

# **DISCLAIMER**

The information provided in this workshop is based on documents available as of October 26,2021. We have made our best efforts to properly interpret the information. The IRS, DOL, Congress along with Virginia may modify, change or delete any of the procedures. You should always consult your accountant or attorney if you have any questions before you submit any application or select to participate in any program.



# What is the WOTC?

Created in 1996, the Work Opportunity Tax Credit (WOTC) is an incentive for employers to broaden their job applicant pools and hire from certain groups of people who may need assistance finding loss

The federal tax credit is available to employers that the and retain individuals from 10 target groups that have been determined to have "significant barriers to employment

Program runs through December 31, 2025



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# The 10 Targeted Groups



# **Targeted Groups**

## **Qualified IV-A Recipient**

An individual who is a member of a family receiving assistance under a state plan approved under part A of title IV of the Social Security Act relating to Temporary Assistance for Needy Families (TANF). The assistance must be received for any 9-month period during the 18-month period ending on the hiring date



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### **Qualified Veteran**

A "qualified veteran" is a veteran who is any of the following:

- A member of a family receiving assistance under the Supplemental Nutrition Assistance Program (SNAP) (food stamps) for at least 3 months period ending on the 12-month period before the hiring date.
- Unemployed for a period totaling at least 4 weeks (whether or not consecutive) but less than 6 months in the 1-year period ending on the hiring date.
- Unemployed for a period totaling at least 6 months (whether of not consecutive) in the 1-year period ending on the hiring date.
- A disabled veteran entitled to compensation for a service-connected disability hired not more than one year after being discharged or released from active duty in the U.S. Armed Forces.
- A disabled veteran entitled to compensation for a service-connected disability who is unemployed for a period totaling at least six months (whether or not consecutive) in the one-year period ending on the hiring date.

## **Ex-Felon**

A "qualified ex-felon" is a person hired within one year of.

- Being convicted of a felony or
- Being released from prison from the felony



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## **Designated Community Resident (DCR)**

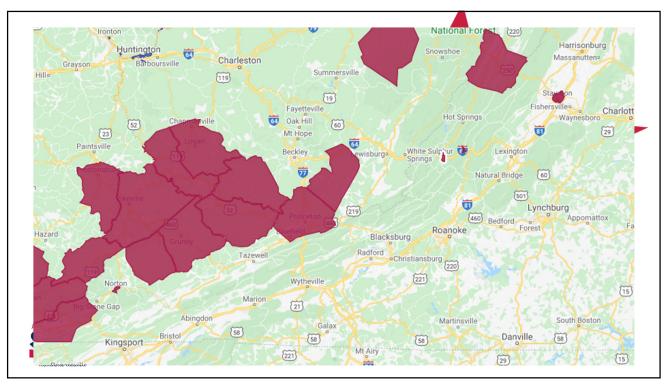
A DCR is an individual who, on the date of hiring

- Is at least 18 years old and under 40,
- Resides within one of the following:
  - An Empowerment zone
  - An Enterprise community
  - A Renewal community
- AND continues to reside at the locations after employment.

https://www.google.com/maps/d/u/0/viewer?mid=12.7tfSN-pziGuUCU\_Wp906LJtpY&hl=en&ll=42.725550815408235%2C-85.87748711914065&z=5



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## **Vocational Rehabilitation Referral**

A "vocational rehabilitation referral" is a person who has a physical or mental disability and has been referred to the employer while receiving or upon completion of rehabilitative services pursuant to:

- A state plan approved under the Rehabilitation Act of 1973 OR
  - DARS Division of Rehabilitation Services
  - DBVI Department for Blind and Vision Impaired
- A Ticket to Work (SSA) program, OR
- A program carried out under the Department of Veteran Affairs.



## **Summer Youth Employee**

A "qualified summer youth employee" is one who:

- Is at least 16 years old, but under 18 on the date of hire or on May 1, whichever is later, AND
- Is only employed between May 1 and September 15 (was not employed prior to May 1) AND
- Resides in an Empowerment Zone (EZ), enterprise community or renewal community.



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# Supplemental Nutrition Assistance Program (SNAP) Recipient

A "qualified SNAP benefits recipient" is an individual who on the date of hire is:

- At least 18 years old and under 40, AND
- A member of a family that received SNAP benefits
  - the previous 6 months OR
  - at least 3 of the previous 5 months.



## Supplemental Security Income (SSI) Recipient

An individual is a "qualified SSI recipient" if a month for which this person received SSI benefits is within 60 days of the date this person is hired.



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# **Long Term Family Assistance Recipient**

A "long term family recipient" is an individual who at the time of hiring is a member of a family that meet one of the following conditions:

- Received assistance under an IV-A program for a minimum of the prior 18 consecutive months; OR
- Received assistance for 18 months beginning after 8/5/1997 and it has not been more than 2 years since the end of the earliest of such 18-month period; OR
- Ceased to be eligible for such assistance because a Federal or State law limited the maximum time those payments could be made, and it has been not more than 2 years since the cessation.



# Qualified Long Term Unemployment Recipient

A qualified long-term unemployment recipient is one who has been unemployed for not less than 27 consecutive weeks at the time of hiring and received unemployment compensation during some or all or the unemployment period.



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# How much is the credit?



#### **Amount of Credit**

Amount of credit: (see restrictions)

- 40% if employee has worked at least 400 hours
- 25% if employee has worked at least 120 hours

For most targeted groups, the credit is limited to the first \$6,000 in wages.

- Maximum would be \$2,400 if the employee worked at least 400 hours
- Maximum would be \$1,500 if the employee worked at least 120 hours



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#### **Amount of Credit**

Tax credit for <u>Service-Disabled</u> veterans and hired within one year of being discharged for a service-connected disability credit is limited to the first \$12,000 in wages

- Maximum credit of \$4,800 if the employee worked at least 400 hours
- Maximum credit of \$3,000 if the employee worked at least 120 hours



#### **Amount of Credit**

Tax credit for <u>Service-Disabled</u> veterans with at least six months of unemployment within the last 12 months, does not have to be consecutive:

- credit is limited to the first \$24,000 in wages (\$12,000 if worked less than 400 hours)
- Maximum credit of \$9,600 if the employee worked at least 400 hours
- Maximum credit of \$3,000 if the employee worked at least 120 hours



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#### **Amount of Credit**

Tax credit for <u>unemployed veterans</u> with at least six months of unemployment within the last 12 months, does not have to be consecutive:

- credit is limited to the first \$14,000 in wages.
- Maximum credit of \$5,600 if the employee worked at least 400 hours
- Maximum credit of \$3,500 if the employee worked at least 120 hours



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#### **Amount of Credit**

Tax credit for Long Term Family Assistance Recipient

- Two-year program
- Credit is limited to 40% of the first \$10,000 in wages in year
- Credit is limited to 50% of the first \$10,000 of wages in year two-
- Must be employed for at least 400 hours to take this credit.
- Maximum would be for two years is \$9,000

## Tax Credit for Summer Youth Employee:

- · Credit is limited to 40% of the first \$3,000
- Must work at least 90 days (May 1 Sept 15<sup>th</sup>)



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#### Work Opportunity Tax Credit Eligibility Desk Aid

This desk aid highlights the eligibility criteria and examples of documentary evidence for each target group. Additional information on how to file a certification requests and required forms is available at: https://www.doleta.gov/business/incentives/opptax/how-to-file/

#### Qualified IV-A Recipient

#### **Eligibility Criteria**

receiving assistance under a state plan approved under part A of title IV of the Social Security Act relating to Temporary Assistance for Needy Families (TANF).

The assistance must be received for any 9 months during the 18-month period ending on the hiring date.

Note 1. An IV-A Recipient is, for purposes of the WOTC, a family member who is specifically listed on the TANF grant and receives benefits for the requisite period of time. Only such family members make the employer eligible to receive the credit.

Note 2. Medicaid and Medicare are not IV-A

benetits.

Note 3. HHS's Method for Counting Months - according to the Department of Health, and Human Services, receipt of benefits for as little as one day in a month count as benefits received for the entire month (i.e., 1 day = 1 month). The Department of Labor has adopted HHS's method for verifying eligibility of benefits.

## Documentary Evidence Examples

- TANF Benefit History or Case Number Identifier
- Signed statement from Authorized Individual (e.g., TANF case manager) with a specific description of the months benefits that were received

Note 4. Employers/Consultants ma check with their SWA to find out what other sources can be used to prove target group eligibility. Itants may

See ETA Form 9061 for examples of documentary evidence.

#### Advisories/Guidance

Training and Employment Guidance Letter (TEGL) 20-04, March 18, 2005. Revenue Ruling 2003-112 Issued by the Internal Revenue Service (IRS) and Its Relation to the Work Opportunity Tax Credit https://wdr.doleta.gov/directives/corr\_doc.cfm?DOCN=1696

Note 5. The revenue ruling affects only the following target groups qualified IV-A recipient, qualified veteran, (Recipient of SNAP benefits) qualified food stamp recipient, and long-term family assistance recipient Source: TEGL 20-04, page 2

- TEGL 25-15. June 17, 2016. Work Opportunity Tax Credit 2015 Reauthorization: https://wdr.doleta.gov/directives/corr\_doc.cfm?DOCN=6309
- TEGL 25-15 Change 1, January 11, 2017. Work Opportunity Tax Credit 2015 Reauthorization Training and Employment Guidance Letter 25-15, Change 1: https://wdr.doleta.gov/directives/corr\_doc.cfm?DOCN=9628
- TEGL 25-15 Change 2, February 16, 2018. Work Opportunity Tax Credit 2015 Reauthorization Training and Employment Guidance Letter 25-15, Change 2: <a href="https://wdr.doleta.gov/directives/corr">https://wdr.doleta.gov/directives/corr</a> doc.cfm?DOCN=9970

Internal Revenue Service (IRS) Revenue Ruling 2003-112, Internal Revenue Bulletin 2003-45, November 10, 2003. Eligibility of Family Members Receiving Public Assistance: https://www.irs.gov/irb/2003-45\_IRB





## **How to Receive Credit**



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#### **How to Receive Credit**

The credit is limited to the amount of the business <u>income tax</u> liability. If operating as a flow through entity (sole prop, partnership, or S-Corp), then the credit will be taken on the owner(s) personal income tax returns:

Eligible tax-exempt employers can claim the WOTC only against payrell taxes and only for wages paid to members of the Qualified Veteran targeted group.

It's important to note that the same wages used to calculate WCTC cannot be used to calculate other credits, such as the Employee Retention Tax Credit, Employer Paid Family and Medical Leave Credit, other disaster retention credits, or forgivable Paycheck Protection Program loan proceeds,



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## **Rehires**

Federal law prohibits an employer from claiming a tax credit under WOTC for an employee who has worked for that employer prior to the employment hiring date reported on IRS Form 8850. Employers and consultants **must not** submit WOTC certification requests for former employees.



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## **Steps**

- As part of the application process, have <u>every applicant</u> review and complete (optional) IRS Form 8850, <u>Pre-Screening Notice</u> and Certification Request for the Work Opportunity Credit
- Setup an account with Virginia Employment Commission by going to https://wotc.vec.virginia.gov/Logon.aspx
   account has to be approved
- 3) When an employee is hired that is in one of the targeted groups, that employee will need to complete ETA form 9061 (Individual Characteristics Form).
- 4) Take the form 9061 and log into your wotc.vec.virginia account you created and enter the employee's information. (this MUST be done within 28 days of hiring the employee)
- 5) The VEC will take several weeks to approve the request (or deny it). If you had not heard anything within 2-3 weeks, call for status.

## Steps

- 6) The VEC will send you an Employer Certification (or will be in your account) if the employee is approved.
- 7) You cannot claim credit for the employee until they have worked at least 120 hours, or wait until they have worked 400 hours.
- 8) You will need to take the payroll information for all employees that you are claiming the WOTC, and enter payroll information on IRS form 5884.
- 9) The tax credit will be taken on the business income tax return (if C-Corp) under general business credits.
- 10) If your business is a Sole Proprietorship, Partnership or Scorporation (LLC, or Corporation) then the credit will be passed along to the owner(s) of the company on their K1 and claimed on their personal tax return.



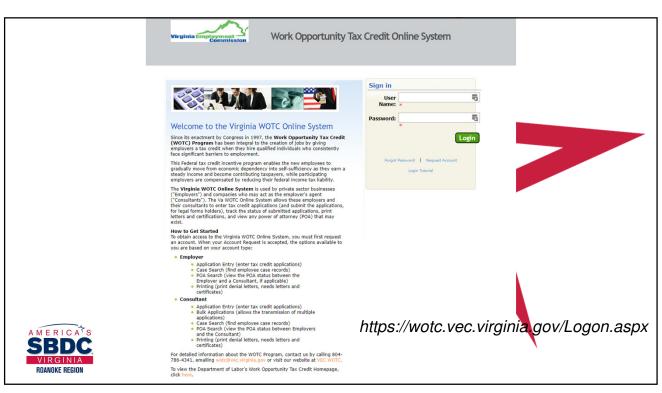
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## **Legal Opinion**

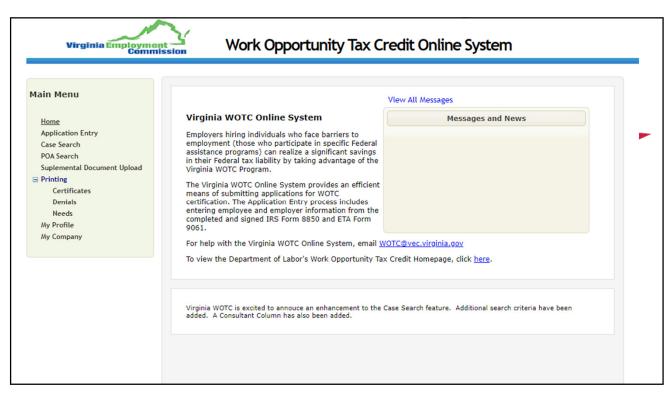
https://www.eeoc.gov/laws/guidance/commission-ppinion-letter-federal-work-opportunity-tax-credit-form-8850

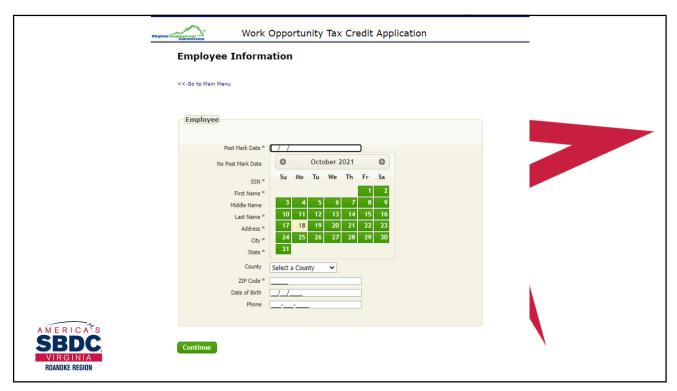


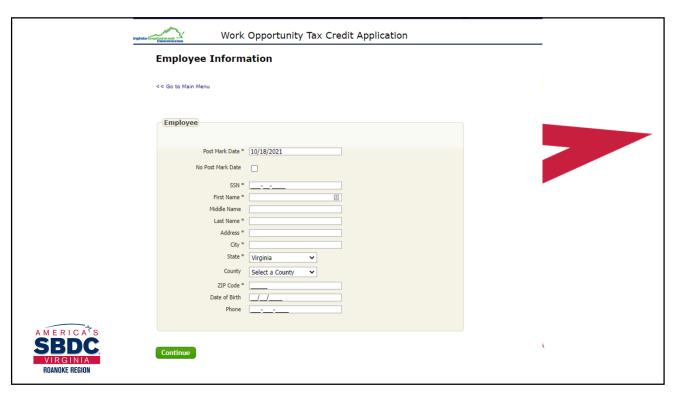
	From 8850   Pre-Screening Notice and Certification Request for the Work Opportunity Credit to the Work Opportunity Credit   CMB No. 1546-1500   CM
	Job applicant: Fill in the lines below and check any boxes that apply. Complete only this side.
	Your name Social socurity number ►
	Street address where you live
	City or town, state, and ZIP code
	County Telephone number
	If you are under age 40, enter your date of birth (month, day, year)
	Ohack here if you received a conditional certification from the state workforce agency (SWA) or a participating local agency for the work opportunity credit.
	2 ☐ Check hose I amy of the following distances agoly to you.  ■ I am a member of a family that has received assistance from Temporary Assistance for Needy Families (TANF) for any 9 months during the past 1s months.  ■ I am a vettern and a member of a family that received Supplemental Nutrition Assistance Program (SNAP) benefits food
	stamps) for at least a 3-month period during the past 15 months.  • Iwas referred here by a rehabilitation agency approved by the state, an employment network under the Ticket to Work program, or the Sportment of Veterant Affairs.
	I am at least age 16 but not age 40 or older and 1 am a member of a family that:  a. Received SNAP benefits flood stamps) for the past 6 months; or  b. Riccined SNAP benefits flood stamps) for all least 3 or the past 3 months, but is no longer eligible to receive them.  During the past year, it was connected of a felloy or released from prison for a fellow; I received pulpermant accurpt promo SNAP identifies to any north ending during the past 50 days.  I am a vetern and I was unemployed for a period or periods totaling at least 4 weeks but less than 6 months during the past 50 days.
	3 Check hare if you are a veteran and you were unemployed for a period or periods totaling at least 6 months during the past year.
	4 Check here if you are a veteran entitled to compensation for a senice-connected disability and you were discharged or released from active duty in the U.S. Armed Forces during the past year.
	5 Check here if you are a veteran entitled to compensation for a service-connected disability and you were unemployed for a period or periods totaling at least 6 months during the post year.
	6 ☐ Check head 'you are a member of a family that:  • Received TAIS payments for a text the past its months; or  • Received TAIS payments for any its months beginning after August 5, 1997, and the earliest 16-month period beginning after August 5, 1997, and odd uning the past 2 years; or  • Stopped being aligible for TAIS payments during the past 2 years or  • Stopped being aligible for TAIS payments during the past 2 years or  those payments could be made.
AMERICA'S	7 Chack here if you are in a period of unemployment that is at least 27 consecutive weeks and for all or part of that period you received unemployment compensation.
AMERICAS	Signature – Ali Applicants Must Sign
SBDC	Under penative of pertyre; I occure that I given the above information to the employer on or before the day I was offered a job, and it is, to the best of my browledge, true, correct, and congress.
VIRGINIA	Job applicant's signature ► Date
ROANOKE REGION	For Privacy Act and Paperwork Reduction Act Notice, see page 2. Galt No. 228611. Form 8850 (Rev. 3-2016)



	U.S. Department Of Labor Employment and Training Admit  1. Control No. (For Agency use only)	individual Characteristics Form	OMB Control No. 1205-0371 Expiration Date: March 31, 2023  1 2. Date Received (For Agency Use only)	
		APPLICANT INFORMATION (See instructions on reverse)		
		EMPLOYER INFORMATION		
	3. Employer Name		5. Employer Federal ID Number (EIN)	<b>\</b>
		APPLICANT INFORMATION		
	6. Applicant Name (Last, First, MI)	7. Social Security Number	8. Have you worked for this employer before? Yes No	
		10.00.00.00.00.00.00.00.00.00.00	before? Yes No	
			If YES, enter last date of employment:	
	APPLICANT CHAR	ACTERISTICS FOR WOTC TARGET	GROUP CERTIFICATION	
	9. Employment Start Date	10. Starting Wage	11. Position	
	12. Are you at least age 16, but und	er age 40?	Yes No	
	If YES, enter your date of birth			
	13. Are you a Veteran of the U.S. A	med Forces?	Yes No	
	If NO, go to Box 14.			
		amily that received Supplemental Nutrit		
		Stamps) for at least 3 months during to	ne 15 months	
	before you were hired?		Yes No No	
	If YES, enter name of primary re		id .	
	city and state where benefits we	re received		
	OR, are you a veteran entitled to	compensation for a service-connected	d disability? Yes No No before you were hired? Yes No No	
		combined period of at least 6 months		
	consecutive) during the year be		Yes No	
		at received Supplemental Nutrition Ass	istance Program	
		benefits for the 6 months before you w		
		at least a 3-month period within the last	t 5 months	
	But you are no longer receiving		Yes No	
	If YES to either question, enter		and city	
	And state where benefits were			
AMERICATS		er by a Vocational Rehabilitation Agenc	approved by	
AWERTONS	a State?		Yes No	
SRDC		under the Ticket to Work Program?	Yes No.	<b>\</b>
3000	OR, by the Department of Veters		Yes No	
VIRGINIA	10. Are you a member of a family th	at received TANF assistance for at least	it the last 10 Months	
ROANOKE REGION			1	
NUANUKE REGION				







Work Opportunity Tax Credit Online System						
Main Menu  Home Application Entry Case Search POA Search Suplemental Document Upload  □ Printing Certificates Denials Needs My Profile My Company	Certificates Generation  Close Page  Certificate Search Criteria  Case Number:  Employee SSN:  Starting Certificate Date:  Inding Certificate Date:  Ending Certificate Date:  Ending Hire Date:  Ending Hire Date:  - All					
	Generate Reset  Close Page					



	5884 Work Opportunity Credit	1		
Form		OMB No. 1545-0219		
Depar	larch 2021)  Attach to your tax return.  Bounding Source  Go to www.irs.gov/Form5884 for instructions and the latest information.			
	naterior del rice	entifying number		
1	Enter on the applicable line below the total qualified first- or second-year wages paid incurred during the tax year, and multiply by the percentage shown, for services employees who are certified as members of a targeted group.			
a	Qualified first-year wages of employees who worked for you at least 120 hours but fewer than 400 hours \$ × 25% (0.	25) <b>1a</b>		
t:	Qualified first-year wages of employees who worked for you at least 400 hours	10) 1b		
c	Qualified second-year wages of employees certified as long-term family assistance recipients \$ × 50% (0.	50) <b>1c</b>		
2	Add lines 1a, 1b, and 1c. See instructions for the adjustment you must make to yill deduction for salaries and wages			
3	Work opportunity credit from partnerships, S corporations, cooperatives, estates, a trusts (see instructions)			
4	Add lines 2 and 3. Cooperatives, estates, and trusts, go to line 5. Partnerships and corporations, stop here and report this amount on Schedule K. All others, stop here a report this amount on Form 3800, Part III, line 4b	nd l		
5	Amount allocated to patrons of the cooperative or beneficiaries of the estate or trust (sinstructions)			
6	Cooperatives, estates, and trusts, subtract line 5 from line 4. Report this amount on Fo 3800, Part III, line 4b	. 6		
For F	aperwork Reduction Act Notice, see separate instructions. Cat. No. 13570D	Form <b>5884</b> (Rev. 3-2021)		
AMERICA'S SBDC VIRGINIA				
ROANOKE REGION				

## **The National Federal Bonding Program:**

- Provides fidelity bonds for new hires who have had convictions, either juvenile or adult (even if they did not serve any time)
- Felonies or misdemeanors
- · Covers employee theft, forgery or embezzlement
- Bond covers up to \$5000
- Covers the first six months of employment at no cost to employer
- · Part-time or full-time employment

For more information go to: https://vadoc.virginia.gov/general-public/virginia-bonding-program/



# Don't Forget!

# Employee Retention Credits

(includes startup companies open after February 15, 2020)

# **EIDL**

Both expire 12/31/2021



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# LET'S DO THIS!

WE HELP YOU WITH BUSINESS SO YOU CAN GET ON WITH YOUR BIG IDEAS.



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