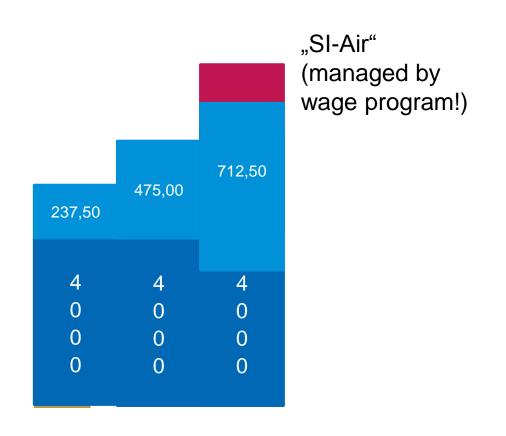
Result | The difference between contribution assessment limit and salary is not enough for the HI / NC for the bonus, therefore attacking the March clause.

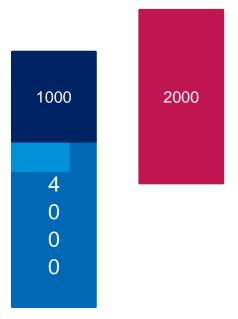
HI, NC: 712.50 Euro



### 2. example: March clause

#### As of December quarter





## **Concurrent employment Contributions**

#### If exceeded income thresholds (contribution assessment limit):

- Contributions are divided between employers in relation to the charges.
- Month notification (notification reason "58")
- If the paid employment exceeds the thresholds, income will be truncated to the contribution assessment limit.

#### Formula:

CAL x fee (possibly truncated to CAL)

Rates of all occupations (possibly truncated to CAL)



## **Concurrent employment**Distribution income threshold

Message health insurance	Employer A gross 3,500 Euro	Employer B gross 1,500 Euro	Total
Health and nursing insurance	3,500 Euro	1,500 Euro	5,000 Euro
Pension and unemployment insurance	3,500 Euro	1,500 Euro	5,000 Euro

Division contribution assessment limit	Employer A gross 3.500 Euro	Employer B gross 1.500 Euro	Total
Health and nursing insurance	4,237.50 Euro x 3,500 Euro 5,000 Euro	4,237.50 Euro x 1,500 Euro 5,000 Euro	4,237.75
	= 2,966.25 Euro	= 1,271.50 Euro	Euro



## **Temporary employees**





## Tax law changes Extension of tax lump sum limits

Minijob	Short-term employment
"a little, but regularly"	"a lot, but <b>only briefly</b> "
Regular merit a maximum of 450 Euro, as a result 5400 Euro per year (§8 para.1 no.1 SGB IV)	<b>Duration – in advance limited</b> <sup>3</sup> to not more than three months (70 working days)
Number of hours does not matter.	Period within a (calendar) years
Information and documents on working time and hours <sup>1</sup>	Status unprofessional
For unforeseeable reasons (E.g. loss event) may be up to a total of 2 months more than 450 Euro a year earned <sup>2</sup> .	



<sup>&</sup>lt;sup>1</sup> see: Minimis guidelines november 12th, 2014, page 99, point -F- paid documents

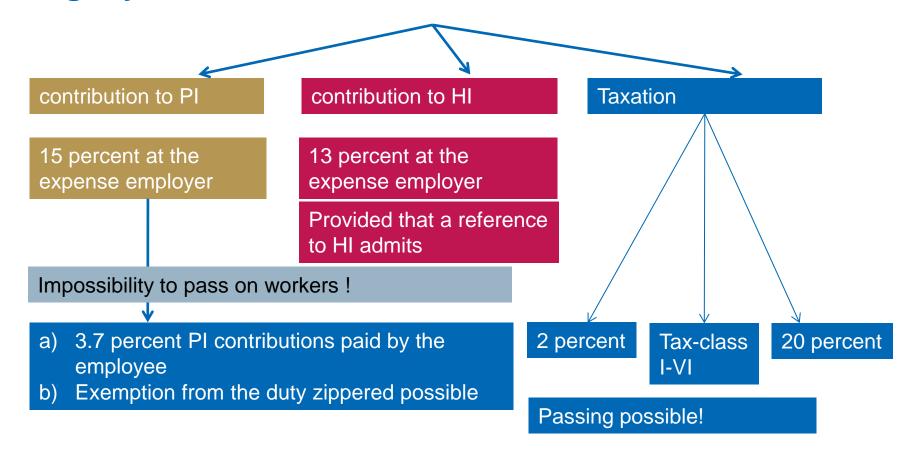
<sup>&</sup>lt;sup>2</sup> page 65, B 3.1; <sup>3</sup> page 67, B 3.2

## Tax law changes Extension of tax lump sum limits

Mini-Job	Short term employment
"a little, but regular"	"a lot, but <b>only briefly</b> "
Minijob is limited to regularly 450 Euro per month.	Rule: in the SI no limit on the amount of remuneration.
SI: package SI-charges for the employer – with no possibility of passing on	No social security contributions
Tax: usually uniform flat tax in the amount of two percent — passing possible	Tax: a) Individual according ELStAM
PI-duty employee (also 3,7 percent) – possibility of exemption on request	b) Packages with 25 percent – but only within the amount limits in § 40a EStG



## **Short term and minor employment Slightly remunerated – SI informations**





## Minijobreform Impact on the settlement

**Example:** An employee ist set fixed to January 1st, 2016, monthly wage 450 Euro, no holiday and christmas bonuses. He has been in the statutory health insurance (family insurance).

#### **Solution:**

- Regular work for pecuniary: 450 Euro
- This is a minor employment ago.

Accounting:		Employer	Employee	Contribution
Monthly wage			450 Euro	
Contribution HI: 13 p	ercent	58.50 Euro		58.50 Euro
Contribution PI: 18.7	percent	67.50 Euro	-16.65 Euro	84.15 Euro
Flat tax 2 percent		9.00 Euro		9.00 Euro
Totals:	<u>\</u> .	135.00 Euro	433.35 Euro	151.66 Euro

- Contribution rate: 18.7 percent (employer: 15 percent, employee: 3.7 percent)
- > People group 109, contributory group: 6/1/0/0



## Minijobreform Exemption from compulsory pension insurance

- Workers hand employer written application for exemption.
- Employer registers application for exemption:
  - in mechanized reporting procedures (§ 5 para. 12 DEÜV),
  - > practical: through registration with the "right" group contribution or fax,
  - > in future releases basic 33/13.
- Minijobcentral: can disagree if necessary.
- > Exemption application: part of payment documents
  - > Receipt date



## **Practical examples**

### 1. example: Minijob with pension insurance

- No limitation of the hourly rate
- Packages duties for the employer (HI 13 percent / PI 15 percent)
- Only PI-contribution portion for workers
- Message to the Mini-Job-Center
- > Group key: 109
- Post group key: 6 1 0 0

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433.35 €

### **Practical examples**

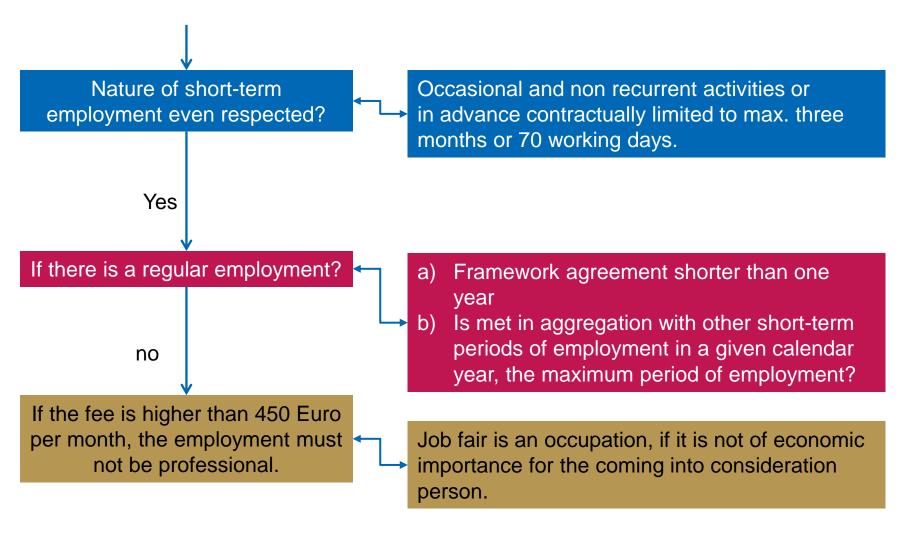
### 2. example: Minijob without pension insurance

- No limitation of the hourly rate
- Packages duties for the employer(HI 13 percent/ PI 15 percent)
- Message to the minijob centre
- > Group key: 109
- > Post group key: 6 5 0 0

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## **Short term employment**





## **Short term employment**

Case group	
Unemployed persons ⊗	Professionally, not short term
Parental leave 😕	Professionally, not short term
Voluntary military service ©	Not professionally, short term
Federal voluntary service ©	Not professionally, short term
During unpaid leave ⊗	Professionally, not short term
Student during school time ©	Not professionally, short term
Graduated students before studying at university ©	Not professionally, short term
Graduated students before practicum studies at university ⊗	Professionally, not short term
Graduated students before federal voluntary service	Professionally, not short term
Graduated students before vocational training ®	Professionally, not short term



### **Practical examples**

### 2. example: Short term employment

No contributions to social insurance

Message to the Minijob centre

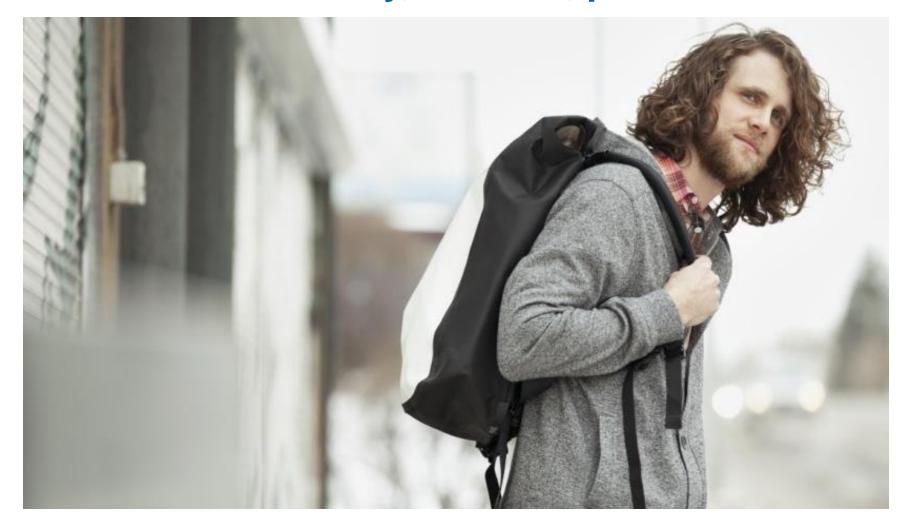
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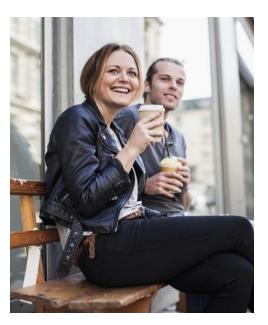
## Specific features with employed students of school and university, trainees, pensioners





## Particularities of student workers **Duale students**

- Duale students are the same as trainees: group key 102, post group key 1/1/1/1.
- Trainees means: no minijob, but low income limit (325 Euro), then group key 121.
- > Employer pays the total amount of social insurance.





## Particularities of student workers Student workers

- > First check, if minijob or short term employment is possible.
- Second Check: Working student
- Conditions "Working student"

(§ 6 Abs. 1 Nr. 3 SGB V, § 27 Abs. 4 Nr. 2 SGB III ):

- 1. Matriculation
- 2. Semester: Max. 20 hours per week
- 3. Vacation: More than 20 hours per week possible





## Particularities of student workers Mandatory internship

- Mandatory internship after a study regulation/examination (personnel file),
- which are incorporated in the higher education and are regulated and controlled by the university.

### **Interim placement:**

- Regardless of the amount of pay free in all parts of social insurance.
- Family health insurance or health insurance for students.
- All other mandatory internships are fully subject to social insurance.

#### **Alumni:**

The mandatory internship of alumni is fully subject to social insurance.



## **Employment of pensioners – at present**

### Full pension for age

#### **Health insurance:**

Insurance but reduced contribution rate.

#### **Pension insurance:**

Insurance prepaid but employers' share is payable.

#### **Unemployment insurance:**

Pension irrelevant

but insurance dates from reaching the standard retirement age.

Employer's share is payable.

Care insurance: Nothing special

#### Part old-age pension

1/3 of full pension 1/2 of full pension 2/3 of full pension

No social security impact, full SI obligation

Post group key: 1111

Post group key before full pension: 3/3/1/1 Post group key with full pension: 3/3/2/1



## **Continuation of payments**





## **Continuation of payments**

Based on the work disability certificate (WDC) to the employees' entitlement results:

- Continued pay in accordance with the legal requirements up to six weeks (EFZG, §3), if applicable collective agreement.
- In advanced persistent disease (from seven WDC) on payment of sickness benefits by the health insurance (SGB V, §44).
- When the continuous duration of the WDC is more than six weeks, or
- the contract physician about the existence of other cases of continuation of payments (for example, because of pre-existing conditions or eligible WDC during the first four weeks of the employment relationship) becomes aware in any of these following WDC-certificate the box "from seventh WDC-week or other sickness benefits case" with a cross.

## **Continuation of payments**

Innovations of the work disability certificate:



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# Thank you for your attention!

If you have any questions, please feel free to ask.

