

Nonworking wife can get Social Security benefits



HELP WANTED

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DEAR CARRIE: Can you help settle a bet? My friend says that you can collect Social Security benefits even if you have never worked and if your husband is still collecting benefits. I'm not sure she's right.

— *Benefits Bet*

DEAR BENEFITS: If your friend had some serious money riding on the bet, not only is she right, but she's a little richer.

When you reach retirement age, you can collect half of the benefits your husband is entitled to, said employment attorney Troy Rosasco of Turley Redmond Rosasco & Rosasco in Ronkonkoma.

The Social Security retirement program took effect during President Franklin Roosevelt's administration, and its mission was to protect the elderly from falling into poverty, including women who hadn't worked outside the home, Rosasco said.

"At that time it was very common for the female in the relationship to have never worked," he said. "And we have never taken [that spousal benefit] away."

As with any law, some strings are attached. To receive a Social Security pension based on your husband's benefits, you must have been married for at least 10 years, Rosasco said. And, yes, you can collect that benefit while your husband is living and "the worker's benefit is not re-

duced one penny by any amount the spouse receives," Rosasco said.

So if your husband collected \$1,500 a month at full retirement, then your spousal benefit would be \$750.

But if a worker applies for benefits before reaching full retirement age, the "retirement benefit is then reduced permanently," he said. The age of full-retirement varies depending on a recipient's birth date.

If you had worked, and would be entitled to less than half of your husband's benefit, you could collect the equivalent of half of his.

"The Social Security mantra is, 'We always give the person the better of the two,'" he said.

Even a divorced man or woman of retirement age would be entitled to a benefit equal to half of their ex-spouse's Social Security pension, if the latter benefit exceeds what the man or woman would have otherwise collected. But again, they would have had to have been married for at least 10 years.

DEAR CARRIE: We run a small pool service company. Our seasonal workers use hand tools such as screwdrivers and extension cords to do their jobs.

We've had problems in the past with workers losing their tools, and it has become quite expensive to replace these items. Can we require the workers to supply their own tools to do the job? Or if we supply the tools, can we make workers pay to replace any that are lost? — *Legal Tools Rules?*

DEAR TOOLS: The answers are "yes" and "no," respectively.

NOW ONLINE

Find a link to more details on spousal Social Security benefits.
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An employer may require employees to buy their own tools for their job, as long as the cost of the tools doesn't violate minimum wage or overtime wage laws in a workweek, said attorney Ellen Storch, counsel at Kaufman Dolowich Voluck & Gonzo in Woodbury.

In other words, the required purchases would be illegal if the employees' wages minus the costs put the workers below the federal and state minimum of \$7.25 an hour in a workweek or if the costs cut into any overtime pay due that week.

As to your second question, state labor law makes it a big no-no to deduct the cost of tools from a worker's pay or even to demand a separate payment.

"This law prohibits any deductions from wages unless they are for the employee's benefit [like insurance premiums] and are expressly authorized in writing by the employee," Storch said.

Call Carrie Mason-Draffen with workplace questions at 631-843-2791, or e-mail her at carrie.mason-draffen@newsday.com. Your name and number won't be published. Not all questions can be answered; some may be edited for length and clarity.

IN BRIEF

Obama administration to earmark \$1B for small banks

The Treasury Department said yesterday that it will invest up to \$1 billion in small banks that serve poor communities as part of the Obama administration's efforts to spur more lending to small businesses. The money will come from the \$700-billion bank bailout fund. About 210 banks, thrifts and credit unions that are certified by the Treasury Department as "Community Development Financial Institutions" will be eligible. Institutions qualify if they target more than 60 percent of their small-business lending to lower-income rural and urban communities.

Bernanke expresses caution about recovery at swearing in

Federal Reserve Chairman Ben Bernanke expressed concerns yesterday about the economic recovery during a ceremonial swearing-in for another four-year term. Bernanke said that while the economy is growing, "far too many people remain unemployed, foreclosures continue at record rates and bank credit continues to contract."

Yahoo to sell HotJobs site to rival Monster for \$225M

Yahoo is selling its online help-wanted site, HotJobs, to rival Monster Worldwide for \$225 million in cash. The deal announced yesterday reflects HotJobs' diminishing value as the high unemployment rate undercuts the demand for

help-wanted advertising. Yahoo bought HotJobs for \$439 million in 2002. The sale is part of Yahoo's effort to jettison services that aren't doing well or don't fit with its focus on news, entertainment and communications.

Dow, S&P indexes slip as growth in services fall short

A disappointing report on services industries halted a two-day advance in the stock market. The Dow Jones industrial average fell yesterday after jumping a total of 230 points in the first two days of the week. The Dow was down 26.30 points, or 0.3 percent, to 10,270.55. The Standard & Poor's 500 index fell 6.04, or 0.6 percent, to 1,097.28, while the Nasdaq rose 0.85, or less than 0.1 percent, to 2,190.91.

From wire reports