

Names as shown on return

Social Security number or EIN

Qualifying for the Credit

You can claim the small employer new jobs tax credit if you've certified on Form 89SE that you'll meet all the following tax incentive criteria at the project site during the project period:

- Capital investment in new plant and building facilities of at least \$500,000
- Increased employment by at least 10 new employees, each earning at least \$19.23 per hour and receiving health benefits
- For new employment increases above the 10 new employees, the average wages of the additional new employees are at least \$15.50 per hour worked. See instructions for who's included in this calculation.

If you haven't filed Form 89SE with the Tax Commission or have been notified that you don't qualify for the small employer incentives, you don't qualify for this credit.

Credit Available Subject to Limitation

1. The average number of qualifying employees during the tax year	1	
2. The average number of qualifying employees during the three preceding tax years	2	
3. The average number of qualifying employees during the preceding tax year	3	
4. Subtract the greater of line 2 or 3 from line 1 and enter the difference. This is the number of qualifying new employees. The amount must equal or exceed one	4	
5. Number of qualifying new employees listed on line 4 whose annual salary during the tax year the credit was earned was:		
a. greater than \$24.04 per hour worked but equal to or less than an average rate of \$28.85 per hour worked	5a	
b. greater than an average rate of \$28.85 per hour worked but equal to or less than an average rate of \$36.06 per hour worked	5b	
c. greater than an average rate of \$36.06 per hour worked but equal to or less than an average rate of \$43.27 per hour worked	5c	
d. greater than an average rate of \$43.27 per hour worked	5d	
\$1,500 Credit		
6. Multiply the number on line 5a by \$1,500	6	
\$2,000 Credit		
7. Multiply the number on line 5b by \$2,000	7	
\$2,500 Credit		
8. Multiply the number on line 5c by \$2,500	8	
\$3,000 Credit		
9. Multiply the number on line 5d by \$3,000	9	
10. Add lines 6 through 9. This is your total small employer new jobs tax credit earned this tax year	10	
11. Pass-through share of credit from an S corporation, partnership, trust, or estate	11	
12. Credit received through unitary sharing. Include a schedule	12	
13. Carryover of small employer new jobs tax credit from prior years	13	
14. Carryover eliminated due to recapture in 2022. Enter the amount from Form 85R, line 11. Include Form 85R	14	
15. Credit distributed to shareholders, partners, or beneficiaries	15	
16. Credit shared with unitary affiliates	16	
17. Total credit available subject to limitations. Add lines 10 through 13, then subtract lines 14 through 16	17	

18. Enter the Idaho income tax from your tax return		18	
19. Credit for income tax paid to other states	19		
20. Credit for contributions to Idaho educational entities	20		
21. Investment tax credit from Form 49, Part II, line 8	21		
22. Credit for contributions to Idaho youth and rehabilitation facilities	22		
23. Credit for production equipment using post-consumer waste	23		
24. Promoter-sponsored event credit	24		
25. Credit for Idaho research activities from Form 67, line 29	25		
26. Broadband equipment investment credit from Form 68, line 18	26		
27. Reserved	27		
28. Small employer investment tax credit from Form 83, line 28	28		
29. Small employer real property improvement tax credit from Form 84, line 26	29		
30. Add lines 19 through 29		30	
31. Tax available after other credits. Subtract line 30 from line 18		31	
32. Multiply line 18 by 62.5%		32	
33. Total credit allowed on current year tax return. Enter the smaller amount from lines 17, 31 or 32 here and on Form 44, Part I, line 8		33	
Credit Carryover			
34. Total credit available subject to limitations. Enter the amount from line 17		34	
35. Credit allowed. Enter the amount from line 33		35	
36. Credit carryover to future years. Subtract line 35 from line 34. Enter the amount here and on Form 44, Part I, line 8		36	

General Instructions

Use Form 85 to calculate the Idaho small employer new jobs tax credit (SE-NJTC) earned or allowed. Each member of a unitary group of corporations that earns or is allowed the credit must complete a separate Form 85.

If the project period began during this tax year and didn't cover a period of at least nine months, you don't qualify for the SE-NJTC this year.

Qualifying Taxpayers

To qualify for the SE-NJTC, you must certify by filing Form 89SE that you'll meet the tax incentive criteria at the project site during the project period. If you haven't filed Form 89SE with the Tax Commission or you've been notified that you don't qualify for the small employer incentives, you can't claim this credit.

Qualifying New Employees for the SE-NJTC

To qualify for the credit, the new employee must:

- Qualify as a new employee for purposes of the small employer tax incentive criteria discussed above
- Earn more than \$24.04 per hour worked and
- Have worked a minimum of nine months during the tax year in which the credit is claimed

Calculating the Credit

Use the Employer Quarterly Unemployment Insurance Tax Reports and the Unemployment Insurance Wage Reports filed with the Idaho Department of Labor to compute the number of employees. Only those employees who meet the definition of "new employee" can be included when computing the SE-NJTC. Don't include any employees who don't work primarily at the project site. Keep records to support the computations.

The number of employees employed primarily at the project site during a tax year is the average of the number of employees reported to the Idaho Department of Labor during the 12 months of the tax year. If the project period began during the tax year, the number of employees for the year is the average number actually employed during the months of the project period. You can't earn the credit if the project period didn't cover at least nine months during the first tax year. These employees may qualify for the credit the next year.

The number of qualifying new employees is the increase in the number of qualifying employees for the current tax year over the greater of the following:

- The average number of qualifying employees for the three preceding tax years or

- The average number of qualifying employees for the preceding tax year

The number of qualifying new employees must be rounded down to the nearest whole number.

Credit Rates

To determine the credit allowed, each qualifying new employee must be identified based on their annual salary as shown in the following table.

Carryover Periods

The SE-NJTC earned but not used against tax may be carried forward for 10 tax years. For purposes of the carryover period, a short tax year counts as one tax year.

If the annual salary is greater than...	But equal to or less than an average rate of...	Then the credit earned is...
\$24.04 per hour	\$28.85 per hour	\$1,500
An average rate of \$28.85 per hour	\$36.06 per hour	\$2,000
An average rate of \$36.06 per hour	\$43.27 per hour	\$2,500
An average rate of \$43.27 per hour		\$3,000

Recapture

Compute recapture if you don't maintain the required level of qualified new employees for five full years from the date the project period ends.

Also, compute recapture if you claimed the SE-NJTC in an earlier year and don't meet the tax incentive criteria you certified to on Idaho Form 89SE.

If you claimed the SE-NJTC and recapture is now required, file Form 85R.

Specific Instructions

Instructions are for lines not fully explained on the form.

Credit Available Subject to Limitation

Line 1. Determine the average number of qualifying employees during the tax year by adding the number of qualifying employees reported for each month on your Idaho Employer Quarterly Unemployment Insurance Tax Reports and dividing that amount by the number of months of operation during the tax year. Don't include any employees who weren't employed primarily at the project site.

Line 2. Determine the average number of qualifying employees during the three preceding tax years by dividing the total of the average number of qualifying employees reported on your Idaho Employer

Quarterly Unemployment Insurance Tax Reports for each preceding year by three. If the project period existed less than three tax years, use the number of tax years in operation.

Line 3. Determine the average number of qualifying employees during the preceding tax year by adding the number of qualifying employees reported for each month on your Idaho Employer Quarterly Unemployment Insurance Tax Reports and dividing that amount by the number of months of operation during the preceding tax year. Enter zero if the project period covered less than nine months the preceding tax year.

Line 4. No credit is allowed unless the number on this line equals or exceeds one. If it's more than one, the number is rounded down to the nearest whole number.

Line 5. To compute lines 5a through 5d, identify each individual who's a qualifying new employee and the annual average salary that the individual earned during the tax year. Enter the number of qualifying new employees according to their annual salary earned for the tax year. The amounts listed on lines 5a through 5d can't exceed the number on line 4.

Line 11. Enter the amount of the SE-NJTC that's being passed through by S corporations, partnerships, trusts, or estates in which you have an interest. Report this amount on Form ID K-1, Part VII, line 49.

Line 12. If you're a member of a unitary group, enter the amount of credit you received from another member of the unitary group.

Line 13. Enter the carryover from your 2021 Form 85, line 36.

Line 15. If you're an S corporation, partnership, trust, or estate, enter the amount of credit that passed through to shareholders, partners, or beneficiaries.

Line 16. If you're a member of a unitary group, enter the amount of credit you earned that you elect to share with other members of your unitary group. Before you can share your credit, you must use the credit up to the allowable limitation of the tax liability.

Corporations claiming the SE-NJTC must provide a calculation of the credit earned and used by each member of the combined group. The schedule must clearly identify shared credit and the computation of any credit carryovers.

Credit Limitations

The SE-NJTC is limited to the smaller of 62.5% of the tax liability or the Idaho income tax after allowing all other tax credits that may be claimed before the SE-NJTC.

The following credits must be applied to the tax before the SE-NJTC:

1. Credit for income tax paid to other states
2. Credit for contributions to Idaho educational entities
3. Investment tax credit
4. Credit for contributions to Idaho youth and rehabilitation facilities
5. Credit for production equipment using post-consumer waste
6. Promoter-sponsored event credit
7. Credit for Idaho research activities
8. Broadband equipment investment credit
9. Small employer investment tax credit
10. Small employer real property improvement tax credit

Line 18. Enter the amount of your Idaho income tax. This is the computed tax before adding the permanent building fund tax or any other taxes or subtracting any credits.

Line 19. Enter the credit for income tax paid to other states from Forms 39R, 39NR, or 66. This credit is available only to individuals, trusts or estates.

Line 33. Enter the smallest amount from lines 17, 31, or 32 on line 33. Enter this amount on Form 44, Part I, line 8 in the Credit Allowed column.

Credit Carryover

Line 36. The amount of credit available that exceeds the total credit allowed on the current year tax return may be carried forward up to 10 tax years. Enter this amount on Form 44, Part I, line 8 in the Carryover column.

Contact us:

In the Boise area: (208) 334-7660 | Toll free: (800) 972-7660

Hearing impaired (TDD) (800) 377-3529

tax.idaho.gov/contact