

# STEPS TO APPLY FOR A WORK OPPORTUNITY TAX CREDIT



## STEP 1: COMPLETE THE IRS 8850 FORM

- **IRS 8850, Page 1**

The applicant must complete, sign and date Page 1 of the IRS 8850 on or before the day the job is offered.

- Everything highlighted in pink, on page 1, is what needs to be filled out by the applicant.

- **IRS 8850, Page 2**

When the decision to hire is made, complete Page 2 (employer section) of the IRS 8850. If you later decide not to hire, the IRS 8850 should be kept with the company application as long as the application is kept.

- Everything highlighted in blue, on page 2, is what needs to be filled out by the employer.
- The IRS 8850 Form is considered a “critical” form. All highlighted areas need to be filled out in a timely manner (28 Day Rule – discussed further below) or the application could be denied.

## STEP 2: FILL OUT THE ETA 9061 FORM

- The applicant completes and signs the ICF Form ETA 9061 on or before the first day of work (usually at orientation).

- Everything highlighted in green is what needs to be filled out by the applicant.
- Everything highlighted in orange is what needs to be filled out by the employer.
- Anything highlighted in both green and orange can be filled out by either the applicant or the employer.

## STEP 3: SUBMIT ALL FORMS

- You can submit the applications by:

- Mail:

Department of Commerce  
Attn: WOTC Unit  
1000 SW Jackson St, Ste 100  
Topeka, KS 66612

- Email:

[WOTCWebmail@ks.gov](mailto:WOTCWebmail@ks.gov)

- Electronically:

[kansaswotc.com](http://kansaswotc.com)

- The IRS Form 8850 must be post-marked within 28 calendar days after the employee’s start date for it to be considered filed in a timely manner.
- The WOTC agency looks at the Post-Mark date when calculating the 28 days from start date
- WOTC applications that are not submitted within 28 calendar days will be denied by the agency

#### **STEP 4: RECEIVE FINAL DETERMINATION**

- The SWA will issue a final determination for each WOTC application.
- In some cases before that determination is made, assistance may be requested from the employer to obtain additional information or documentation.
- The final determination will indicate whether the new employee is certified as meeting the eligibility for one of the WOTC target groups.
- In those instances where the SWA is not able to verify that the new employee meets the eligibility, the SWA will issue a denial with an explanation.

#### **STEP 5: FILE FOR THE CREDIT WITH THE IRS**

- After receiving a certification from the SWA, employers may file for the tax credit with the IRS.
- Generally, an employer elects to take the credit by filing IRS Form 5884, Work Opportunity Credit.
- However, a tax-exempt organization that hires an employee in the WOTC veteran target group should use IRS Form 5884-C, Work Opportunity Credit for Qualified Tax-Exempt Organizations Hiring Qualified Veterans.
- Employers also must meet requirements for the Minimum Employment Period, which is the number of hours required to be worked by the employee – at least 120 hours in the first year of employment – before they can file and qualify for the tax credit.