Payroll Basics
For New Employers

AN INTRODUCTION TO PAYING YOUR EMPLOYEES

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What’s involved in Payroll anyway?

PREPARATION
- Knowing what you need to know
- Having what you need to have

PAYING EMPLOYEES
- Collecting data
- Applying Taxes and Deductions
- Producing payments

AFTER PAYROLL
- Making tax payments
- Filing tax reporting
Preparation: Knowing what you need to know

EMPLOYEE VS. INDEPENDENT CONTRACTOR

FAIR LABOR STANDARDS ACT (FLSA)

PAYROLL TAXES
Employee vs. Independent Contractor

**Employee**
- Employer assigns when, where and how the employee will work
- Once hired, employer provides work on an on-going basis
- Subject to dismissal; can quit without liability
- Paid a salary or hourly wage
- Everything needed to complete assigned work is provided by the employer

**Independent Contractor**
- Sets own hours and processes of work
- Self employed, working for multiple clients; services available to the public
- A contract governs the client/contractor relationship how it can be severed
- Paid by the job with an opportunity for profit or loss
- Must provide tools, equipment, and training required to complete the job
Employee vs. Independent Contractor - totally different legal requirements

For Employees
- Employer must withhold from wages, deposit and report income, Social Security, Medicare and in some states unemployment taxes
- Employer must pay the employer’s share of Social Security, Medicare and unemployment taxes
- Employer must provide a W-2 to the employee and Social Security Administration following each tax year
- Employer must treat the employee according to the requirements of the Fair Labor Standards Act

For Independent Contractor
- Contractor is responsible to pay their own share of income, Social Security and Medicare taxes
- Contractor is responsible to pay the employer’s share of Social Security and Medicare taxes
- Company must provide a 1099-M to the contractor and the IRS following each tax year in which the contractor was paid $600 or more
- The Company and Contractor must abide by the rules of their contract / FLSA does not apply
Fair Labor Standards Act (FLSA) of 1938

aka Federal Wage-Hour Law

EXEMPT VS. NON EXEMPT EMPLOYEES

MINIMUM WAGE AND OVERTIME RATES

FAMILY AND MEDICAL LEAVE ACT (FMLA)

REQUIRED RECORD KEEPING FOR EMPLOYERS

CHILD LABOR LAWS
Non-Exempt vs. Exempt Employees

- Non-Exempt Employees are covered by the requirements of the Federal Fair Labor Standards Act
- Exempt Employee status is determined by actual job duties and minimum salary level
  - Not by job title
  - Not by employer choice
- White Collar Exemption Classifications include:
  - Administrative Employees
  - Executive Employees
  - Professional Employees
  - Outside Sales Employees
FLSA Regulations

Minimum Wage

Federal minimum wage is $7.25 hour / NYS varies from $11.10 hr and up depending on location, size and type of business.

Tipped employees’ federal minimum cash wage is $2.13/hr NYS $7.50+ hour as long as the employee makes enough in tips to make up the difference to minimum wage.

States with higher minimum wage rates outweigh federal minimum wage rates.

Overtime

Generally, all compensation is included in total regular pay.

Total regular pay divided by total number of hours worked equals Regular Rate of Pay.

In general, all hours over 40 worked in a workweek must be paid at 1.5 times the regular rate of pay.

Special rules for certain employees:
- 8/80 rule for hospitals / nursing homes
- Exceptions for police/fire/rescue personnel

Family & Medical Leave Act (FMLA)

Required for employers with 50+ employees within a 75 mile radius.

Guarantees eligible employees up to 12 weeks of unpaid job protected leave within a 12-month period for qualifying events.

Some states have enacted Paid Family Leave programs with additional rules and requirements that are in addition to FMLA.
Payroll Taxes

FEDERAL TAXES
- Social Security
- Medicare
- Federal Unemployment
- Federal Income Tax

STATE TAXES
- State Income Tax
- State Unemployment

LOCAL TAXES
- City, County or Municipal Income Tax
Calculating Federal Taxes

**Social Security (OASDI)**
- Employee Tax of 6.2% of gross wages
- Employer Tax of 6.2% of gross wages
- Up to annual wage base ($132,900 in 2019)

**Medicare (HI)**
- Employee Tax of 1.45% of gross wages
- Employer Tax of 1.45% of gross wages
- Additional Employee Tax of .9% on wages over annual threshold of $200,000

**Federal Income Tax**
- Based on filing status / allowances claimed by employee
- Dependent on taxable wages earned per pay period
- Dependent on pay frequency i.e. weekly; bi-weekly; monthly
- Supplemental wages taxed at a flat rate
  - 22% under $1 million
  - 37% over $1 million
Calculating Other Taxes

State Income Tax
All but nine states have state income tax
Each state has their own tax forms, rates and reporting
Multi-state income tax rules must be followed when a company has operations in more than one state

Local Income Tax
Some cities, counties and municipalities in 15 different states have additional income tax
Two (2) local employee income taxes in New York City area:
- New York City tax
- Yonkers tax
Two (2) local employer taxes:
- NYC Metropolitan Transportation Authority tax
- NY / NJ Waterfront tax

Unemployment Taxes
Federal Unemployment Tax Act (FUTA) requires an employer tax equal to 6% of the first $7,000 of each employee’s wages each year
- Nonprofits may be exempt
- Pre-tax deductions may be exempt
- FUTI may be offset by on-time SUI payments
State Unemployment Tax (SUI)
- Employer tax in all States
- No employee tax in NYS
- Rates depend on state and experience rating
Preparation: Having what you need to have

EMPLOYER REGISTRATION NUMBERS
- Federal EIN
- State EIN

EMPLOYER REQUIRED INSURANCES
- Workers’ Compensation
- Statutory Disability
- Paid Family Leave

COMPLETED WORKER FORMS
- I-9
- W-4
- W-9
- IT-2104
**Federal EIN**
- Employer Identification Number
- Registration number with the IRS
- Can be obtained online once your business entity has been established in the state
- Required for most businesses prior to having employees
- Required for making Federal tax payments and filing Federal payroll tax reports

**State EIN**
- NYS uses the Federal EIN as the State EIN for withholding tax
- Employers must register with NY State to obtain a separate SUI Identification Number
- NYS-100 form can be used to register for both federal and state unemployment numbers in New York
- Required for making State tax payments and filing State payroll tax reports
Workers’ Compensation

- Required in most states to cover employee injuries sustained on the job
- Employers in New York must carry coverage with very limited exceptions
- Premium is based on multiple factors
- Payment Frequency options are determined by the carrier
- NYS WC Insurance Fund is guaranteed if no other insurance company will provide policy

Statutory Disability

- Required by New York State to cover employees for illness or injury occurring outside of work
- Up to 60 cents per week can be charged to the employee to help toward premium; employer is responsible for the rest
- Premiums are based on several factors including gender of active employees
- Minimum Premiums exist regardless of size of company

Paid Family Leave

- Required by New York State for all private employers starting January 1st, 2018
- Addition to the NYS Disability policy
- Funded through employee deductions calculated based upon earnings with an annual maximum
- Number of weeks available, amount of employee deductions and benefits increase through 2021
- Detailed information is available on the NYS website
I-9
Employment Eligibility Verification
- Used to verify that the employee is legally authorized to work in the United States
- Lists legal documents acceptable for verification
- Employer must examine documents to determine they reasonably appear to be genuine
- Must be kept on file for three years after the date of hire or one year after the date of termination, whichever is later

W-4
Employee’s Withholding Allowance Certificate
- Worksheet and instructions provided to help the employee complete the form
- Employers cannot legally advise employees on entries
- Forms must be signed and dated by the employee to be valid
- If no W-4 is provided, withhold at the single rate with zero allowances until one can be obtained

W-9 (Contractors Only)
Request for Taxpayer Identification Number and Certification
- Form should be completed by any independent contractor working for the company
- Allows the company to produce 1099 for the contractors pay without withholding income taxes
- Payments to contractors who do not provide Taxpayer Identification Number and Certification are subject to Federal backup withholding of 24%

Keep all records of employment taxes for at least four years after filing the 4th quarter for the year.
Employee Forms – State / Locals

- **NYS IT-2104**  
  **Employee’s Withholding Allowance Certificate**  
  New York State • New York City • Yonkers

  - Must be completed by the employee
  - If no IT-2104 is received, the employer can enter the same withholding allowances as the employee has completed on the W-4

- Every state has its own requirements for employee forms and record-keeping
- Local areas in 15 states have income tax requirements which may have additional requirements for forms and record-keeping
- Always be sure to research any additional income tax requirements in the areas where employees work and live
Paying Employees:

COLLECTING DATA
APPLYING DEDUCTIONS
PRODUCING PAYMENTS
Collecting Data – Record Keeping

Manual Tracking
All required documentation is handled manually; often using paper, spreadsheets etc.

Disadvantages include:
- Lack of solid documentation can lead to costly Department of Labor fines
- Data must be entered manually into payroll which is time consuming and error prone

Electronic Timekeeping
Physical time clocks, web clocks (on computers) or mobile apps are used to track employee punches

Advantages include:
- Accurate and time stamped documentation can protect the employer from costly fines
- Data imported to payroll is more efficient and less prone to human error

Scheduling
When varying employee coverage is required, scheduling can be a very time consuming and stressful process for management and employees

Electronic scheduling with timekeeping allows:
- Efficient creation of schedules
- Electronic notification to employees
- Online ability for employees to pick up / drop / trade shifts
- Online monitoring and reporting for management
### Applying Deductions

#### Taxes
- Federal Insurance Contributions Act (FICA) Taxes
  - Social Security (OASDI)
  - Medicare (HI)
- Federal Income Tax (FIT)
- State Income Tax (SIT)
- Local Income Tax (Locals)
- In some states
  - Disability Insurance Tax (SDI)
  - Employee Unemployment Insurance Tax (SUI)

#### Involuntary
- Ordered by a court of law or government agency
- Tax Levies
- Child Support Orders
  - Income withholding
  - Medical Support
- Garnishments
  - Civil / Commercial
  - Educational
  - Wage Attachments
  - Bankruptcies
- The Employer is legally responsible if employee’s wages are not garnished appropriately

#### Voluntary
- By request of the employee
  - Health / Dental / Vision
  - Life / Accidental Death
  - Supplemental Health / Cancer Care etc.
  - Retirement i.e. 401(k)

Employers desiring to offer pre-tax deductions to employees must have an IRS approved 125 Premium Only Plan in place.

The employer can choose to require employees to contribute toward premiums for:
- NYS Disability
- NYS Paid Family Leave
### Producing Payments

<table>
<thead>
<tr>
<th>Cash or Check</th>
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<tbody>
<tr>
<td>Most states require cash or check payment as an option available to employees.</td>
</tr>
<tr>
<td>Generally employees cannot be charged a fee to receive all of their wages due.</td>
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<tr>
<td>Cash payroll is fairly rare but it is still used by some employers.</td>
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<th>Direct Deposit</th>
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<tr>
<td>aka Electronic Funds Transfer (EFT)</td>
</tr>
<tr>
<td>Eliminates need for paper checks allowing paperless payroll reducing costs and manual processes.</td>
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<tr>
<td>Can be encouraged but not required of employees in New York State.</td>
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</tbody>
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<th>Payroll Card</th>
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<td>Prepaid, debit cards to facilitate direct deposit for unbanked employees.</td>
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<tr>
<td>Used in place of bank accounts for deposit of net pay:</td>
</tr>
<tr>
<td>- Employees must be allowed a way to withdraw funds from the bank card with no fee.</td>
</tr>
<tr>
<td>- Debit transactions can incur charges if employees elect to use the card in point of sale transactions.</td>
</tr>
<tr>
<td>Can be encouraged but not required of employees in New York State.</td>
</tr>
</tbody>
</table>
Activity: Anatomy of a Paycheck

40 hours at Minimum Wage of $11.10/hour   $444.00
  + 2 hours Overtime at time and a half  + $33.30
               = **Gross Wages**   = **$477.30**
  - Pre-tax deduction for healthcare   - $50.00
               = **Taxable Wages**   = **$427.30**
  - 6.2% Employee Social Security Tax   - $26.49
  - 1.45% Employee Medicare Tax   - $6.20
  - Employee Federal Income Tax at Single/0   - $38.78
  - Employee State Income Tax at Single/0   -$12.57
               = **Disposable Wages**   = **$343.26**
  - After-tax deduction for Uniforms   - $15.75
  - NYS Disability Insurance required premium share   - $.60
  - NYS Paid Family Leave required premium   - $.73
               = **Net Pay**   = **$326.18**
  - Direct Deposit   - $326.18
               = **Net Check**   = **$0.00**
After Payroll: Dealing with Taxes

Calculating Taxes

Making Tax Payments

Quarterly Tax Reporting

Annual Tax Reporting
Making Tax Payments

**Payment Methods**
- Federal tax payments must all be submitted using the IRS’ Electronic Federal Tax Payment System (EFTPS)
- State and Local Payments are submitted according to specific requirements
  - Some require electronic payments
  - Some allow electronic or check payments
  - Some require check payments

**State Deposit Frequency**
- State and local tax payments can be due monthly, quarterly or may have a threshold upon which payment is due, depending on the jurisdiction and size of payroll

**Federal Deposit Frequency**
- Federal tax due dates depend on the size of the payroll over a lookback period of one year
- Monthly Deposit Frequency:
  - Federal tax liability of under $50,000
  - Due the 15th of the following month
- Semi-Weekly Deposit Frequency:
  - Federal tax liability of $50,000 or more
  - Due the following Wednesday or Friday depending on the day of the week check date falls upon
- One Day Deposit Rule
  - Once Federal tax liability reaches $100,000 on any day during a monthly or semi-weekly deposit period, the taxes must be deposited by the close of the next business day
Quarterly Tax Filing

**IRS Form 941 - Employer’s QUARTERLY Federal Tax Return**
- Filed with the IRS to provide a report of the employer’s total taxable wages paid and payroll tax liability
- Can be matched against the employer’s record of tax deposits
- Schedule B included for semi-weekly depositors showing actual deposits

**NYS-45 - Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return**
- Filed with NYS Department of Taxation and Finance to provide a report including wages, withholding and SUI information
- Each state has their own monthly/quarterly and/or annual filing
Social Security Administration Reports

**W-2 - Wage and Tax Statement**
- Annual report required for each employee
- Must be provided to the employee and submitted to the SSA by 1/31 following tax year

**W-3 - Transmittal of Wage and Tax Statements**
- Cover letter with company totals submitted with W-2s

Internal Revenue Service Reports

**1099-M - Miscellaneous Income**
- Annual report required for each independent contractor paid $600 or more
- Must be to contractor and submitted to IRS by 1/31 following tax year

**Form 943 - Employer’s Annual Federal Tax Return for Agricultural Employees**
- Similar to 941 but for agricultural (farm) employees
- Filed annually by January 31st

**940 - Employer’s Annual Federal Unemployment (FUTA) Tax Return**
- Filed annually by January 31st or February 12 if all payments have been submitted timely
Resources

Internal Revenue Service website: www.irs.gov
NYS Department of Taxation and Finance website: www.tax.ny.gov
NYS Department of Labor website: www.labor.ny.gov/home/

Many free resources are available at www.completepayroll.com
Questions