



# Instructions for Form 941-SS

(Rev. April 2010)

## Employer's QUARTERLY Federal Tax Return—American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands

Section references are to the Internal Revenue Code unless otherwise noted.

### What's New

**Qualified employer's social security tax credit.** Qualified employers are allowed a credit in the second quarter of 2010 for their share (6.2%) of social security tax on wages/tips paid to qualified employees after March 18, 2010, and before April 1, 2010. See the instructions for lines 12c through 12e beginning on page 6.

**Qualified employer's social security tax exemption.** Qualified employers are allowed an exemption for their share (6.2%) of social security tax on wages/tips paid to qualified employees after March 31, 2010, and before January 1, 2011. See the instructions for lines 6a through 6d beginning on page 5.

**Aggregate Form 941-SS filers.** Agents must complete Schedule R (Form 941), Allocation Schedule for Aggregate Form 941 Filers, when filing an aggregate Form 941-SS. Aggregate Forms 941-SS are filed by agents approved by the IRS under section 3504. To request approval to act as an agent for an employer, the agent files Form 2678, Employer/Payer Appointment of Agent, with the IRS.

**COBRA premium assistance credit extended.** The credit for COBRA premium assistance payments has been extended. It now applies to premiums paid for employees involuntarily terminated between September 1, 2008, and May 31, 2010, and to premiums paid for up to 15 months. Congress may take additional legislative action that extends the credit. To find out if additional legislation is enacted, monitor the news media or visit the IRS website at [www.irs.gov](http://www.irs.gov) and enter the keyword COBRA. See *COBRA premium assistance payments* on page 6.

**Employers can choose to file Forms 941-SS instead of Form 944-SS for 2010.** Beginning with tax year 2010, employers that would otherwise be required to file Form 944-SS can notify the IRS if they want to file quarterly Forms 941-SS instead of annual Form 944-SS. See Revenue Procedure 2009-51, 2009-45 I.R.B. 625, available at [www.irs.gov/irb/2009-45\\_IRB/ar12.html](http://www.irs.gov/irb/2009-45_IRB/ar12.html).

**Social security wage base for 2010.** Do not withhold or pay social security tax after an employee reaches \$106,800 in social security wages, which remains unchanged from 2009.

### Reminders

**Correcting a previously filed Form 941-SS.** If you discover an error on a previously filed Form 941-SS, make the correction using Form 941-X, Adjusted Employer's QUARTERLY Federal Tax Return or Claim for Refund and

is filed separately from Form 941-SS. For more information, see section 9 of Pub. 80 or visit the IRS website at [www.irs.gov](http://www.irs.gov) and enter the keywords *Correcting Employment Taxes*.

**Paid preparers must sign Form 941-SS.** Paid preparers must complete and sign the paid preparer's section of Form 941-SS.

**Electronic filing and payment.** Now, more than ever before, businesses can enjoy the benefits of filing and paying their federal taxes electronically. Whether you rely on a tax professional or handle your own taxes, the IRS offers you convenient programs to make filing and paying easier. Spend less time and worry on taxes and more time running your business. Use e-file and the Electronic Federal Tax Payment System (EFTPS) to your benefit.

- For e-file, visit [www.irs.gov](http://www.irs.gov) for additional information.
- For EFTPS, visit [www.eftps.gov](http://www.eftps.gov) or call EFTPS Customer Service at 1-800-555-4477 (U.S. Virgin Islands only), 303-967-5916 (toll call), or 1-800-733-4829 (TDD).

**Electronic funds withdrawal (EFW).** If you file Form 941-SS electronically, you can e-file and e-pay (electronic funds withdrawal) the balance due in a single step using tax preparation software or through a tax professional. However, **do not** use EFW to make federal tax deposits. For more information on paying your taxes using EFW, visit the IRS website at [www.irs.gov/e-pay](http://www.irs.gov/e-pay). A fee may be charged to file electronically.

**Credit or debit card payments.** Employers can pay the balance due shown on Form 941-SS by credit or debit card. **Do not** use a credit or debit card to make federal tax deposits. For more information on paying your taxes with a credit or debit card, visit the IRS website at [www.irs.gov/e-pay](http://www.irs.gov/e-pay).

**Employer's liability.** Employers are responsible to ensure that tax returns are filed and deposits and payments are made, even if the employer contracts with a third party. The employer remains liable if the third party fails to perform a required action.

**Where can you get telephone help?** You can call the IRS toll free at 1-800-829-4933 (U.S. Virgin Islands only) or 215-516-2000 (toll call) on Monday through Friday from 7:00 a.m. to 10:00 p.m. local time (Alaska and Hawaii follow Pacific time) to order tax deposit coupons (Form 8109) and for answers to your questions about completing Form 941-SS, tax deposit rules, or obtaining an employer identification number (EIN).

**Photographs of missing children.** The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in instructions on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1-800-THE-LOST (1-800-843-5678) if you recognize a child.

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## General Instructions:

### Purpose of Form 941-SS

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Use Form 941-SS, Employer's QUARTERLY Federal Tax Return, to report social security and Medicare taxes for workers in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

Pub. 80 (Circular SS), Federal Tax Guide for Employers in the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, explains the requirements for withholding, depositing, and paying social security and Medicare taxes. It explains the forms you must give your employees, those your employees must give you, and those you must send to the IRS. See Pub. 15-A, Employer's Supplemental Tax Guide, for specialized employment tax information supplementing the basic information provided in Pub. 80 (Circular SS).

### Who Must File Form 941-SS?

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Generally, you must file a return for the first quarter in which you pay wages subject to social security and Medicare taxes, and for each quarter thereafter until you file a final return. Use Form 941-SS if your principal place of business is in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands, or if you have employees who are subject to income tax withholding for these jurisdictions.

Use Form 941-SS to report the following amounts:

- Wages/tips subject to social security and Medicare taxes.
- Both the employer's and the employee's share of social security and Medicare taxes.
- Current quarter's adjustments to social security and Medicare taxes for fractions of cents, sick pay, tips, and group-term life insurance.
- Credit for COBRA premium assistance payments.
- Exemption for qualified employer's share of social security tax on wages/tips paid to qualified employees.

Once you have filed a return, a preaddressed Form 941-SS will be sent to you every 3 months. You must file a return each quarter, even if you have no tax liability to report unless you file a final return. However, see *Seasonal Employers and Agricultural and Household Employers* below. If the form fails to reach you, request one in time to file. See *Where Can You Obtain Forms?* below.

### Seasonal Employers

Seasonal employers are not required to file for quarters when they regularly have no tax liability because they have paid no wages. To alert the IRS that you will not have to file a return for one or more quarters during the year, check the box on line 19 on Form 941-SS. The IRS will mail you two Forms 941-SS once a year after March 1. The preprinted information will not include the date the quarter ended. You must enter the date the quarter ended when you file the return. The IRS generally will not inquire about unfiled returns if at least one taxable return is filed each year. However, you must check the box in line 19 on every quarterly return you file. Otherwise, the IRS will expect a return to be filed for each quarter.

### Final Return

If you go out of business or stop paying wages to your employees, you must file a **final return**. To tell the IRS that Form 941-SS for a particular quarter is your final return, check the box on line 18 and enter the date you last paid wages. Also attach a statement to your return showing the

name of the person keeping the payroll records and the address where those records will be kept.

See the Instructions for Form W-3SS, Transmittal of Wage and Tax Statements, for information about earlier dates for the expedited furnishing and filing of the following Wage and Tax Statements when a final Form 941-SS is filed.

- W-2AS, American Samoa;
- W-2CM, Commonwealth of the Northern Mariana Islands;
- W-2GU, Guam; or
- W-2VI, U.S. Virgin Islands.

## Agricultural and Household Employers

**Agricultural employers.** Agricultural wages must be reported on Form 943, Employer's Annual Federal Tax Return for Agricultural Employees, not on Form 941-SS.

**Household employers.** Employers who report wages for household employees should see Pub. 80 (Circular SS) and Pub. 926, Household Employer's Tax Guide.

## When Must You File?

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File Form 941-SS for each quarter of the calendar year, as follows:

Quarter	Due Date
Jan.-Feb.-Mar.	April 30
Apr.-May-June	July 31
July-Aug.-Sept.	Oct. 31
Oct.-Nov.-Dec.	Jan. 31

If you made deposits on time in full payment of the taxes for a quarter, you have 10 more calendar days after the above due dates to file your return for that quarter. If the due date for filing a return falls on a Saturday, Sunday, or legal holiday, you may file the return on the next business day.

If we receive Form 941-SS after the due date, we will treat Form 941-SS as filed on time if the envelope containing Form 941-SS is properly addressed, contains sufficient postage, and is postmarked by the U.S. Postal Service on or before the due date, or sent by an IRS-designated private delivery service on or before the due date. If you do not follow these guidelines, we will consider Form 941-SS filed when it is actually received. See Pub. 80 (Circular SS) for more information on IRS-designated private delivery services.

## Where Should You File?

Mail Form 941-SS to:

with a payment	without a payment
Internal Revenue Service P.O. Box 105273 Atlanta, GA 30348-5273	Internal Revenue Service P.O. Box 409101 Ogden, UT 84409

## Where Can You Obtain Forms?

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See Pub. 80 (Circular SS) for information on ordering IRS forms by telephone, mail, or online. You may also be able to get some IRS forms at the addresses listed below.

**American Samoa.** Department of Treasury, Income Tax Division, Government of American Samoa, Executive Office Bldg., First Floor, Pago Pago, AS 96799.

**Commonwealth of the Northern Mariana Islands.** Administrator, CNMI Social Security System, Saipan, MP 96960.

**Guam.** Department of Revenue and Taxation, Government of Guam, Building 13-1 Mariner Avenue, Tiyan Barrigada, GU 96913.

**U.S. Virgin Islands.** V.I. Bureau of Internal Revenue, 9601 Estate Thomas, Charlotte Amalie, St. Thomas, VI 00802.

## How Should You Complete Form 941-SS?

### Preprinted Name and Address Information

If your preprinted name, EIN, or address information on Form 941-SS is not correct, cross it out and type or print the correct information. However, do not change any of the preprinted information on your Form 941-V(SS), Payment Voucher.

### Employer identification number (EIN)

To make sure that businesses comply with federal tax laws, the IRS monitors tax filings and payments by using a numerical system to identify taxpayers. A unique 9-digit employer identification number (EIN) is assigned to all corporations, partnerships, and some sole proprietors. Businesses needing an EIN must apply for a number and use it throughout the life of the business on all tax returns, payments, and reports.

Your business should have only one EIN. If you have more than one and are not sure which one to use, write to the IRS office where you file your returns (using the *without a payment* address on page 2) or call the IRS at 1-800-829-4933 (U.S. Virgin Islands only) or 215-516-6999 (toll call). TTY/TDD users in the U.S. Virgin Islands can call 1-800-829-4059.

If you do not have an EIN, you may apply for one online. Go to the IRS website at [www.irs.gov](http://www.irs.gov) and click on the *Apply for an Employer Identification Number (EIN) Online* link. You may also apply for an EIN by calling 1-800-829-4933 (U.S. Virgin Islands) or 215-516-6999 (toll call), or you can fax or mail Form SS-4 to the IRS. If you have applied for an EIN but do not have your EIN by the time a return is due, write "Applied For" and the date you applied in the space shown for the number.

**TIP** Always be sure the EIN on the form you file exactly matches the EIN the IRS assigned to your business. Do not use your social security number on forms that ask for an EIN. Filing a Form 941-SS with an incorrect EIN or using another business's EIN may result in penalties and delays in processing your return.

### Changing Your Name or Address

Notify the IRS immediately if you change your business name or address.

- Write to the IRS office where you file your returns (using the *without a payment* address on page 2) to notify the IRS of any name change. Get Pub. 1635, Understanding Your Employer Identification Number (EIN), to see if you need to apply for a new EIN.
- Complete and mail Form 8822, Change of Address, for any address change.

### Check the Box for the Quarter

Under *Report for this Quarter of 2010* at the top of Form 941-SS, check the appropriate box of the quarter for which you are filing. Make sure the quarter checked is the same as shown on any attached Schedule B (Form 941), Report of Tax Liability for Semiweekly Schedule Depositors.

## Completing and Filing Form 941-SS

Make entries on Form 941-SS as follows to enable accurate processing.

- Use 12-point Courier font (if possible) for all entries if you are typing or using a computer to fill out your form.
- Omit dollar signs and decimal points. Commas are optional. Report dollars to the left of the preprinted decimal point and cents to the right of it.
- Leave blank any data field (except lines 1 and 8) with a value of zero.
- Enter negative amounts using a minus sign (if possible). Otherwise, use parentheses.
- Enter your name and EIN on all pages and attachments. Filers using the IRS-preaddressed Form 941-SS do not have to enter their name and EIN on page 2.
- Staple multiple sheets in the upper left corner when filing.

## What About Penalties and Interest?

### Avoiding penalties and interest

You can avoid paying penalties and interest if you do all of the following.

- Deposit or pay your taxes when they are due, using EFTPS if required.
- File your fully completed Form 941-SS on time.
- Report your tax liability accurately.
- Submit valid checks for tax payments.
- Furnish accurate Forms W-2AS, W-2CM, W-2GU, or W-2VI to employees.
- File Form W-3SS and Copies A of Form W-2AS, W-2CM, W-2GU, or W-2VI with the Social Security Administration (SSA) on time and accurately.

Penalties and interest are charged on taxes paid late and returns filed late at a rate set by law. See section 8 of Pub. 80 (Circular SS) for details.



**A trust fund recovery penalty may apply if social security and Medicare taxes that must be withheld are not withheld or are not paid. Under this penalty, responsible persons become personally liable for payment of the taxes and are penalized an amount equal to the unpaid taxes. A responsible person can be an officer or employee of a corporation, a partner or employee of a partnership, an accountant, a volunteer director/trustee, an employee of a sole proprietorship, or any other person or entity that is responsible for collecting, accounting for, and paying over trust fund taxes. See section 8 of Pub. 80 (Circular SS) for details.**

### Reconciling Forms 941-SS and W-3SS

The IRS matches amounts reported on your four quarterly Forms 941-SS with Form W-2AS, W-2CM, W-2GU, or W-2VI amounts totaled on your yearly Form W-3SS. If the amounts do not agree, you may be contacted by the IRS or SSA. The following amounts are reconciled.

- Social security wages.
- Social security tips.
- Medicare wages and tips.

Use Schedule D (Form 941), Report of Discrepancies Caused by Acquisitions, Statutory Mergers, or Consolidations, to explain certain wage, tax, and payment discrepancies between Forms 941-SS and Forms W-2AS, W-2CM, W-2GU, W-2VI, W-3SS, and W-2c that were caused by acquisitions, statutory mergers, or consolidations. For more information, get the Instructions for Schedule D (Form 941). Also see Rev. Proc. 2004-53 for more information. You can find Rev. Proc. 2004-53 on page 320 of Internal Revenue Bulletin 2004-34 at [www.irs.gov/pub/irs-irbs/irb04-34.pdf](http://www.irs.gov/pub/irs-irbs/irb04-34.pdf).

## Adjustment of Tax on Tips

If, by the 10th of the month after the month you received an employee's report on tips, you do not have enough employee funds available to withhold the employee's share of social security and Medicare taxes, you no longer have to collect it. Report the entire amount of these tips on lines 5b (Taxable social security tips) and 5c (Taxable Medicare wages and tips). Include as an adjustment on line 7c the total uncollected employee share of the social security and Medicare taxes.

## Depositing Your Taxes: When Must You Deposit Your Taxes?

### Determine if you are a monthly or semiweekly schedule depositor for the quarter.

The IRS uses two different sets of deposit rules to determine when businesses must deposit their social security and Medicare taxes. These schedules tell you when a deposit is due after you have a payday.

Your deposit schedule is not determined by how often you pay your employees. Your deposit schedule depends on the total tax liability you reported on Form 941-SS during the previous four-quarter **lookback period** (July 1 of the second preceding calendar year through June 30 of last year). See section 8 of Pub. 80 (Circular SS) for details. If you filed Form 944-SS in either 2008 or 2009, your lookback period is the 2008 calendar year.

Before the beginning of each calendar year, determine which type of deposit schedule you must use. If you reported:

- \$50,000 or less in taxes during the lookback period, you are a **monthly schedule depositor**.
- More than \$50,000 of taxes for the lookback period, you are a **semiweekly schedule depositor**.

 See \$100,000 Next-Day Deposit Rule in section 8 of Pub. 80 (Circular SS) if you have taxes of \$100,000 or more accumulated on any day during the deposit period.

## How Must You Deposit Your Taxes?

You may have to deposit both the employer and employee social security taxes and Medicare taxes. If your total taxes after adjustments (line 8) are:

- **Less than \$2,500 for the current quarter or the preceding quarter, and you did not incur a \$100,000 next-day deposit obligation during the current quarter.**

You do not have to make a deposit. To avoid a penalty, you must pay the amount in full with a timely filed return or you must deposit the amount timely. However, if your taxes for the preceding quarter were less than \$2,500, you are unsure whether you will incur a \$100,000 next-day deposit obligation in the current quarter, and you are unsure your taxes will be less than \$2,500 for current quarter, deposit your taxes using the appropriate rules (above) to avoid failure to deposit penalties.

- **\$2,500 or more for the current quarter and the preceding quarter.** You must deposit your taxes by using EFTPS or by depositing them at a financial institution that is authorized to accept federal tax deposits (that is, authorized depository) with Form 8109, Federal Tax Deposit Coupon. See section 8 of Pub. 80 (Circular SS).

You may reduce your deposits during the quarter by the amount of:

- COBRA premium assistance payments reported on line 12a,
- Employer's exempt social security tax on line 6d, and
- Employer's exempt social security tax on line 12e.

 **EFTPS** is an easy, safe, and convenient way for all employers to make their tax deposits. Using EFTPS helps eliminate errors commonly made on federal tax deposit (FTD) coupons. **Some taxpayers are required to use EFTPS to deposit their taxes.** See section 8 of Pub. 80 (Circular SS) for details.

## Specific Instructions:

### Part 1: Answer these questions for this quarter.

Employers in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands are not required to complete lines 2, 3, 9, 10, and 16.

#### 1. Number of employees who received wages, tips, or other compensation for the pay period including:

Enter the number of employees on your payroll for the pay period including March 12, June 12, September 12, or December 12 for the quarter indicated at the top of the return. Do not include:

- Household employees,
- Employees in nonpay status for the pay period,
- Farm employees,
- Pensioners, or
- Active members of the Armed Forces.

 If you enter "250" or more on line 1, you must file Forms W-2 electronically. For details, call the SSA at 1-800-772-6270 or visit SSA's Employer W-2 Filing Instructions & Information website at [www.socialsecurity.gov/employer](http://www.socialsecurity.gov/employer).

#### 4. If no wages, tips, and other compensation are subject to social security or Medicare tax . . .

If no wages, tips, and compensation are subject to social security or Medicare tax, check the box on line 4. If this question does not apply to you, leave the box blank. For more information about exempt wages, see section 12 of Pub. 80 (Circular SS) and section 4 of Pub. 15-A.

 If you are a government employer, wages you pay are not automatically exempt from social security and Medicare taxes. Your employees may be covered by law or by a voluntary Section 218 Agreement with the SSA. For more information, see Pub. 963, Federal-State Reference Guide.

#### 5. Taxable social security and Medicare wages and tips

**5a. Taxable social security wages.** Report the total wages, sick pay, and fringe benefits subject to social security taxes that you paid to your employees during the quarter. For this purpose, sick pay includes payments made by an insurance company to your employees for which you received timely notice from the insurance company. See

section 6 in Pub. 15-A for more information about sick pay reporting.

Enter the amount before deductions. **Do not** include tips on this line. For information on types of wages subject to social security taxes, see section 4 of Pub. 80 (Circular SS).

The rate of social security tax on taxable wages is 6.2 percent (.062) each for the employer and employee or 12.4 percent (.124) for both. Stop paying social security tax on and reporting an employee's wages on line 5a when the employee's taxable wages (including tips) reach \$106,800 during 2010. However, continue to withhold Medicare taxes for the whole year on wages and tips even when the social security wage base of \$106,800 has been reached.

$$\begin{array}{r} \text{line 5a (column 1)} \\ \times .124 \\ \hline \text{line 5a (column 2)} \end{array}$$



*Do not reduce the amount reported on line 5a by any amount paid to qualified new employees. The social security tax exemption on wages/tips will be figured on lines 6c and 6d and will reduce the tax on line 6e.*

**5b. Taxable social security tips.** Enter all tips your employees reported to you during the quarter until the total of the tips and wages for an employee reach \$106,800 in 2010. Do this even if you were unable to withhold the employee tax of 6.2%.

An employee must report cash tips to you, including tips you paid the employee for charge customers, totaling \$20 or more in a month by the 10th of the next month. Employees may use Form 4070, Employee's Report of Tips to Employer (available only in Pub. 1244, Employee's Daily Record of Tips and Report to Employer), or submit a written statement or electronic tip record.

Do not include allocated tips on this line. Instead, report them on Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips. Allocated tips are not reportable on Form 941-SS and are not subject to social security or Medicare taxes.

$$\begin{array}{r} \text{line 5b (column 1)} \\ \times .124 \\ \hline \text{line 5b (column 2)} \end{array}$$



*Do not reduce the amount reported on line 5b by any amount paid to qualified new employees. The social security tax exemption on wages/tips will be figured on lines 6c and 6d and will reduce the tax on line 6e.*

**5c. Taxable Medicare wages and tips.** Report all wages, tips, sick pay, and taxable fringe benefits that are subject to Medicare tax. Unlike social security wages, there is no limit on the amount of wages subject to Medicare tax.

Include all tips your employees reported during the quarter, even if you were unable to withhold the employee tax of 1.45%.

$$\begin{array}{r} \text{line 5c (column 1)} \\ \times .029 \\ \hline \text{line 5c (column 2)} \end{array}$$

For more information, see sections 4, 5, and 7 of Pub. 80 (Circular SS).



*Do not reduce the amount reported on line 5c by any amount paid to qualified new employees. The tax exemption does not apply to Medicare tax.*

**5d. Total social security and Medicare taxes.** Add the social security tax (line 5a), social security tips tax (line 5b), and Medicare tax (line 5c) and enter the result on line 5d.

## 6. Employer's social security tax exemption.

Complete lines 6a–6d to figure the payroll tax exemption for the employer's share (6.2%) of social security tax on wages/tips paid to one or more qualified employees.

An employer must be a qualified employer to be eligible for the employer's social security tax exemption. A **qualified employer** is any employer other than Federal, State, and any related government entities. All public institutions of higher education and Indian tribal governments are also qualified employers.

An employer may elect not to apply the social security tax exemption with respect to a qualified employee. The election is made by not including that employee or that employee's wages on lines 6a–6d and lines 12c–12e. An election not to apply the social security tax exemption to a qualified employee may allow a qualified employer to claim the Work Opportunity Credit for that employee. A qualified employer cannot apply both the social security tax exemption on Form 941-SS and claim the Work Opportunity Credit for the same employee. For more information, see Form 5884, Work Opportunity Credit.

For more information about the employer's social security tax exemption, visit the IRS website at [www.irs.gov](http://www.irs.gov) and enter the keywords "HIRE Act" in the search box.

**6a. Number of qualified employees first paid exempt wages/tips this quarter.** A **qualified employee** is an employee who:

- Begins employment with you after February 3, 2010, and before January 1, 2011;
- Certifies by signed affidavit (Form W-11, Hiring Incentives to Restore Employment (HIRE) Act Employee Affidavit), or similar statement under penalties of perjury, that he or she has not been employed for more than 40 hours during the 60-day period (including 2009) ending on the date the employee begins employment with you;
- Is not employed by you to replace another employee unless the other employee separated from employment voluntarily or for cause (including downsizing); and
- Is not related to you. An employee is related to you if he or she is your child or a descendant of your child, your sibling or stepsibling, your parent or ancestor of your parent, your stepparent, your niece or nephew, your aunt or uncle, or your in-law. An employee is also related to you if he or she is related to anyone who owns more than 50% of your outstanding stock or capital and profits interest or is your dependent or a dependent of anyone who owns more than 50% of your outstanding stock or capital and profits interest. If you are an estate or trust, see section 51(i)(1) and section 152(d)(2) for more details.

**Exempt wages/tips** are the wages/tips paid to qualified employees for which the employer is exempt from paying the employer's 6.2% share of social security tax. Enter on line 6a the number of qualified employees **first paid** wages/tips to which you applied the social security tax exemption in **this quarter**. Do not include on line 6a qualified employees that are included on line 12c.

**6b. Number of qualified employees paid exempt wages/tips this quarter.** Enter on line 6b the **total** number of qualified employees paid exempt wages/tips to which you applied the social security tax exemption in **this quarter**. Qualified employees included on line 6a will also be included on line 6b. Qualified employees on line 12c may also be included on line 6b. See line 6a for the definition of qualified employee.

**6c. Exempt wages/tips paid to qualified employees this quarter.** Enter the amount of exempt wages/tips paid this quarter to all qualified employees reported on line 6b. See line 6a for the definition of exempt wages/tips.

**6d. Social security tax exemption.** Multiply the amount of exempt wages/tips reported on line 6c by .062 and enter the result on line 6d. See the instructions for line 17 for details about applying this exemption to your tax liability.

**6e. Total taxes before adjustments.** Subtract the qualified employer's social security tax exemption (line 6d) from the total social security and Medicare taxes before adjustments (line 5d). Enter the result on line 6e.

## 7. TAX ADJUSTMENTS

Enter tax amounts on lines 7a through 7c that result from current quarter adjustments. Use a minus sign (if possible) to show an adjustment that decreases the total taxes shown on line 6e, instead of parentheses. Doing so enhances the accuracy of our scanning software. For example, report "-10.59" instead of "(10.59)." However, if your software only allows for parentheses in reporting negative amounts, you may use them.

**Current quarter's adjustments.** In certain cases, you must adjust the amounts you reported as social security and Medicare taxes in column 2 of lines 5a, 5b, and 5c to figure your correct tax liability for this quarter's Form 941-SS. See section 8 of Pub. 80 (Circular SS).

**Prior quarter's adjustments.** If you need to adjust any amount reported on lines 7a, 7b, or 7c from a previously filed Form 941-SS, complete and file Form 941-X. Form 941-X is filed separately from Form 941-SS. See section 9 of Pub. 80 (Circular SS).

**7a. Current quarter's adjustment for fractions of cents.** Enter adjustments for fractions of cents (due to rounding) relating to the employee share of social security and Medicare taxes withheld. The employee share (one-half) of amounts shown in column 2 of lines 5a–5c may differ slightly from amounts actually withheld from employees' paychecks due to the rounding of social security and Medicare taxes based on statutory rates.

**7b. Current quarter's adjustment for sick pay.** Enter the adjustment for the employee share of social security and Medicare taxes that were withheld by your third-party sick pay payer.

**7c. Current quarter's adjustments for tips and group-term life insurance.** Enter adjustments for:

- Any uncollected employee share of social security and Medicare taxes on tips and
- The uncollected employee share of social security and Medicare taxes on group-term life insurance premiums paid for former employees.

## 8. Total taxes after adjustments

Combine the amounts shown on lines 6e through 7c and enter the result here.

• **If line 8 is less than \$2,500 or line 8 on the preceding quarterly return was less than \$2,500, and you did not incur a \$100,000 next-day deposit obligation during the current quarter.** You may pay the amount with Form 941-SS or you may deposit the amount. To avoid a penalty, you must pay the amount in full with a timely filed return or you must deposit the amount timely. See section 8 of Pub. 80 (Circular SS) for information and rules about federal tax deposits.

• **If line 8 is \$2,500 or more and line 8 on the preceding return was \$2,500 or more, or if you incurred a \$100,000 next-day deposit obligation during the current quarter.** You must deposit the amount by using the Electronic Federal Tax Payment System (EFTPS) or at an authorized financial institution with Form 8109. The amount shown on line 8 **must** equal the "Total liability for quarter" shown on Form 941-SS, line 17 or the "Total liability for the quarter" shown on Schedule B (Form 941).



If you are a **semiweekly depositor**, you **must** complete Schedule B (Form 941). If you fail to complete and submit Schedule B (Form 941), the IRS will assert deposit penalties based on available information.

## 11. Total deposits for this quarter...

Enter your deposits for this quarter, including any overpayment that you applied from filing Form 941-X or Form 944-X in the current quarter. Also include in the amount shown any overpayment from a previous period that you applied to this return.

## 12a. COBRA premium assistance payments

Report on this line 65% of the COBRA premiums for assistance eligible individuals. Take the COBRA premium assistance credit on this line only after the assistance eligible individual's 35% share of the premium has been paid. For COBRA coverage provided under a self-insured plan, COBRA premium assistance is treated as having been made for each assistance eligible individual who pays 35% of the COBRA premium. Do not include the assistance eligible individual's 35% of the premium in the amount entered on this line. For more information on the COBRA premium assistance credits, visit the IRS website at [www.irs.gov](http://www.irs.gov) and enter keyword *COBRA*.



The amount reported on line 12a is treated as a deposit of taxes on the first day of your return period and must not be used to adjust line 17 or Schedule B (Form 941).

If you provided premium assistance in a prior quarter of the current year and did not report the amount of that premium assistance on Form 941-SS for that quarter, you may include the amount of that premium assistance in the amount entered on this line, or file Form 941-X to report the amount for the prior quarter of the current year.

## 12b. Number of individuals provided COBRA premium assistance on line 12a

Enter the total number of assistance eligible individuals provided COBRA premium assistance reported on line 12a. Count each assistance eligible individual who paid a reduced COBRA premium in the quarter as one individual, whether or not the reduced premium was for insurance that covered more than one assistance eligible individual. For example, if the reduced COBRA premium was for coverage for a former employee, spouse, and two children, you would include one individual in the number entered on line 12b for the premium assistance. Further, each individual is reported only once per quarter. For example, an assistance eligible individual who made monthly premium payments during the quarter would only be reported as one individual.



Lines 12c–12e only apply to the second quarter of 2010. These lines are used to determine the number of qualified employees, amount of exempt wages/tips, and amount of exemption as if the exemption were allowed for the first quarter of 2010. An employer is allowed to treat this exemption as a payment credited against deposit requirements for employment taxes due for the second quarter 2010. If any of these lines are completed for any quarter other than the second quarter of 2010, Form 941-SS may be considered incomplete and subject to correction and penalties.

## 12c. Number of qualified employees paid exempt wages/tips March 19–31

Complete this line when filing Form 941 for the 2nd quarter of 2010 only. Enter on line 12c the number of qualified employees paid exempt wages/tips from March 19, 2010

through March 31, 2010. Include only qualified employees for which you are claiming the social security tax exemption. For the definition of qualified employee, see the instructions for line 6a on page 5.

### 12d. Exempt wages/tips paid to qualified employees March 19–31

Complete this line when filing Form 941 for the 2nd quarter of 2010 only. Enter the amount of exempt wages/tips paid March 19, 2010 through March 31, 2010, to all qualified employees reported on line 12c. For the definition of exempt wages/tips, see the instructions for line 6a on page 5.

### 12e. Social security tax exemption for March 19–31

Multiply the amount of exempt wages/tips reported on line 12d by .062 and enter the result on line 12e.



*The amount reported on line 12e is treated as a deposit of taxes on April 1, 2010, and must not be used to adjust line 17 or Schedule B (Form 941).*

### 13. Total deposits and credits

Add lines 11, 12a, and 12e.

### 14. Balance due

If line 8 is more than line 13, write the difference in line 14. Otherwise, see *Overpayment* below. **You do not have to pay if line 14 is under \$1.** Generally, you should have a balance due only if your total taxes for the current quarter or preceding quarter (line 8) are less than \$2,500, and you did not incur a \$100,000 next-day deposit obligation during the current quarter. However, see section 8 of Pub. 80 (Circular SS) for information about payments made under the *Accuracy of Deposits Rule*.

You may pay the amount shown on line 14 using EFTPS, a credit or debit card, a check or money order, or electronic funds withdrawal (EFW). **Do not** use a credit or debit card or EFW to pay taxes that were required to be deposited. For more information on electronic payment options, visit the IRS website at [www.irs.gov/e-pay](http://www.irs.gov/e-pay).

If you pay by EFTPS, credit or debit card, or EFW, file your return using the *without a payment* address on page 2 under *Where Should You File?* and **do not** file Form 941-V, Payment Voucher.

If you pay by check or money order, make it payable to the "United States Treasury." Enter your EIN, Form 941-SS, and the tax period on your check or money order. Complete Form 941-V(SS) and enclose with Form 941-SS.

If line 8 is \$2,500 or more and you have deposited all taxes when due, the balance due on line 14 should be zero.



*If you do not deposit as required and, instead, pay the taxes with Form 941-SS, you may be subject to a penalty.*

### 15. Overpayment

If line 13 is more than line 8, write the difference in line 15. **Never make an entry in both lines 14 and 15.**

If you deposited more than the correct amount for the quarter, you can choose to have the IRS either refund the overpayment or apply it to your next return. Check only one box in line 15. If you do not check either box or if you check both boxes, generally we will apply the overpayment to your account. We may apply your overpayment to any past due tax account that is shown in our records under your EIN.

If line 15 is under \$1, we will send a refund or apply it to your next return only if you ask us in writing to do so.

## Complete both pages

You **must** complete both pages of Form 941-SS and sign on page 2. Failure to do so may delay processing of your return.

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## Part 2: Tell us about your deposit schedule and tax liability for this quarter

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### 17. Tax liability for the quarter

- If line 8 is less than \$2,500, or line 8 on the preceding quarterly return was less than \$2,500, and you did not incur a \$100,000 next-day deposit obligation during the current quarter, check the appropriate box in line 17 and go to Part 3.
- If you reported \$50,000 or less in taxes during the lookback period (see below), you are a **monthly schedule depositor** unless the *\$100,000 Next-Day Deposit Rule* discussed in section 8 of Pub. 80 (Circular SS) applies. Check the appropriate box on line 17 and enter your tax liability for each month in the quarter. Add the amounts for each month. Enter the result in the *Total liability for quarter* box.

Note that your total tax liability for the quarter must equal your total taxes shown on line 8. If it does not, your tax deposits and payments may not be counted as timely. **Do not** change your tax liability on line 17 by adjustments reported on any Forms 941-X.

You are a **monthly schedule depositor** for the calendar year if the amount of your Form 941-SS taxes reported for the lookback period is \$50,000 or less. The **lookback period** is the four consecutive quarters ending on June 30 of the prior year. For 2010, the lookback period begins July 1, 2008, and ends June 30, 2009. For details on the deposit rules, see section 8 of Pub. 80 (Circular SS). If you filed Form 944-SS in either 2008 or 2009, your lookback period is the 2008 calendar year.



*The amounts reported on line 17 are a summary of your monthly **tax liability**, not a summary of deposits you made. If you do not properly report your liabilities when required or if you are a semiweekly schedule depositor and report your liabilities on line 17 instead of on Schedule B (Form 941), you may be assessed an "averaged" failure-to-deposit (FTD) penalty. See Deposit Penalties in section 8 of Pub. 80 (Circular SS) for more information.*

- If you reported more than \$50,000 of taxes for the lookback period (see above), you are a **semiweekly schedule depositor**. Check the appropriate box on line 17.

You **must** complete the Schedule B (Form 941) and submit it with your Form 941-SS. **Do not** use Schedule B (Form 941) if you are a monthly schedule depositor.

**Do not** change your tax liability on Schedule B (Form 941) by adjustments reported on any Forms 941-X.

**Adjusting tax liability for employer's social security tax exemption reported on line 6d.** Monthly schedule depositors and semiweekly schedule depositors must account for the employer's social security tax exemption (line 6d) when reporting their tax liabilities on line 17 or Schedule B (Form 941). The total liability for the quarter must equal the amount reported on line 8. Failure to account for the social security tax exemption on line 17 or Schedule B (Form 941) may cause line 8 to be less than the total tax liability reported on line 17 or Schedule B (Form 941). Do

not reduce the tax liability reported on line 17 or Schedule B (Form 941) below zero.

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## Part 3: Tell us about your business

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In Part 3, answer only those questions that apply to your business. If the questions do not apply, leave them blank and go to Part 4.

### 18. If your business has closed . . .

If you go out of business or stop paying wages, you must file a **final return**. To tell the IRS that a particular Form 941-SS is your final return, check the box on line 18 and enter the date you last paid wages in the space provided. For additional filing requirements, see *Final Return* on page 2 of these instructions.

### 19. If you are a seasonal employer . . .

If you hire employees seasonally—such as for summer or winter only—check the box on line 19. Checking the box tells the IRS not to expect four Forms 941-SS from you throughout the year because you have not paid wages regularly.

Generally, we will not ask about unfiled returns if you file at least one return showing tax due each year. However, you must check the box **every time** you file a Form 941-SS.

Also, when you fill out Form 941-SS, be sure to check the box on the top of the form that corresponds to the quarter reported.

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## Part 4: May we speak with your third-party designee?

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If you want to allow an employee, a paid tax preparer, or another person to discuss your Form 941-SS with the IRS, check the “Yes” box in Part 4. Then tell us the name, phone number, and the five-digit personal identification number (PIN) of the specific person to speak with—not the name of the firm who prepared your tax return. The designee may choose any five numbers as his or her PIN.

By checking “Yes,” you authorize the IRS to talk to the person you named (your designee) about any questions we may have while we process your return. You also authorize your designee to:

- give us any information that is missing from your return,
- call us for information about processing your return, and
- respond to certain IRS notices that you have shared with your designee about math errors and return preparation. The IRS will not send notices to your designee.

You are not authorizing your designee to bind you to anything (including additional tax liability) or to otherwise represent you before the IRS. If you want to expand your designee’s authorization, see Pub. 947, *Practice Before the IRS and Power of Attorney*.

The authorization will automatically expire 1 year from the due date (without regard to extensions) for filing your Form 941-SS. If you or your designee want to terminate the authorization, write to the IRS office for your locality using the *without a payment* address under *Where Should You File?* on page 2.

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## Part 5: Sign here

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Complete all information in Part 5 and sign Form 941-SS as follows.

- **Sole proprietorship**— The individual who owns the business.
- **Corporation (including a limited liability company (LLC) treated as a corporation)**— The president, vice president, or other principal officer duly authorized to sign.
- **Partnership (including an LLC treated as a partnership) or unincorporated organization**— A responsible and duly authorized member or officer having knowledge of its affairs.
- **Single member LLC treated as a disregarded entity for federal income tax purposes**— The owner of the LLC or other principal officer duly authorized to sign.
- **Trust or estate**— The fiduciary.

Form 941-SS may also be signed by a duly authorized agent of the taxpayer if a valid power of attorney has been filed.

**Alternative signature method.** Corporate officers or duly authorized agents may sign Form 941-SS by rubber stamp, mechanical device, or computer software program. For details and required documentation, see Rev. Proc. 2005-39. You can find Rev. Proc. 2005-39 on page 82 of Internal Revenue Bulletin 2005-28 at [www.irs.gov/irb/2005-28\\_IRB/ar16.html](http://www.irs.gov/irb/2005-28_IRB/ar16.html).

### Paid Preparer’s Use Only

A paid preparer must sign Form 941-SS and provide the information in the *Paid preparer’s use only* section of Part 5 if the preparer was paid to prepare Form 941-SS and is not an employee of the filing entity. Paid preparers must sign paper returns with a manual signature. The preparer must give you a copy of the return in addition to the copy to be filed with the IRS.

If you are a paid preparer, write your SSN or your Preparer Tax Identification Number (PTIN) in the space provided. Include your complete address. If you work for a firm, write the firm’s name and the EIN of the firm. You can apply for a PTIN using Form W-7P, Application for Preparer Tax Identification Number. You cannot use your PTIN in place of the EIN of the tax preparation firm.

Generally, do not complete this section if you are filing the return as a reporting agent and have a valid Form 8655, Reporting Agent Authorization, on file with the IRS. However, a reporting agent must complete this section if the reporting agent offered legal advice, for example, advising the client on determining whether its workers are employees or independent contractors for federal tax purposes.

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## How to Order Forms and Publications from the IRS

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Call 1-800-829-3676 (U.S. Virgin Islands only), or 215-516-2000 (toll call).



Visit the IRS website at [www.irs.gov](http://www.irs.gov).