



THE CITY OF HILLSBORO, OHIO

Justin Harsha, Mayor ~ Alex Butler, City Auditor ~ Brianne Abbott, Safety and Service Director

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HILLSBORO INCOME TAX (P) 937-393-3848 (F) 937-393-0590

Changes to Employer Withholding Effective in 2016

The 130th Ohio General Assembly passed Substitute House Bill 5 which changed the laws governing municipal income taxes. The changes are effective for tax year 2016. For calendar year 2016, the changes will effect payments for 2016 withholding remittance.

Due dates:

Semi-monthly: If the first fifteen days of a month, the payment is due by the third banking day after the fifteenth day of that month; After the fifteenth day of a month and before the first day of the immediately following month, payment is due by the third banking day after the last day of the month. Requiring semi-monthly remittance is an optional provision in Ohio Revised Code 718.

Monthly Remittance: due by the 15th of the following month

Quarterly Remittance: due April 15, July 15, October 15 and January 15

Threshold requiring monthly remittance:

Prior year annual total withholding for the municipality exceeding \$2,399.00.

Any month of prior quarter withholding for the municipality exceeding \$200.00.

If the threshold is met, state law mandates monthly remittance.

Penalties:

The penalty for late payment of a withholding remittance is 50.0% of the amount past due plus an interest charge of 0.42% per month of the unpaid balance. A \$25.00 per month late filing charge can also be added by a municipality.

Reconciliations are due the last day of February and must include:

W-2 information for each employee that had the municipal income tax withheld and the withholding for every other municipality that the tax was withheld is required. The W-2 information needs to include the Medicare Wages amount (Box 5).

Changes to rules determining withholding requirements of employers who send their employees to other locations are summarized below. For additional information, please review Ohio Revised Code Chapter 718.011 and 718.03.

Small employers with prior year total revenue of less than \$500,000 are exempt from withholding on their employees working in other cities, no matter how many days worked. These employers are only required to withhold for the municipality in which the business is located.

Determination of when a nonresident employee working for a nonresident employer has wages taxable to the work municipality center around the 20-day rule and preponderance of a day criteria.

The 20-day rule allows a 20 day exemption from municipal withholding except for the following: The employer knows at the beginning of the project in the municipality that the employee will be working in the municipality for more than 20 days (presumed worksite location).

The municipality or municipal job location will be a principal place of work for the employee.

The Preponderance of a day rules determine one work city per work day for the employee. All travel times between jobs, delivery of materials, and the like are attributed to the principal place of work. If the employee meets the preponderance of a day for more than 20 days, the employer is required to withhold the municipal tax on the 21st and future days that the employee spends the preponderance of the day in the municipality.

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