2020



EDITION

# CHURCH REPORTING MADE EASY

Federal, state, and other reporting made easy.





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This publication is designed to provide accurate and authoritative information regarding the subject matter covered. The text has been significantly excerpted from the *Zondervan Church and Nonprofit Tax & Financial Guide*, 2020 edition. It is distributed with the understanding that neither the publisher nor the authors are engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

Every effort has been made to make the materials in this text current as of the date of publication. Federal tax law, however, is subject to change. Congress can modify the law as it has on numerous occasions over the years. Also, court decisions and IRS rulings can significantly affect the application of federal tax laws. Such changes may affect the accuracy of this publication.

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ISBN: 978-1-949365-24-5

## New Bonus Videos for Churches

From authors: Dan Busby and Michael Martin



#### Faithful Administration

Video: "4 Keys to Faithful Administration of Church Finances"

## Tax Exemption

Video: "Does Your Church Actually Owe Taxes? Maybe So"

## Compensating Employees

Video: "9 Compensation Steps of Excellence"

## Employer Reporting

Video: "To Be or Not to Be (An Employee) . . . That Is the Question"

## Information Reporting

Video: "7 Information Reporting Forms Your Church May Have to File"

## Financial Management and Reporting

Video: "How to Prevent and Detect Fraud"

#### Charitable Gifts

Video: "The Key Elements of a Charitable Gift Acknowledgment"

#### Special Charitable Gift Issues

Video: "What Are Quid Pro Quo Disclosures All About (and more)?"

## ECFA.Church/ChurchandNonprofit

## Recent Developments

Churches continue to be faced with a plethora of tax and finance developments. A summary of some of the more significant developments follows (see the "In the News" link at ECFA. Church for current updates on these issues and much more):

**Major court victory for the ministers' housing allowance.** Thousands of pastors and churches across America scored a major victory in 2019 in the latest court challenge to the ministers' housing exclusion.

A U.S. federal appeals court unanimously reversed a lower federal district court, which had ruled back in 2017 against the longstanding housing exclusion for ministers. In its decision, the appeals court likened the ministers' housing exclusion to other similar benefits in the tax code for work-related housing, finding the provision permissible under the First Amendment and well-established legal precedent.

The Freedom From Religion Foundation (FFRF) who brought this legal challenge (and others in the past) conceded defeat and chose not to bring any further appeals in this case to the U.S. Supreme Court. In a news release issued by FFRF, they acknowledged that ECFA "bitterly fought" the legal challenge against the housing allowance.

**Overtime laws changing in 2020.** Over one million more workers are expected to qualify for overtime pay beginning January 1, 2020 under final rules announced by the U.S. Department of Labor. In particular, the law increased the salary threshold required for the "white collar" exemption available under the federal Fair Labor Standards Act from \$455 per week (\$23,660 for a full-year worker) to \$684 per week (\$35,568 for a full-year worker).

Download the "Answering Your Overtime Questions" free eBook at ECFA.church to help your ministry prepare for these changes and others under the new regulations.

**Racial nondiscrimination reporting.** General guidance on racial nondiscrimination applicable to private schools operated by churches is reflected on page 25. Previously a school was required to publicize its racial nondiscrimination policy in a newspaper of general circulation that serves all racial segments of the community or using broadcast media that makes the policy known to all segments of the general community served by the school. Revenue Procedure 2019-22 has expanded the options for a school to publicize its nondiscrimination policy by permitting a display of the notice on its primary publicly accessible Internet homepage at all times during its taxable year in a manner reasonably expected to be noticed by visitors to the homepage.

**IRS** announces new 1099-NEC for 2020 payments. The IRS has released a draft of Form 1099-NEC. The new form will be used to report payments of nonemployee compensation paid in 2020. Nonemployee compensation payments made prior to 2020 have been reported using Form 1099-MISC, Box 7.

**New Form W-4.** The final version of Form W-4, Employee's Withholding Certificate, has been issued by the IRS. The new Form W-4 is so complicated that churches may need to give it to prospective employees even before they start work.

Employees who have submitted a Form W-4 in any year before 2020 are not required to submit a new form merely because of the redesign of the Form W-4. Some churches require their employees to refile updated withholding documents every year. However, Congress, in the Tax Cuts and Jobs Act, declined to mandate refiling the form.

**Church parking tax.** The Tax Reform law created a new parking tax that applied to some churches and required the filing of Form 990-T. The parking tax was repealed in December 2019, retroactive to January 1, 2018.

Key Feder	al Tax Limits, R	ates, and Other	Data
	2018	2019	2020
Social security:			
SECA (OASDI & Medicare) combined rate for employers and employees	15.3% on wages up to \$250,000 married-joint \$125,000 married-separate and \$200,000 all others	15.3% on wages up to \$250,000 married-joint \$125,000 married-separate and \$200,000 all others	15.3% on wages up to \$250,000 married-joint \$125,000 married-separate and \$200,000 all others
OASDI maximum compensation base	\$128,400	\$132,900	\$137,700
Benefits and contributions:			
Maximum annual contribution to defined contribution plan	\$55,000	\$56,000	\$57,000
Maximum salary deduction for 401(k)/403(b)	\$18,500	\$19,000	\$19,500
401(k) & 403(b) over 50 "catch up" limit	\$6,000	\$6,000	\$6,500
Maximum income exclusion for nonqualified plans in 501(c)(3) organizations (IRC 457)	\$18,500	\$19,000	\$19,500
IRA contribution limit – age 49 and below – age 50 and above	\$5,500 \$6,500	\$6,000 \$7,000	\$6,000 \$7,000
Highly compensated employee limit	\$120,000	\$125,000	\$130,000
Maximum annual contribution to health flexible spending arrangements	\$2,650	\$2,700	\$2,750
Per diem and mileage rates a	nd other transportation	n:	
Standard per diem: Lowest rates in the continental USA	Lodging \$93 Meals & Incidentals \$51	Lodging \$94 Meals & Incidentals \$55	Lodging \$96 Meals & Incidentals \$55
Business auto mileage rate	54.5¢ per mile	58¢ per mile	57.5¢ per mile
Moving & medical auto mileage rate	18¢ per mile	20¢ per mile	17¢ per mile
Charitable auto mileage rate	14¢ per mile	14¢ per mile	14¢ per mile
Maximum value of reimbursement of business expenses (other than lodging) without receipt	\$75	\$75	\$75
Monthly limit on free parking	\$260	\$265	\$270
Transit passes/token - monthly tax-free limit	\$260	\$265	\$270
Form 990/990-T/990-N and 1099-MIS			
Threshold for filing Form 990 (if not otherwise exempt)	Gross receipts ≥\$200,000 or Total assets ≥\$500,000	Gross receipts ≥\$200,000 or Total assets ≥\$500,000	Gross receipts ≥\$200,000 or Total assets ≥\$500,000
Threshold for required filing Form 990-EZ	Gross receipts <\$200,000 & Total assets <\$500,000	Gross receipts <\$200,000 & Total assets <\$500,000	Gross receipts <\$200,000 & Total assets <\$500,000
Threshold for filing Form 990 electronically	\$10 million in total assets \$250 information returns	\$10 million in total assets \$250 information returns	(1)
Threshold for required filing Form 990-N	Gross receipts ≤\$50,000	Gross receipts ≤\$50,000	Gross receipts ≤\$50,000
Threshold for required filing Form 990-T	\$1,000 annual gross UBI	\$1,000 annual gross UBI	\$1,000 annual gross UBI
Threshold for required filing of Form 1099-MISC and Form 1099-NEC (2)	\$600	\$600	\$600
Quid pro quo:			
Minimum contribution and maximum cost of token	Minimum gift: \$54.50 Maximum cost: \$10.90	Minimum gift: \$55.50 Maximum cost: \$11.10	Minimum gift: \$56.00 Maximum cost: \$11.20
Maximum value of de minimus benefit	2% of gift, but not more than \$109	2% of gift, but not more than \$111	2% of gift, but not more than \$112
Other:			
Federal minimum wage per hour	\$7.25	\$7.25	\$7.25
Gift tax annual exclusion	\$14,000	\$15,000	\$15,000

The Taxpayer First Act requires all nonprofits that file 990-series returns (990, 990-EZ, 9900-T) to file such returns electronically. For most nonprofits, the new efiling requirement applies to returns covering the calendar year 2020 and fiscal years that begin on or after July 2, 2019. The IRS may defer the efiling requirement for up to two years for smaller nonprofits (those with total assets of less than \$500,000 and annual revenue of less than \$200,000 and for any organizations filing form 990-T.

[2] The new Form 1099-NEC is required to be filed to report non-employee compensation beginning with payments made in 2020. For years before 2020, the reporting of non-employee compensation was reportable on Form 1099-MISC.

## Employer Reporting

Churches are generally required to withhold federal (and state and local, as applicable) income taxes and social security taxes and to pay employer social security tax on all wages paid to all full-time or part-time employees (except qualified ministers).

#### The Classification of Workers

Questions frequently arise about the classification of certain church workers. Seasonal workers and those working less than full-time, such as secretaries, custodians, and musicians, require special attention for classification purposes. If a worker receives pay at an hourly rate, it will be difficult to justify independent contractor status. This conclusion holds true even if the workers are part-time.

#### **Employee**

If a worker (other than a minister) is an employee, the church must withhold federal income tax (and state income tax, if applicable) and Federal Insurance Contributions Act (FICA) taxes; match the employee's share of FICA taxes; and, unless exempted, pay unemployment taxes on the employee's wages. In addition, the church may incur obligations for employee benefit plans such as vacation, sick pay, health insurance, and retirement

plan contributions.

"Control" is the primary factor in determining whether an individual is an employee or an independent contractor. The higher degree of control that a church has over a worker, the more likely it is that the worker should be classified as an employee. Among other criteria: employees comply with instructions, have a continuous relationship, perform work personally, work full- or part-time, are subject to dismissal, can quit without incurring liability, are often reimbursed for expenses, and must submit reports.

#### Key Issue

The employee vs. independent contractor decision is one of the most fundamental issues facing an employer making payments to workers. If a worker is truly an employee but is treated as an independent contractor, this can result in not withholding the appropriate income and FICA-type social security tax amounts.

#### **Independent Contractor**

If the worker is classified as an independent contractor, quarterly estimated income taxes and social security taxes under the Self-Employment Contributions Act (SECA) are paid by the worker. Federal income tax is not withheld for independent contractors. There is no unemployment tax liability or income or social security tax withholding requirement for independent contractors.

Independent contractors normally set the order and sequence of work, set their hours of work, work for others at the same time, are paid by the job, offer their services to the public, have an opportunity for profit or loss, furnish their own tools, may do work on another's premises, and there is often substantial investment by the worker.

#### **Common Law Rules**

The IRS generally applies common law rules to decide if an individual is an employee or selfemployed (independent contractor) for income tax purposes. Generally, the individual is an employee if the church has the legal right to control both what and how work is done, even if the individual has considerable discretion and freedom of action.

#### The Classification of Ministers

It is important for a church to decide if the services of a minister employed by the church qualify for special tax treatment as ministerial services. Most ordained, commissioned, or licensed ministers

serving local churches are eligible for the six special tax provisions listed below with respect to services performed in the exercise of ministry. The IRS and courts apply certain tests to these ministers, including whether ministers administer the sacraments, conduct worship services, are considered spiritual leaders by the church, and if ministers perform services in the "control,"

## Six Special Tax Provisions for Ministers

- 1. Exclusion for income tax purposes of the housing allowance and the fair rental value of a church-owned parsonage provided rent-free to ministers.
- 2. Exemption of ministers from self-employment tax under very limited circumstances.
- 3. Treatment of ministers (who do not elect social security exemption) as self-employed as it concerns income from their ministerial services.
- 4. Exemption of ministers' compensation from mandatory income tax withholding.
- 5. Eligibility for a voluntary income tax withholding arrangement between minister-employees and the church.
- 6. Potential "double deduction" of mortgage interest and real estate taxes as itemized deductions and as housing expenses for housing allowance purposes.

conduct, or maintenance of a religious organization." It may not be necessary for ministers to meet all of these tests to qualify for the special tax treatment.

#### **Payroll Tax Reporting**

Form W-2s are provided annually to minister-employees. There is no requirement to withhold income taxes, but they may be withheld under a voluntary agreement. Social security taxes are not withheld.

If an employee does not qualify for tax treatment as a minister, the church must withhold and pay FICA and income taxes.

## Payroll Tax Withholding

#### **FICA**

Churches must withhold FICA taxes from the employee wages of all nonministers and pay them to the IRS along with the employee's share of the tax. In 2019, both the employer and the employee pay a 6.2% tax rate on the social security wage base of up to \$132,800. Similarly, both the employer and the employee pay a 1.45% Medicare tax rate on all pay above \$132,800.

#### Warning

FICA-type social security taxes should never be withheld from the compensation of ministers since they are self-employed for social security purposes. They must file Schedule SE to compute self-employment social security tax, unless they have opted out of social security.

#### **Federal Income Tax**

Most churches are exempt from the payment of federal, state, and local income tax on the church's income (see pages 24–25 for the tax on unrelated business income). However, they must withhold and pay federal, state, and local income taxes on the wages paid to each employee. Minister-employees are an exception to this rule.

A minister-employee may have a voluntary withholding agreement with a church relating to the minister's income taxes (or he or she may file Form 1040-ES, or both). An agreement to withhold income taxes from wages must be in writing. There is no required form for the agreement. A minister may request voluntary withholding by submitting Form W-4 (Employee Withholding Allowance Certificate) to the church indicating the additional amount to be withheld in excess of the tax table, or the written request may be in another format.



#### Caution

Federal income taxes are not required to be withheld from the salary of ministers. But under a voluntary withholding agreement, federal income tax may be withheld—even sufficient to cover the self-employment tax liability. This withholding must be identified as "federal income tax withheld" and not social security taxes withheld.

Federal income taxes for all employees (except ministers) are calculated based on the chart and tables shown in IRS Publication 15-B. State and local income taxes are usually required to be withheld according to state and local withholding tables.

➤ Form W-4. All employees, part- or full-time, must complete a W-4 form. (Ministers are an exception to this requirement unless a voluntary withholding arrangement is used.) The withholding allowance information completed on this form gives the basis to determine the amount of income tax to be withheld.

For information on the new Form W-4 for 2020, see page 4.

#### Personal Liability for Payroll Taxes

Church and nonprofit officers and employees may be personally liable if payroll taxes are not withheld and paid to the IRS. If the organization has willfully failed to withhold and pay the taxes, the IRS has the authority to assess a 100% penalty of withheld income and social security taxes.

This penalty may be assessed against the individual responsible for withholding and paying the taxes, even if the person is an unpaid volunteer such as a church treasurer.

#### Self-Employment Social Security Tax

Ministers are always subject to social security under the Self-Employment Contributions Act (SECA). Therefore, social security taxes (FICA) should never be withheld from the salary of a minister. But under the voluntary withholding agreement for federal income taxes, additional federal income tax may be withheld sufficient to cover the minister's self-employment tax liability. When these withheld amounts are paid to the IRS, they must be identified as federal income tax withheld and not social security taxes withheld.

## Depositing Withheld Payroll Taxes

The basic rules for depositing payroll taxes are:

➤ If the total accumulated and unpaid employment tax (income tax withheld, social security tax withheld and matched by the church) is less than \$2,500 in a calendar quarter, taxes can be paid directly to the IRS when the church files Form 941. These forms are due one month after the end of each calendar quarter.

1 Your first name Walter R.	and middle initial	Last name Knight		2 Your social 511-02-	security number 7943
	number and street or rural rouridge Boulevard	te)	3 Single X Married Mote: If married filing separately, check	DOCTOR STORES	d at higher Single rate.
City or town, sta <b>Vinton, V</b>	te, and ZIP code A 24179		4 If your last name differs from to check here. You must call 800		
<ul><li>Last year I</li><li>This year I</li><li>If you meet b</li></ul>	nad a right to a refund of expect a refund of <b>all</b> fec oth conditions, write "Ex jury, I declare that I have e	f all federal income tax wateral income tax withheld tempt" here	I meet <b>both</b> of the following condithheld because I had <b>no</b> tax liabile because I expect to have <b>no</b> tax.  I had, to the best of my knowledge and the conditions the conditions are the conditions.	lity, and liability.  ▶ 7 d belief, it is true,	
8 Employer's name a boxes 8, 9, and 10	nd address ( <b>Employer:</b> Comp if sending to State Directory o	olete boxes 8 and 10 if sending of New Hires.)	to IRS and complete 9 First da employ		imployer identification umber (EIN)
or Privacy Act and	Paperwork Reduction Ac	ct Notice, see page 4.	Cat. No. 10220Q		Form <b>W-4</b> (20

➤ If payroll taxes are over \$2,500 for a quarter, payroll tax deposits must be made monthly or before the 15th day of each month for the payroll paid during the preceding month. Large churches with total employment taxes of over \$50,000 per year are subject to more frequent deposits.

## Filing Quarterly Payroll Tax Forms

Employers must report covered wages paid to their employees by filing Form 941, Employer's Quarterly Federal Tax Return, with the IRS.

#### **Form 941**

Churches that withhold income tax and both social security and Medicare taxes must file Form 941 quarterly. There is no requirement to file Form 941 if your church has not been required to withhold payroll taxes, even if you have one or more minister-employees. However, if the only employee is a minister and voluntary federal income tax has been withheld, your church must file Form 941.

For the smallest of churches (annual liability for social security, Medicare, and withheld federal income taxes is \$1,000 or less), Form 944 is filed only once a year instead of every quarter.

	er identification number (EIN) 3 5 -	2 0 1 7	8 8	3	Report fo	or this Quarter of 2020
Name (	(not your trade name) Barnett Ridge	Church				ary, February, March
					2: April,	May, June
I rade i	name (if any)				3: July,	August, September
Address	PO Box 517  Number Street		Suite or roo	om number		ber, November, December
	Selma	AL	367	04	instructions	irs.gov/Form941 for and the latest information.
	City	State	ZIP	code		***
	Foreign country name	Foreign province/county	Foreign p	ostal code		
ead the	e separate instructions before you com	plete Form 941. Type or	print within	the boxes.		
art 1:	Answer these questions for this	quarter.				
	Number of employees who received w ncluding: <i>Mar. 12</i> (Quarter 1), <i>Jun</i> e 12				544.665	1
	V	, , , , , ,			, _	24,811
2 V	Nages, tips, and other compensation			* *** * * * *	2	
3 F	ederal income tax withheld from wa	ges, tips, and other cor	npensation		3	4,642 .
4 I	f no wages, tips, and other compens	ation are subject to so	ial security			heck and go to line 6.
F. 7	Favolita annial annishuura	Column 1 16,340 •	× 0.124 =	Colum 2,02		
	Taxable social security wages	10,340	× 0.124 =     × 0.124 =	2,02		
	Taxable Medicare wages & tips	16,340 -	× 0.029 =	47	74 •	
5d T	Faxable wages & tips subject to		1			
,	Additional Medicare Tax withholding		× 0.009 =			
5e A	Add Column 2 from lines 5a, 5b, 5c, a	nd 5d			5e	2,500 .
5f S	Section 3121(q) Notice and Demand-	-Tax due on unreported	l tips (see in	structions)	5f	
6 T	Total taxes before adjustments. Add	ines 3, 5e, and 5f			6	7,142 •
7 (	Current quarter's adjustment for frac	tions of cents	a a a a	2 12 2 2	7	
8 (	Current quarter's adjustment for sick	pay			8	•
9 (	Current quarter's adjustments for tips	and group-term life ins	urance .		9	•
	Total taxes after adjustments. Combi	ne lines 6 through 9 .			10	7,142 •
10 1	Qualified small business payroll tax cre	dit for increasing resear	ch activities	. Attach Form 8	974 11	1.0
	Total taxes after adjustments and cre	dits. Subtract line 11 fro	m line 10	2 22 2 2 3	12	7,142 .
11 (	and ore					• • • • •
11 G	Total deposits for this quarter, inclu					7,142 •
11 0 12 T 13 T	Total deposits for this quarter, inclusiverpayments applied from Form 941-X, 9	41-X (PR), 944-X, or 944-X				0 •
11 C		* *	and see ins	tructions .	14	U •
11 C	overpayments applied from Form 941-X, 9	13, enter the difference	and see ins		<b>14</b>	_

Barnett Ridge	e Church				ntification number (EIN) - 2017883
	74 (MAR) (MAR)	schedule and tax	liability for this quarter		<u> </u>
					epositor, see section 11
of Pub. 15. 16 Check one:	incur a \$100,000 line 12 on this re	0 next-day deposit obl eturn is \$100,000 or m	igation during the current of ore, you must provide a rec	<b>quarter.</b> If line 12 for the ord of your federal tax	was less than \$2,500, and you did e prior quarter was less than \$2,500 b liability. If you are a monthly schedu or, attach Schedule B (Form 941). Go
X		nonthly schedule de quarter, then go to P		uarter. Enter your ta	x liability for each month and tot
	Tax liability:	Month 1	2,201 .	]	
		Month 2	2,493 .		
		Month 3	2,448 •		
_	Total liability for	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	7,142 •	Total must equal	
			e depositor for any part kly Schedule Depositors,		mplete Schedule B (Form 941), n 941.
Part 3: Tell us abou			es NOT apply to your b		
		• • • • • • • • • • • • • • • • • • • •			
17 If your business	has closed or y	ou stopped paying	wages	* * * * * * *	Check here, and
enter the final da	te you paid wage	es / /			
18 If you are a seas	sonal employer a	and you don't have	to file a return for every	quarter of the year	Check here.
2000	6 767 0	ENDER ST. St. St.	to file a return for every	quarter of the year	Check here.
Part 4: May we spe	eak with your th	nird-party designee	9?	•	
Part 4: May we spe	eak with your th	nird-party designee	9?	•	Check here.
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## Form 941-X

Form 941-X may be used to correct errors reported on Form 941 for one quarter only. Form 941-X must be filed separately from Form 941.

(EIN)	identification nu	mber 3 5 - 6 3	0 9	2 9 4	Return You're Check the type of r	Correcting eturn you're correcting.
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						November, December
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Part 1:	Select ONLY	one process. See page 4 for add	ditional guid	lance.		
X 1.	check this box process to col underreported less than zero	oloyment tax return. Check this box if k if you overreported amounts and you rect the errors. You must check this bot a and overreported amounts on this for may only be applied as a credit to you the tax period in which you're filing this	would like to ox if you're co m. The amoun ur Form 941, F	use the adjustment rrecting both t shown on line 21, if	05/10/20 (MM/DD/YYYY	
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Part 2:	Complete th	e certifications.				
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## • Filing Annual Payroll Tax Forms

#### Form W-2

By January 31, each employee must be given a Form W-2. Be sure to reconcile the data reflected on Forms W-2, W-3, and 941 before distributing Form W-2s to employees. If these forms do not reconcile, the IRS generally sends a letter to the employer requesting additional information.

Make all entries without a dollar sign or comma but with a decimal point and cents (do not use whole dollars).



#### Remember

One of a church's primary challenges is to determine if all of an employee's compensation is reported on Form W-2. Taxable compensation that is often erroneously omitted includes life insurance premiums paid for the employee (only group term life up to \$50,000 is tax-free) and expense allowances (only expenses reimbursed under an accountable plan are tax-free).

Employer ident	tification number (EIN)	517-38-6451	-	1 Wag	es, tips, other compensation	2 Feder	al income to	ax withheld
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	me, address, and ZIP of	code		3 Soc	ial security wages	4 Socia	security ta	
					95000.00		5890.0	
F	ABC Charity			5 Med	licare wages and tips	6 Medic	care tax with	hheld
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d Control numbe	er"			9		10 Depe	ndent care	benefits
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	ver's state ID number	16 State wages, tips, etc.	17 State incon	ne tax	18 Local wages, tips, etc.	19 Local inc	ome tax	20 Locality name
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orm W-3 to the	Social Security Adr	ministration; photocopies are not			on This Daws			Cat. No. 10134
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**Void** – Put an X in this box when an error has been made on this W-2.

Box 1 – Wages, tips, other compensation. Items to include in Box 1 (before any payroll deductions) are:

- total wages paid during the year (including love offerings paid by the church to the minister or other employee);
- ➤ the value of noncash payments;

- business expense payments under a nonaccountable plan;
- > payments of per diems or mileage rates for business expense purposes that exceed the IRS specified rates;
- > payments made by a church to an employee's Individual Retirement Account;
- > payments of or for moving expenses;
- ➤ all other compensation, including taxable fringe benefits ("other compensation" represents amounts a church pays to an employee from which federal income tax is not withheld. If you prefer, you may show other compensation on a separate Form W-2); and
- ➤ the cash housing allowance or the fair market rental value of housing and utilities for lay employees/nonministerial unless furnished on the church's premises and the employee is required to accept the lodging as a condition of employment.



#### Caution

Do not include any per diem or mileage allowance or other reimbursements for employee business expenses under an accountable plan in Boxes 1 or 14, if the total reimbursement is less than or equal to the amount substantiated.

## Checklist for Completing Box 1 of Form W-2

Data	Include		
Minister		Nonminister	
<u>Only</u>	<b>Both</b>	<u>Only</u>	
	yes		Salary
no		yes	Housing/furnishings allowance (designated in advance)
no		yes	Parsonage rental value
no		yes	Utilities paid by church
	yes		Social security/Medicare "allowance" or reimbursement
	no		Transportation/travel and other business and professional expense reimbursements, only if paid under a board-adopted accountable reimbursement plan
	yes		"Reimbursements" if not paid under an accountable reimbursement plan
	yes		Church love offerings or cash gifts in excess of \$25
	no		Contributions to a tax-sheltered annuity plan
	no		Group qualified health/dental/long-term care insurance premiums paid directly by the church
	no		Group term life insurance premiums (for up to \$50,000 coverage) paid directly by the church
	yes		Moving expenses paid for or reimbursed to an employee
	yes		Value of personal and nonbusiness use of church's vehicle

Exclude the following:

- ➤ the fair rental value of a church-provided parsonage or a properly designated housing allowance for ministers;
- business expense reimbursements paid through an accountable expense plan; and
- contributions to 403(b) tax-sheltered annuities or 401(k) plans (Roth contributions are not excluded).

**Box 2 – Federal income tax withheld.** Enter the total federal income tax withheld according to the chart and tables in IRS Publication 15.

A minister-employee may enter into a voluntary withholding arrangement with the church. Based on Form W-4 or other written withholding request, federal income tax withholding may be calculated from the chart and tables in Publication 15, excluding any housing allowance amount.

Ministers may request that an additional amount of income tax be withheld to cover self-employment tax. The additional amount withheld is reported as income tax withheld on the quarterly Form 941 and in Box 2 of Form W-2.

A church that provides additional compensation to the minister-employee to cover part or all of the self-employment tax liability may:

- > pay the additional compensation directly to the IRS by entering that amount on the church's Form 941 and in Boxes 1 and 2 of Form W-2, or
- ➤ pay the additional compensation to the minister with the minister being responsible for remitting the amounts to the IRS with a Form 1040-ES. If this procedure is followed, the church reports this amount only as additional compensation on Form 941 and only in Box 1 of Form W-2.

**Box 3** – **Social security wages.** Show the total wages paid (before payroll deductions) subject to employee social security tax (FICA). This amount must not exceed \$132,800 in 2019 (the maximum social security tax wage base). Include nonaccountable employee business expenses reported in Box 1. Generally, all cash and noncash payments reported in Box 1 must also be shown in Box 3. Section 403(b) voluntary salary reduction contributions for nonminister employees are included in Box 3, as are Roth contributions.

Box 3 should be blank for a qualified minister (an individual who meets the ministerial tests of the IRS).

**Box 4 – Social security tax withheld.** Show the total FICA social security tax (not including the church's share) withheld or paid by the church for the employee. The amount shown must equal 6.2% of the amount in Box 3 and must not exceed \$8,239.80 for 2019. Do not include the matching employer FICA tax (6.2%).

Some churches pay the employee's share of FICA tax for some or all nonminister employees instead of deducting it from the employee's wages. These amounts paid by the church must be included in Boxes 1, 3, and 5.

Box 4 should be blank for qualified ministers. Any amount of withholding to meet the minister's SECA tax liability must be reported in Box 2, not in Box 4 or Box 6.

**Box 5** – **Medicare wages.** The wages subject to Medicare tax are the same as those subject to social security tax (Box 3), except that there is no wage limit for the Medicare tax.

- **Example:** In 2019, a *nonminister* employee is paid wages of \$135,000. The amount shown in Box 3 (social security wages) should be \$132,900, but the amount shown in Box 5 (Medicare wages) should be \$135,000. If the wages are less than \$132,900, the amounts entered in Boxes 3 and 5 will be the same.
- Box 5 should be blank for ministers. Nonqualified moving expense reimbursements and payments for lay employees are included in Box 5. Section 403(b) salary reduction contributions for nonminister employees are included in Box 5, as are Roth contributions.
- **Box 6 Medicare tax withheld.** Enter the total employee Medicare tax (not your share) withheld or paid by you for your employee. The amount shown must equal 1.45% of the amount in Box 5. Box 6 should be blank for qualified ministers.
- **Box 9 Advance EIC payment.** Show the total paid to the employee as advance earned income credit payments.
- **Box 10 Dependent care benefits.** Show the total amount of dependent care benefits under Section 129 paid or incurred by you for your employee, including any amount over the \$5,000 exclusion. Also include in Box 1, Box 3, and Box 5 any amount over the \$5,000 exclusion.
- **Box 11 Nonqualified plans.** Enter the total amount of distributions to the employee from a nonqualified deferred compensation plan. Nonqualified plans do not include a tax-sheltered annuity or a "Rabbi trust." Include an amount in Box 11 only if it is also includible in Box 1 or Boxes 3 and 5.
- **Box 12 Additional entries.** The following items are most frequently inserted in Box 12 by churches:
  - C Group term life insurance. If the church provided the employee more than \$50,000 of group term life insurance, show the cost of the coverage over \$50,000. Also include the amount in Box 1 (also in Boxes 3 and 5 for a lay employee).
  - DD Cost of employer-provided health coverage. This data is required for employers issuing 250 or more Form W-2s.
  - E Section 403(b) voluntary salary deferrals are shown in Box 12 with Code E for pre-tax amounts and Code BB for Roth amounts. This amount would not be included in Box 1 for either ministers or lay employees. This amount would be included in Boxes 3 and 5 for a lay employee.
  - L Generally, payments made under an accountable plan are excluded from the employee's gross income and are not required to be reported on Form W-2. But if the church pays a per diem or mileage rate, and the amount paid exceeds the amount substantiated under IRS rules, you must report as wages on Form W-2 the amount in excess of the amount substantiated. Report the amount substantiated (the nontaxable portion) in Box 12. In Box 1, show the portion of the reimbursement that is more than the amount substantiated. For lay employees, the excess amount is subject to income tax withholding, social security tax, Medicare tax, and possibly federal unemployment tax.
    - **Example 1:** An employee is paid for business mileage at the rate of 58 cents per mile for 2019, and substantiates the business miles driven to the church. The mileage reimbursement is not reported on Form W-2.
    - **Example 2:** An employee receives a mileage allowance of \$2,000 per year and does not substantiate the business miles driven. The \$2,000 allowance is includible in Box 1 as compensation for ministers and Boxes 1, 3, and 5 for a lay employee.

Payments made to *nonminister employees* under a nonaccountable plan are reportable as wages on Form W-2 and are subject to income tax withholding, social security tax, Medicare tax, and possibly federal unemployment tax.

Payments made to *minister-employees* under a nonaccountable plan are reportable as wages on Form W-2 and may be subject to income tax withholding under a voluntary agreement, but are not subject to mandatory withholding, social security (FICA), or Medicare tax.

- R Church contributions to an Archer medical savings account.
- S Salary reductions to a savings incentive match plan for employees with a SIMPLE retirement account.
- T Employer payments under an adoption assistance plan.
- Y Deferrals under section 409A nonqualified deferred compensation plan.
- Z Income under a section 409A nonqualified deferred compensation plan.

**Box 13** – **Check the appropriate boxes.** The box that may apply to employees of churches is the retirement plan box.

Mark this box if the employee was an active participant (for any part of the year) in any of the following:

- 1. A qualified pension plan described in section 401(a)—(including a 401(k) plan)
- 2. An annuity plan described in section 403(a)
- 3. An annuity contract or custodial account described in section 403(b)
- 4. A simplified employee pension (SEP) plan described in section 408(k)

**Box 14** – **Other.** You may use this box for any other information the church wishes to provide to an employee. Label each item and include information such as health insurance premiums deducted or educational assistance payments.

If the church owns or leases a vehicle for an employee's use, the value of the personal use of the vehicle is taxable income. The value of the use of the vehicle must be included in Box 1 (and in Boxes 3 and 5 for a lay employee) or on a separate statement to the employee. The employee is required to maintain a mileage log or similar records to substantiate business and personal use of the vehicle and to submit this to the employer. If its use is not substantiated, the employer must report 100% of the use of the vehicle as taxable income.

A minister's housing allowance could be included in Box 14 with the words "Housing Allowance." However, some churches prefer to provide ministers with a separate statement reflecting the housing allowance amount.

**Filing Tip** 

If the employee fully reimburses the employer for the value (reimbursement for gas is not a full reimbursement) of the personal use of the vehicle, then no value would be reported in either Box 1 or in Box 14.

Vehicles provided by a church to employees for business use are often partially used for personal purposes. The IRS treats most types of personal use of a church-provided vehicle as a noncash fringe benefit, and generally requires the fair market value of such use to be included in the employee's gross income (to the extent that the value is not reimbursed to the church).

If the employee reimburses the church in a chargeback system for the full dollar value of personal use, it will cost the employee more than if the church includes the personal use value in the income of the employee.

Several methods may be used to value the personal use of a church-provided vehicle. This value must be included in the employee's compensation if it is not reimbursed by the employee. The two methods most commonly used by ministers are discussed here.

- ➤ Annual lease value rule. Under this rule, the fair market value of a vehicle is determined and that value is used to determine the annual lease value amount by referring to the annual lease value table.
- ➤ Cents-per-mile valuation rule. Generally, this rule may be used if the church reasonably expects that the vehicle will be regularly used in the ministry of the church, or if the vehicle is driven at least 10,000 miles a year and the vehicle is primarily used by employees. This valuation rule is available only if the fair market value of the vehicle, as of the date the vehicle was first made available for personal use by employees, does not exceed a specified value set by the IRS. For 2019, this value is \$50,400.

#### Form W-3

A Form W-3 is submitted to the IRS as a transmittal form with Forms W-2. Form W-3 and all attached W-2s must be submitted to the Social Security Administration Center by January 31. No money should be sent with Form W-3.

33333 a Control number	For Official Use Only ► OMB No. 1545-0008	
Skind of Payer (Check one)   941   Military 943   Skind of Hshld. Medic emp. govt.e		sick pay (Check if
c Total number of Forms W-2 d Establishment	number 1 Wages, tips, other compensation 243987.00	2 Federal income tax withheld 39142.00
e Employer identification number (EIN) 35-2948039	3 Social security wages 236431.00	4 Social security tax withheld 14659.00
f Employer's name ABC Charity	5 Medicare wages and tips 243987.00	6 Medicare tax withheld 3538.00
2870 North Hull Road	7 Social security tips	8 Allocated tips
Traverse City, MI 49615	9	10 Dependent care benefits
g Employer's address and ZIP code	11 Nonqualified plans	12a Deferred compensation
h Other EIN used this year	13 For third-party sick pay use only	12b
15 State Employer's state ID number  MI 6309294	14 Income tax withheld by payer of the	nird-party sick pay
16 State wages, tips, etc. 17 State income 243987.00 4387.		19 Local income tax
Employer's contact person  Daniel L. Lewis	Employer's telephone number 231-435-2201	For Official Use Only
Employer's fax number 231-435-2205	Employer's email address dlewis@gmail.com	
	ned this return and accompanying documents, and, to the	best of my knowledge and belief, they are true, correct, a $\text{Date} \blacktriangleright  1/31/20$
om W-3 Transmittal of Wa	age and Tax Statements	Department of the Treasury Internal Revenue Service

Form W-2c

Use Form W-2c to correct errors on a previously filed Form W-2.

44444	OMB No. 1545-00				
a Employer's na	ame, address, and ZIP	code	c Tax year/Form corrected	d Employee's correct SSN	1
			2019 / w-2	404-82-1034	
	Valley Church Douglas Road		e Corrected SSN and/or name (Che g if incorrect on form previously fi		s f and/o
Sprin	gfield, OH 455	04	Complete boxes f and/or g only if in	ncorrect on form previously file	d Þ
	•		f Employee's previously reported SS	SN .	
b Employer's Fe	ederal EIN 309294		g Employee's previously reported na	ame	
			h Employee's first name and initial Norman R.	Last name Tice	Su
corrections inv	olving MQGE, see t	that are being corrected (exception: for he General Instructions for Forms W-2 ns for Form W-2c, boxes 5 and 6).	418 Trenton Street Springfield, OH 45504 i Employee's address and ZIP code	4	
corrections inv and W-3, unde	olving MQGE, see t er Specific Instructio	he General Instructions for Forms W-2 ns for Form W-2c, boxes 5 and 6).	Springfield, OH 45504 i Employee's address and ZIP code		tion
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#### Form W-3c

Use Form W-3c to transmit corrected W-2c forms to the Social Security Administration.

## Unemployment Taxes

The federal and state unemployment systems provide temporary unemployment compensation to workers who have lost their jobs. Employers provide the revenue for this program by paying federal unemployment taxes, under the Federal Unemployment Tax Act (FUTA), and state unemployment taxes. These are strictly employer taxes, and no deductions are taken from employees' wages.

The current federal unemployment tax law exempts from coverage:

- > services performed in the employment of a church, a convention, an association of churches, or an organization that is operated primarily for religious purposes (to qualify for exemption, employees must be performing strictly religious duties);
- > services performed by ordained, commissioned, or licensed ministers of a church in the exercise of ministry or by a member of a religious order in the exercise of duties required by such order;
- services performed in the employment of an unincorporated church-controlled elementary or secondary school.

orm	December 2017)	Application for Employe (For use by employers, corporations, p government agencies, Indian tribal en	partnerships, t	rusts, estates, church individuals, and other	ies, EIN	
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	☐ Real estate	☐ Manufacturing ☐ Finance & insura			ligious Organization	
7	Indicate principal	line of merchandise sold, specific construct	ion work done,	products produced, o	r services provided.	
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or	Privacy Act and Pa	perwork Reduction Act Notice, see sepa	rate instruction	ns. Cat. N	o. 16055N Form <b>SS-4</b> (F	Rev. 12-2017)

The Immigration Reform and Control Act of 1986 (IRCA) prohibits all churches from hiring unauthorized aliens, imposes documentation verification requirements on all churches, and provides an "amnesty" program for certain illegal aliens. An I-9 Form must be completed and retained on file by all churches for each employee hired. Form I-9 may be obtained by calling 800-375-5283 or at http://uscis.gov/files/form/i-9.pdf.

START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form.   ANTI-DISCE/BIMMATCH NOTICE: It is liegal to discriminate against work-cauthorized individuals. Employers CANNOT specify which and notice of the country present to establish employment authorization and definity. The refusal to his or condition to employ of country present to establish employment authorization and definity. The refusal to his or condition to employ an individual because the documentation presented has a future expiration date may also constitute lilegal discrimination.   Section 1 of Form Notice   Authority Offsan   Au	Expires 087172  Expires 187172  Expires CANNOT specify white the refusal to the or continue to employer structe liegal discrimination.  Other Last Names Used (if any)  Other Last Names Used (if any)  State   ZIP Code   45980  Employer's Telephone Number   513-641-5950  or use of false documents in   50 to the special or		Intative Review and Verii  Ind sign Section 2 within 3 business connent from List B  List Colorn N  List B  List B  List Colorn N  List B  List B  List B  List Colorn N  List B  List Colorn N  List B  List Colorn N  List B  List B  List Colorn N  List B  List B	in fication  In any of the employee's first day of employment. You and one document from List C as fisted on the "List C Citizen    M.   Citizen Citizen   Citizen Citizen   Citizen
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T		The employee's first day of employment (mm/dd/yyyy):	(mm/dd/yyyy): (See i	(See instructions for exemptions)
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3	oday's Date (mm/dd/yyyy) 01/03/2020		 irst Name of Employer or Authorized Represent	Employer's Business or Organization Name
Preparer and/or Translator Certification (check one):	n completing Section 1.	Brown Employer's Business or Organization Address (Street Number and Name) 110 Harding Avenue	reet Number and Name) City or Town Cincinnati	State   ZIP Code   OH   45960
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This form must be completed and retained on file for all employees hired after November 1, 1986. For more information on completing this form, go to www.uscis.gov.

## Information Reporting

## General Filing Requirements

Information forms (1098 and 1099) must be provided to the payers/recipients on or before January 31 following the calendar year that the funds were paid or received. Copies of the forms (or electronic media) must be filed with the IRS by January 31 following the year that the funds were paid or received.

An extension of time to file may be requested by filing Form 8809, Request for Extension of Time to File Information Returns, by the due date of the returns.

## **Obtaining Correct Identification Numbers**

Churches required to file information returns with the IRS must obtain the correct taxpayer identification number (TIN) to report real estate transactions, mortgage interest paid to the church, and certain other transactions.

Form W-9, Request for Taxpayer Identification Number and Certification, (see page 27) is used to furnish the TIN to the church and in certain other situations to:

- rectify that the TIN furnished is correct,
- certify that the recipient of the income is not subject to backup withholding, or
- claim exemption from backup withholding.



#### Remember

If the recipient does not furnish a completed Form W-9, the church or nonprofit organization is required to withhold 24% of the payment for amounts paid, deposit the withholding electronically, and report amounts withheld on Form 1099-INT, 1099-MISC, or 1099-R, as applicable.

## Reporting on the Receipt of Funds

## Receipt of Interest on Mortgages

Use Form 1098, Mortgage Interest Statement, to report mortgage interest of \$600 or more received by an organization during the year from an individual, including a sole proprietor. There is no requirement to file Form 1098 for interest received from a corporation, partnership, trust, estate, or association. A transmittal Form 1096 must accompany one or more Forms 1098.

## • Reporting on the Payment of Funds

#### Payments to nonresident aliens

Payments for personal services made to noncitizens who are temporarily in this country (nonresident aliens) are often subject to federal income tax withholding at a 24% rate. A nonresident alien is a person who is neither a U.S. citizen nor a resident of the United States. Some payments may be exempt from income tax withholding, if the person is from a country with which the United States maintains a tax treaty. Salary payments to nonresident aliens employed in the United States are subject to income tax withholding based on the regular withholding tables.

Single, nonrecurring, fixed, or determinable payments to nonresident aliens are not generally subject to withholding. Honoraria paid to visiting speakers usually fit this definition. It is not clear if love offerings are subject to withholding.

All payments to nonresident aliens, other than expense reimbursements and amounts reported on Form W-2, must be reported on Form 1042 and 1042-S. These forms are filed with the IRS by March 15 for the previous calendar year, and a

copy of Form 1042-S must be sent to the nonresident alien.



# Generally, you must withhold 30% from

File Form 1099-INT, Statement for Recipients of Interest Income (see page 28), for each person to whom the church paid interest reportable in Boxes 1, 3, and 8 of at least \$10 in any calendar year. This form is also required if any federal income tax was withheld under the backup withholding rules (24%), regardless of the amount of the payment. In certain instances, the \$10 limit increases to \$600.

There is no requirement to file Form 1099-INT for payments made to a corporation or another tax-exempt organization.

the gross amount paid to a foreign payee, unless you can reliably associate the payment with valid documentation that establishes the payee as a U.S. person. If you do not have documentation or if you believe the documentation is unreliable or incorrect, you must follow the presumption rules outlined in IRS Publication 515.

## Payments of Royalties and for Other Services

File Form 1099-MISC (see page 28) for each recipient (other than corporations) to whom you have paid:

at least \$10 in royalties, or

Payments of Interest

- at least \$600 in rents (for example, office rent or equipment rent), payments for services to someone who is not a church employee (including parts and materials, payments to an attorney, or certain other services payments.
  - **Example:** A church has established a written, nondiscriminatory employee health reimbursement arrangement under which the church reimburses the medical expenses of the employee, spouse, and dependents.

Amounts paid to an employee under a health reimbursement arrangement are not reportable on Forms W-2 or 1099-MISC.

Do not include the payment of a housing allowance to ministers on Form 1099-MISC. Advances, reimbursements, or expenses for traveling and other business expenses of an employee are not reportable on Form 1099-MISC. These payments may be reportable on Form W-2, if they do not comply with the accountable expense plan rules.

On Form 1099-MISC, report all advances, reimbursements, or expenses for traveling and other business expenses of a self-employed person for income tax purposes that are not substantiated to the church.

Advances, reimbursements, or expenses for traveling and other business expenses of a self-employed minister are not reportable on Form 1099-MISC, if made under an accountable expense reimbursement plan. Under this type of plan, expenses are reimbursed *only* if they are substantiated as to amount, date, and business nature, and any excess reimbursements must be returned to the church.

- **Example 1:** Westview Church organizes a seminar and engages a speaker. The speaker is paid a \$750 honorarium, and Westview reimburses the travel expenses upon presentation of proper substantiation by the speaker. A Form 1099-MISC should be issued to the speaker for \$750.
- **Example 2:** Same facts as Example 1, except for the \$750 payment, \$250 is designated for travel expenses and the speaker substantiates to Westview for the travel. Since the honorarium is \$500 after excluding the substantiated payments, and therefore is less

than the \$600 limit, there is no requirement to issue a Form 1099-MISC to the speaker.

If Westview paid another honorarium to the same speaker during the same calendar year of \$100 or more, bringing the total for the year to the \$600 level, a Form 1099-MISC should be issued.

**Example 3:** Same facts as Example 1, except that of the \$750 payment, \$250 is designated for travel expenses. But the speaker does not account to Westview for the travel expenses. A Form 1099-MISC should be issued to the speaker for \$750.

**Example 4:** Westview Church contracts for janitorial services with an unincorporated janitorial service and pays \$2,000 during the year for this service. Westview should issue a Form 1099-MISC for these payments.



#### Caution

There is more misunderstanding about the use of the Form 1099-MISC than about most IRS forms. Payments of \$600 or more per calendar year to noncorporate providers of services trigger the filing of this form. This form should not be used for employee compensation payments. Thus, a church should not report ministerial compensation (or the housing allowance) on this form.

#### Payments to Volunteers

Payments to volunteers that represent a reimbursement under an accountable business expense reimbursement plan for expenses directly connected with the volunteer services are not reportable by the church to the volunteer.

Payments for auto mileage up to the maximum rate for charitable miles (14 cents per mile for 2019) are tax-free for volunteers. When a church provides liability insurance for its volunteers, the value of the coverage can be excluded from the volunteer's income as a working condition fringe benefit.

Payments to or on behalf of volunteers that are not business expenses are reported on Form W-2 or Form 1099-MISC, depending on whether or not a common law employee relationship exists. When the relationship takes the form of an employer-employee relationship, payments other than expense reimbursements are reported on Form W-2. Payments to nonemployee volunteers for medical, education, or personal living expenses must be reported as nonemployee compensation on Form 1099-MISC. Payments to volunteers for

#### Remember

Tax law does not specifically address what deductions are allowable for volunteers. However, if the volunteer renders services under the direction and supervision of the ministry, then the tax provisions for expense reimbursement of employees appears to apply to such volunteers, including mileage reimbursement payments at the business mileage rate.

lodging, meals, and incidental expenses may be made under the per diem rules on a tax-free basis, if the duration of the travel is under one year. Unlike in the case of employees, volunteers must include in income any part of per diem allowances that exceed deductible travel expenses. Tax-free payments to volunteers for lodging, meals, and incidental expenses are limited to actual expenses (including use of the charitable mileage rate).

#### Unrelated Business Income

Most churches are supported primarily from contributions or revenue from activities directly related to their exempt purposes. Sales of religious books, tuition at schools, and campers' fees are examples of exempt purpose revenue. On the other hand, income from activities not directly related to fulfilling a church's exempt purposes may be subject to the tax on unrelated business income.

All income of churches is presumed to be tax-exempt from federal income tax unless the income is generated by an activity that is

- not substantially related to the church's exempt purpose or function,
- > a trade or business, and
- regularly carried on.

Although churches are exempt from filing Form 990, they must file Form 990-T (see page 29) if they have \$1,000 or more of gross unrelated business income (UBI) in a year. There is a specific deduction of \$1,000 in computing UBI. This specific deduction applies to an individual church, convention, or district.

#### Racial Nondiscrimination

Form 5578, Annual Certification of Racial Nondiscrimination for a Private School Exempt from Federal Income Tax, must be filed by churches that operate, supervise, or control a private school. The form must be filed by the 15th day of the fifth month following the end of the organization's fiscal year. For organizations that must file Form 990, there is no requirement to file Form 5578, since the information is included in Schedule E.

The "private school" definition includes preschools; primary, secondary, preparatory, and high schools; as well as colleges and universities, whether operated as a separate legal entity or as an activity of a church.

	he period beginning	(For use by organizations that do not file For	and endir		30, 2019	T FOI INS	Use Only ▶
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	Lamont, KS	66855					
2a		ization holding group exemption letter covering the school(s). (If sa			2b Empl	oyer identific	ation number
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## **Summary of Payment Reporting Requirements**

Below is an alphabetical list of some payments and the forms necessary to report them. It is not a complete list of payments, and the absence of a payment from the list does not suggest that the payment is exempt from reporting.

Types of Payment	Report on Form	Types of Payment	Report on Form
Advance earned income credit	W-2	Employee business expense reimburs	ement
Annuities, periodic payments	1099-R	(Nonaccountable plan)	W-2
*Attorneys' fees	1099-MISC	Fees for services:	
**Auto, personal use of church-owned		Employee	W-2
veĥicle	W-2	Nonemployee	1099-MISC
Auto reimbursements (nonaccountable plan):		Group term life insurance	W-2 or 1099-R
Employee	W-2	Interest, mortgage	1098
Nonemployee	1099-MISC	Interest, other than mortgage	1099-INT
Awards:		Long-term care benefits	1099-LTC
Employee	W-2	Medical expense reimbursement plan	
Nonemployee	1099-MISC	(employee-funded)	5500, 5500-C, or 5500-R
Bonuses:		Mileage (nonaccountable plan):	01 JJ00-IC
Employee	W-2	Employee	W-2
Nonemployee	1099-MISC	Nonemployee	1099-MISC
Cafeteria/flexible benefit plans	5500/5500-C or 5500-R	Moving expenses:	
Car expense (nonaccountable plan):		Employee	W-2
Employee	W-2	Nonemployee	1099-MISC
Nonemployee	1099-MISC	Prizes:	
Christmas bonuses:		Employee	W-2
Employee	W-2	Nonemployee	1099-MISC
Nonemployee	1099-MISC	Real estate proceeds	1099-S
Commissions:		Rents	1099-MISC
Employee	W-2	Royalties	1099-MISC
Nonemployee	1099-MISC	Severance pay	W-2
Compensation:		Sick pay	W-2
Employee	W-2	Supplemental unemployment	W-2
Nonemployee	1099-MISC	Vacation allowance:	
Dependent care payments	W-2	Employee	W-2
Director's fees	1099-MISC	Nonemployee	1099-MISC
Education expense reimbursement (nonaccountable plan):		Wages	W-2
Employee	W-2		
Nonemployee	1099-MISC		

<sup>\*</sup> The exemption from reporting payments made to corporations does not apply to payments to a lawyer or a law firm for legal services, even if the provider of the legal services is incorporated.

<sup>\*\*</sup> Or, the value may be reported on a separate statement to the employee.

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page 3.	Check appropriate following seven bo	box for federal tax cla	ssification of the pe	erson whose name is	s entered on line 1.	. Check only one	certa	emptions (codes a in entities, not indi		
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## Charitable Gift Reporting

In tax law, a "gift" is the unconditional transfer of cash or property with no personal benefit to the giver. The mere transfer of funds to a church is not necessarily a gift. For example, when a parent pays the tuition for a child to attend a church-operated school, there is no gift or charitable deduction despite the educational nature of the organization. Yet, a gift restricted for a specific church purpose or a future time period is an unconditional transfer.

If payments are made to a church to receive something in exchange (an "exchange transaction"), the transaction is more in the nature of a purchase. The tax law states that a transfer to a church is not a contribution when made "with a reasonable expectation of financial return commensurate with the amount of the transfer." When a transfer comprises both a gift and a purchase, only the gift portion is tax-deductible to the giver.

Charitable contributions are deductible if given "to and for the use of" a church to be used under its control to accomplish its exempt purposes.

The following are three types of gifts commonly given to churches:

- ➤ **Gifts without giver restrictions.** Contributions received without giver restrictions (e.g., "use where needed most") are generally tax-deductible.
- ➤ **Giver-restricted gifts.** Givers often place temporary or permanent restrictions on gifts that limit their use to certain purposes or times. These stipulations specify a use for a contributed asset that is more specific than the nature of the church, the environment in which it operates, and the purposes specified in its articles of incorporation or bylaws (or comparable documents for unincorporated churches).
  - If the gift restrictions are consistent with the purposes of the church and the church accepts the gift with its restrictions, the gift generally qualifies for a tax deduction.
- ➤ **Personal gifts.** Gifts made through a church to an individual, where the giver has specified the identity of the person who is to receive the gift, by name, generally are not tax-deductible.

A church does not have a sound position to accept personal gifts. However, if a church accepts personal gifts, charitable gift acknowledgments should not be issued to the giver, and the church should affirmatively advise givers that the gifts are not tax-deductible.

#### • What Gifts Are *Not* Tax-Deductible?

The church should not provide a contribution acknowledgment for certain gifts. Some examples of gifts that do not result in a tax deduction are:

**Services**. No deduction is allowed for the contribution of services to a church.

**Example:** A carpenter donates two months of labor on the construction of a new church facility. The time involved in carpentry work does not qualify for a charitable deduction. The carpenter is entitled to a charitable deduction for any out-of-pocket expenses for supplies donated to the project, and the mileage driving to and from the project is deductible at the charitable mileage rate (see page 5).



#### Warning

When a person makes a gift of services to a church, it may be the most valuable gift that can be made—a gift of one's talents. However, the gift of services does not qualify for a charitable deduction and it should never be acknowledged by the church—except to express appreciation. A volunteer's unreimbursed out-of-pocket expenses related to the gift of services may qualify as a charitable gift.

If donated out-of-pocket expenses, including mileage, are \$250 or more in a calendar year, the carpenter will need an acknowledgment from the church to substantiate the charitable deduction (see page 42).

➤ **Use of property**. The gift of the right to use property does not yield a tax deduction to the giver.

**Example:** A giver provides a church with the rent-free use of an automobile for a year. There is no charitable deduction available to the giver for the value of the use of the car. If the giver paid the personal property taxes, insurance, repairs, gas, or oil for the vehicle, these unreimbursed out-of-pocket expenses would be deductible as a charitable contribution.

> Strings attached. A gift must generally be complete and irrevocable to qualify for a charitable deduction. There is usually no charitable deduction if the giver leaves "strings attached" that can be pulled later to bring the gift back to the giver or remove it from the control of the church.

#### • When Is a Gift Tax-Deductible?

A charitable gift is considered made on the date of delivery. This date is important because it determines the tax year in which the gift is deductible, the valuation date (when applicable), and the date for determining whether the gift qualifies as short-term or long-term property (when applicable).

➤ Checks. Under the "delivered-when-mailed" rule, if a giver mails a contribution check to a nonprofit organization, the date of the mailing is deemed the date of delivery, if there are no restrictions on the time or manner of payment and the check is honored when presented.

There are two exceptions:

- □ **Postdated checks.** The date of mailing will not make any difference if the check is postdated. A postdated check is not an immediately payable contribution, but it is a promise to pay on the date shown.
- ☐ **Checks that bounce.** Generally, if a check is dishonored for insufficient funds, the gift will not be deemed to have been made when it was mailed or delivered.

Normally, the date on a U.S. Mail postmark will conclusively establish the date of mailing. A postage meter date may not be sufficient to establish the date of delivery for a gift that is mailed. The "delivered-when-mailed" rule applies to delivery by the U.S. Postal Service, not to private couriers.

- ➤ Credit cards. A contribution charged to a bank credit card is deductible by the giver on the date the charge is reflected by the credit card issuer, even though the giver does not pay the credit card charge until the next year.
- ➤ Electronic funds transfer. IRS Publication 526 (Charitable Contributions) does not provide specific guidance on electronic funds transfers (EFTs) via the internet or mobile devices. It says "pay-by-phone" arrangements are not deductible at the time the giver directs the payment but rather when the payment is made by the financial institution.
- ▶ **Pledges.** A pledge is not deductible until payment or other satisfaction of the pledge is made.
- Securities. A contribution of stock is completed upon the unconditional delivery of a properly endorsed stock certificate to the church or its agent. If the stock is mailed and is received by the church or its agent in the ordinary course of the mail, the gift is effective on the date of mailing. If the giver delivers a stock certificate to the issuing corporation or to the giver's

broker for transfer to the name of the church, the contribution is not completed until the stock is actually transferred on the corporation's books.

**Real estate.** A gift of real estate is deductible at the time a properly executed deed is delivered to the church.

## Charitable Gift Acknowledgments

Givers desiring a federal income tax charitable contribution deduction must produce, if asked, a written acknowledgment from the church if a single contribution's value is \$250 or more. Strictly speaking, the burden of compliance with the \$250 or more rules falls on the giver. In reality, the practical burden and administrative costs fall on the church, not the giver.

If a giver makes multiple contributions of \$250 or more to the church, one acknowledgment that reflects the total amount of the giver's contributions to the church for the year is sufficient. In other words, the church can total all of the contributions for a giver and only show the total amount on the acknowledgment (see page 34 for sample acknowledgments).

>	Information	to be included in	the acknowledgment.	The following
	information	must be included	in the gift acknowled	gment:



#### Cautior

□ the giver's name□ if cash, the amount of cash contributed

☐ if property, a description, but not the value of the property (if the gift is an auto, boat, or airplane, the ministry must generally provide Form 1098-C to the giver—see pages 35–37 for a more detailed discussion)

☐ a statement explaining whether the ministry provided any goods or services to the giver in exchange for the contribution

A giver will not be allowed a charitable deduction for single donations of \$250 or more unless the giver has an acknowledgment from the church. This applies to any type of donation. For a single donation of \$250 or more made by check, the canceled check is not adequate substantiation.

- if goods or services were provided to the giver, a description and good-faith estimate
  of their value and a statement that the giver's charitable deduction is limited to the
  amount of the payment in excess of that value, and if services were provided
  consisting solely of intangible religious benefits, a statement to that effect
- if no goods or services were provided to the giver, the acknowledgment must state so
- ☐ the date the donation was made
- ☐ the date the acknowledgment was issued
- When acknowledgments should be issued. Givers must obtain their acknowledgments no later than the earlier of either the due date, plus any extension, of their income tax returns or the date the return is filed. If a giver receives the acknowledgment after this date, the gift does not qualify for a contribution deduction, even on an amended return.
  - If the church is issuing acknowledgments on an annual basis, it should try to get them to their givers by at least January 31 each year and earlier in January if possible. This will assist givers in gathering the necessary data for tax return preparation.
- ➤ When acknowledgments should not be issued. Churches are sometimes asked to issue acknowledgments when no acknowledgment is due. When payments made to the church represent the fair market value of products or services provided to the payer, no

acknowledgment should be issued. When a check is given to the church but the payee is another nonprofit organization, no acknowledgment is due.

- **Example 1:** The Brown family uses the sanctuary and fellowship hall for a wedding and a reception. The normal rental fee is \$300. Their check to the church for \$300 is marked "Contribution," and they ask for an acknowledgment since the amount was for \$250 or more. No acknowledgment should be given because no charitable contribution was made.
- **Example 2:** The Brown family uses the sanctuary and fellowship hall for a wedding and a reception. The church does not have a stated use fee but asks for a donation from those who use the facility. The comparable fee to rent similar facilities is for \$250. The Browns give a check to the church for \$250 marked "Contribution" and ask for an acknowledgment since it was for \$250 or more. No acknowledgment should be given because no charitable contribution was made.
- **Example 3:** The church operates a school. The parent of a student at the school writes a \$400 tuition check payable to the church and requests an acknowledgment since it was for \$250 or more. No acknowledgment should be given because no charitable contribution was made.
- **Example 4:** The Sunday services are recorded, and recordings from the service may be obtained for a "contribution" of \$5. This is a quid pro quo transaction (see pages 39–41). There is generally no charitable deduction for this payment since the \$5 approximates the fair market value of the recording. (*Note:* Simply calling a payment a "contribution" does not make it so.)
- ➤ Frequency of issuing acknowledgments. Acknowledgments can be issued gift-by-gift, monthly, quarterly, annually, or by any other frequency. For ease of administration and clear communication with givers, many churches provide an annual acknowledgment for all gifts, whether more or less than \$250.
- ➤ Form of acknowledgments. Except for Form 1098-C—used for gifts of autos, boats, or airplanes—no specific design of the acknowledgment is required. The IRS has not issued any sample acknowledgments.

An acknowledgment may be in hard-copy or electronic form. An acknowledgment can be issued as a letter, e-mail, or as an attachment to an e-mail. Additionally, a gift acknowledgment may be downloaded from the church's website giving platform.

- ➤ Separate gifts of less than \$250. If a giver makes separate gifts during a calendar year of less than \$250, there is no acknowledgment requirement since each gift is a separate contribution. The giver's canceled check will provide sufficient substantiation.
- ➤ **Donations payable to another charity.** A giver may make a gift of \$250 or more payable to a mission organization, unrelated to the church, for the support of a particular missionary serving with the mission. No acknowledgment is required by the church. Since the check was payable to the mission agency, that entity will need to issue the acknowledgment to document the gift.

#### Caution

If an individual is chosen as a representative to an annual church-related convention, purchases an airline ticket for \$500, and is not reimbursed by the church, this expense may be claimed as a charitable deduction. The church should provide a statement describing the services provided in attending the convention and state that no goods or services were provided in exchange for the gift, if this is true.

#### Sample Charitable Gift Acknowledgment

Received from: Howard K Auburn Cash received as an absolute gift:

Acknowledgment #1

Date Cash Received	Amount Received
1/2/19	\$250.00
1/16/19	50.00
3/13/19	300.00
3/27/19	100.00
6/12/19	500.00
7/10/19	150.00
8/21/19	200.00
10/16/19	400.00
11/20/19	350.00
	\$2,300.00

Any goods or services you may have received in connection with this gift were solely intangible religious benefits.

(Note: It is very important for a church to use wording of this nature when no goods or services were given in exchange for the

This document is necessary for any available federal income tax deduction for your contribution. Please retain it for your records.

Acknowledgment issued on: January 10, 2020

Acknowledgment issued by: Harold Morrison, Treasurer Castleview Church

1008 High Drive Dover, DE 19901

This sample acknowledgment is based on the following assumptions:

- A. No goods or services were provided in exchange for the gifts other than intangible religious benefits.
- B. The acknowledgment is issued on a periodic or annual basis for all gifts, whether over or under \$250.

All acknowledgments should be numbered consecutively for control and accounting purposes for all the acknowledgments.

#### Sample Charitable Gift Acknowledgment

Received from: Charles K. Vandell

Acknowledgment #2

sh received:			
Date Cash Received	Gross Amount <u>Received</u>	Value of Goods or <u>Services</u>	Net Charitable <u>Contribution</u>
1/23/19	\$80.00	\$25.00 (1)	\$ 55.00
3/20/19	300.00		300.00
4/24/19	60.00		60.00
6/19/19	500.00	100.00 (2)	400.00
9/04/19	275.00		275.00
10/30/19	200.00		200.00
12/18/19	1,000.00		1,000.00
			\$2,290.00

Property received described as follows:

Received on October 22, 2019, 12 brown Samsonite folding chairs.

In return for certain gifts listed above, we provided you with the following goods or services (our estimate of the fair market value is indicated):

\$25.00 (1) Christian music CDs \$100.00 (2) Limited edition art print

You may have also received intangible religious benefits, but these benefits do not need to be valued for tax purposes

The deductible portion of your contribution for federal income tax purposes is limited to the excess of your contribution over the value of goods and services we provided to you.

This document is necessary for any available federal income tax deduction for your contribution. Please retain it for your records.

Acknowledgment issued on: Acknowledgment issued by:

January 15, 2020 Harold Morrison, Treasurer Castleview Church 1008 High Drive Dover, DE 19901

This sample acknowledgment is based on the following assumptions:

- A. Goods or services were provided in exchange for the gifts.
- B. The acknowledgment is issued on a periodic or annual basis for all gifts whether over or under \$250.

All acknowledgments should be numbered consecutively for control and accounting purposes.

- **Giver's out-of-pocket expenses.** Volunteers may incur out-of-pocket expenses on behalf of the church. Substantiation from the church is required if a volunteer claims a deduction for unreimbursed expenses of \$250 or more. However, the IRS acknowledges that the church may be unaware of the details of the expenses or the dates on which they were incurred. Therefore, the church must substantiate only the types of services performed relating to the out-of-pocket expenses.
- **Foreign organizations.** It may be inappropriate to accept gifts restricted for a foreign organization even if the charitable purposes of the foreign charity are consistent with the purposes of the church.
  - **Example:** An individual offers to make a \$5,000 donation to a U.S.-based ministry restricted for the Sri Lanka Relief Outreach (a foreign organization) for its relief and development purposes. While the church provides funding for various foreign missionary endeavors, it has no connection with the Sri Lanka Relief Outreach and has no practical way to provide due diligence in relation to a gift to this entity. Based on these facts, the gift has the characteristics of a pass-through gift. The funds should generally not be accepted by the church.
- **Individuals.** Gifts made by a taxpayer to poor or needy individuals or to employees of a church generally do not qualify as charitable contributions and are not the basis for a gift acknowledgment.

## Reporting to the IRS

Most gifts do not require any reporting by the church to the IRS. In addition to gifts of automobiles, boats, and airplanes, certain gifts require IRS reporting, or execution of a form that the giver files with the IRS:

- Noncash gifts in excess of \$500. Gifts of property valued at \$500 or more require the completion of certain information on page 1 of Form 8283. For gifts between \$500 and \$5,000 in value, the IRS does not require an appraisal or signature of the church.
- Noncash gifts in excess of \$5,000. Additional substantiation requirements apply to contributions of property (other than money and publicly traded securities), if the total claimed or reported value of the property is more than \$5,000. For these gifts, the giver must obtain a qualified appraisal and attach an appraisal summary to the return on which the deduction is claimed. There is an exception for nonpublicly traded stock. If the claimed value of the stock does not exceed \$10,000 but is greater than \$5,000, the giver does not have to obtain an appraisal by a qualified appraiser.

The appraisal declaration must be completed on page two of Form 8283 (see pages 44–45), signed and dated by the church and the appraiser, and attached to the giver's return. The signature by the church does not represent concurrence with the appraised value of the contributed property.

If Form 8283 is required, it is the giver's responsibility to file it. The church is under no responsibility to see that this form is filed or that it is properly completed. However, advising givers of their obligations and providing them with the form can produce giver goodwill.

➤ Church reporting for contributed property. If a noncash gift requiring an appraisal summary on Form 8283 is sold, exchanged, or otherwise disposed of by the church within three years after the date of its contribution, the church must file Form 8282 (see pages 46–47) with the IRS within 125 days of the disposition of the asset.

This form provides detailed information on the gift and the disposal of the property. A copy of this information return must be provided to the giver and retained by the church. A church that receives a charitable contribution of property valued at more than \$5,000 from a corporation generally does not have to complete Form 8283.

A letter or other written communication from a church acknowledging receipt of the property and showing the name of the giver, the date and location of the contribution, and a detailed description of the property is an acceptable contribution acknowledgment for a gift of property.

There is no requirement to include the value of contributed property on the acknowledgment. A tension often surrounds a significant gift of property because the giver may request the church to include an excessively high value on the charitable acknowledgment. It is wise for the church to remain impartial in the matter and simply acknowledge the property by description with the exclusion of a dollar amount.

**Example:** A church receives a gift of real estate. The acknowledgment should include the legal description of the real property and a description of the improvements, with no indication of the dollar value.

➤ Acknowledging and reporting gifts of autos, boats, and airplanes. Churches are required to provide contemporaneous written acknowledgment (generally using Form 1098-C; see page 36) containing specific information to givers of autos, boats, and airplanes. Taxpayers are required

to include a copy of the written acknowledgments with their tax returns in order to receive a deduction. The church is also required to provide the information

contained in the acknowledgment to the IRS. The information included in such acknowledgments as well as the meaning of "contemporaneous" depends on what the church does with the donated vehicle.

Vehicle sold *before* use or improvement. If the donated auto, boat, or airplane is sold before significant intervening use or material improvement by the church, the gross proceeds received by the church from the sale of the vehicle must be included on



Charitable deductions for gifts of automobiles, boats, and airplanes are generally limited to the gross proceeds of the sale of the property by the church.

the written acknowledgment. Therefore, for donated property sold before use or improvement, the deductible amount is the gross proceeds received from the sale.

DONEE'S name, street address, cit or foreign postal code, and telepho	1 Date of con 1/15/1		OMB No. 1545-1959 Form <b>1098-C</b>	Contributions of Motor Vehicles	
Lamont Commu	2a Odometer	mileage	(Rev. November 2019)	Boats, and	
101 East Main St Lamont, KS 668	81,980		Airplanes		
55 Pt 50 Pt		2b Year 2010	2c Make Chevy	2d Model Colorado	
DONEE'S TIN	DONOR'S TIN	3 Vehicle or o	ther identification	on number	
35-0189211	514-41-8007	1FAP58	3923V1597	53	
DONOR'S name Fred Wilbur	4			rehicle was sold in arm's unrelated party	
Street address (including apt. no.)		4b Date of sa	le	V* 00	
512 North Main		1/25/1	9		
City or town, state or province, cou Lamont, KS 668	intry, and ZIP or foreign postal code	4c Gross proc \$ 3,000	ceeds from sale	(see instructions)	Copy A
5c Donee certifies the following de	etailed description of material improvement	nts or significant	intervening use	and duration of use	For Privacy Ac and Paperwor Reduction Ac Notice, see th current Genera
6a Did you provide goods or servic	ses in exchange for the vehicle?			▶ Yes  N	Instructions for Certain Information
6b Value of goods and services pro	ovided in exchange for the vehicle		707 405 10 37179	500 700 111 000	Returns
	s, if any, that were provided. If this box is ligious benefits	checked, donee	certifies that th	ne goods and services	. 0

**Vehicle not sold before use or improvement.** Churches may plan to significantly use or materially improve a donated auto, boat, or airplane before or instead of selling the property. The deductible amount for contributed autos, boats, or airplanes that will be used or improved by the church is the fair market value of the property, as determined by the giver, taking into consideration accessories, mileage, and other indicators of the property's general condition.

In certain instances, an auto, boat, or airplane may be sold at a price significantly below fair market value (or gratuitously transferred) to needy individuals in direct furtherance of the church's charitable purpose.

Generally, no deduction is allowed unless givers receive Form 1098-C within 30 days after the date that the property is sold or within 30 days of the donation date if the church keeps the property. If the property is sold, givers must be informed of the gross selling price.

If the church keeps the property, the private-party sale price must be used by givers to figure the charitable tax deduction, not the higher dealer retail price.

#### Special Charitable Contribution Issues

#### Granting of Scholarships

When scholarship assistance is provided by a church, it requires careful compliance with tax laws and regulations. Three distinct areas of the tax law must be addressed:

➤ **Protecting the contributor's tax deduction.** To qualify for a charitable gift deduction, gifts must be "to or for the use of" a church, not an individual. If a giver desires to make a tax-deductible gift for scholarships to be awarded by the church, the giver must not identify the scholarship recipient, even if that individual is unrelated to the giver.

The group of individuals that may properly receive scholarship assistance from a church is called a charitable class. A charitable class must be large or indefinite enough that providing aid to members of the class benefits the community as a whole. Examples of broad charitable classes may include low-income students or students with specific interests.

The following five guidelines apply to protecting the contribution deduction:

- 1. The church determines all scholarship recipients through the use of a scholarship committee.
- 2. The church has a well-published policy stating that it determines the recipients according to its own policies and that it expressly rejects any effort to honor a giver's recommendation(s).
- 3. All scholarship policies contain the following statement: "Scholarships are awarded without regard to sex, race, nationality, or national origin."
- 4. Recipients of scholarships and the amount they are to receive will be based on funds already received.
- 5. At a minimum, the criteria for scholarship qualification are in writing.
- ➤ Protecting the status of the payments to the scholarship recipient. Only a candidate for a degree can exclude amounts received as a scholarship. A qualified scholarship is any payment to or for the student if it is for "tuition and fees" or for enrollment or "fees, books, supplies, and equipment" required for specific courses. It is not necessary for a church granting a scholarship to confirm that it will be used only for qualified uses. The person receiving the scholarship must report excess amounts as taxable income.



#### **Key Issue**

Too often, well-meaning people want to help a relative or a friend pay their school bills, plus they want a tax deduction for the assistance. So, instead of making a personal nondeductible gift to the intended beneficiary, they make a "gift" to a church with a request to provide a scholarship for a designated individual. This transfer of funds is not a charitable contribution and the funds should not be accepted by the church.

- ➤ Employee dependent scholarship programs. Generally, scholarships for employees' dependents will be considered taxable compensation to the employee unless they meet the following precise guidelines. A few of the requirements include:
  - 1. The existence of the program must not be presented as a benefit of employment by the church.
  - 2. Selection of beneficiaries must be made by an independent committee.
  - 3. Selection must be based solely upon substantial objective standards that are completely unrelated to the employment of the recipients or their parents.
  - 4. Generally, not more than 25% of eligible dependents may be recipients of scholarships.

#### Contributions to Needy Individuals and Benevolence Funds

Contributions made directly by a giver to needy individuals are not deductible. To qualify for a charitable deduction, contributions must be made to the church. Contributions to benevolence funds may be claimed as charitable deductions if they are not earmarked for particular recipients.

A gift to a church involved in helping needy people that is marked "to aid the unemployed" is generally deductible. Yet if the gift is designated or restricted for the "Brown family" and the church passes the money on to the Browns, the gift is generally not tax-deductible.

If a giver makes a *suggestion* about the beneficiary of a benevolent contribution, it will generally be deductible if the church exercises proper control over the benevolence fund. The suggestion must only be advisory in nature, and the church may accept or reject the gift. However, if every "suggestion" is honored by the church, the deduction as a charitable contribution could be challenged by the IRS.

### Sample Benevolence Fund Policy

Whereas, New Haven Church has a ministry to needy individuals; and

Whereas, The church desires to establish a Benevolence Fund through which funds for the support of needy individuals may be administered; and

Whereas, The church desires to operate the Benevolence Fund according to the highest standards of integrity;

**Resolved,** That New Haven Church establish a Benevolence Fund to help individuals in financial need and develop written procedures to document the need, establish reasonable limitations of support per person during a specified time period, and obtain external verification of the need; and

**Resolved,** That the church will accept only contributions to the Benevolence Fund that are "to or for the use" of the church, and their use must be subject to the control and discretion of the church board. Givers may make suggestions but not designations or restrictions concerning the identity of the needy individuals; and

**Resolved,** That the church will provide a charitable contribution acknowledgment for gifts that meet the test outlined in the previous resolution. The church reserves the right to return any gifts that do not meet the test.

A church may want to help a particular individual or family that has unusually high medical bills or other valid personal financial needs. To announce that funds will be

received for the individual or family and to acknowledge the monies through the church makes the gifts personal and not deductible as charitable contributions. An option is for the church to set up a trust fund at a local bank. Contributions to the trust fund would not be deductible for tax purposes. Payments from the trust fund would not represent taxable income to a needy individual or family. This method of helping the needy person or family is a sound approach and would represent personal gifts from one individual to another.

#### **Contributions to Support Missionaries**

Donations may be received by a church, *preferenced* for the support of a particular missionary (often referred to as deputized fundraising). The IRS has acknowledged that deputized fundraising is a widespread and legitimate practice and that the contributions properly raised by this method are tax-deductible.



#### Warning

An area of frequent abuse involves a donation in which the giver specifies that the money must go to a particular individual (or family) to assist their financial needs. Before accepting such a gift, a church must exercise due diligence to ensure the transaction does not actually constitute earmarking of the funds by a giver, which is not deductible as a charitable contribution.

A gift preferenced for the support of a particular missionary will generally be used to support the preferenced missionary. However, the church, at their discretion, could choose to use the gift to support another missionary. In either case, the gift is restricted for missionary support—either through a mission-sending ministry or to directly support a missionary associated with the church—and cannot be used for other church

purposes.

#### Contributions for Short-Term Mission Trips

It is a common practice for churches to raise funds to send volunteers on short-term mission trips. The funds are often raised by a participant preferenced for his or her own trip expenses, as opposed to raising the funds for the group of volunteers as a whole.

Tax-deductible contributions for short-term missionary trips must be made "to or for the use of" the church.

If the giver only intends to benefit the person—using the church as an intermediary in order to obtain a tax deduction for an otherwise nondeductible gift—the contribution will not be tax-deductible.

Such a motivation may be encouraged by promises of a refund if the person does not go or if too much money is raised.

However, when the church exercises control over the project, the contributions, and who participates; and when contribution requests emphasize funding the project, as a whole, the giver's contributions should be treated as tax-deductible gifts to the church.

#### Quid Pro Quo Disclosure Requirements

When a giver receives goods or services of value approximate to the amount transferred to a church, there is no gift. This is because the person received a "quid pro quo" of an equivalent amount in exchange for the transfer. If the payment to a church exceeds the approximate amount of goods or services provided by the church to the giver, the difference qualifies as a charitable gift.

#### ldea

Donations for short-term mission trips generally fall under the same rules as gifts to support the ministry of career missionaries. Even gifts from an adult trip participant to a church to fund the adult's trip may qualify for a charitable deduction. Further analysis is necessary regarding the person vs. ministry purpose of the trip when funds are raised for minors.

The church is required to provide an acknowledgment for all transactions in which the giver makes a payment of more than \$75 to the church and receives goods or services (other than intangible religious benefits or items of token value).

- **Form of the acknowledgment.** The acknowledgment must:
  - ☐ inform the giver that the amount of the contribution that is deductible for federal income tax purposes is limited to the difference in the amount of money and the value of any property contributed by the giver over the value of the goods or services provided by the church, and
  - provide the giver with a good-faith estimate of the value of goods or services that the church is providing in exchange for the contribution.

Only single payments of more than \$75 are subject to the rules. Payments are not cumulative. It is not a difference of \$75 between the amount given by the giver and the value of the object received by the giver that triggers the disclosure requirements, but the amount actually paid by the giver.

- ➤ Calculating the gift portion. It is not a requirement for the church to actually complete the subtraction of the benefit from a cash payment, showing the net charitable deduction. However, providing the net amount available for a charitable deduction is a good approach for clear communication with givers.
- ➤ When to make the required disclosures. The disclosure of the value of goods or services provided to a giver may be made in the solicitation as well as in the subsequent acknowledgment. However, sufficient information will generally not be available to make proper disclosure upon solicitation. For example, the value of a dinner may not be known at the time the solicitation is made.
- ➤ Goods provided to givers. To determine the net charitable contribution, a gift must generally be reduced by the fair market value of any premium, incentive, or other benefit received by the giver in exchange for the gift. Common examples of premiums are books, CDs, DVDs, Bibles, and other resources. For gifts of over \$75, organizations must advise the giver of the fair market value of the premium or incentive and that the value is not deductible for tax purposes.

Givers must reduce their charitable deduction by the fair market value of goods or services they receive, even when the goods or services were donated to the church for use as premiums or gifts or when they were bought wholesale by the church. Therefore, churches cannot pass along to givers the savings realized by receiving products at no cost or buying products at a discount.

In certain circumstances, if givers receive unsolicited free, low-cost articles (free to the giver and low-cost to the distributing church) as part of the church's stewardship efforts, they are allowed a full tax deduction for the donation:



#### Remember

Many churches offer products and suggest a donation amount with respect to the products. For example, a church may offer a book with a suggested donation amount of \$30. If the fair market value of the book is \$30 and the individual sends \$30 to the church, no charitable donation has been made. However, if the church receives \$50, a \$20 charitable deduction is available.



#### Warning

A church must furnish a disclosure statement in connection with either the solicitation or the acknowledgment of a quid pro quo transaction of over \$75. The statement must be in writing and must be made in a manner that is likely to come to the attention of the giver. For example, a disclosure in small print within a larger document might not meet this requirement.

- □ **Low-cost items.** If an item that has a cost (not retail value) of less than \$11.10 (2019 inflation-adjusted amount) and bears the church's name or logo is given in return for a donation of more than \$55.50 (2019 inflation-adjusted amount), the giver may claim a charitable deduction for the full amount of the donation. Examples of items that often qualify as tokens are coffee mugs, key chains, bookmarks, and calendars.
- □ **De minimis** benefits. A giver can take a full deduction if the fair market value of the benefits received in connection with a gift does not exceed 2% of the donation or \$111 (2019 inflation-adjusted amount), whichever is less.
- **Examples of the quid pro quo rules.** Here are some examples of how the quid pro quo rules apply.
  - ☐ Admission to events. Many churches sponsor banquets, concerts, or other events to which givers and prospective givers are invited in exchange for a contribution or other payment. Often, the giver receives a benefit equivalent to the payment and no charitable deduction is available.
    - But if the amount paid is more than the value received, the amount in excess of the fair market value is deductible if the giver intended to make a contribution.
  - ☐ **Bazaars.** Payments for items sold at bazaars and bake sales are not tax-deductible to givers since the purchase price generally equals the fair market value of the item.

#### Receipting a taxpayer other than the giver

Givers or prospective givers sometimes present challenging requests to churches. Some requests relate to the receipting of a gift or potential gift. If a giver asks a church to issue a gift receipt to a taxpayer other than the one making the gift, what should the church do?

- ➤ Should the church automatically issue the receipt as requested by the giver, or should the church ask for an explanation?
- ➤ If the giver provides an explanation that evidences an attempt to understate income or social security taxes, what should the church do?
- ➤ If the church provides a receipt to a taxpayer other than the giver, is the church aiding tax evasion?

The following policy provides sound guidance on this issue:

#### Policy on Issuing Receipts to Someone Other Than the Giver

When the church receives requests for receipts to be issued to a taxpayer other than the remitter of the funds, receipts will be issued only to the taxpayer making the gift.

- For a cash gift, the person or entity named on the check (or the individual delivering the cash) is the one to whom the receipt is addressed.
- The person or entity transferring ownership of noncash assets to a church is the giver.

The following exceptions to this policy may be permitted:

- ➤ If the giver documents the appropriateness of issuing a receipt to a taxpayer other than the giver, an exception may be made to the policy.
- To facilitate the processing of modest gifts, an exception may be made for small gifts where the risk of significant fraud is diminished.

## Sample Letter to Volunteers

Date

	Date
ear Volunteer:	
We appreciate the tim	ne, energy, and out-of-pocket costs you devote to our cause as follows:
	[Description of Services/Expenses Provided/Date Provided]

No goods or services were provided to you by our church, except intangible religious benefits, in consideration of your volunteer efforts.

You may deduct unreimbursed expenses that you incur incidental to your volunteer work. Transportation costs (travel from home to our church or other places where you render services), phone calls, postage stamps, stationery, and similar out-of-pocket costs are deductible.

You can deduct the IRS approved charitable mileage rate (14 cents per mile for 2019) in computing the costs of operating your car while doing volunteer work as well as unreimbursed parking and toll costs. Instead of using the cents-per-mile method, you can deduct your actual auto expenses, provided you keep proper records. However, insurance and depreciation on your car are not deductible.

If you travel as a volunteer and must be away from home overnight, reasonable payments for meals and lodging as well as your travel costs are deductible. Your out-of-pocket costs at a convention connected with your volunteer work are deductible if you were duly chosen as a representative of our church.

You cannot deduct travel expenses as charitable gifts if there's a significant element of personal pleasure, recreation, or vacation in the travel.

You cannot deduct the value of your services themselves. For example, if you devote 100 hours during the year to typing for us and the prevailing rate for these services is \$8.00 per hour, you cannot deduct the \$800 value of your services. Although deductions are allowed for property gifts, the IRS doesn't consider your services "property." Nor is the use of your home for meetings a "property contribution."

Finally, you may be required to substantiate your deduction to the IRS. Be prepared to prove your costs with canceled checks, receipted bills, and diary entries. If your expenses total \$250 or more for the calendar year, you must have this acknowledgment in hand before you file your income tax return (including any extensions).

Again, thank you for furthering our cause with that most precious commodity: your time.

Castleview Church

## Sample Letter to Noncash Givers

Noncash Acknowledgment #\_\_

Charitable Gift Acknowledgment for Noncash Gifts (other than for autos, boats, or airplanes)

RETAIN FOR INCOME TAX PURPOSES

Giver's name and address

(All acknowledgments should be numbered consecutively for control and accounting purposes.)

Date Acknowledgment Issued

Thank you for your noncash gift as follows:

Date of gift:

Description of gift:

(*Note:* No value is shown for the gift. Valuation is the responsibility of the giver.)

To substantiate your gift for IRS purposes, the tax law requires that this acknowledgment state whether you have received any goods or services in exchange for the gift. You have received no goods or services. (*Note:* If goods or services were provided to the giver, replace the previous sentence with: In return for your contribution, you have received the following goods or services (description) which we value at (good-faith estimate). The value of the goods and services you received must be deducted from the value of your contribution to determine your charitable deduction.)

If your noncash gifts for the year total more than \$500, you must include Form 8283 (a copy of Form 8283 and its instructions are enclosed for your convenience) with your income tax return. Section A is used to report gifts valued at \$5,000 or under. You can complete Section A on your own. When the value of the gift is more than \$5,000, you will need to have the property appraised. The appraiser's findings are reported in Section B of Form 8283. The rules also apply if you give "similar items of property" with a total value above \$5,000—even if you gave the items to different charities. Section B of Form 8283 must be signed by the appraiser. As the donee, we have already signed the form. It is essential to attach the form to your tax return.

You might want an appraisal (even if your gift does not require one) in case you have to convince the IRS of the property's worth. You never need an appraisal or an appraisal summary for gifts of publicly traded securities, even if their total value exceeds \$5,000. You must report those gifts (when the value is more than \$500) by completing Section A of Form 8283 and attaching it to your return.

For gifts of closely held stock, an appraisal is not required if the value of the stock is under \$10,000, but part of the appraisal summary form must be completed if the value is over \$5,000. If the gift is valued over \$10,000, then both an appraisal and an appraisal summary form are required.

If we receive a gift of property subject to the appraisal summary rules, we must report to both the IRS and you if we dispose of the gift within three years.

Again, we are grateful for your generous contribution. Please let us know if we can give you and your advisors more information about the IRS's reporting requirements.

Castleview Church

**Note:** If the gift involves an auto, boat, or airplane, see pages 35–37 for the gift deduction rules.

(Rev. July 2019) Department of the Treasury

#### **Noncash Charitable Contributions**

► Attach one or more Forms 8283 to your tax return if you claimed a total deduction of over \$500 for all contributed property.

► Go to www.irs.gov/Form8283 for instructions and the latest information.

OMB No. 1545-0908

Attachment Sequence No. **155** 

Internal Revenue Service Name(s) shown on your income tax return

Note: Figure the amount of your contribution deduction before completing this form. See your tax return instructions.

Mark A. and Joan E. Murphy

ldentifying number 392-83-1982

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This form must be completed and filed with the giver's income tax return for gifts of property valued at \$500 or more. There is no requirement of an appraisal or signature of the donee organization for gifts valued between \$500 and \$5,000.

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Section B must be completed for gifts of items (or groups of similar items) for which a deduction was claimed of more than \$5,000 per item or group.

sm **8282** 

(Rev. April 2009) Department of the Treasury **Donee Information Return** 

(Sale, Exchange, or Other Disposition of Donated Property)

► See instructions.

OMB No. 1545-0908

Give a Copy to Donor

Part I In	zation is an <b>original donee,</b> complete <i>Ident</i> zation is a <b>successor donee,</b> complete <i>Ide</i>	ntifying Information, Part I, Part II, and P	Employer identification number 35 ; 4829942
Part I In Name of or	zation is a successor donee, complete Ide Information Name of charitable organization (donee) Oneonta First Church Address (number, street, and room or suite no.) (or P.O. 292 River Street City or town, state, and ZIP code	ntifying Information, Part I, Part II, and P	Employer identification number 35 4829942
Print or Type  Part I In	Name of charitable organization (donee)  Oneonta First Church  Address (number, street, and room or suite no.) (or P.O. 292 River Street  City or town, state, and ZIP code		Employer identification number 35   4829942
Print or Type  Part I In	Name of charitable organization (donee)  Oneonta First Church  Address (number, street, and room or suite no.) (or P.O.  292 River Street  City or town, state, and ZIP code	box no. if mail is not delivered to the street addres	35   4829942
Print or Type  Part I In	Oneonta First Church  Address (number, street, and room or suite no.) (or P.O. 292 River Street  City or town, state, and ZIP code	box no. if mail is not delivered to the street address	35   4829942
or Type Part I In	Address (number, street, and room or suite no.) (or P.O. 292 River Street  City or town, state, and ZIP code	box no. if mail is not delivered to the street address	
Type Part I In	292 River Street City or town, state, and ZIP code	box no. if mail is not delivered to the street address	ss)
Part I In			
1a Name of or			
	formation on ORIGINAL DONOR and	SUCCESSOR DONEE Receiving t	he Property
	riginal donor of the property		1b Identifying number(s)
Keith E	. Chapman		512-40-8076
1c Address (nu	imber, street, and room or suite no.) (P.O. box no. if ma	il is not delivered to the street address)	
504 Ch	urch Street		
15.	n, state, and ZIP code		
Solvay,	NY 13209		
Note. Complet	te lines 2a-2d only if the organization gave	this property to another charitable organ	nization (successor donee).
2a Name of ch	naritable organization		2b Employer identification number
2c Address (nu	imber, street, and room or suite no.) (or P.O. box no. if	mail is not delivered to the street address)	•
2d City or town	n, state, and ZIP code		
Part II In	formation on PREVIOUS DONEES. Conee to receive the property. See the	omplete this part only if the organ instructions before completing lines	ization was not the first 3a through 4d.
3a Name of or	riginal donee		3b Employer identification number
3c Address (nu	imber, street, and room or suite no.) (or P.O. box no. if	mail is not delivered to the street address)	
3d City or town	n, state, and ZIP code		
4a Name of pr	receding donee		4b Employer identification number
4c Address (nu	imber, street, and room or suite no.) (or P.O. box no. if	mail is not delivered to the street address)	
4d City or town	n, state, and ZIP code		
For Paperwork	Reduction Act Notice, see page 4.	Cat. No. 62307Y	Form <b>8282</b> (Rev. 4-2009

This form must generally be filed by a church if it disposes of charitable deduction property within three years of the date the original done received it and the items are valued at \$500 or more.

art	Information on DONATED PROP	ERTY	ì						
	Description of the donated property sold, exchanged, or otherwise disposed of and how the organization used the property. (If you need more space, attach a separate statement.)	2. Did the disposition involve the organization's entire interest in the property?		3. Was the use related to the organization's exempt purpose or function?		4. Information on use of property.  If you answered "Yes" to question 3 and the prop was tangible personal property, describe how the organization's use of the property furthered its exempurpose or function. Also complete Part IV below.  If you answered "No" to question 3 and the property was tangible personal property, describe the organization's intended use (if any) at the time of the contribution. Also complete Part IV below, if the intended use at the time of the contribution was related to the organization's exempt purpose or			
		Yes	No	Yes	No	function and implement.	d it became impossib	le or infeasible to	
F	Real estate/Vacant lot, 82 White St.								
	Oneonta, NY	Х			Х				
-		T				Donated P	roperty		
			Α	)		В	С	D	
	Date the organization received the donated property (MM/DD/YY)  Date the original donee received the		9 / 1	/ 19		1 1	1 1	1 1	
+	property (MM/DD/YY)		1	1		/ /	/ /	/ /	
	Date the property was sold, exchanged, or otherwise disposed of (MM/DD/YY)	1	11/10	/ 19		/ /	/ /	1 1	
art	Amount received upon disposition  V Certification	\$	3,780	0	\$		\$	\$	
ou m	nust sign the certification below if any propert  ■ You answered "Yes" to question 3 above,  ■ You answered "No" to question 3 above as implement.  If penalties of perjury and the penalty under see	or nd the	intende	ed use o	of the p	property becar	me impossible or	r infeasible to	
ove fun	e requirements, and is described above in Paraction; or (2) the donee organization intended ecome impossible or infeasible to implement.	t III, wa	as subs the pro	tantial	and relation its expense.	ated to the do	nee organization	n's exempt purpo t the intended us	
	nature of officer		Title	casare			Date	<u>- '</u>	
		hat I	have ex	xamine	d this			ng schedules a	
Sign	Under penalties of perjury, I declare t statements, and to the best of my knowle			f, it is t	rue, cor	rect, and com			
	statements, and to the best of my knowle			f, it is t	rue, cor	reet, and com	<b>\</b>		

## Projected 2020 Filing Dates

#### January

- 15 Monthly deposit of Social Security, Medicare, and withheld income tax
- 31 Distribute Form 1099 to recipients and file with the IRS
- 31 Distribute Form W-2 to recipients and file with the IRS
- 31 Mail or electronically file Copy A of Form(s) W-2 and W-3 with the SSA
- 31 Form 940 for unemployment tax
- 31 Form 941 due for Social Security, Medicare, and withheld income tax

#### **February**

- 17 Monthly deposit of Social Security, Medicare, and withheld income tax
- 17 Federal tax withholding deductions reset for anyone who has not given their employer an updated Form W-4

#### March

16 Monthly deposit of Social Security, Medicare, and withheld income tax

#### April

- 15 Monthly deposit of Social Security, Medicare, and withheld income tax
- 30 Quarterly Form 941 due

#### May

- 15 Form 990 and 990-T due for calendar yearend organizations (other year-ends, 15th day of the 5th month after your year-end)
- 15 Monthly deposit of Social Security, Medicare, and withheld income tax

#### June

15 Monthly deposit of Social Security, Medicare, and withheld income tax

#### July

- 15 Monthly deposit of Social Security, Medicare, and withheld income tax
- 31 Quarterly Form 941 due

#### August

17 Monthly deposit of Social Security, Medicare, and withheld income tax

#### September

15 Monthly deposit of Social Security, Medicare, and withheld income tax

#### October

15 Monthly deposit of Social Security, Medicare, and withheld income tax

#### November

- 2 Quarterly Form 941 due
- 16 Monthly deposit of Social Security, Medicare, and withheld income tax

#### December

15 Monthly deposit of Social Security, Medicare, and withheld income tax

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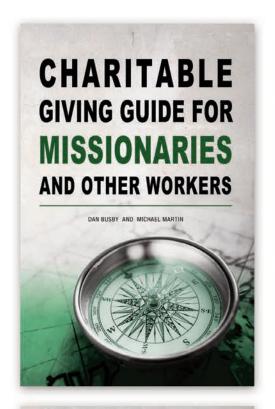
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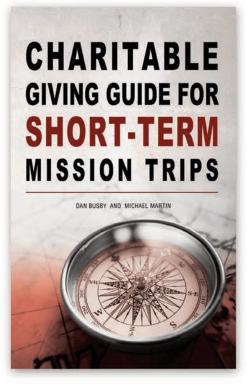
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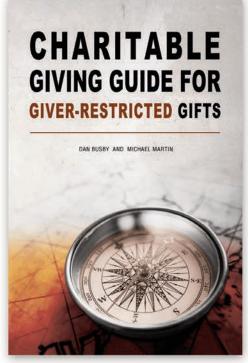
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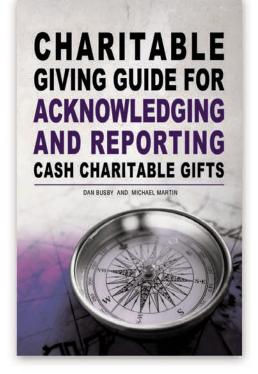
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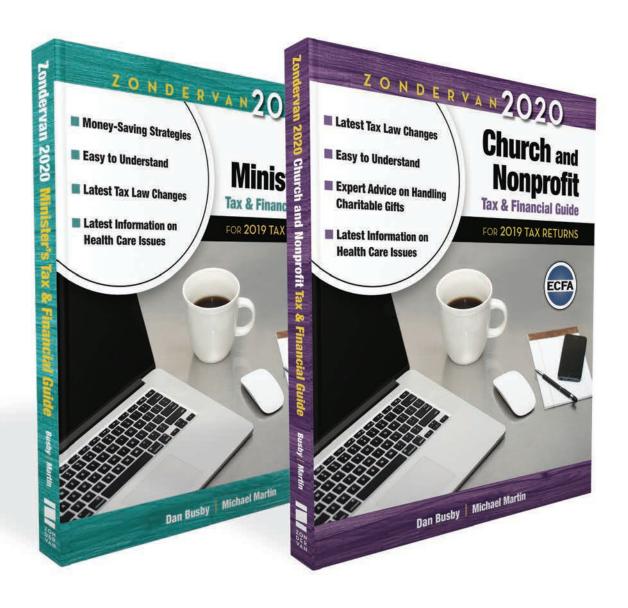












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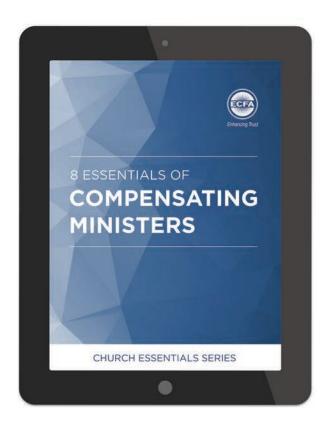
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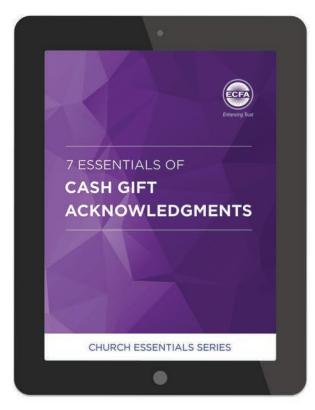


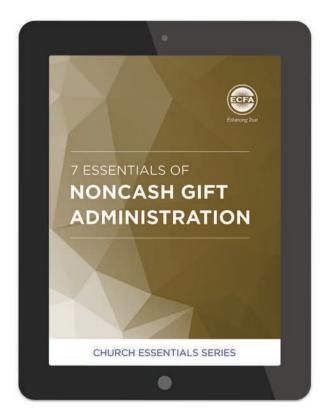


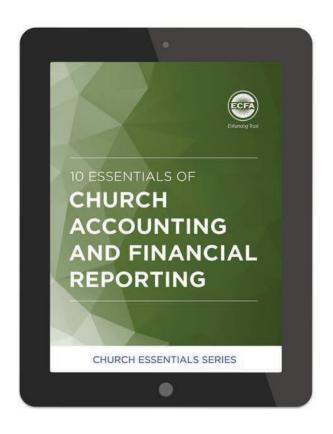
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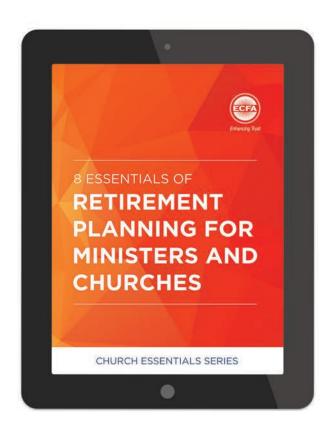






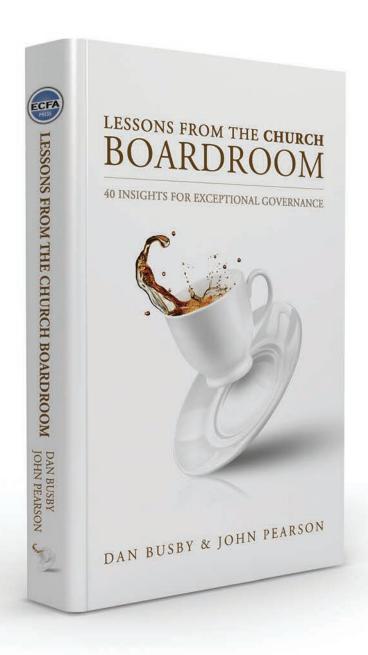












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