

Supreme Court of Pennsylvania



Administrative Office of Pennsylvania Courts

Dependent Care Account Program

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Qualified Transportation Expense Program

Employee Information

For the Unified Judicial System of Pennsylvania

effective July 1, 2004

As revised December 2019

DEPENDENT CARE ACCOUNT PROGRAM

Introduction

The Dependent Care Account Program is authorized by the Supreme Court of Pennsylvania and is administered by the Administrative Office of Pennsylvania Courts (AOPC) in accordance with a Plan Document. The Plan Document is maintained at the AOPC office at 601 Commonwealth Avenue, Harrisburg, Pennsylvania. Information contained in the Plan Document is summarized below. Any difference between this booklet and the Plan Document will be resolved in accordance with the provisions of the Plan Document.

The Dependent Care Account Program allows you to have payroll deductions from your gross salary to pay eligible expenses for child or other dependent care. The amount you have deducted is not subject to Federal, FICA (social security) or FICA-Med (Medicare) taxes and consequently you are able to pay your dependent care costs with pretax earnings. However, these earnings are fully taxable for state and local purposes.

Who is eligible to establish a Dependent Care Account?

You are eligible to establish an account if:

- You are a salaried employee and
- You are single or
- You are married with a working spouse or
 - a spouse who is a full-time student at least 5 months during the year while you are working or
 - a spouse who is incapable of self-care.

Who qualifies as a dependent?

You can use the Dependent Care Account deductions to pay for the care your dependents receive while you are at work. The Working Families Tax Relief Act of 2004 limits “dependents” to *qualifying children and qualifying relatives*. Eligible dependents generally include:

- Your qualifying child who is your dependent and who was under age 13 when the care was provided.
- Your spouse who wasn't physically or mentally able to care for himself or herself and lived with you for more than half the year.
- A person who wasn't physically or mentally able to care for himself or herself, lived with you for more than half the year, and either:
 - Was your dependent, or
 - Would have been your dependent except that:

- He or she received gross income in excess of the limitation established by the IRS. The limitation is subject to change annually.
- He or she filed a joint return, or
- You, or your spouse if filing jointly, could be claimed as a dependent on someone else's tax return.

How much money can I put into my Dependent Care Account?

- In general, you can contribute up to \$5,000 each calendar year. However, there are several exceptions:
- If your spouse is also eligible to participate in a Dependent Care Account, the combined amount you both contribute cannot exceed \$5,000.
- If you are married and have a working spouse, the amount you can contribute cannot exceed the lower of the earned incomes. For example, if your spouse works part-time and earns \$4,000 for the calendar year, your maximum contribution would be \$4,000.
- If you are married and file separate federal income tax returns, the maximum contribution amount is \$2,500.
- Your spouse who is either a full-time student or not able to care for himself or herself is treated as having earned income. His or her earned income for each month is considered to be at least \$250 if there is one qualifying person in your home, or at least \$500 if there are two or more.
- If you contributed to a similar plan with another employer during this calendar year, you are limited to the remaining balance of contributions for which you are eligible for this calendar year.
- The *minimum* Dependent Care Account deduction amount is \$25 per biweekly pay period or \$50 per monthly pay period.

What expenses can be reimbursed from my account?

- Eligible dependent care costs incurred for periods after January 1 of the calendar year or enrollment date whichever is later.
- The cost of a licensed adult or child care facility.
- Care provided in your home by someone other than your spouse or other dependent.
- Care provided in someone else's home for a dependent under age 13.
- That portion of the cost of care for your dependent provided by a housekeeper while you work.

- That part of school tuition which pays for care before and/or after school.
- Day camp costs.

What expenses cannot be reimbursed from my account?

- Costs incurred for periods before January 1 of the calendar year or date of enrollment whichever is later.
- The cost of unlicensed day care facilities.
- Care provided by your spouse or other person you claim as a dependent for federal tax purposes.
- That part of dependent care or school tuition which pays for education, meals, entertainment or transportation of your child.
- Overnight camp.
- Care provided for the time which you are not working.
- Nursing home or other residential facilities for a dependent with a disability who does not live with you.

How do I receive reimbursement from my account?

To receive reimbursement, you must submit a properly completed Dependent Care Reimbursement Form to the Payroll Department along with a receipt or statement of the expenses incurred. The receipt or statement must show the following information:

- The name(s) of the eligible dependent(s).
- The name of the person or organization to whom payments were made and their social security or employer identification number. *Many dependent care providers can supply this information on IRS Form W-10 (Dependent Care Provider's Identification and Certification).*
- The type and dates of services provided.
- The dollar amount of the expense paid.

The receipt or statement must provide the required details. The IRS has determined that canceled checks, statements showing only a balance due or credit card receipts are not acceptable as documentation of dependent care expenses. Be certain to keep copies of your receipts or statements for your records. The originals will not be returned to you.

The reimbursement will be included on your salary check for the first regular payroll period processed by AOPC following the receipt of a properly completed Reimbursement Form and required documentation. You will be reimbursed up to the available balance in your

account as of that pay date. If your account balance is not sufficient to cover the amount requested, the remainder will be reimbursed as subsequent deductions are added to your account until that claim is fully reimbursed.

If you leave employment with the Unified Judicial System during the calendar year, you can still be reimbursed for qualified expense incurred during the remainder of the calendar year. If your new employer also has a Dependent Care Account Program, you will be limited to the remaining balance of contributions for which you are eligible for the calendar year.

What happens if I have a balance in my account at the end of the calendar year?

Internal Revenue Service regulations require that you forfeit any balance in your Dependent Care Account at the end of each calendar year after you have been reimbursed for all eligible expenses for that year. However, you have **until March 1 of each year** to submit a Reimbursement Form for eligible expenses for the prior year. Any balance remaining in your account after reimbursement of all your eligible expenses for the calendar year cannot be returned to you or carried forward to the next year. Consequently, it is important that you carefully estimate your eligible expenses for each calendar year when completing the enrollment form.

Examples

On December 31, 2008, you have a \$200 balance in your Dependent Care Account. In the first week of January 2009, you receive and pay a bill of \$250 for eligible dependent care expenses incurred for the prior year. You can submit a Reimbursement Form and be reimbursed for the \$200 so long as your request is received by the AOPC no later than March 1 of 2009.

However, if you had been reimbursed for all eligible expenses for the calendar year but still had \$200 remaining in your account, IRS regulations prohibit returning the money to you or applying it to eligible expenses related to the subsequent year. The \$200 would be forfeited and returned to the Unified Judicial System accounts.

When can I change or stop my Dependent Care Account deduction amount during the calendar year?

You cannot change or stop the Dependent Care Account deduction amount specified on your enrollment form until the next open enrollment period unless you have a qualified change of status. (However, your deduction will automatically stop when you reach the annual deduction limit you specify.) The IRS has specified the following list as qualifying Change of Status events which allow an increase, decrease or termination of the deduction amount:

- 01 Birth or adoption of a child
- 02 Placement for adoption
- 03 Gain custody of dependent
- 04 Lose custody of dependent
- 05 Child becomes 13 years old
- 06 Death of dependent

- 07 Marriage
- 08 Annulment
- 09 Legal separation
- 10 Divorce
- 11 Death of a spouse
- 12 Change in residence of self, spouse or dependent that affects eligibility for coverage
- 13 Change in employment status of self, spouse or dependent including the start or end of employment and the beginning or end of leave without pay
- 14 Change in provider
- 15 Significant increase or decrease in cost of dependent care if the provider is not a relative
- 16 Increase or decrease in hours of dependent care
- 17 Dependent receiving care is no longer eligible

Changes to your Dependent Care Account deduction must be made within 60 days of the qualifying event and must be consistent with IRS requirements. To change your deduction amount, you must submit a completed Status Change Form to the Payroll Department. The change will be effective with the first payroll processed by AOPC following the receipt of the completed Status Change Form.

Examples

- If you place another child in day care, you may increase (but not decrease) your Dependent Care deduction.
- If your day care provider goes out of business and your mother offers to care for you child free of charge, you can stop your Dependent Care deduction.
- If your day care cost decreases because your child moves to another age group, you can decrease your Dependent Care deduction.

How do I enroll?

To enroll in the Dependent Care Account Program, you must complete the enrollment form included with this booklet and return it to the AOPC Payroll Department, 601 Commonwealth Avenue, Harrisburg, PA 17106-1260. The payroll deduction will begin with the first payroll processed by AOPC following the receipt of the completed enrollment form. The deduction amount you designate will continue for the remainder of the calendar year, subject to the rules for deduction changes and the annual deduction limit you specify. Enrollment forms are also available from the Payroll Department (717-231-3325) or from the AOPC Onlines Services website at https://onlineservices.pacourts.us/ASAP_Web/public/Payroll.aspx.

- Open Enrollment – Eligible employees may enroll for the following calendar year during the annual open enrollment period conducted each November and December. **Employees who wish to continue participation in the Plan must submit an enrollment form for the following calendar year.** You may make any change to the deduction amount for the following year without regard to a change of

status. The payroll deduction will begin with the first regular payroll of the new calendar year.

- New employee enrollment – New employees may enroll within 60 days of the effective date of employment. The payroll deduction will begin with the first payroll processed by AOPC following the receipt of the completed enrollment form.
- Mid-year Enrollment – If you become eligible because of a *Change in Status* (see above), you may enroll within 60 days of the Change of Status occurrence. The payroll deduction will begin with the first payroll processed by AOPC following the receipt of the completed enrollment form.

Will I receive a statement of my Dependent Care Account?

Yes. You will automatically receive a statement showing your payroll deductions, reimbursements paid and account balance of your Dependent Care Account as of June and December of each year. You may also request a statement at any time. Also, the total of your Dependent Care Account deductions will be shown in box 10 of your W-2 form (Dependent Care Benefit).

Please note that the Administrative Office of Pennsylvania Courts will not audit or otherwise verify the information submitted on the Enrollment Form, Reimbursement Claim Form or Status Change Form other than for clerical accuracy and completeness. Consequently, the employee is responsible for understanding and complying with the IRS regulations and maintaining documentation for the information submitted. If you are audited by the IRS, you may have to provide substantiation to them regarding your expenses and/or eligibility.

Frequently Asked Questions

Which is more beneficial – the Dependent Care Account or the Federal Child and Dependent Care Expense Credit?

Your family income, filing status, number of dependents in care, dependent care cost and other circumstances will determine if the Dependent Care Account or the federal tax credit or a combination of the two would be most advantageous. Dependent care expenses reimbursed through your Dependent Care Account cannot be used for the federal tax credit. For further information, you should review IRS Publication 503 (Child and Dependent Care Expenses) available from the IRS website at www.irs.gov and/or consult with your tax advisor.

My dependent care cost is \$250 per week and I qualify for \$5,000 in annual deductions. Can I have \$500 deducted from my first ten biweekly checks rather than have deductions taken for the entire year. *Yes. You can specify a deduction amount to match your dependent care costs. However, remember that once selected, the deduction cannot be changed unless you have a qualifying Change of Status. However, your deductions will stop when you have reached the annual deduction limit you specify.*

Should I adjust my federal withholding if I enroll in this program? *Because everyone's tax situation is unique, it is not possible to provide a general response to this question. However, employees who participate in the Dependent Care Account Program are encouraged to closely monitor the effect on their federal withholding tax for the year, particularly if you also have deductions for deferred compensation and/or social security integration (SSI).*

Can I pay a relative to care for my children? *Yes, the payments are reimbursable if the relative is not your dependent and is willing to provide you with their social security number and a written receipt for the payments. However, you cannot claim payments made to your spouse or your own child under age 19 or any other person you claim as a dependent.*

My spouse has a similar plan and receives reimbursement for our child's day care costs. Can I also be reimbursed from my account? *Only for amounts not reimbursed from the spouse's plan. You cannot be reimbursed for the same expenses by both plans. Also, please remember that the deductions for you and your spouse cannot exceed a total of \$5,000 per calendar year.*

Are residential nursing home charges eligible expenses? *No. The dependent must reside and be cared for in your home or in a licensed day care facility.*

My elderly mother requires care. I pay someone to care for her at her own residence while I work. Is this a qualified expense? *No. The IRS regulations require that the person needing the care reside in your home for at least half of the tax year.*

My spouse was laid-off unexpectedly and we took our child out of day care in the middle of the month. What can I do? *You can immediately stop your Dependent Care Account deduction. You can apply any balance in your account to qualified dependent care expenses. You can apply for a refund of the deductions taken after the date of the layoff if you apply within 30 days of his or her layoff. However, you cannot be refunded any amount deducted prior to the layoff and not applied to qualified dependent care expenses incurred within the calendar year.*

Does participation in the Dependent Care Account affect my state retirement account? *No. The Dependent Care Account deduction does not affect your state retirement wages or contributions.*

Will my dependent care deductions be reported to the IRS? *Yes. The amount deducted for the year will be reported in Box 10 (Dependent Care Benefits) of the W-2 form. You will also be required to file Form 2441 (Child and Dependent Care Expenses) and report the deduction amount.*

Are there reasons not to participate in the Dependent Care Account Program? *Yes. Reasons for not participating may include:*

- *Your dependent care provider is unwilling to supply their social security or employer identification number.*
- *Only a small portion of your costs qualify for reimbursement.*
- *The possibility of forfeiting some of your deductions is a concern.*
- *The restrictive regulations and paper work seem burdensome.*

Qualified Transportation Expense Program

Introduction

The Qualified Transportation Expense Program is authorized by the Supreme Court of Pennsylvania and is administered by the Administrative Office of Pennsylvania Courts (AOPC) in accordance with a Plan Document. The Plan Document is maintained at the AOPC office at 601 Commonwealth Avenue, Harrisburg, Pennsylvania. This booklet provides a summary of the Plan Document. Any difference between this booklet and the Plan Document will be resolved in accordance with the provisions of the Plan Document.

The Qualified Transportation Expense Program allows you to have payroll deductions from your gross salary to pay for Transit Pass and Qualified Parking costs. The amount you have deducted is not subject to Federal, FICA (social security) or FICA-Med (Medicare) taxes and consequently you are able to pay your qualified transportation costs with pretax earnings. However, these earnings are fully taxable for state and local purposes.

Who is eligible to participate?

Any employee who incurs qualified transportation expenses may participate in the Program.

What are Qualified Transportation Expenses?

There are two types of qualified transportation expenses:

- **Qualified Parking.** Qualified Parking is parking you pay for at or near your place of employment or parking at a location from which you commute to work using mass transit or carpool. It does not include parking at or near your home.
- **Transit Pass.** A Transit Pass is any non-exchangeable pass, tokens, fare card, or similar transit system voucher which entitles you to commute to your place of employment using a mass transit system.

How much of my Qualified Transportation Expenses are eligible under this Program?

Only those Qualified Transportation Expenses you incur for periods beginning after you enroll are eligible for reimbursement. For each deduction type there is a monthly limitation established by the IRS. The limitation is subject to change annually.

What transportation expenses are not eligible?

Only qualified parking and transit pass costs are eligible for reimbursement. Therefore, other transportation costs such as mass transit not using a transit pass, tolls, EZ Pass, cab fares, private carpools and costs unrelated to commuting to work are not eligible.

How do I get reimbursed for my Qualified Transportation Expenses?

After you have paid for your qualified parking or purchased your transit pass, you must submit a properly completed Qualified Transportation Expense Claim Form to the Payroll Department along with a receipt or statement for the expenses incurred. The receipt or statement must show the following information:

- The name of the organization to which the payment was made
- The dates included by the Transit Pass or parking expense
- The dollar amount of the expense paid

The reimbursement will be included on your salary check for the first regular payroll period processed by AOPC following the receipt of a properly completed Claim Form and required documentation. If your account balance is not sufficient to cover the amount requested, the remainder will be reimbursed as subsequent deductions are added to your account until that claim is fully reimbursed.

How do I enroll?

To enroll in the Qualified Transportation Expense Program, you must complete the enrollment form included in this booklet and return it to the AOPC Payroll Department, 601 Commonwealth Avenue, Harrisburg, PA 17106-1260. Enrollment forms are also available from the Payroll Department (717-231-3325) or from the AOPC Onlines Services website at https://onlineservices.pacourts.us/ASAP_Web/public/Payroll.aspx.

- You must specify the amount to be withheld for each expense type per pay period and the period during which the transit pass and/or parking will be used.
- You may enroll at any time during the year. However, your enrollment must be received by the Payroll Department in advance of the period (month or week) for which the expenses are applicable.

Example 1

You will be purchasing a Transit Pass good for the month of August 2019. For the cost to be eligible for reimbursement, your enrollment form must be received by the Payroll Department no later than July 31, 2019. If your enrollment form was received on August 2, the cost of the August pass would not be eligible for reimbursement. However, the amount deducted could be applied to the cost of a transit pass for a later period.

Example 2

You will be purchasing a Transit Pass good for the week of August 3, 2019. For the cost to be eligible for reimbursement, your enrollment form must be received by the Payroll Department no later than August 1.

- Because the statutory deduction limits are monthly amounts, the deduction will only be taken from the first two pay periods in each month for staff employees. The deduction amounts may not exceed the monthly statutory limits.
- The payroll deduction will begin with the first payroll processed by AOPC following the receipt of a completed enrollment form.
- The deduction amount(s) you designate will continue for each applicable pay period until you request a change or termination of the deduction amount.

When can I change or terminate my Transit Pass and/or Qualified Parking deduction amount during the calendar year?

You can change or terminate your deduction(s) at any time during the year by submitting a revised enrollment form. However, changes and terminations must also be made on a prospective basis. If you terminate your deduction, only expenses related to periods prior to the date of termination would be eligible for reimbursement. If you increase your deduction(s), the increased amount will be available only for periods after the revised enrollment form is received by the Payroll Department.

Can I participate in both programs at the same time?

Yes. If you pay for a Transit Pass and for qualified parking, you can enroll for both deductions up to the monthly limit applying to each expense type. Please note that the deductions are maintained as separate accounts and are available only to reimburse those expenses. You cannot transfer money between the accounts or use transit pass deductions to reimburse qualified parking or vice versa.

Will the amounts I claim for Qualified Transportation Expenses be reported to the IRS? No. However, your W-2 form will show the reduced amounts for federal, social security and Medicare wages and taxes. The details of your deductions will also be shown on the explanatory statement attached to your W-2 form.

Frequently Asked Questions

If my expense for a month exceeds the statutory limit, can the excess be reimbursed in the following month? *No. The statutory limit applies to the cost applicable to each month. For example, if you paid \$280 for a monthly transit pass for August 2019, but did not purchase one for September 2019, the \$15 in excess of the statutory limit (\$270 for 2020) paid for August could not be reimbursed in September, even if you had a balance available in your account.*

If my expense for a month is less than my monthly deduction, does the balance carry forward to the following month? *Yes. For example, in 2020 if your deduction for*

qualified parking was \$270 for the month but you were only reimbursed \$200 because you were on vacation, the extra \$70 would be carried forward and be available for reimbursable parking in subsequent months but still subject to the statutory limit of \$270 of expense per month. This is also true at the end of the calendar year. Any balance in your account will be carried forward to the new calendar year.

I do not purchase a Transit Pass but pay for my mass transit cost on a daily basis. Can I claim that cost? *No. Only the purchase of a Transit Pass as defined above qualifies for reimbursement.*

Must I submit a claim each month? *No. You may accumulate your expenses for several months if you wish. However, you must document your expenses by month and the monthly limits applicable to that period will be applied to each month's expenses.*

Example

You pay \$50 per month for qualified parking but don't want to submit a Claim Form each month. You could submit a claim and be reimbursed for the several months at a time providing the documentation shows the periods covered and monthly cost.

I pay \$125 per month for qualified parking but must pay three months in advance to get that rate. How much can I claim? *You cannot be reimbursed for more than is available in your account for qualified parking. Also, the reimbursement is limited to the amount of expense applicable to each month.*

Can money from my Transit Pass deduction be used to pay for qualified parking or vice versa? *No. Money deducted for one expense type cannot be applied to the other expense. This is true even if you have an available balance that you will be unable to use for Transit Pass expense.*

Is it possible to forfeit the amount in my account(s)? *Yes. IRS regulations prohibit refunding any amount deducted but not used for qualified expenses. If you discontinue your deduction or terminate employment but don't have sufficient qualified expenses applicable to the periods prior to these events, you would forfeit any balance in your account(s).*

I car pool with three other employees and we share the cost of qualified parking. Can I claim my share of the cost? *Yes. You can claim the amount you actually pay for the parking up to the IRS monthly limit.*

I will be purchasing a Transit Pass and paying for qualified parking related to work at a temporary job site. Can I claim these costs? *Yes. Subject to the monthly dollar limits, those costs are qualified transportation expenses.*

Again, please note that the Administrative Office of Pennsylvania Courts will not audit or otherwise verify the information submitted on the Qualified Transportation Expense Claim Form other than for clerical accuracy and completeness. Consequently, the employee is responsible for understanding and complying with the IRS regulations and maintaining documentation for the information submitted. If

you are audited by the IRS, you may have to provide substantiation to them regarding your expenses and/or eligibility.