



**Note:** *The draft you are looking for begins on the next page.*

## **Caution: DRAFT—NOT FOR FILING**

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and publications for filing. We do **not** release draft forms until we believe we have incorporated all changes (except when explicitly stated on this coversheet). However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions generally are subject to OMB approval before they can be officially released, so we post only drafts of them until they are approved. Drafts of instructions and publications usually have some changes before their final release.

Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms) and remain there after the final release is posted at [IRS.gov/LatestForms](https://www.irs.gov/LatestForms). All information about all forms, instructions, and pubs is at [IRS.gov/Forms](https://www.irs.gov/Forms).

Almost every form and publication has a page on IRS.gov with a friendly shortcut. For example, the Form 1040 page is at [IRS.gov/Form1040](https://www.irs.gov/Form1040); the Pub. 501 page is at [IRS.gov/Pub501](https://www.irs.gov/Pub501); the Form W-4 page is at [IRS.gov/W4](https://www.irs.gov/W4); and the Schedule A (Form 1040/SR) page is at [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA). If typing in a link above instead of clicking on it, be sure to type the link into the address bar of your browser, not a Search box.

If you wish, you can submit comments to the IRS about draft or final forms, instructions, or publications at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). We cannot respond to all comments due to the high volume we receive and may not be able to consider many suggestions until the subsequent revision of the product.

If you have comments on reducing paperwork and respondent (filer) burden, with respect to draft or final forms, please respond to the relevant information collection through the Federal Register process; for more info, click [here](#).

**Employee Representative's Quarterly Railroad Tax Return**

OMB No. 1545-0002

► Go to [www.irs.gov/CT2](http://www.irs.gov/CT2) for the latest information.  
 ► Complete both copies of Form CT-2.

1	Taxable compensation paid during this quarter subject to Tier 1 tax	\$ _____	× 12.4% (0.124)	1
2	Taxable compensation paid during this quarter subject to Tier 1 Medicare tax	\$ _____	× 2.9% (0.029)	2
3	Taxable compensation paid during this quarter subject to Tier 1 Additional Medicare Tax	\$ _____	× 0.9% (0.009)	3
4	Taxable compensation paid during this quarter subject to Tier 2 tax	\$ _____	× 13.1% (0.131)	4
5	Credit (attach explanation in duplicate)			5
6	Total taxes for quarter (add lines 1 through 4; subtract line 5). See instructions for payment details			6

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature ► \_\_\_\_\_ Date ► \_\_\_\_\_

<b>Pay by EFTPS or Enclose Your Check or Money Order</b>	Employee representative's name, address, and social security number, and name of organization represented.	Return for Calendar Quarter (Months and year)	T
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			T

<b>Paid Preparer Use Only</b>	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
	Firm's name ►				Firm's EIN ►
	Firm's address ►				Phone no.

For Privacy Act and Paperwork Reduction Act Notice, see page 3. Cat. No. 16030S Form **CT-2** (Rev. 3-2021)

Don't cut or separate the forms on this page.

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4	Taxable compensation paid during this quarter subject to Tier 2 tax	\$ _____	× 13.1% (0.131)	4
5	Credit (attach explanation in duplicate)			5
6	Total taxes for quarter (add lines 1 through 4; subtract line 5). See instructions for payment details			6

File this **DUPLICATE** copy with the **ORIGINAL** return.

Employee representative's name, address, and social security number, and name of organization represented exactly as shown on <b>ORIGINAL</b> above.	Return for Calendar Quarter (Months and year)	<b>DUPLICATE</b>
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For Privacy Act and Paperwork Reduction Act Notice, see page 3. Cat. No. 16030S Form **CT-2** (Rev. 3-2021)

Section references are to the Internal Revenue Code unless otherwise noted.

## Future Developments

For the latest information about developments related to Form CT-2 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/CT2](http://www.irs.gov/CT2).

## What's New

**Tax rates and compensation bases for 2021.** The Tier 1 tax rate is 12.4%. The Tier 1 compensation base is \$142,800. The Tier 1 Medicare tax rate is 2.9%. There is no compensation base limit for Tier 1 Medicare tax. The Tier 2 tax rate on employee representatives is 13.1%. The Tier 2 compensation base is \$106,200.

## Reminders

**Tier 1 Additional Medicare Tax.** In addition to the Tier 1 Medicare tax of 2.9%, employee representatives are subject to 0.9% Additional Medicare Tax on compensation in excess of \$200,000, beginning in the pay period in which your compensation for the calendar year exceeds \$200,000. If you pay any Additional Medicare Tax during the year, you must complete and file Form 8959, Additional Medicare Tax, with your federal income tax return. See the Instructions for Form 8959. For more information on Additional Medicare Tax, go to [www.irs.gov/ADMT](http://www.irs.gov/ADMT).

## General Instructions

### Purpose of Form

Use this form to report railroad retirement taxes imposed on compensation received by employee representatives.

**Railroad retirement taxes.** The Railroad Retirement Tax Act imposes taxes on an employee representative, which are based on compensation.

These taxes are comprised of Tier 1 and Tier 2 taxes. The amount of compensation subject to each tax is different.

The Tier 1 tax rate is 12.4%. It applies only to the first \$142,800 paid to you during 2021 for services performed as an employee representative. The Tier 1 Medicare tax rate is 2.9%. It applies to all compensation paid to you during 2021 for services performed as an employee representative. The Tier 1 Additional Medicare Tax is 0.9%. It applies to compensation paid to you during 2021 that exceeds \$200,000 for services performed as an employee representative.

The Tier 2 tax rate on employee representatives is 13.1%. It applies only to the first \$106,200 paid to you during 2021 for services performed as an employee representative.

### Who Must File

You must file Form CT-2 for the first quarter in which you're paid taxable compensation for services you performed as an employee representative. Continue filing returns for each quarter, even if you're not paid taxable compensation. When your taxable compensation payments stop completely, you must file a final return. Write "Final Return" at the top of Form CT-2 and on the duplicate copy.

### When To File

Due dates for filing Form CT-2 and paying the tax each quarter are as follows.

#### Quarter covered:

January, February, March

April, May, June

July, August, September

October, November, December

#### Due by:

May 31, 2021

August 31, 2021

November 30, 2021

February 28, 2022

If any due date shown above falls on a Saturday, Sunday, or legal holiday, you may file your return and pay the tax on the next business day. The term "legal holiday" means any legal holiday in the District of Columbia. If we receive Form CT-2 after the due date, we will treat Form CT-2 as filed on time if the envelope containing Form CT-2 is properly addressed, contains sufficient postage, and is postmarked by the U.S. Postal Service on or before the due date, or sent by an IRS-designated private delivery service (PDS) on or before the due date. If you don't follow these guidelines, we will consider Form CT-2 filed when it is actually received. See Pub. 15 for more information on legal holidays. Go to [www.irs.gov/PDS](http://www.irs.gov/PDS) for the current list of PDSs. For the IRS mailing address to use if you're using a PDS, go to [www.irs.gov/PDSstreetAddresses](http://www.irs.gov/PDSstreetAddresses).

### Where To File

Form CT-2 contains two copies. Be sure to make an additional copy of Form CT-2 for your records. Send both the **ORIGINAL** and **DUPLICATE** to the Department of the Treasury, Internal Revenue Service Center, Kansas City, MO 64999-0049.

### Penalties and Interest

The law provides a penalty for late filing or late payment unless you can show reasonable cause for the delay. If you're late in filing a return or paying the taxes, send an explanation with the return. Interest is charged on taxes paid late at the rate set by law.

### Records

You must keep records relating to employee representative taxes for at least 4 years after the taxes are due or were paid, whichever is later.

### Definitions

**Employee representative.** An employee representative is:

1. Any officer or official representative of a railway labor organization that isn't an employer under section 3231(a) who (a) was in the service of an employer and (b) is authorized and designated to represent employees under the Railway Labor Act, or

2. Any individual who is regularly assigned to or regularly employed by an employee representative as defined above in connection with the duties of the employee representative's office.

**Compensation.** Compensation means payment in money, meaning currency issued by a recognized authority as a medium of exchange, for services performed as an employee representative. It doesn't include payments made specifically for traveling or other bona fide and necessary expenses that meet the rules in the regulations under section 62. For purposes of Tier 1 taxes, compensation doesn't include sickness or accident disability payments received (a) under a workers' compensation law, (b) under section 2(a) of the Railroad Unemployment Insurance Act for days of sickness due to an on-the-job injury, (c) under the Railroad Retirement Act, or (d) more than 6 months after the month in which the employee representative last worked for the railway labor organization. For purposes of Tier 2 taxes, compensation doesn't include payments made under a sickness or accident disability plan or a medical or hospitalization plan in connection with sickness or accident disability.

Compensation is considered paid when actually paid or when constructively paid. Constructively paid means that the pay (a) has been credited to the employee representative's account or set apart with no substantial limit or condition on how or when the payment will be made and (b) is available to draw on at any time and to control.

## Specific Instructions

If you perform services as both an employee representative and an employee and your total pay for these services is more than the applicable maximum (see *Line 1* and *Line 4*, later), then for lines 1 and 4 subtract your pay as an employee from the maximum to determine the amount subject to the employee representative's tax.

**Line 1.** Multiply the compensation subject to Tier 1 tax by 12.4% (0.124). This tax applies only to the first \$142,800 paid to you during 2021 for services performed as an employee representative.

**Line 2.** Multiply the compensation subject to Tier 1 Medicare tax by 2.9% (0.029). This tax applies to **all** compensation paid to you during 2021 for services performed as an employee representative.

**Line 3.** Multiply the compensation subject to Tier 1 Additional Medicare Tax by 0.9% (0.009). This tax applies only to compensation that exceeds \$200,000.

**Line 4.** Multiply the compensation subject to Tier 2 tax by 13.1% (0.131). This tax applies only to the first \$106,200 paid to you during 2021 for services performed as an employee representative.

**Line 5.** Enter a credit for an overpayment of tax, penalty, or interest you overpaid for an earlier quarter. Attach two copies of a detailed statement explaining the credit claimed. However, don't include a credit for an overpayment of Additional Medicare Tax for an earlier year. Any Additional Medicare Tax paid will be credited against the total tax liability shown on your Form 1040, U.S. Individual Income Tax Return, or Form 1040-SR, U.S. Tax Return for Seniors. If you have filed Form 1040 or 1040-SR for the earlier year, you should make a claim for refund for Additional Medicare Tax paid using Form 1040-X, Amended U.S. Individual Income Tax Return.

**Line 6.** You may pay the amount shown on line 6 using the Electronic Federal Tax Payment System (EFTPS) or by check or money order. To get more information about EFTPS or to enroll in EFTPS, visit [www.eftps.gov](http://www.eftps.gov), or call 800-555-4477 or 800-733-4829 (TDD). Additional information about EFTPS is also available in Pub. 966.

If you pay by check or money order, make it payable to "United States Treasury." Enter on your check or money order your social security number (SSN), "Form CT-2," and the quarter (for example, "1Q 2021" for the first quarter of 2021).

**Signature.** You or your authorized agent must sign the **ORIGINAL** copy of Form CT-2.

**Name, address, etc.** Type or print your name, address, SSN, and the name of the labor organization for which you perform services.

**Return for calendar quarter.** Enter the months of the quarter and the year of the return. For example, show the first quarter of 2021 as "Jan., Feb., Mar. 2021."

**Paid preparer.** A paid preparer must sign Form CT-2 and provide the information in the *Paid Preparer Use Only* section if the preparer was paid to prepare Form CT-2 and isn't an employee of the filing entity. Paid preparers must sign paper returns with a manual signature. The preparer must give you the original return and duplicate copy to be filed with the IRS and another copy of the return for your records.

If you're a paid preparer, enter your Preparer Tax Identification Number (PTIN) in the space provided. Include your complete address. If you work for a firm, write the firm's name and the EIN of the firm. You can apply for a PTIN online or by filing Form W-12. For more information about applying for a PTIN online, go to [www.irs.gov/PTIN](http://www.irs.gov/PTIN). You can't use your PTIN in place of the EIN of the tax preparation firm.

**Privacy Act and Paperwork Reduction Act Notice.** We ask for the information on Form CT-2 to carry out the Internal Revenue laws of the United States. We need it to figure and collect the right amount of tax. Section 3211 and section 6011 and their regulations require employee representatives to report and pay over to the IRS railroad retirement taxes (Tier 1, Tier 2, Tier 1 Medicare tax, and Additional Medicare Tax). Form CT-2 is used to determine the amount of such taxes that you owe. Section 6109 requires you to provide your identification numbers. If you fail to provide this information in a timely manner, or provide false or fraudulent information, you may be subject to penalties.

You're not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books and records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law.

Generally, tax returns and return information are confidential, as required by section 6103. However, section 6103 allows or requires the IRS to disclose or give the information shown on your tax return to others as described in the Code. For example, we disclose your tax information to the Railroad Retirement Board for use in administering the Railroad Retirement Act, and we may disclose your tax information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement agencies and intelligence agencies to combat terrorism.

The time needed to complete and file Form CT-2 will vary depending on individual circumstances. The estimated average time is: **Recordkeeping**, 13 min.; **Learning about the law or the form**, 13 min.; **Preparing the form**, 26 min.; **Copying, assembling, and sending the form to the IRS**, 16 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making Form CT-2 simpler, we would be happy to hear from you. You can send us comments from [www.irs.gov/FormComments](http://www.irs.gov/FormComments). You may also mail your comments to Internal Revenue Service, Tax Forms and Publications Division, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Don't send Form CT-2 to this address. Instead, see *Where To File*, earlier.