

Instructions for Form DIR-38

Individual Return

For use in preparing
2016 Returns

Municipal tax is paid first to the city where work is performed or income earned. Taxpayers may also have an additional tax liability to their city of residence based on how much credit the home city allows for taxes paid to where you work or earn your income.

Dublin's Tax rate is 2.0%

These instructions are applicable to Dublin. If you have any questions about completing any of our forms and/or need tax forms, please call (614) 410-4460. **All forms and instructions are also available on-line at www.dublintax.com.**

Do I need to file?

You only need to file if any of the following apply:

1. You filed and paid the previous tax year. A final return is required to inactivate a tax account if you are no longer required to file.
2. All Dublin residents and part-year residents 18 years of age and older are required to file a tax return. If you are exempt because you are under the age of 18 or only received pension income or military pay you should call and request Form DIX-16.
3. All nonresidents of Dublin who earned income in Dublin, and Dublin city income tax was not fully and/or correctly withheld. (Multiply the largest wage figure shown on your W-2 in Box 5 or 18 by 2.0%. If the withholding is correct, your result should equal the withholding shown in Box 19 of your W-2).
4. You were a resident of Dublin and engaged in a business or profession, including rental real estate, whether the business showed a profit or a loss.

5. You were not a resident of Dublin, but you engaged in a business (including rental real estate) or profession in Dublin, whether the business showed a profit or loss.

Can we file a joint return?

A married couple may file a joint return regardless of the filing method used on their federal return. Joint returns must be signed by both spouses and include both social security numbers.

Can I use Form DIR-38?

You can use Form DIR-38 if you had income taxable to Dublin. *Corporations (including S-corporations), partnerships, joint ventures, and fiduciaries (estates and trusts) must file using Form DBR-38.*

When and where do I file?

This return must be filed on or before the fifteenth day of the fourth month following the close of the tax year. For calendar year taxpayers, this means the return is due April 15th. 2016 returns are due April 18, 2017.

Any taxpayer who has requested an extension for filing their Federal income tax return shall automatically receive the same extension for the filing of the City tax return (attach a copy). Taxpayers who have not received or requested a Federal extension may request an extension from the Income Tax Division provided the request is received before the original due date of the return. An extension of time to file is **not** an extension of the time to pay any tax due.

If you are unable to pay any taxes owed, you should still file your annual return timely with the Income Tax Division.

Payment Enclosed:

Mail to: City of Dublin Tax Division
PO Box 9062
Dublin, Ohio 43017-0962

Make payable to: CITY OF DUBLIN

No Payment Enclosed/Refund Request:

Mail to: City of Dublin Tax Division
PO Box 800
Dublin, Ohio 43017-0900

Contact information:

Phone: 614-410-4433 or 614-410-4431
Fax: 614-923-5520
www.dublintax.com

What if I file or pay late?

Dublin imposes penalties and interest on taxes remaining unpaid after the due date. Thus, if you are unable to pay the full amount of tax owed, you should still file your return along with payment of as much of the tax due as possible.

Are there any special rules for refunds?

Refunds and credit carryforwards resulting from an overpayment of estimated tax or the deduction of employee business expenses may be requested using Form DIR-38. You must attach a copy of your Federal Form 2106 and Federal Schedule A to claim employee business expenses on Form DIR-38. Federal Form 2106 which has expenses reported on Line 4 only are not required to be filed with I.R.S. and will not be allowed on the city return. The 2% floor on the Federal return will apply to any 2106 expenses.

- Refunds due you must be greater than \$10.00 or they will not be issued.
- There is a three (3) year statute of limitations for claiming a refund or credit of any overpayment of city tax.
- **Mail refunds to:** Dublin Tax Division
PO Box 800
Dublin, Ohio 43017-0900

What is taxable income?

For **RESIDENTS**, taxable income includes all salaries, wages, commissions and other compensation, before any deduction for such things like 401(k) deferrals, regardless of where it was earned. The income is taxable whether paid in cash, property or other consideration, including the reasonable value of meals, lodging and the like. You may reduce your taxable wage income by your allowable Federal Form 2106 expenses. Also, taxable income includes the net profits of all unincorporated businesses such as real estate and equipment rentals, sole proprietorships, trusts and a resident's share of partnership income (whether distributed or not). Net operating loss carry forwards and carry backs are not permitted for city tax purposes for tax year 2016.

These unincorporated business profits are taxable regardless of where the business was conducted. You may be entitled to a credit for taxes paid to the city where your income was earned. If you are a partner in a partnership, you may be entitled to a credit for city taxes paid by the partnership. Such credits shall be allowed only to the extent of the tax assessed per Dublin City Code Section 38.081.

For **NON-RESIDENTS**, taxable income includes all salaries, wages, commissions and other compensation, before any deduction for such things like 401(k) deferrals, earned in Dublin. You may reduce your taxable wage income by your allowable Federal Form

2106 expenses. Taxable income also includes the net profits of all unincorporated businesses such as real estate and equipment rentals, sole proprietorships, and trusts if the business was conducted in Dublin.

Determine net profits from unincorporated business in accordance with the accounting method used for Federal income tax purposes. Any expenses claimed must be ordinary and necessary. Passive activity losses are deducted the year incurred: PAL carry forwards are not allowed for city tax purposes. In addition, net operating loss carry forwards and carry backs are not permitted for city tax purposes for tax year 2016.

If you are engaged in two or more unincorporated businesses in the same city, the net loss of one unincorporated business may be used to offset the profits of another for purposes of arriving at overall net profits from unincorporated businesses for that city. **Income from pass-through entities shall not be reflected on your individual non-resident return for Tax Year 2016 per Ohio Revised Code Section 718.01(B)(1)(d).**

City taxable income does not include proceeds of insurance policies if the employee paid all the premiums. City taxable income also does not include compensation for personal injury and property damages. Expenses, costs, and losses incurred in connection with income not subject to city income tax may not be used to reduce your city taxable income.

What is taxable "Other Compensation"?

1. Bonuses.
2. Compensation paid in property or the use thereof at fair market value to the same extent as taxable for federal tax purposes and so indicated on the W-2 form.
3. Contributions made by or on behalf of employees to a qualified deferral plan (401K and the like) - taxed in year earned, deferral not permitted. Exception: employer matching contributions offered under a cafeteria plan are not taxable. Deferrals even under a cafeteria plan are always taxable.
4. Contributions made by or on behalf of employees to a tax-deferred annuity or stock purchase plan (includes any plan where employee has the option to defer).
5. Contributions made by or on behalf of employees to a non-qualified deferred compensation plan.
6. Cost of group term life insurance over \$50,000.00 (unless part of a cafeteria plan).
7. Director's fees.
8. Adoption assistance payments (unless part of a cafeteria plan).
9. Excess employee discounts.
10. Golden parachute payments.
11. Income from guaranteed annual wage contracts.
12. Income from jury duty.
13. Income from wage continuation plans (includes retirement incentive plans and buy-outs).

14. Income received as a result of a covenant or agreement not to compete, which relates to employee wages.
15. Interest on below market loans.
16. Moving expense reimbursements (follow Federal rules but non-reimbursed expenses are not deductible).
17. Pre-retirement distributions from retirement plans (except previously taxed income from deferred plans).
18. Prizes, awards and gifts - if connected with employment.
19. Profit Sharing.
20. Royalties (unless derived from registered copyrights, patents or trademarks).
21. Severance pay.
22. Sick and/or vacation pay.
23. Stipends - if work required (vow of poverty not recognized).
24. Stock bonus incentive plans.
25. Stock options.
26. Strike benefits paid by employer.
27. Supplemental unemployment paid by employer.
28. Taxes paid by employer on employee's behalf.
29. Tips.
30. Union steward fees.
31. Clergy income per Ohio Revised Code §718.01(R)(2)(e).
32. Gambling Winnings. Losses may not offset winnings.
33. Prizes and winnings from sweepstakes.

10. Interest.
11. Long-term disability payments paid after 1/1/04.
12. Meals and lodging required on premises.
13. Military pay including reserve pay.
14. Nonresident subchapter S corporation income to a resident shareholder (effective 1/1/03) is no longer subject to the tax.
15. Patent and copyright income.
16. Pension income - includes lump sum distributions.
17. Prizes - unless connected with employment.
18. Royalties - if derived from intangible property.
19. Short-term disability payments paid after 7/1/07.
20. Social Security benefits.
21. State unemployment benefits.
22. Welfare payments.
23. Worker's Compensation.
24. Income from serving as a precinct election official less than \$1,000.



This list is intended for reference purposes only. It may not be all inclusive and is subject to revision without notice.

Can I reduce my taxable wages with unincorporated business losses?

No. Dublin does not allow the net loss from an unincorporated business to be used to offset wages, salaries, commissions or other compensation.

Completing Form DIR-38

1. If the form is not preprinted, please enter the information in the spaces provided for name, current address, SSN and Dublin account number. If you are filing a joint return, you must provide your spouse's name and social security number also.
2. If you are anticipating a refund for the year in which you are filing, place an "X" in the box marked REFUND located in the upper right section. The requested amount of the refund should appear on Line 6B. If you are amending a tax year, place an "X" in the box marked **AMENDED** and be sure to indicate the tax year that you are amending in the space provided. If you are amending the City return based upon an amended return that you filed with the I.R.S., you must include a copy of the amended Federal return, including any applicable schedules that pertain to the amendment. If you are filing an amended City return based upon an audit that the I.R.S. conducted, you must include documentation pertaining to the audit and note any changes that were made by the I.R.S. to reduce or increase your taxable income.
3. Indicate your filing status.



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What are unincorporated businesses?

- a) Sole proprietorships – Schedule C, Federal Form 1040
- b) Rental properties - Schedule E, Federal Form 1040
- c) Partnerships, Joint Ventures and other type associations (These businesses file their own returns using Form DBR-38; however, you must report your share of their city taxable income on your individual return if you are a partner).
- d) Farm Net Income - Schedule F, Federal Form 1040

What income is not taxable?

1. Alimony.
2. Annuities - at time of distribution.
3. Capital gains.
4. Dividends.
5. Government allotments.
6. Exempt rental allowance for clergy per IRS.
7. Income earned while under 18 years of age.
8. Income of religious, fraternal, charitable, scientific, literary or educational institutions to the extent that such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property or tax-exempt activities.
9. Insurance benefits - unless your employer paid the premiums. (Pro-rating is allowed if you paid a portion of the premiums).

4. If you moved, enter the date of your move. Attach a statement to your return indicating your former address. If you are allocating your income as a result of your move, you will need to attach documentation to your return explaining the allocation (such as a copy of a paystub dated close to your move date).
5. If you are requesting that your account be inactivated, indicate the reason (taxes fully withheld by employer (nonresidents only), sold business or rental property, etc.) and attach supporting documentation such as Federal Form 1040, W-2P or Statement of Social Security Earnings.
6. Enter your occupation. If you are self-employed, enter the nature of your business and your trade name.
7. Enter the names of the cities in which you worked. If you worked in more than three (3) cities, attach a list of all the cities to the back of your return.
8. Enter city (or cities) of residence for the year. For residency clarification, please call (614) 410-4460 or check your address at www.dublintonline.com.

Part A: Taxable Wages

1. Indicate your employer(s) and the address(es) where you actually reported for work (this may differ from your employer's address printed on your Form W-2). If you run out of space, please attach an additional page.
2. For a refund or adjustment to taxable wages. Complete Part D.
3. Indicate city taxable wages from each employer.

NOTE *Wages for city tax purposes may differ from the Federal Medicare wages reported in Box 5 of your W-2 as adjusted under §718.03 of the Ohio Revised Code. City taxable wages include all wages that may be deferred or excluded from Federal and State taxable wages under §401 of the Internal Revenue Code. These deferrals appear in Box 12 of your W-2 with codes D, E, F, G and S. You may be subject to additional tax due to residency if your employer does not collect and remit courtesy withholding or your employer has incorrectly reported taxable income.*

4. Indicate net wages after deduction of Form 2106 expenses (if applicable).

NOTE *Your Form 2106 expenses may not exceed your earnings from the job to which the expenses relate.*

If you adjusted any of your taxable wages enter the adjusted wages next to the appropriate employer. Be

sure to attach copies of any applicable forms to the back of the return that pertain to your adjustments (Federal Form 2106 and Federal Schedule A, days out listing, birth certificate or driver's license).

Part D: Adjustments to Taxable Wages

Lines 1-3 (Form 2106 Expenses). You may offset your earnings using Form 2106 expenses subject to a few limitations. First, you must attach a copy of Form 2106 and Schedule A, and it must clearly indicate to what job the expenses relate. If you are claiming Form 2106 expenses for several jobs, you need to attach a separate Form 2106 for each job. Second, your Form 2106 expenses may not exceed your earnings from the job to which the expenses relate. Third, you must be required to complete a Form 2106 to claim the expenses on your Federal return. Form 2106 expenses are limited on the city return to the amount of the expenses actually deducted for federal income tax purposes for the year, subject to the 2% floor limitation. Thus, if you can claim all the expenses reported on your Form 2106 directly on Schedule A of your Federal return without being required to file Form 2106, you may not claim these expenses on your city return. Form 2106 expenses (and the associated wages) related to your work as a nonresident truck driver or nonresident railroad employee are reported on Lines 14 and 15. Form 2106 expenses (and the related wages) associated with your work as a nonresident claiming a refund for wages earned outside of our taxing districts are reported on Lines 18-24.

Lines 4-6 (Under Age 18). You may reduce your taxable wages by the amount of wages you earned while under the age of 18. To do so, you must enter your date of birth on Line 5, and attach a copy of your driver's license or birth certificate. **Do not send originals** — they will not be returned. A notarized statement from either parent stating your birthday may be substituted for the copy of your driver's license or birth certificate.

Lines 7-9 (Improperly Withheld Taxes). Complete these lines only if your employer withheld tax in error to Dublin. For example, non-residents who:

- 1) are air carrier, motor carrier, or railroad employees;
- 2) are regularly assigned duties in two or more states; and
- 3) had tax withheld to a city other than the city where they live.

You **MUST** attach W-2s and supporting documentation. We will not process your refund unless Part 2 (Certification by Employer) is completed.

Lines 10-13 (Improperly Withheld Tax from Disability Payments). Complete these lines only if your employer withheld tax in error to Dublin. Short-term disability payments paid after 7/1/2007 are exempted from municipal taxable income. Commencing 1/1/2004 payments from long-term disability payments are exempted from municipal taxable income. You must complete Part 2 (Certification of Employer).

Lines 14-17 (Nonresidents who are Truck Drivers, Air Carrier Employees or Railroad Employees). Use these lines only if you are a nonresident employee working in one of these industries and are regularly assigned duties *within Ohio only*. Nonresident employees in these industries regularly assigned duties in *two* or more states should see Lines 7-9. Claim Form 2106 expenses associated with these jobs on Line 15. Be sure to complete Part 2 (Certification by Employer).

Lines 18-28 (Nonresident Days Worked Out). Lines 18-28 guide you through a formula based on a work year consisting of 260 days (representing five (5) days per week times 52 weeks). Sick, vacation and holiday pay are prorated by the formula, as are Form 2106 expenses associated with this job. Be sure to attach a copy of your valid telework agreement, timesheets, and last paystub for the year. For individual working at various other locations include a list of all the dates you worked outside of Dublin, along with the locations (city and state) at which you worked on those dates and travel orders and vouchers. Also, you must complete Part 2 (Certification by Employer).

Part B: Tax Calculation

All taxable income and withholding should be reported to Dublin.

- Column B - Enter all income from wages, salaries, commissions and other compensation net of Form 2106 expenses in this column.
- Column C - Enter all income from net profits, rents and other taxable income. Individuals engaged in business or holding partnership interests should complete Parts C, D & E before completing Column C.
- Column D - Column B plus Column C.
- Column E - Multiply the figures in Column D by the 2.0%
- Column F - **CREDIT LIMITED TO AMOUNT SUBJECT TO TAX TO 2.0%.**

Enter all of the following, if applicable:

- 1) City tax shown as withheld on W2s for taxes withheld to cities (allocated 2106 expenses should be reduced proportionally).
- 2) city tax paid directly to another city (attach a copy of the return filed with that city); and
- 3) city tax paid on your behalf by a partnership.



DO NOT enter declaration payments in this column: they are entered on Line 2 of Part B. You cannot claim credit for taxes withheld to the city of income that exceed:

- 1) *that city's tax rate times that job's city taxable income after Form 2106 expenses (limited to 2.0%); or*
- 2) *2.0% times that job's city taxable income.*

- Column G - Enter net tax due (Column E less Column F).
- Line 1 - Enter total net tax due (total of Column G).
- Line 2 - Enter all declaration payments made during the current tax year and any overpayment carried forward from the prior year. Do not enter tax withheld or paid by a partnership on your behalf (see Column F).
- Line 3 - Subtract Line 2 from Line 1 to arrive at the net tax due. However, if the result is an overpayment, indicate amount with parentheses and carry to Line 5.
- Line 4 - Enter penalty and interest, if applicable. All taxes unpaid after April 18th are subject to a 15% penalty. Taxes due Dublin paid after April 18th are subject to interest at a rate of .42% per month. The annual interest rate is 5%.



Late Charges - *Taxpayers who are required to file a Dublin return will incur a penalty of \$25.00 per month up to a maximum of \$150.00 for failing to file this return in a timely fashion.*

- Line 5 - Enter total amount due - Line 3 plus Line 4. If tax due is \$10.00 or less, no payment is necessary.

Line 6 - Enter overpayment, if applicable; from Line 3 as a positive number (do not use parentheses).

appropriate city line(s) in Column C. If loss is indicated, enter zero in Column C.

Line 6A - Enter amount of the overpayment from Line 6 you want credited to your next year's tax estimate.

Line 6B - Enter the amount of the overpayment from Line 6 you want refunded. Refunds must be greater than \$10.00. You must sign your return and attach all documentation for your refund to be issued.

Third Party Designee

If you want to allow a friend, family member, or any other person you choose to discuss your tax return with the City of Dublin, check the "YES" box in the "Third Party Designee" area of your return. Also enter the designee's name, phone number and SSN. But if you want to allow the paid preparer who signed your return to discuss it with the City of Dublin, just enter "Preparer" in the space for the designee's name. You do not have to provide the other information requested.

If you check the "YES" box, you and your spouse, if filing a joint return, are authorizing the City of Dublin to call the designee to answer any questions that may arise during the processing of your return. You are also authorizing the designee to:

- Give the City of Dublin any information that is missing from your return,
- Call the City of Dublin for information about the processing of your return or the status of your refund or payment(s),
- Receive copies of notices or transcripts related to your return, upon request, and
- Respond to certain City of Dublin notices about math errors, offsets, and return preparation.

You are **not** authorizing the designee to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the City of Dublin. The authorization will remain in effect for the specific return and tax year on which it appears, unless rescinded on a subsequent return for the same tax year or in writing by the taxpayer.

Part C: Income from Sources other than Wages, Salaries, Commissions etc.

Taxable income from net profits should be entered in the following manner:

Column H - Enter net income (or loss) from Part E, Line 21 or from Schedule Y if you are allocating your income. If you attached a copy of your Federal Schedule C in lieu of completing Part E on Page 2, enter your income from Schedule C. Schedule Y is used only if you engaged in business in more than one taxing district.

Column I - Enter net income (or loss) from Part F, Section 1, Line 6, or from your Federal Schedule E if attached in lieu of completing Part F. Separate accounting is required to be used when calculating net rental profit subject to city tax. Common or shared rental real estate expenses shall be allocated equally among all rental properties. Net operating losses are to be applied using separate accounting.

Column J - Enter your share of city taxable income from Part F, Section 2, or from your Federal Schedule E which must be attached to your return. Passive activity loss carry forwards are not allowed for city tax purposes. In addition, net operating loss carry forwards and carry backs are not permitted for city tax purposes.

Column K - Enter total income (or loss) from Columns H through J. Carry income figure(s) shown in Column K to the

Sign Your Return

Form DIR-38 is not considered a complete return unless you sign it and attach all W-2 statements and applicable federal tax documents. If you are filing a joint return, your spouse must also sign.

Paid Preparers Must Sign Your Return. Anyone you pay to prepare your return must sign and date it in the space provided, and provide their Paid Preparer Tax Identification Number (PTIN).

Part E: Schedule C - Income From Self-Employment

The questions on Schedule C should be answered in full. List income and subtract expenses to determine net profit or loss from business or profession. A copy of your Federal Schedule C will be accepted in lieu of completion of Part E on Form DIR-38. *All schedules and/or forms supporting the information listed should be attached to your tax return.*

Part F: Rental and Partnership Income

Section 1: Income or Loss from Rental Real Estate

Enter income (loss) produced from rental property by providing the detailed information in the appropriate columns. Federal Form 1040, Schedule E should be provided on all property reported. Beginning in 2016 net profits from rental real estate are only subject to tax in the city in which the property is located or the city in which the owner receiving the net profit resides. Separate accounting is therefore required to be used when calculating net profit subject to city tax. Common or shared rental real estate expenses shall be allocated equally among all rental properties. Net operating losses are to be applied using separate accounting. If the property is not located in any taxing city, income is taxed to owner's city of residence.

Section 2: Partnership Income

Partnership Income – Beginning in 2016 only Dublin residents will be required to report partnership income on the DIR-38. The taxable amount to be used is the net partnership income as reported on the Federal Schedule E. Credit for tax paid is limited to the amount of tax due for the city of residence. Copies of Schedule K-1 are no longer required to be submitted, include a copy of Schedule E with your return.

S-Corporation Income – Do not report any S corporation gains or losses on this return. Subchapter S corporations are taxed at the corporate level for municipal tax purposes.

Schedule Y – Business Allocation Formula

Provide a completed DIR-38, Schedule Y, to properly allocate your city taxable income. In order to promote uniformity and consistency in the calculation of net profits, it is the City of Dublin's policy to strictly interpret the changes in Ohio Revised Code §718.02. Commencing with tax year 2004, the use of Separate Accounting in the calculation of Net Profits is no longer an available option.

Column A, Line a- List the average original cost of all real and tangible personal property owned or used by the taxpayer that was situated within the city limits. Include on each line the annual rental on rented and leased real property situated within the city limits multiplied by 8.

Column A, Line b- Divide Column A, Line a, by the amount of Line 3. If the amount of Line 3 is zero, enter "n/a" on this line.

Column B, Line a- List the wages, salaries and other compensation paid to W-2 employees for services performed within the city limits except compensation exempt from municipal taxation under O.R.C. §718.11.

Column B, Line b- Divide Column A, Line a, by the amount of Line 4. If the amount of Line 4 is zero, enter "n/a" on this line.

Column C, Line a- List the gross receipts from sales made or services performed within the city limits.

Column C, Line b- Divide Column C, Line a, by the amount of Line 5. If the amount of Line 5 is zero, enter "n/a" on this line.

Column D- Divide the sum of line b for Columns A-C by the number of factors used.

Example 1: Line 5 shows no wages companywide. If Line b for Dublin shows 30%, 60%, and n/a for Columns A-C respectively, you would divide 90% (30% + 60%) by 2 (since only two columns had numbers).

Example 2: Line 5 reports wages companywide. None of those wages are earned in Dublin. Thus, if Line b for Dublin shows 30%, 60%, and 0% for columns A-C respectively, you would divide 90% (30% + 60% + 0%) by 3 (since all three columns had numbers... even though Column C's number was zero).

Column E- Multiply the amount shown on the taxable form (Example Schedule C, Schedule E, etc.) by the percentage shown in Column D. If the amount is zero or less, enter zero on Form DIR-38, Page 1, Column H or I. If Column D is more than zero, enter the amount on Form DIR-38, Columns H or I.

Instructions for Filing Forms DID-1 and DIQV-17

Declaration of Estimated Tax and Quarterly Payment Vouchers

Taxpayers who anticipate owing greater than \$200.00 city tax to Dublin must complete this form. Nonresidents who have taxable income in Dublin must also complete this section.

The declaration (Form DID-1) should be filed by April 18th. Your first quarter payment should be submitted with the declaration. No extensions of time to file or pay will be granted. Each subsequent quarterly payment should be filed using Form DIQV-17 (available at www.dublintonline.com). Your second, third and fourth payments are due on the 15th day of June, September and December. Each estimated tax payment must show a credit carryforward and/or be accompanied by a payment of at least one-fourth (1/4) of the total estimated tax shown on your declaration. To be considered as filed in good faith and not subject to penalty and interest, your timely paid estimated tax must not be less than **90%** of the total tax liability shown on your tax return. We will also consider your estimated taxes as filed in good faith if your timely payments equal or exceed 100% of the tax shown on your prior year return. Failure to make timely estimated tax payments will result in penalty and interest assessments.