Break in employment

This fact sheet provides information on retaining your contributory SSS membership if you exit employment and are then re-employed in the NSW Public Sector.

Can I rejoin SSS after a break in employment?

You may not rejoin SSS if you exit employment and elect to receive a pension from the scheme, or if you exit employment and elect to defer your SSS benefits and then subsequently receive payment of those benefits.

If you have a break in eligible employment* of less than 3 months, you may choose to keep your SSS membership, subject to certain conditions. These are:

- your re-employment must be with an employer who participates in SSS. Most NSW public sector employers are SSS participants. However, you should first check with that employer or contact Customer Service to confirm that this is the case, and
- you must make an election to keep your SSS membership within 3 months of taking up eligible employment again, and
- you must repay, together with interest, any immediate withdrawal lump sum paid to you from SSS when your previous employment ceased, and
- you must pay, together with interest, the contributions to SSS that would have been payable by both you and your employer during the period of your break. See SSS Fact Sheet 22 Contribution arrears, for more information.

If you are on authorised leave without pay or secondment to another employer, generally your membership of SSS is retained during your period of leave.

*Eligible employment generally means employment of a permanent nature with a scheme employer.

What if my new employer is a NSW local government or energy industry employer?

If your new employer is a NSW Local Government or Energy Industry employer you may not be able to retain your SSS membership. However, you may be able to transfer to the Local Government Superannuation Scheme or Energy Industries Superannuation Scheme. If you are eligible to transfer to either one of these schemes, the entitlements offered are the equivalent of the accrued entitlements that you held whilst you were a member of SSS. Please contact Customer Service for more information.

How do I make an election to retain my SSS membership?

You must complete a STC 238 form Continuity of scheme membership within 3 months of taking up eligible employment again. This form is available from the State Super website or from Customer Service.

Please contact Customer Service if you are unsure of your eligibility to apply for continuity of membership. Contact details can be found on the next page of this fact sheet.

The State Superannuation Scheme (SSS) is administered by Mercer Administration Services (Australia) Pty Ltd on behalf of the Trustee, SAS Trustee Corporation (STC). SSS is governed by the Superannuation Act 1916, the State Authorities Non-contributory Superannuation Act 1987 and the Superannuation Administration Act 1996. The scheme is also subject to Commonwealth superannuation and tax legislation.

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