

## Hiring Incentives to Restore Employment (HIRE) Act Employee Affidavit

▶ **Do not send this form to the IRS. Keep this form for your records.**

**To be completed by new employee. Affidavit is not valid unless employee signs it.**

I certify that I have been unemployed or have not worked for anyone for more than 40 hours during the 60-day period ending on the date I began employment with this employer.

Your name \_\_\_\_\_ Social security number ▶ \_\_\_\_\_

First date of employment \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Name of employer \_\_\_\_\_

Under penalties of perjury, I declare that I have examined this affidavit and, to the best of my knowledge and belief, it is true, correct, and complete.

Employee's signature ▶ \_\_\_\_\_ Date ▶ \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### Instructions to the Employer

Section references are to the Internal Revenue Code.

#### Purpose of Form

Use Form W-11 to confirm that an employee is a qualified employee under the HIRE Act. You can use another similar statement if it contains the information above and the employee signs it under penalties of perjury.

Only employees who meet all the requirements of a qualified employee may complete this affidavit or similar statement. You cannot claim the HIRE Act benefits, including the payroll tax exemption or the new hire retention credit, unless the employee completes and signs this affidavit or similar statement under penalties of perjury and is otherwise a qualified employee.

A "qualified employee" is an employee who:

- begins employment with you after February 3, 2010, and before January 1, 2011;
- certifies by signed affidavit, or similar statement under penalties of perjury, that he or she has not been employed for more than 40 hours during the 60-day period ending on the date the employee begins employment with you;
- is not employed by you to replace another employee unless the other employee separated from employment voluntarily or for cause (including downsizing); and
- is not related to you. An employee is related to you if he or she is your child or a descendent of your child,

your sibling or stepsibling, your parent or an ancestor of your parent, your stepparent, your niece or nephew, your aunt or uncle, or your in-law. An employee also is related to you if he or she is related to anyone who owns more than 50% of your outstanding stock or capital and profits interest or is your dependent or a dependent of anyone who owns more than 50% of your outstanding stock or capital and profits interest.

If you are an estate or trust, see section 51(i)(1) and section 152(d)(2) for more details.



*Do not send this form to the IRS. Keep it with your other payroll and income tax records.*

## H.I.R.E. Act

**Did the person work more than 40 hours in the last 60 days?** They can not be a dependent of the employer or have the following relationships: children or their descendants, siblings or step-siblings, parents or a parent's ancestor, step-parents, nephews, nieces, uncles, aunts and in-laws.

**YES-STOP-** they don't qualify

**NO- Are they filling a newly created position never before filled by the employer?**

**YES-** they qualify

**NO – Was this position vacated voluntarily?**

**YES-**they qualify

**NO- Was the previous employee released for just cause?**

**YES-**they qualify, please see note below regarding documentation for terminated employees.

**NO-** they don't qualify

Additional facts:

- Employees must be hired between 2/3/10 and 12/31/10
- Tax forgiveness is for wages paid after 3/17/10-12/31/10
- Taxes on wages from 3/18-3/31 will be credited in 2<sup>nd</sup> quarter
- Employers must have a signed affidavit from the newly hired employee stating they were unemployed for 60 days prior to hire.
- Employers that released an employee and refilled the position with a person meeting these qualifications should be forewarned and forearmed to have substantial documentation regarding the previous employee's termination or a resignation letter.