

WOTC Program Guidance

January 7, 2015



Interim Instructions for the State Workforce Agencies on Recent Congressional Reauthorization of the Work Opportunity Tax Credit (WOTC) Program, and on Authorization Lapse for 2015

I. Background.

This email is to share information on WOTC program status, and to provide informal instructions on how states should proceed with certifications. WOTC's authorization had expired on December 31, 2013. On December 19, 2014, the President signed into law P.L. 113-295, the *Tax Increase Prevention Act of 2014 (the Act)*, reauthorizing the WOTC program and the Empowerment Zones (EZs), without changes, from December 31, 2013 through December 31, 2014. With the new Act, on December 31, 2014, WOTC's legislative authority expired. So, while P.L. 113-295 retroactively reauthorized WOTC, we are again in a hiatus period.

The Employment and Training Administration (ETA) is currently working jointly with the Internal Revenue Service (IRS) to issue official guidance in the coming weeks.

II. Processing Certifications Received in 2014.

The retroactive extension granted by P.L. 113-295 applies to new hires that began to work for an employer on or after December 31, 2013, and before January 1, 2015. State Workforce Agencies (SWAs) may issue final determinations for all timely filed certification requests for new hires that began to work before January 1, 2015.

A. For SWAs that processed all certification requests received during the hiatus:

SWAs that processed most or all of the certifications received during the 2014 hiatus can issue all those certifications and denials to employers or their representatives.

B. For SWAs that received and filed, but did not process, all certification requests received during the hiatus:

SWAs that received and filed timely submitted certification requests during the 2014 hiatus can process and conduct all required eligibility determination activities for those certifications requests, and can issue final certifications and denials to employers or their representatives.

III. Processing Certifications Received in the 2015 (Hiatus).

The recent WOTC authorization expired on December 31, 2014, placing WOTC in a "hiatus" period again starting on January 1, 2015. ETA provided procedural guidance to the SWAs and the employer community in Training and Employment Guidance Letter (TEGL) No. 8-13 regarding requests for certifications submitted to SWAs during the 2014 authorization lapse. Similar to the 2014 hiatus period, and specifically in the 2015 hiatus period, states can accept applications for new employees in the current WOTC target groups hired on or after

January 1, 2015, but must postpone final processing of those certification requests pending further Congressional legislative action.

For reference, [TEGL No. 8-13](#), dated January 2, 2014, describes “Mandatory” and “Voluntary Procedures.” ETA will issue similar guidance for 2015 that follows these procedures. WOTC guidance and policy directives can be found online at: <http://www.doleta.gov/business/incentives/opptax/guidance.cfm>.

The Act did not change any program requirements or target groups. Filing deadlines and target group eligibility remain the same as for 2013 and 2014. Information on the eligibility requirements for the current target groups is available at:

<http://www.doleta.gov/business/incentives/opptax/eligible.cfm>.

IV. WOTC Reporting Forms.

The WOTC-related forms remain the same. SWAs, employers, their representatives and other program partners should continue to use the following ETA forms:

- 1) ETA Form 9058 (Certification Workload and Characteristics of Certified Individuals),
- 2) ETA Form 9061 (Individual Characteristics Form),
- 3) ETA Form 9062 (Conditional Certification),
- 4) ETA Form 9065 (Agency Declaration of Verification Results), and
- 5) IRS Form 8850 (Pre-Screening Notice and Certification Request).

These and other program related forms are approved under the Paperwork Reduction Act through June 30, 2015, since this legislation did not introduce any program changes through December 31, 2014. All program forms are available at:

<http://www.doleta.gov/business/incentives/opptax/forms.cfm>.

Please contact your Regional WOTC coordinator or Ask.WOTC@dol.gov with any questions.