

## **Coronavirus Aid, Relief, and Economic Security (CARES) Act – Employee Retention Credit for Employers**

Eligible employers can qualify for a refundable credit against, generally, the employer's 6.2% portion of the Social Security (OASDI) payroll tax (or against the Railroad Retirement tax) for 50% of certain wages paid to employees during the COVID-19 crisis.

The credit is available to employers carrying on business during 2020, including non-profits (but not government entities), who:

- Have had their operations for a calendar quarter fully or partially suspended as a result of a government order limiting commerce, travel or group meetings.

or

- Have experienced a more than 50% reduction in quarterly receipts, measured on a year-over-year basis relative to the corresponding 2019 quarter, (with the eligible quarters continuing as long as receipts are less than 80% of the receipts for the corresponding 2019 quarter.

**For employers with more than 100 employees in 2019, the eligible wages are wages of employees who aren't providing services** because of the business suspension or reduction in gross receipts described above.

**For employers with 100 or fewer full-time employees in 2019, all employee wages are eligible**, even if employees haven't been prevented from providing services. The credit is provided for wages and compensation, including health benefits, and is provided for the first \$10,000 in eligible wages and compensation paid by the employer to an employee. Thus, the credit is a maximum \$5,000 per employee.

Wages don't include (1) wages taken into account for purposes of the payroll credits provided by the earlier Families First Coronavirus Response Act for required paid sick leave or required paid family leave, (2) wages taken into account for the employer income tax credit for paid family and medical leave (under Code Sec. 45S ) or (3) wages in a period in which an employer is allowed for an employee a work opportunity credit (under Code Sec. 51 ). An employer can elect to not have the credit apply on a quarter-by-quarter basis.

The IRS has authority to advance payments to eligible employers and to waive penalties for employers who do not deposit applicable payroll taxes in reasonable anticipation of receiving the credit. **The credit is not available to employers receiving Small Business Interruption Loans, or who secure a Paycheck Protection Loan.** The credit is provided for wages paid after March 12, 2020 through December 31, 2020.

Read more updates at: <https://www.irs.gov/newsroom/irs-employee-retention-credit-available-for-many-businesses-financially-impacted-by-covid-19>