

## Practical requirements you need to know Additional employees qualifying for JobKeeper 1.0

**Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No 7) 2020 was issued last Friday evening. While the revised rules allow for additional employees to be brought into the original scheme, employers should note the steps below to ensure compliance with the amended rules.**

The new rules set out changes to the current JobKeeper regime that apply to 27 September 2020 with particular focus on the new 1 July 2020 employment reference date. Please note that these changes apply from 3 August 2020 and are therefore effective for fortnight 10 of the JobKeeper period, which ended on 16 August 2020.

The Australian Taxation Office (ATO) has also updated aspects of its guidance as a consequence of the adoption of the 1 July 2020 employment reference date.

For JobKeeper fortnights beginning on or after 3 August 2020, the amended rules allow qualifying employers to

receive JobKeeper payments for employees who were employed by the entity after 1 March 2020 if these individuals meet the eligibility requirements on **1 July 2020**. We note that there is a continuing requirement that an eligible employer was carrying on a business at 1 March 2020.

Existing eligible employers should review their employee base as at 1 July 2020 to identify all additional employees that need to be treated as eligible employees for JobKeeper purposes. All of the associated JobKeeper compliance matters will need to be met for these additional employees including notification by the employer, collection of Employee Nomination Notices and meeting the wage condition.

### Practical Requirements

Consistent with the original JobKeeper scheme, below is a step guide as to the requirements for newly eligible employees.

1. Determine which employees qualify having regard to the 1 July 2020 employment reference date, who weren't already eligible pursuant to the 1 March 2020 employment reference date.
2. As part of the "one in, all in" principle, the qualifying employer must notify newly eligible employees about their participation in the JobKeeper scheme (ordinarily by providing an Employee Nomination Notice) **by 24 August 2020**. To qualify as an eligible employee, a signed Employee Nomination Notice must be received back by the employer by no later than 31 August 2020 (A nomination form for those employees that qualify by reference to the 1 July 2020 reference date, is now available on the ATO website).
3. A qualifying employer must also satisfy the notification requirements. These include providing notification to the Commissioner of Taxation about any employees that become eligible employees under the amendments (this may include updating STP reporting data) and this needs to be completed by 31 August 2020. Additionally, it is a requirement of the rules that the employer notify all employees within 7 days of having provided this notification to the Commissioner of Taxation.
4. Pay top-up amounts where necessary for newly eligible employees that are receiving less than \$1,500 per fortnight. The ATO has also allowed for these payments relating to the August JobKeeper fortnights to be made by 31 August 2020.



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