NFIB UPDATE

COVID-19 Webinar Series for Small Business

with Beth Milito and Holly Wade, NFIB



FEBRUARY 24, 2021

Special Guests – Matt Evans, CPA, CMA, CFM Washington, D.C. SCORE Chapter, Certified Mentor

Employee Retention Tax Credit (ERTC) and PPP Update



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DISCLAIMER

- The materials and information provided in this webinar and on NFIB's website are for informational purposes only and not for the purpose of providing legal or tax advice. You should contact your attorney and/or tax professional to obtain advice with respect to any particular issue or problem.
- This is based on information available by 2/24/21.



Agenda

- Covid-19 Small Business Resources
- > PPP update
- Matt Evans, SCORE
 - \circ ERTC
 - o Form 7200
- ≻Q&A
- Send questions to info@nfib.org

Upcoming Webinars

Wednesday, March 3rd @ 12pm EST **Special guest: Anders CPAs and Advisors** Topic: How to Prepare for April 15th Tax Filing

SBA Updates http://www.sba.gov/updates

Recent Changes to PPP

- Starting today, Wednesday, February 24, the Administration designated a 14-day exclusive PPP loan application period for businesses and nonprofits with fewer than 20 employees.
 - Businesses with 20 or more employees can apply again starting March 10th.
 - Application window closes March 31st.
 - About \$143 billion still available in the PPP program.
- Allow sole proprietors, independent contractors, and self-employed individuals to receive more financial support by revising the PPP's funding formula for these categories of applicants.



COVID-19 Resources

- First PPP Draw Borrower Application (Updated 1/8/21)
- Second PPP Draw Borrower Application (Released 1/8/21)
- NFIB PPP Second Draw Tip Sheet
- <u>PPP Loan Forgiveness Form 3508S Application and Instructions</u> for loans less of \$150,000 or less (Updated 1/19/21)
- PPP Loan Forgiveness Form 3508EZ Application Instructions
- PPP Loan Forgiveness Form 3508EZ Application
- PPP Loan Forgiveness Form 3508 Application Instructions
- PPP Loan Forgiveness Form 3508
- AICPA PPP Loan Forgiveness Calculators (updated Feb 2021)
- NFIB Coronavirus Resources (including webinar recordings)
- NFIB Employee Retention Tax Credit Tip Sheet
- NFIB FFCRA (COVID-19 leave) Tax Credit Tip Sheet

Taking Advantage of the Employee Retention Tax Credit (ERTC)

This webinar is for Employers who want to take advantage of the Employee Retention Tax Credit. This webinar does <u>not</u> apply to a business including a C Corp or S Corp where the only employees are the business owner and / or family members. You must have "un-related" employees on payroll.

Presented by: Matt Evans Date: February 24, 2021



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About the Presenter and SCORE



Matt Evans, CPA, CMA, CFM is a retired professional with 25+ years' experience as an accountant, controller, business analyst and project manager. As a SCORE Mentor, Matt provides practical advice to small businesses in areas such as strategic planning, product development, marketing, and financial planning.

SCORE is an extension of the Small Business Administration, assisting small business owners across the United States. It is a free service consisting of 10,000 mentors. You can learn more at <u>www.score.org</u>



Important Disclaimer

Consult with a Practicing Professional / Review IRS Updates

This webinar provides guidance and information on the Employee Retention Tax Credit. The instructor is a retired CPA and SCORE Mentor who does **not** practice taxation. Therefore, it is important to recognize that SCORE and the information we provide in this webinar is not a substitute for professional advice from practicing CPA's, Tax Advisors, Tax Attorneys and others. You are encouraged to consult with a professional outside of SCORE to ensure you obtain complete and accurate information. Additionally, what is discussed in this webinar is subject to interpretation and the final authority is the IRS. Please make sure you review information posted by the IRS – see link below:

https://www.irs.gov/coronavirus/employee-retention-credit



What is the Employee Retention Tax Credit?

- A direct reduction dollar for dollar against the federal employment taxes that Employers pay and report on a quarterly basis per Form 941 – Employer Federal Tax Return. It is NOT taxable income – simply use the credit to reduce the taxes you owe.
- Apply the ERTC (Employee Retention Tax Credit) each quarter starting with 2nd Q 2020 and ending with 2nd Q 2021. You can also go back for part of March 2020 (13th to 31st)
- The credit amount is calculated for each employee up to \$ 10,000 of wages paid during calendar year 2020 x 50% (max credit of \$ 5,000). In 2021, the credit amount is up to \$ 10,000 of wages paid during <u>each quarter</u> x 70% (max credit of \$ 14,000).
- Employers qualify one of two ways on a quarter by quarter basis:
 - 1. Your business was partially or fully shut down because of a governmental action OR
 - 2. Your business experienced a drop in gross receipts in excess of 50% compared to the same quarterly period in 2019. Continue to apply the credit until your gross receipts have recovered to more than 80% compared to the same period in 2019. For 2021, the percentage drop is 20% compared to 2019

Example of Gross Receipts Test

EXAMPLE: You run a plumbing business that is considered essential and you are not shut down by the government. However, you experienced a drop in sales during COVID-19. Can you take the ERTC?

Gross Receipts are defined as "total sales (net of returns and allowances) and all amounts received for services. Gross receipts also include income from investments and from incidental or outside sources (e.g., interest, dividends, rents, royalties and annuities) that the business collected.

		ERTC app	olies to
Broke out Revenues on Business Tax Return by Quarter	Quarter 2 Revenues	Quarter 3 Revenues	Quarter 4 Revenues
Gross Receipts in 2019 by Quarter	\$ 166,000	\$ 187,000	\$ 214,000
Gross Receipts in 2020 by Quarter	\$ 98,000	\$ 86,000	\$ 177,000
Are gross receipts less than 50% of 2019 ?	59% - No \$ 98,000 / \$ 166,000	46% - Yes \$ 86.000 / \$ 187.000	n/a
Did follow-on quarter go over 80% of 2019 ?	n/a	n/a	83% - Yes

Counting Full Time Employees for the ERTC

Larger Employers – How many full time employees did you have in 2019?

Employers with more than 100 * full time employees, you can only apply the ERTC for those employees **not** working – not providing services who continued to get paid.

Go back and capture the hours that were paid, but the employees were not doing anything – this is your basis for the ERTC Employers with 100 * or fewer full time employees, you can apply the ERTC to all payroll regardless if the employee worked or not.

As long as you paid the person, you can apply the ERTC provided you met one of the two qualification tests (shut down by govt or drop in gross receipts over 50%)

* goes up to 500 full time employees in 2021

NOTE: Full Time Employees are considered those employees who work 30 hours or more in a week or 130 hours or more in a month. Full Time "Employees" is not necessarily the same as Full Time "Equivalents" where part-time employees are counted as .5 in the total. See IRS link below:

https://www.irs.gov/affordable-care-act/employers/identifying-full-time-employees



Step I – Determine What Quarters You Qualify

Apply the qualification tests to each and every quarter for the ERTC:

Qualification Test	Q2-2020	Q3-2020	Q4-2020	Q1-2021	Q2-2021
Was the business shut down partially or fully by an order issued by the government?	Yes	No	Yes	?	?
Did the business experience a drop of over 50% in gross revenues during the quarter compared to 2019?	No	No	No	? 20% drop	? 20% drop

 $^{\frown}$ 2019 is the Base Year for all comparative tests $^{-2}$

Once you have identified the quarterly periods for the ERTC, you will need to collect wages paid to calculate the ERTC on an employee by employee basis



Step 2 – Collect Quarterly Wages Paid

You will need a breakdown by employee of gross wages paid for each quarter where you qualify for the ERTC. Also collect Form 941 – Employer Federal Payroll Tax Return for each quarter. You need to identify the employer's portion of social security taxes.

Starting with 2nd Q 2020 - Clean Cut Off

	941 for 2020: Employer's QUARTERLY Federal Tax Return Department of the Treasury – Internal Revenue Service	950120 OMB No. 1545-0029
Name	yer identification number (EIN) - - - Report for this 0 e (not your trade name) -	ruary, March ine September ember, December Form941 for
ad th	Foreign country name Foreign province/county Foreign postal code	
Part 1		
	Number of employees who received wages, tips, or other compensation for the pay period including: Sept. 12 (Quarter 3) or Dec. 12 (Quarter 4) 1	4-
2	Wages, tips, and other compensation	7,893
3	Federal income tax withheld from wages, tips, and other compensation	8067

Basis for Calculating the ERTC

Empl	Wages
No.	Paid
1	\$ 14,500
3	\$ 11,025
5	\$ 7,216
6	\$ 5,152
	\$ 37,893



Step 3 – Work Around "Double Dip" Periods

You will need to avoid taking the ERTC during three time periods:

Used PPP Loan for Payroll

You should not take the ERTC for those pay periods where you used PPP Loan money to cover payroll.

EXAMPLE: You used your PPP Loan to cover payroll from June 12, 2020 to August 8, 2020. You should apply the ERTC for the periods March 13 to June 11, 2020 and from August 9, 2020 to December 31, 2020 for the calendar year 2020.

Used Other Payroll Credits

You should not take the ERTC for those employees where you took another payroll credit – Families First Coronavirus Relief Act.

EXAMPLE: You have an employee who got sick with the Coronavirus. Under the Families First Coronavirus Relief Act, you used the Sick Leave Credit for this employee from July 9, 2020 – July 21st. Do not apply the ERTC for this employee from July 9th to 21st

No Shut Down Period

Non Essential business that is allowed to operate 100% exclude when you were not shut down

EXAMPLE: The City issued an order allowing your business to be fully open from June 15 to June 30th before a new partial shut-down was imposed on July 1, 2020. The last two weeks in June should be excluded from the ERTC calculations based on the Shut Down Test for the ERTC.

Step 4 – Remove Unqualified Employees

You can include both full time and part time employees for the ERTC since many people were hit with reduced working hours. However, you cannot include the following individuals:

- An individual who owns 50 percent or more of the value of the stock of employer (if the employer is a C Corp or S Corp)
- An individual who owns 50 percent or more of the capital and profits interest of the employer (if the employer is another entity such as Partnerships, LLC, etc.)
- A grantor, beneficiary, or fiduciary of the employer (if the employer is an estate or trust)
- A family relative of the employer (if the employer is an individual). Family relatives include children, siblings, step-siblings, parents, step-parents, nieces, nephews, aunts, uncles, and in-laws



Step 5 – Add Allocated Group Health Care Costs

Not a Mandatory Step in the Process

For the most part, the ERTC will get applied to Gross Wages Paid as reported on your quarterly Form 941. However, "Qualified Wages" includes "allocable qualified health plan expenses."

This can be important if the Employer continues to cover furloughed employees who **do not** collect pay checks, but you as an Employer are incurring health care costs for these employees

Allocate your total health insurance premiums based on Cost per Employee per Day:

Total Number of Employees on	Payroll		4
Health Insurance Premium - Ap	ril 2020	22	\$ 2,250
Health Insurance Premium - Ma	ay 2020	21	\$ 2,250
Health Insurance Premium - Jur	ne 2020	22	\$ 2,250
Total Q2 Health Insurance Expe	nse		\$ 6,750
Expense per Employee			\$ 1,688
Work Days in 2nd Q 2020			65
Expense per Employee per Day			\$ 26

Step 1: Calculate Health Expense Rate for Quarter

Step 2: Apply the Rate to the Days Worked

	Work Hou	rs in Day	8				
Empl	Hourly	Hours in	Convert	Allocated			
No.	Pay Rate	Quarter	Hrs to Days	Health Exp			
1	Salary	Owner					
3	\$ 22.50	: 490	61	\$ 1,590			
5	\$ 16.40	440	55	\$ 1,428			
6	\$ 11.20	460	58	\$ 1,493			

https://www.irs.gov/newsroom/determining-the-amount-of-allocable-qualified-health-plan-expenses



Step 6 – Calculate the ERTC for 2020 by Quarter

2nd Q of 2020 = 4/1/2020 to 6/30/2020

			All	ocated		Total	I	mpose					0	Calculate
Empl		Wages	Н	ealth	Q	ualified	C	eiling @	< B	reakdown o	f Qua	l Wages >	Т	ax Credit
No.		Paid	Ex	penses		Wages	\$	10,000	(Gross Pay Health Exp		Health Exp		50%
1	\$	14,500	Own	er is exclu	Jdec	l 100% cor	ntrol	S Corp						
3	\$	11,025	\$	1,590	\$	12,615	\$	10,000	\$	10,000	\$	-	\$	5,000
5	\$	7,216	\$	1,428	\$	8,644	\$	8,644	\$	7,216	\$	1,428	\$	4,322
6	\$	5,152	\$	1,493	\$	6,645	\$	6,645	\$	5,152	\$	1,493	\$	3,322
	\$	37,893	\$	4,511	\$	27,904	\$	25,289	\$	22,368	\$	2,921	\$	12,644
•	Totals in bold should tie to IRS Worksheet 1 and / or Forms										Emp	lr SS Tax	\$	2,350
											ERTC Balance		\$	10,294

3rd Q of 2020 = 7/1/2020 to 9/30/2020

			Allocat	ted		Total		Impose					Ca	alculate
Empl	۱	Wages	Healt	h	(Qualified	C	Ceiling @	< Br	eakdown o	f Qua	l Wages >	Та	x Credit
No.		Paid	Expens	ses		Wages		\$10,000	G	iross Pay	He	ealth Exp		50%
1	\$	14,500	Owner is	s exclu	ıde	d 100% cor	ntro	l S Corp						•
3	\$	10,090	This em	ploye	e h	as maxed c	outi	in Q 2 - do i	not ir	nclude				
5	\$	6,780	\$ 1	,430	\$	8,210	\$	1,356	\$	1,356	\$	-	\$	678
6	\$	3,960	\$ 1	,480	\$	5,440	\$	3 <i>,</i> 355	\$	3,355	\$	-	\$	1,678
	\$	35,330	\$ 2	,910	\$	13,650	\$	4,711	\$	4,711	\$	-	\$ (2,356
	Tot	als in bold :	should tie t	to IRS	Wo	rksheet 1 ai	nd /	or Forms			Emp	lr SS Tax	\$	2,209
											ERTO	Balance	\$	147

See Webinar Example Handout with various IRS Forms which assumes we applied the full credit against our taxes due back on July 31, 2020

For businesses that never took the ERTC, go back and pickup each quarter total and get a refund check! Maximum Credit \$ 12,644 + \$ 2,356 = \$ 15,000 (\$ 5,000 per employee)



Calculate ERTC in 2021 by Quarter @ 70%

1st Q of 2021 = 1/1/2021 to 3/31/2021

			Alle	ocated		Total		Impose					Ca	alculate
Empl		Wages	H	ealth	Q	ualified	C	eiling @	< E	Breakdown of	f Qua	Qual Wages >		x Credit
No.		Paid	Exp	penses		Wages	ć	\$10,000	Gross Pay Health Exp		Gross Pay Heal			70%
1	\$	14,500	Own	er is exclu	udeo	d 100% con	ntro	S Corp						
3	\$	10,330	\$	1,533	\$	11,863	\$	10,000	\$	10,000	\$	-	\$	7,000
5	\$	6,990	\$	1,416	\$	8,406	\$	8,406	\$	6,990	\$	1,416	\$	5,884
6	\$	4,590	\$	1,466	\$	6,056	\$	6,056	\$	4,590	\$	1,466	\$	4,239
	\$	36,410	\$	4,415	\$	26,325	\$	24,462	\$	21,580	\$	2,882	\$	17,123
•	Totals in bold should tie to IRS Worksheet				ksheet 1 ar	nd /	or Forms			Emp	olr SS Tax	\$	5,017	
											ERT	C Balance	\$	12,106

2nd Q of 2021 = 4/1/2021 to 6/30/2021

			Al	located		Total		Impose					Ca	lculate
Empl	1	Wages	F	lealth	Q	ualified	C	eiling @	< B	reakdown o	f Qua	al Wages >	Тах	(Credit
No.		Paid	Ex	penses	١	Wages	Ċ	\$10,000	(Gross Pay Hea		s Pay Health Exp		70%
• 1	\$	14,500	Owr	ier is exclu	uded	l 100% cor	tro	l S Corp						
3	\$	11,220	\$	1,537	\$	12,757	\$	10,000	\$	10,000	\$	- •	\$ [.]	7,000
5	\$	7,320	\$	1,428	\$	8,748	\$	8,748	\$	7,320	\$	1,428	\$	6,124
6	\$	5,210	\$	1,479	\$	6,689	\$	6,689	\$	5,210	\$	1,479	\$	4,682
	\$	38,250	\$	4,444	\$	28,194	\$	25,437	\$	22,530	\$	2,907	\$	17,806
	Totals in bold should tie to IRS Worksheet 1 and / or Forms									Emp	olr SS Tax	\$	5,630	
											ERT	C Balance	\$	12,176

In 2021, the ERTC gets magnified two ways:

- Apply on a standalone basis quarter to quarter in regards to the \$ 10,000 ceiling
- Increase the percentage from 50% to 70% in calculating the credit



Worksheet I – Form 941 Instructions (Page 20)

Worksheet 1. Credit for Qualified Sick and Family Leave Wages and the Employee Retention Credit

14

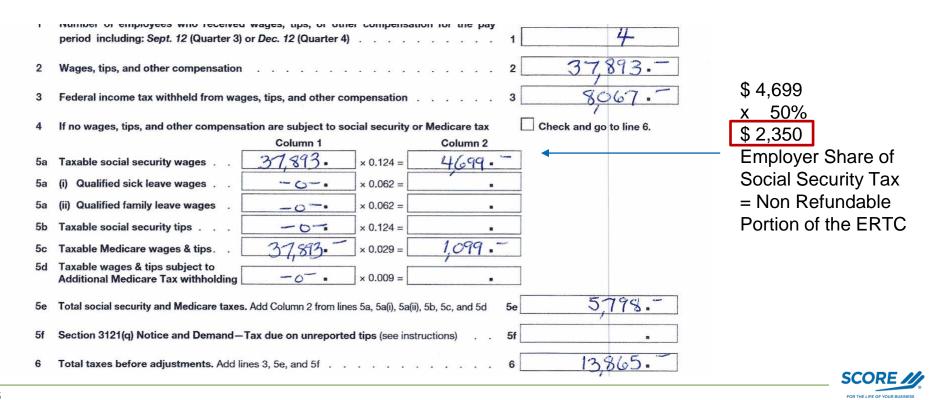
Keep for Your Records

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Determine ho If you paid both Step 1, Step 2, the employee r this quarter but	w you will complete this worksheet a qualified sick and family leave wages and qualified wages for purposes of the employee r and Step 3. If you paid qualified sick and family leave wages this quarter but you didn't pa etention credit this quarter, complete Step 1 and Step 2. If you paid qualified wages for pur you didn't pay any qualified sick and family leave wages this quarter, complete Step 1 and	etention credit this y any qualified wa poses of the emp I Step 3.	s quarter, complete ges for purposes of loyee retention credit	works	an use this heet to help ate the ERTC
Step 1.	Determine the employer share of social security tax this quarter after it is reduce 8974 and any credit to be claimed on Form 5884-C	ed by any credit	claimed on Form		
1a	Enter the amount of social security tax from Form 941, Part 1, line 5a, column 2	1110			
1b	Enter the amount of social security tax from Form 941, Part 1, line 5b, column 2	1b	treef.		
1c	Add lines 1a and 1b	10 469	9		
1d	Multiply line 1c by 50% (0.50)	1d 235	0		
1e	If you're a third-party paver of sick pay that isn't an agent and you're claiming credits				
1					2 nd Q of 2020
Step 3.	Figure the employee retention credit				•
3a	Qualified wages (excluding qualified health plan expenses) for the employee retention credit (Form 941, Part 3, line 21)	3a 22,36	5		4/1/2020 to
3b	Qualified health plan expenses allocable to qualified wages for the employee retention credit (Form 941, Part 3, line 22)	3b 292	(6/30/2020
3c	Add lines 3a and 3b	3c 25,28			
3d	Retention credit. Multiply line 3c by 50% (0.50)		3d 12,644		See Slide 12
3e		3e _235	0		
3f	Enter the amount of the nonrefundable portion of the credit for qualified sick and family leave wages from Step 2, line 2j	3f			
3g	Subtract line 3f from line 3e	3g 235	Q		
3h	Nonrefundable portion of employee retention credit. Enter the smaller of line 3d or line 3g. Enter this amount on Form 941, Part 1, line 11c		3h 23.50		
3i	Refundable portion of employee retention credit. Subtract line 3h from line 3d and enter this amount on Form 941, Part 1, line 13d		3i 10,294		SCO

Reconcile and Report Payroll on Form 941

2nd Q of 2020 4/1/2020 to 6/30/2020 per Slide 12



Form 7200 – Advance Refund for ERTC

Here is how the refund might get reported on Form 7200 for 2nd Q 2020:

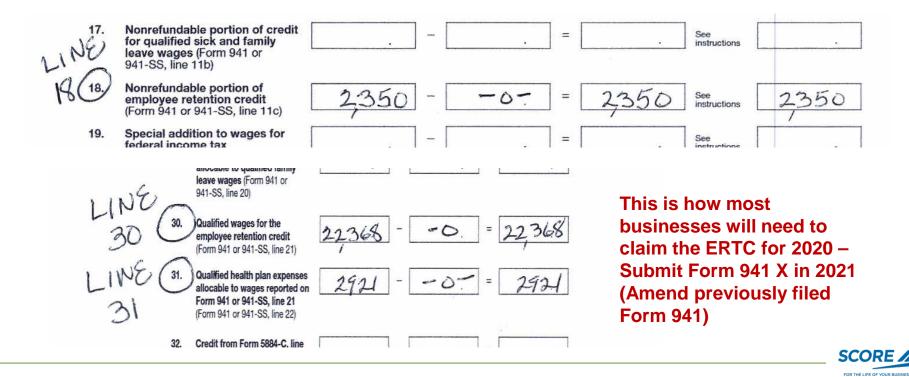
U	Amount reported on line 2 or your most recently lied round 941 (or wages reported on schedule n (r 941), column (c), by your third-party payer (see instructions)). If you file a different employment tax ret see instructions		36,720
D	Enter the total number of employees you have. See instructions		4
Par	Enter Your Credits and Advance Requested		
1	Total employee retention credit for the quarter. See instructions	1	12,644
2	Total qualified sick leave wages eligible for the credit and paid this quarter. See instructions	2	-0-
3	Total qualified family leave wages eligible for the credit and paid this quarter. See instructions	3	-0-
4	Add lines 1, 2, and 3	4	12,644
5	Total amount by which you have already reduced your federal employment tax deposits for these credits for this quarter 5		
6	Total advanced credits requested on previous filings of this form for this quarter 6 -0-	in the second	
7	Add lines 5 and 6	7	-0-
8	Advance requested. Subtract line 7 from line 4. If zero or less, don't file this form . Refuel Due	8	12,644
	Do you want to allow an amplouse, a noid toy proparar, or another person to discuss this return	with	the IDC2 Cas the

NOTE: You must submit Form 7200 by Fax to the IRS: 855-248-0552 Do NOT mail in the form! Refund Checks are mailed to the business Make sure to use the business address referenced on your 2019 business tax return to avoid delays



Form 941 X – Amend Previous Form 941

Under the CARES Act, Employers filed Form 941 X to get a refund – Lines 18, 26, 30 and 31 are directly related to the Employee Retention Tax Credit:



Some Finer Points

- For 2020 tax returns, reduce your payroll expense deduction by the ERTC taken in 2020. <u>Example</u>: In 2020, the business had \$ 145,800 of payroll. The business took \$ 15,000 of ERTC. Deduct \$ 130,800 on the tax return (\$ 145,800 - \$ 15,000)
- Use Form 7200 if there is a need for cash flow and submit before the Form 941 in 2021
- Do not submit a Form 7200 requesting a refund amount in excess of 70% of your average quarterly wages during calendar year 2019
- A business not formed in 2019 will use Q1 2020 as the base period for comparisons
- Gross Receipts for tax exempts includes donations, contributions and grants
- Gross Receipts is measured per the accounting method (cash basis or accrual) that you elected on your business tax return
- Getting a refund can be slow and some businesses may get contacted by the IRS Integrity and Verification Operations – need to verify your identity



Recommended Videos and Articles on ERTC

CPA YouTube Videos

https://youtu.be/amYt3YdU82Q

https://youtu.be/FKUC9dSfLJs

https://youtu.be/mhXnYExyh7Q

https://youtu.be/EzI4Rjds03s

Articles

https://www.irs.gov/coronavirus/employee-retention-credit

https://www.irs.gov/newsroom/faqs-employee-retentioncredit-under-the-cares-act

https://www.uschamber.com/co/start/strategy/coronavirusemployee-retention-tax-credit-guide

https://www.patriotsoftware.com/blog/payroll/coronavirus-payrolltax-credits/

https://www.taxbandits.com/form-7200/form-7200-instructions/

https://www.shrm.org/resourcesandtools/hrtopics/benefits/pages/valuing-health-plan-costs-for-payrolltax-credits-coronavirus.aspx



Questions and Answers

Webinar Handouts

- Guidance Document (pdf)
- Webinar Workbook (excel)

Contact Information

Matt Evans matt.evans@scorevolunteer.org

Appointments are booked online: https://score-silver-springlibrary.as.me/schedule.php



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