



This publication provides general information and is not meant to be a substitute for tax laws or regulations.

Every employer making payment of any wage or salary subject to the West Virginia personal income tax is required to deduct and withhold the tax from such wages or salaries and remit to the West Virginia Tax Division. **Compensation subject to Federal withholding is subject to West Virginia withholding.** Compensation includes wages, commissions, fees, salaries, bonuses, pensions, vacation allowances, back pay, tips and retroactive wage increases. Wages also include any other kind of remuneration for or compensation attributable to services performed by an employee for his or her employer.

Employers are required to remit withholding on or before the 15th day of the following month. A quarterly return must be filed on or before the last day of the month following the end of the quarter. The first quarterly return is due April 30th. For periods starting on or after January 1, 2019, **taxpayers remitting any single business tax of \$50,000 or more during the previous fiscal year must pay and file returns electronically for all business tax types**, unless specifically excluded.

Employers must give each employee a withholding statement (Form W-2 or approved substitute) and submit [Form WV/IT-103 Year End Reconciliation](#), together with state copies of withholding statements, on or before January 31st following the close of the calendar year. The Tax Division follows the specifications set forth by the Social Security Administration's Publication EFW2 for W-2 data and IRS Publication 1220 for 1099 data. You can find the Tax Division's electronic filing specifications on the Withholding page of our website at tax.wv.gov.

Electronic Filing Required

Any employer who is required to file a withholding return for 25 or more employees or uses a payroll service must submit all data by electronic filing.

Failure to do so may result in an assessment of penalty in the amount of \$25 per information return not filed electronically. Employers can electronically file with the West Virginia Tax Division through mytaxes.wvtax.gov.

Withholding Exemptions

Employers who withhold less than \$600 annually or employ certain domestic and household employees will file the [WV/IT-101A](#) annual return and pay the withholding annually. WV/IT-103 is not necessary if there is a WV/IT-101A on file. The due date for the annual return is January 31st of the following year for which the withholdings are deducted and withheld.

Nonresident Employers

Nonresident employers who have employees working in West Virginia must withhold West Virginia personal income tax from their wages unless an exemption from withholding applies. **Every employer who transacts business or maintains an office in West Virginia is required to withhold the appropriate amount of personal income tax from resident and non-resident employee wages for each payroll period.**

Withholding is not required by nonresident employers when:

- The employee is a bona-fide resident of Kentucky, Maryland, Ohio, Pennsylvania, or Virginia, due to West Virginia's reciprocal agreements with those states. However, [Form WV/IT-104](#) is still required to be on file.
- Wages are paid to a nonresident employee for employment duties (1) performed for thirty days or less in West Virginia; (2) performed in more than one state; and (3) not performed as a professional athlete, professional entertainer, or public figure. Nonresident employees should confirm with their state of residence that there is a substantially similar exclusion or the state of residence does not impose an individual income tax at all in order for the West Virginia withholding exception to apply.
- The nonresident employee is a member of the Armed Forces of the United States. This exception does not apply to: (a) members of the National Guard performing duties under 32 USC §502; or (b) members of the ready reserve participating in scheduled duties or serving on active duty under 10 USC §270(a).

Withholding requirements don't change between full-time, temporary, or part-time employees. Additionally, an employee does not have to be a West Virginia resident for withholding of West Virginia income tax to apply.

To determine what compensation is subject to withholding, an employer *may* maintain a time and attendance system that tracks where employees perform services on a daily basis. The system *must* require the employee to record their work location and allow the employer to allocate the employee's wages for income tax purposes among all states where the employee performed services. Alternatively, an employee could also submit a written statement to their employer of the number of days they reasonably expect to spend performing services in West Virginia during the taxable year.

For more information, you can:

- **Call** a Taxpayer Services Representative at (304) 558-3333 or toll-free at (800) 982-8297
- **Email** taxhelp@wv.gov
- **Go Online** to tax.wv.gov