Oregon Withholding Tax Formulas

Effective January 1, 2019

To: Oregon employers

The *Oregon Withholding Tax Formulas* include:

- Things you need to know.
- Phase-out information for high income employees.
- Frequently asked questions.

For more information, call:

(503) 945-8091
or
(503) 945-8100

955 Center Street NE
Salem OR 97301-2555

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Things you need to know

Due to changes in federal tax laws, using federal Form W-4 for Oregon withholding calculations may not result in the correct amount of withholding for Oregon tax purposes. We have created Form OR-W-4, *Oregon Employee's Withholding Allowance Certificate*, for determining Oregon allowance claims. Employees with an existing "Oregon-only" federal Form W-4 don't need to change their allowances for Oregon unless they revise their federal Form W-4 after January 1, 2019.

Important: These tables can only be used if the employee claims the same number of allowances for federal and state purposes. If the employee's Oregon allowances are different from federal, refer to the instructions in the *Oregon Withholding Tax Formula*.

The updated *Oregon Withholding Tax Formulas* reflects changes to the inflation adjusted amounts (such as exemption credit, standard deduction, and federal tax subtractions). Employees may notice a change in the amount of Oregon tax withheld. If your employee wishes to adjust for too much or too little tax withheld, refer them to our online withholding calculator and the Oregon Form OR-W-4 available at www.oregon.gov/dor.

Oregon Employer Update for Oregon-only W-4

In December 2017, Congress passed the Tax Cuts and Jobs Act (TCJA), resulting in many changes to federal personal income taxes. In response, the IRS updated the federal Form W-4 worksheets in early 2018. This changed the number of federal allowances employees should claim, creating a disconnect between federal and state withholding that could leave employees owing money when they file their 2018 Oregon personal income tax return.

Encourage your employees—particularly those who have submitted a 2018 federal Form W-4 and don't have a separate form for their Oregon withholding—to make sure their amount of withholding covers their estimated 2018 Oregon personal income tax liability.

To help with these withholding changes, we have new tools available to your employees:

- An online withholding calculator to make determining the appropriate amount of Oregon withholding easier.
- Form OR-W-4 is an Oregon-specific form. Form OR-W-4 allows more flexibility in adapting to future federal tax law changes without inconveniencing Oregon employees and employers. (Employees may use federal Form W-4 and write "For Oregon only" at the top, but the Oregon Form OR-W-4 will be more accurate for Oregon withholding.)

You may see an increase in employees making withholding changes. We understand that this may create an administrative burden for some employers, and we're working to reduce that impact as much as we can.

If you have questions about your withholding obligations as an employer, please visit the withholding webpage at www.oregon.gov/dor/personal, and click on "Oregon withholding info and resources," or email us at: payroll.help.dor@oregon.gov.

If your employees have questions refer them to our website at www. oregon.gov/dor or they may call us at (503) 378-4988 for assistance.

Legislative changes

House Bill (HB) 3601 (2013) eliminated all personal exemption credits for taxpayers with federal adjusted gross income of more than $100,000 for single or married filing separately return, or more than $200,000 for married filing joint or head of household return effective January 1, 2014.

You may be personally liable for withholding taxes

As a corporation officer or employee, you can be held personally responsible for unpaid withholding taxes owed by the corporation. That's because Oregon Revised Statutes (ORS) 316.162 and ORS 316.207 authorize the department to transfer the liability for unpaid taxes from the corporation to the responsible officers and employees when the corporation fails to remit the tax withheld.

Interested in electronic funds transfer (EFT)?

Payments for combined payroll taxes can be made electronically using the Department of Revenue's EFT program. You can set up your payments through a secure internet site or through your financial institution. For ACH credit payments, you need to file an authorization agreement with the Department of Revenue before you can receive the department's payment information. To submit your authorization agreement or to make an ACH debit payment, visit www.oregon.gov/dor and look for the link to Revenue Online.

The IRS has changed the rules on the use of the Electronic Federal Tax Payment System (EFTPS) for withholding payments. Oregon law states that if a business is required to use EFTPS for federal purposes, they must use EFT for Oregon purposes. If a change to the federal rules affect you and you must begin paying your federal taxes with EFTPS, then you must pay your Oregon taxes with EFT.

Even though many businesses are required to make their payments this way, employers may voluntarily participate in the EFT program. Additional information and registration materials are available at: www.oregon.gov/dor/e-filing or you may call the EFT help/message line at (503) 947-2017 to receive a program guide.

Alternative withholding method for supplemental wage payments

Employers may use a 9 percent flat rate to figure withholding on supplemental wages that are paid at a different time than an employee's regular payday. Supplemental wages include bonuses, overtime pay, commissions, or any other form of payment received in addition to the employee's regular pay.

Do you have questions or need help?

www.oregon.gov/dor
(503) 378-4988 or (800) 356-4222
questions.dor@oregon.gov

Contact us for ADA accommodations or assistance in other languages.

Things you need to know

Must I round withholding amounts to the nearest dollar?

When employers use the percentage method, the tax for the pay period may be rounded to the nearest dollar, but it's not required.

When are withholding payments due?

Due dates for paying Oregon withholding tax are the same as due dates for depositing your federal tax liability.

If your federal tax liability is:	Oregon withholding tax payments are due:
• Less than $2,500 for the quarter →	by the quarterly report due date
Example: If your federal tax liability is $2,300 and your state income tax liability is $1,500, you deposit quarterly.	
• $50,000 or less in the lookback period* →	by the 15th of the month following payroll
Example: If your federal tax liability is $5,000 and your state income tax liability is $2,500, you deposit monthly.	
• More than $50,000 in the lookback period* →	**Semiweekly deposit schedule**

If the day falls on a:	*Then pay taxes by:*
Wednesday, Thursday, and/or Friday	the following Wednesday
Saturday, Sunday, Monday and/or Tuesday	the following Friday

Example: If your federal tax liability is $60,000 and your state income tax liability is $25,000, you deposit semi-weekly.
• $100,000 in a single pay period* → within one banking day
Example: If your federal tax liability is $120,000 and your state income tax liability is $75,000, you deposit within the next business day.
New business Per federal rules, all new businesses should deposit monthly until a lookback period is available; this is the same for the State of Oregon. See Publication 15, Circular E.
* The lookback period is the 12-month period that ended the preceding June 30. The lookback period for agricultural employers is the calendar year prior to the calendar year just ended.

Payrolls paid in:

Quarter 1
January,
February,
March

Quarter 2
April,
May,
June

Quarter 3
July,
August,
September

Quarter 4
October,
November,
December

When are withholding reports due?

Employers with household employees, or employers who file federal Form 943 for agricultural employment, may file annual returns, Oregon Form WA, *Oregon Agricultural Annual Withholding Tax Return*, 150-206-013-1, for agricultural employees and Oregon Employment Form OA for household employees. All other employers must file a quarterly tax report, Oregon Employment Form OQ.

As long as you are registered as an employer, you must file Form OQ, even if you have no payroll during the reporting period.

Computer formula

To figure Oregon withholding amounts, you may use the formulas shown below. If you use your own formula, it must be approved by the Oregon Department of Revenue before use.

To use the formulas, you must figure a "base wage" (BASE) amount. The base is the employee's wage minus the federal tax withheld minus standard deduction. The federal tax adjustment in the formula can't be more than $6,800 per year in 2019. That's because Oregon personal income tax law limits the amount of federal income tax that is subtracted from federal adjusted gross income (AGI). For payroll periods of less than a year, figure the annual withholding divided by the number of pay periods (see page 5 or 6).

Once you figure the base, use the base in the formulas below to compute your Oregon withholding (WH).

Example 1: A single employee has an annual wage of $15,000 and claims -0- allowance. If the federal withholding for this employee is $1,166 and standard deduction is $2,270, then the base is $11,564 = ($15,000 – $1,166 – $2,270). The amount of annual Oregon withholding from the table below would be $998.

WH = $758 + [(BASE – $8,900) x 0.09] – ($206 x allowances)
WH = $758 + [($11,564 – $8,900) x 0.09] – $206 x -0- = $998

You can figure Oregon withholding for this employee as follows:

1. Wage		$15,000
2. Less federal withholding	–	$1,166
3. Less standard deduction	–	$2,270
4. BASE		$11,564
5. Amount of BASE over $8,900		$2,664
6. Tax on first $8,900 of BASE		$758
7. Tax on excess (0.09 × $2,919)		$240
8. Total tax from rates (lines 6 + 7)		$998
9. Less personal exemption credit ($206 × -0-)	–	$-0-
10. Net tax to be withheld annually		$998

Example 2: To figure monthly withholding based on the same information listed above, take the annual "net tax to be withheld" ($998) and divide by 12 = $83.

For twice a month, take the $998 and divide by 24 = $42.

For every two weeks, take the $998 and divide by 26 = $38.

For weekly, take the $998 and divide by 52 = $19.

For daily, take the $998 and divide by 260 = $4.

Example 3: A single employee earns $132,000 a year and claims four allowances on her federal W-4. Because the employee makes more than $125,000 annually, the employee's subtraction for federal withholding is limited. For example, if the employee's federal tax withheld is $21,098 for the year, they may only subtract $4,100 of that amount. Because the single taxpayers adjusted gross income is over $100,000, the personal exemption credits of four aren't allowed (see above "legislative changes").

Example 4: A married employee earns $175,000 a year and claims four allowances on his federal W-4 but he is choosing to withhold at the higher single rate even though he is married. Because his annual income is higher than $145,000 which is the final step in the phase-out for the single withholding rates, his employer wouldn't give any subtraction for federal tax withheld. His employer would also not allow any allowances in the formula because his income is over $100,000 for a single individual (see above "legislative changes").

A list of questions and answers about the withholding formula is on page 7.

Use the formula that matches your payroll

Annual wages up to $50,000—Annual wages formula:

Single with fewer than 3 allowances

BASE = wages – federal tax withheld (not to exceed $6,800) – standard deduction ($2,270[S])

If BASE is:

At least	*But not over*	
-0- –	3,550	WH = 206 + [BASE × 0.05] – (206 × allowances)
3,550 –	8,900	WH = 383.50 + [(BASE – 3,550) × 0.07] – (206 × allowances)
8,900 –	50,000	WH = 758 + [(BASE – 8,900) × 0.09] – (206 × allowances)

Single with 3 or more allowances, or married

BASE = wages – federal tax withheld (not to exceed $6,800) – standard deduction ($4,545[M])

If BASE is:

At least	*But not over*	
-0- –	7,100	WH = 206 + [BASE × 0.05] – (206 × allowances)
7,100 –	17,800	WH = 561 + [(BASE – 7,100) × 0.07] – (206 × allowances)
17,800 –	50,000	WH = 1,310 + [(BASE – 17,800) × 0.09] – (206 × allowances)

Other pay periods

To determine other pay periods, figure the annual formula. Then for:

Monthly ..... Divide by 12
Twice a month..... Divide by 24
Every two weeks ..... Divide by 26
Weekly..... Divide by 52
Daily ..... Divide by 260

Use the formula that matches your payroll

Annual wages of $50,000 or higher—Annual wages formula:

Single with fewer than 3 allowances

—If single and wages are greater than $100,000 then allowances = -0-.

BASE = wages – federal tax withheld (not to exceed [PHASE OUT]) – standard deduction ($2,270[S])

[S] PHASE OUT =

wages ≥	$50,000	and	<$125,000	= $6,800
wages ≥	$125,000	and	<$130,000	= $5,450
wages ≥	$130,000	and	<$135,000	= $4,100
wages ≥	$135,000	and	<$140,000	= $2,700
wages ≥	$140,000	and	<$145,000	= $1,350
wages ≥	$145,000			= $-0-

If BASE is:

At least	*But not over*	
40,930 –	125,000	WH = 552 + [(BASE – 8,900) × 0.09)] – (206 × allowances)
125,000		WH = 11,001 + [(BASE – 125,000) × 0.099] – (206 × allowances)

Single with 3 or more allowances, or married

—If single and wages are greater than $100,000 then allowances = -0-.
—If married and wages are greater than $200,000 then allowances = -0-.

BASE = wages – federal tax withheld (not to exceed [PHASE OUT]) – standard deduction ($4,545[M])

[M] PHASE OUT =

wages ≥	$50,000	and	<$250,000	= $6,800
wages ≥	$250,000	and	<$260,000	= $5,450
wages ≥	$260,000	and	<$270,000	= $4,100
wages ≥	$270,000	and	<$280,000	= $2,700
wages ≥	$280,000	and	<$290,000	= $1,350
wages ≥	$290,000			= $-0-

[S] PHASE OUT =

wages ≥	$50,000	and	<$125,000	= $6,800
wages ≥	$125,000	and	<$130,000	= $5,450
wages ≥	$130,000	and	<$135,000	= $4,100
wages ≥	$135,000	and	<$140,000	= $2,700
wages ≥	$140,000	and	<$145,000	= $1,350
wages ≥	$145,000			= $-0-

If BASE is:

At least	*But not over*	
38,655 –	250,000	WH = 1,104 + [(BASE – 17,800) × 0.09] – (206 × allowances)
250,000		WH = 22,002 + [(BASE – 250,000) × 0.099] – (206 × allowances)

Other pay periods

To determine other pay periods, figure the annual formula. Then for:

Monthly ..... Divide by 12
Twice a month..... Divide by 24
Every two weeks ..... Divide by 26
Weekly..... Divide by 52
Daily ..... Divide by 260

Frequently asked questions about the withholding computer formula

1. **Does the federal withholding amount subtracted include FICA?**
   No.

2. **What standard deduction amount should be entered for the Oregon formula?**
   For employees claiming single or head of household status, use $2,270 divided by the number of pay periods. For employees claiming married status, use $4,545 divided by the number of pay periods. For single employees with three or more allowances, use $4,545 divided by the number of pay periods.

3. **What do you do if the federal tax withholding exceeds $6,800 on an annual basis?**
   Use $6,800 (or the phased-out amount for high-income earners).

4. **What phase-out amount for federal tax withheld should I enter if my employee is married, but wishes to be withheld at the higher single rate?**
   Use the single phase-out amounts.

5. **What is included in "wages"?**
   All taxable amounts are included in wages (hourly wage, salary, bonuses, tips, etc.).

6. **What isn't included in "wages"?**
   Non-taxable amounts such as pre-tax deductions for insurance, cafeteria or flex spending plans (section 125 plans), retirement plans (section 401k, etc.), health savings accounts, etc.

7. **What phase-out amount should I use if my employee claims single with three or more exemptions?**
   Use the single phase-out amounts. Only use married phase-out amounts for employees who check the "Married" box on the W-4.

8. **What is the difference between twice a month and every two weeks?**
   The twice-a-month formula (often referred to as semi-monthly) is based upon 24 pay periods a year. The every two weeks or biweekly formula is based upon 26 pay periods a year.

9. **Is there a straight percentage method that can be used instead of the formula?**
   No. Even though Oregon's top tax rate is 9.9 percent, employees usually pay less than the highest rate due to the federal tax subtraction, the standard deduction, and the personal exemption credit. The actual percentage they pay depends on a number of factors.

10. **If the withholding amount is negative, what do I use?**
    Zero, however, you should check your calculations to make sure your entries are correct.

11. **Does my computer program need to allow for subtracting federal withholding from gross wages?**
    Yes, up to $6,800 on an annual basis.

12. **Is the personal exemption credit subtracted before or after the other calculations?**
    After.

13. **Is the format of the Oregon withholding formula similar to that for the federal formula?**
    Yes; however, the tax brackets and rates are different. In addition, the Oregon formula requires subtracting the personal exemption credit after the other calculations.

14. **What should I do if my "canned" computer package can't use the Oregon withholding formula?**
    Most of the newer packages are flexible enough to use the Oregon formula. Usually you need to answer a menu of questions about items such as subtracting federal withholding and how to subtract the personal allowance. Some of the older packages don't allow for subtracting federal withholding or for subtracting the personal credit allowance after the other calculations. If your package doesn't accommodate the Oregon formula, you should contact the publisher of the package.

15. **Do my employees need to adjust their W-4?**
    Maybe. If your employee feels like the formulas don't accurately reflect their tax situation, they can change their withholding rate by filling out the Oregon-specific Form W-4. Employees can verify they are claiming the proper number of allowances by using the the online withholding calculator at www.oregon.gov/dor.

16. **Can employees use different W-4 withholding information (allowances, etc.) for Oregon withholding than they do for federal withholding?**
    Yes. The employee should indicate the desired number of allowances on Form OR-W-4 for Oregon and Form W-4 for federal withholding.