

22222		Void <input type="checkbox"/>	a Employee's social security number	For Official Use Only ▶ OMB No. 1545-0008			
b Employer identification number (EIN)			1 Wages, tips, other compensation	2 VI income tax withheld			
c Employer's name, address, and ZIP code			3 Social security wages	4 Social security tax withheld			
			5 Medicare wages and tips	6 Medicare tax withheld			
			7 Social security tips	8			
d Control number			9 Advance EIC payment	10			
e Employee's first name and initial		Last name	Suff.	11 Nonqualified plans	12a See the separate instructions		
f Employee's address and ZIP code			13 Statutory employee <input type="checkbox"/>	Retirement plan <input type="checkbox"/>	Third-party sick pay <input type="checkbox"/>		
			14 Other			12b	
						12c	
				12d			

**Do Not Cut, Fold, or Staple Forms on This Page — Do Not Cut, Fold, or Staple Forms on This Page**

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<b>e</b> Employee's first name and initial	Last name	Suff.	<b>11</b> Nonqualified plans	<b>12a</b> See instructions for box 12	
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## Notice to Employee

**Refund.** Even if you do not have to file a tax return, you should file to get a refund if box 2 shows VI income tax withheld or if you can take the earned income credit.

**Earned income credit (EIC).** You must file a tax return regardless of your income if any amount is shown in Box 9, Advance EIC payment. If you qualify, you can get the earned income credit in advance by giving Form W-5, Earned Income Credit Advance Payment Certificate, to your employer. See Pub. 596, Earned Income Credit (EIC), for details.

**Copies B and C; corrections.** File Copy B of this form with your 2009 U.S. Virgin Islands income tax return. Keep Copy C for your records. If your name, social security number (SSN), or address is incorrect, correct Copies B and C and ask your employer to correct your employment record. Be sure to ask the employer to file Form W-2c, Corrected Wage and Tax Statement, with the Social Security Administration (SSA) to correct any name, amount, or SSN error reported to the SSA.

**Estimated tax.** If you expect to owe \$1,000 or more in tax for 2010 (including self-employment tax), you may have to make estimated tax payments to the U.S. Internal Revenue Service. Use Form 1040-ES, Estimated Tax for Individuals.

**Clergy and religious workers.** If you are not subject to social security and Medicare taxes, see Pub. 517, Social Security and Other Information for Members of the Clergy and Religious Workers.

**Credit for excess social security tax.** If one employer paid you wages during 2009 and more than \$6,621.60 in social security tax was withheld, you may claim a refund of the excess by filing Form 1040 with the V.I. Bureau of Internal Revenue, 9601 Estate Thomas, Charlotte Amalie, St. Thomas, VI 00802. If you had more than one employer in 2009 and more than \$6,621.60 in social security tax withheld, you may have the excess refunded by filing Form 843, Claim for Refund and Request for Abatement, with the Department of the Treasury, Internal Revenue Service Center, Austin, TX 73301-0215, USA. If you must file Form 1040 with the United States, claim the excess tax as a credit on Form 1040.

**Note.** Keep Copy C of Form W-2VI for at least 3 years after the due date for filing your income tax return. However, to help **protect your social security benefits**, keep Copy C until you begin receiving social security benefits just in case there is a question about your work record and/or earnings in a particular year. Review the information shown on your annual (for workers over 25) Social Security Statement.

(Also see the *Instructions for Employee* on the back of Copy C.)

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Form **W-2VI** U.S. Virgin Islands **2009**  
**Wage and Tax Statement**

Copy C—For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)

Department of the Treasury—Internal Revenue Service

This information is being furnished to the  
**VI Bureau of Internal Revenue.**

# Instructions for Employee

(Also see Notice to Employee, on the back of Copy B.)

**Box 9.** Enter this amount on the advance earned income credit payments line of your tax return.

**Box 11.** This amount is (a) reported in box 1 if it is a distribution from a nonqualified deferred compensation or nongovernmental section 457(b) plan, or (b) included in box 3 and/or 5 if it is a prior year deferral under a nonqualified or section 457(b) plan that became taxable for social security and Medicare taxes this year because there is no longer a substantial risk of forfeiture of your right to the deferred amount.

**Box 12.** The following list explains the codes shown in box 12. You may need this information to complete your tax return. Elective deferrals (codes D, E, F, and S) and designated Roth contributions (codes AA and BB) under all plans are generally limited to a total of \$16,500 (\$11,500 if you only have SIMPLE plans; \$19,500 for section 403(b) plans, if you qualify for the 15-year rule explained in Pub. 571). Deferrals under code G are limited to \$16,500. Deferrals under code H are limited to \$7,000.

However, if you were at least age 50 in 2009, your employer may have allowed an additional deferral of up to \$5,500 (\$2,500 for section 401(k)(11) and 408(p) SIMPLE plans). This additional deferral amount is not subject to the overall limit on elective deferrals. For code G, the limit on elective deferrals may be higher for the last 3 years before you reach retirement age. Contact your plan administrator for more information. Amounts in excess of the overall elective deferral limit must be included in income. See the "Wages, Salaries, Tips, etc." line instructions for your tax return.

**A**—Uncollected social security tax on tips. Report on U.S. Form 1040.

**B**—Uncollected Medicare tax on tips. Report on U.S. Form 1040.

**C**—Taxable cost of group-term life insurance over \$50,000 (included in boxes 1, 3 (up to social security wage base), and 5).

**D**—Elective deferrals to a section 401(k) cash or deferred arrangement. Also includes deferrals under a SIMPLE retirement account that is part of a section 401(k) arrangement.

**E**—Elective deferrals under a section 403(b) salary reduction agreement.

**F**—Elective deferrals under a section 408(k)(6) salary reduction SEP.

**G**—Elective deferrals and employer contributions (including nonelective deferrals) to a section 457(b) deferred compensation plan.

**H**—Elective deferrals to a section 501(c)(18)(D) tax-exempt organization plan. (You may be able to deduct.)

**J**—Nontaxable sick pay (information only, not included in boxes 1, 3, or 5).

**M**—Uncollected social security tax on taxable cost of group-term life insurance over \$50,000 (former employees only) report on U.S. Form 1040.

**N**—Uncollected Medicare tax on taxable cost of group-term life insurance over \$50,000 (former employees only) report on U.S. Form 1040.

**P**—Excludable moving expense reimbursements paid directly to employee (not included in boxes 1, 3, or 5).

**Q**—Nontaxable Combat Pay. See your tax return instructions for details on reporting this amount.

**R**—Employer contributions to your Archer (MSA). (Report on Form 8853, Archer MSAs and Long-Term Care Insurance Contracts.)

**S**—Employee salary reduction contributions under a section 408(p) SIMPLE (not included in box 1).

**T**—Adoption benefits (not included in box 1).

**V**—Income from exercise of nonstatutory stock option(s) (included in boxes 1, 3 (up to social security wage base), and 5).

**W**—Employer contributions to your Health Savings Account. (Report on Form 8889, Health Savings Accounts (HSAs).)

**Y**—Deferrals under a section 409A nonqualified deferred compensation plan.

**Z**—Income under section 409A on a nonqualified deferred compensation plan. This amount is also included in box 1. It is subject to an additional 20% tax plus interest. See "Total Tax" in the instructions for your tax return.

**AA**—Designated Roth contributions under a section 401(k) plan.

**BB**—Designated Roth contributions under a section 403(b) plan.

**Box 13.** If the "Retirement plan" box is checked, special limits may apply to the amount of traditional IRA contributions that you may deduct.

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## Employers, Please Note—

**Who must file.** File Form W-2VI for each employee to whom any of the following items applied during 2009.

- You withheld VI income tax or social security and Medicare taxes.
- You would have withheld VI income tax if the employee had not claimed more than one withholding allowance.
- You paid any amount for services if you are in a trade or business. Include the cash value of any payment you made that was not in cash.

**Distribution of copies.** By February 1, 2010, furnish Copies B and C to each person who was your employee during 2009. For anyone who stopped working for you before the end of 2009, you may furnish Copies B and C any time after employment ends but by February 1, 2010. If the employee asks for Form W-2VI, furnish the completed copies within 30 days of the request or within 30 days of the final wage payment, and whichever is later.

You may also file Copy A and Form W-3SS, Transmittal of Wage and Tax Statements, with the Social Security Administration (SSA) at the same time.

**Note.** If you terminate your business, see the rules on furnishing and filing Forms W-2VI and W-3SS under *Terminating a business* in the separate instructions.

**When to file.** By March 1, 2010, send Copy A of Forms W-2VI and W-3SS to the SSA. However, if you file electronically, the due date is March 31, 2010. See the separate instructions.

**Reporting electronically.** If you file 250 or more Forms W-2VI, you must file electronically. For information, visit SSA's Employer W-2 Filing Instructions & Information webpage at [www.socialsecurity.gov/employer](http://www.socialsecurity.gov/employer) or contact your Employer Services Liaison Officer (ESLO) at 212-264-1117.

See the Instructions for Forms W-2AS, W-2GU, W-2VI, and Form W-3SS for more information on how to complete Form W-2VI.