

## Employer Statement – Qualified Overtime Compensation (WV)

Use this form to report the portion of overtime compensation that represents the FLSA-required premium amount. This document does not change payroll withholding and does not constitute tax advice.

### Employer & Employee Information

Employer Name:	
Employee Name:	
Employee ID:	
Tax Year:	

### Overtime Compensation Summary

Total Overtime Wages Paid (\$):	
Regular (Straight-Time) Portion (\$):	
Qualified Overtime Premium Portion (\$):	

### Important Notes

- Only the overtime premium portion required under the Fair Labor Standards Act (FLSA) may qualify for the federal deduction.
- Overtime compensation remains subject to federal, state, and local withholding.
- West Virginia currently taxes all overtime wages at the state level.
- Employees should retain this statement with their tax records and consult their personal tax advisor.

Employer Representative: \_\_\_\_\_ Date: \_\_\_\_\_

### Worked Example 1 – Basic Overtime

1. Regular rate: \$20/hour
2. Hours worked: 50 → 10 overtime hours
3. Overtime rate: \$30/hour
4. Total overtime wages: \$300
5. Qualified premium portion: \$100
6. Straight-time portion: \$200

Total Overtime Wages	\$300
Straight-Time Portion	\$200
Qualified Premium Portion	\$100

### Worked Example 2 – Overtime with Nondiscretionary Bonus

7. Hourly rate: \$20/hour
8. Hours worked: 50 (10 overtime)
9. Weekly nondiscretionary bonus: \$100
10. Adjusted regular rate =  $(\$20 \times 50 + \$100) \div 50 = \$22/\text{hour}$
11. Overtime premium =  $0.5 \times \$22 \times 10 = \$110$
12. Straight-time portion for OT hours =  $\$22 \times 10 = \$220$
13. Total overtime wages = \$330

Total Overtime Wages	\$330
Straight-Time Portion	\$220
Qualified Premium Portion	\$110

### **Employer Checklist – Qualified Overtime Reporting**

- ✓ Confirm employee is non-exempt under the FLSA
- ✓ Include nondiscretionary bonuses in regular rate
- ✓ Separate FLSA premiums from non-qualifying overtime
- ✓ Provide statement if not shown on W-2
- ✓ Continue federal, FICA, and WV withholding