

# Instructions and worksheets for completing The STATE portion of the Form

## UC W-4NR/DE 4                      2010

### Nonresident Alien Employee's Federal-State Withholding Allowance Certificate

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Use this section for instructions and worksheets to complete  
the STATE (DE 4) portion of the form UC W-4NR/DE 4

#### **YOUR CALIFORNIA PERSONAL INCOME TAX MAY BE UNDERWITHHELD IF YOU DO NOT FILE THIS DE 4 FORM**

*IF YOU RELY ON THE FEDERAL W-4 FOR YOUR CALIFORNIA WITHHOLDING ALLOWANCES, YOUR CALIFORNIA STATE PERSONAL INCOME TAX MAY BE UNDERWITHHELD AND YOU MAY OWE MONEY AT THE END OF THE YEAR.*

**PURPOSE:** This certificate, DE 4, is for **California personal income tax withholding** purposes only. You should read the instructions contained herein and complete the State portions of the UC W-4NR/DE 4 form as appropriate, using the worksheets that follow as applicable.

You should complete this form if either:

1. You claim a different marital status, different number of regular allowances, or a different additional dollar amount to be withheld for California personal income tax withholding than you claim for federal income tax withholding or,
2. You claim additional allowances for estimated deductions.

**THIS FORM WILL NOT CHANGE YOUR FEDERAL WITHHOLDING ALLOWANCES.**

The Federal tax brackets and withholding methods do not reflect state personal income tax withholding tables. **If you rely on the number of withholding allowances you**

**claim for Federal withholding your state income tax withholding, may be significantly underwithheld.** This is particularly true if your household income is derived from more than one source.

#### **CHECK YOUR WITHHOLDING:**

After your UC W-4NR/DE 4 takes effect, compare the dollar amounts that are being withheld to ensure that the proper amount of tax is being withheld.

#### **EXEMPTION FROM WITHHOLDING:**

You may only claim exempt from withholding California income tax if you did not owe any federal income tax last year and you do not expect to owe any federal income tax this year. Also, under the Service Member Civil Relief Act, as amended by the Military Spouses Residency Relief Act, you may be exempt from California income tax on your wages if 1) your spouse is a member of the armed forces present in California in compliance with military orders; 2) you are present in California solely to be with your spouse; and 3) you maintain your domicile in another state. If you claim this exemption, you may be required to submit proof. The exemption for California income tax withholding automatically expires on February 15 of the next year unless submitted again on a new W-4NR/DE 4 before that date.

The law requires you to give your employer a new Form UC W-4NR/DE 4 by December 1.

NOTIFICATION: Your employer is required to send a copy of your DE 4 to the Franchise Tax Board if it meets any of the following conditions:

- You claim more than 10 withholding allowances
- You claim exemption from State or Federal income tax
- You make major changes to DE 4, such as crossing out words or writing more than is asked
- You admit that the DE 4 is false

IF THE IRS INSTRUCTS YOUR EMPLOYER TO WITHHOLD FEDERAL INCOME TAX BASED ON A CERTAIN WITHHOLDING STATUS; YOUR EMPLOYER IS REQUIRED TO USE THE SAME WITHHOLDING STATUS FOR STATE INCOME TAX WITHHOLDING IF YOUR WITHHOLDING ALLOWANCES FOR STATE PURPOSES MEET THE REQUIREMENTS LISTED UNDER "NOTIFICATION." IF YOU FEEL THAT THE FEDERAL DETERMINATION IS NOT CORRECT FOR STATE WITHHOLDING PURPOSES, YOU MAY REQUEST A REVIEW.

To do so, write to: Franchise Tax Board  
 W-4 Unit MS F 180, P. O. Box 2952  
 Sacramento CA 95812-2952  
 Fax: (916) 843-1094

Your letter should contain the basis of your request for review. You will have the burden of showing the federal determination incorrect for state withholding purposes. The Franchise Tax Board (FTB) will limit its review to that issue. FTB will notify both you and your employer of its findings. Your employer is then required to withhold state income tax as instructed by FTB. In the event FTB or IRS finds there is no reasonable basis for the number of withholding exemptions that you claimed on your UC W-4NR/DE 4, you may be subject to a penalty.

PENALTY: You may be fined \$500 if you file, with no reasonable basis a DE 4 that results in less tax being withheld than is properly allowable. In addition, criminal penalties apply for willfully supplying false or fraudulent information or failing to supply information requiring an increase in withholding. This is provided for by Section 19176 of the California Revenue and Taxation Code.

INSTRUCTIONS – 1 – ALLOWANCES

When determining your withholding allowances, you must consider your personal situation:

- Do you claim allowances for dependents or blindness?
- Are you going to itemize your deductions?
- Do you have more than one income coming into the household?

TWO-EARNER/TWO-JOBS: When earnings are derived from more than one source, under withholding may occur. If you have a working spouse or more than one job, it is best to check the box "SINGLE or MARRIED (with two or more incomes)." Figure the total number of allowances you are entitled to claim on all jobs using only one DE 4 form. Claim allowances with one employer. Do not claim the same allowances with more than one employer. Your withholding will usually be most accurate when all allowances are claimed on the DE 4 or W-4 filed for the highest paying job and zero allowances are claimed for the others.

MARRIED BUT NOT LIVING WITH YOUR SPOUSE: You may check the "Head of Household" marital status box if you meet all of the following tests:

- 1) Your spouse will not live with you at any time during the year;
- 2) You will furnish over half of the cost of maintaining a home for the entire year for yourself and your child or stepchild who qualifies as your dependent; and
- 3) You will file a separate return for the year.

HEAD OF HOUSEHOLD: To qualify, you must be unmarried or legally separated from your spouse and pay more than 50% of the costs of maintaining a home for the entire year for yourself and your dependent(s) or other qualifying individuals. Cost of maintaining the home includes such items as rent, property insurance, property taxes, mortgage interest, repairs, utilities, and cost of food. It does not include the individual's personal expenses or any amount which represents value of services performed by a member of the household of the taxpayer.

WORKSHEET A

REGULAR WITHHOLDING ALLOWANCES

(A) Allowance for yourself — enter 1.....	(A)	_____
(B) Allowance for your spouse (if not separately claimed by your spouse) — enter 1.....	(B)	_____
(C) Allowance for blindness — yourself — enter 1.....	(C)	_____
(D) Allowance for blindness — your spouse (if not separately claimed by your spouse) — enter 1.....	(D)	_____
(E) Allowance(s) for dependent(s) — do not include yourself or your spouse.....	(E)	_____
(F) Total — add lines (A) through (E) above, Enter here and in Section II, Box 2 of the UC W-4/DE 4.....	(F)	_____

**INSTRUCTIONS — 2 — ADDITIONAL WITHHOLDING ALLOWANCES**

If you expect to itemize deductions on your California income tax return, you can claim additional withholding allowances. Use Worksheet B to determine whether your expected estimated deductions may entitle you to claim one or more additional withholding allowances. Use last year's FTB 540 form as a model to calculate this year's withholding amounts.

Do not include deferred compensation, qualified pension payments or flexible benefits, etc., that are deducted from your gross pay but are not taxed on this worksheet.

You may reduce the amount of tax withheld from your wages by claiming one additional withholding allowance for each \$1,000, or fraction of \$1,000, by which you expect your estimated deductions for the year to exceed your allowable standard deduction.

**WORKSHEET B**

**ESTIMATED DEDUCTIONS**

1. Enter an estimate of your itemized deductions for California taxes for this tax year as listed in the schedules in the FTB 540 form.....		1. _____
2. Enter \$7,274 if married filing joint with two or more allowances, unmarried head of household or qualifying widow(er) with dependent(s) or \$3,637 if single or married filing separately, dual income married, or married, or married with multiple employers.	-	2. _____
3. Subtract line 2 from line 1, enter difference.....	=	3. _____
4. Enter an estimate of your adjustments to income (alimony payments, IRA deposits).....	+	4. _____
5. Add line 4 to line 3, enter sum.....	=	5. _____
6. Enter an estimate of your nonwage income (dividends, interest income, alimony receipts).....	-	6. _____
7. If line 5 is greater than line 6 (if less, see below); Subtract line 6 from line 5, enter difference.....	=	7. _____
8. Divide the amount on line 7 by \$1,000, round any fraction to the nearest whole number..... Enter this number here and in Section II, Box 3, of the UC W-4/DE 4. Complete Worksheet C, if needed.		8. _____
9. If line 6 is greater than line 5: Enter amount from line 6 (nonwage income).....		9. _____
10. Enter amount from line 5 (deductions).....		10. _____
11. Subtract line 10 from line 9, enter difference.....		11. _____

Complete Worksheet C

\* Due to recent legislation, beginning January 1, 2007, wages paid to registered domestic partners will be treated the same for state income tax purposes as wages paid to spouses for California personal income tax (PIT) withholding and PIT wages. This new law does not impact federal income tax law. A registered domestic partner means an individual partner in a domestic partner relationship within the meaning of Section 297 of the Family Code. For more information, please call our Taxpayer Assistance Center at 1-888-745-3886.

**WORKSHEET C – for Section IV, Box 2, of the UC W-4/DE 4. TAX WITHHOLDING AND ESTIMATED TAX**

1. Enter estimate of total wages for tax year 2010 ..... 1. \_\_\_\_\_
2. Enter estimate of nonwage income (line 6 of Worksheet B) ..... 2. \_\_\_\_\_
3. Add line 1 and line 2. Enter sum ..... 3. \_\_\_\_\_
4. Enter itemized deductions or standard deduction (line 1 or 2 of Worksheet B, whichever is largest) ..... 4. \_\_\_\_\_
5. Enter adjustments to income (line 4 of Worksheet B) ..... 5. \_\_\_\_\_
6. Add line 4 and line 5. Enter sum ..... 6. \_\_\_\_\_
7. Subtract line 6 from line 3. Enter difference ..... 7. \_\_\_\_\_
8. Figure your tax liability for the amount on line 7 by using the 2010 tax rate schedules below ..... 8. \_\_\_\_\_
9. Enter personal exemptions (line F of Worksheet A x \$107.80)..... 9. \_\_\_\_\_
10. Subtract line 9 from line 8. Enter difference ..... 10. \_\_\_\_\_
11. Enter any tax credits. (See FTB Form 540)..... 11. \_\_\_\_\_
12. Subtract line 11 from line 10. Enter difference. This is your total tax liability ..... 12. \_\_\_\_\_
13. Calculate the tax withheld and estimated to be withheld during 2010. Contact your employer to request the amount that will be withheld on your wages based on the marital status and number of withholding allowances you will claim for 2010. Multiply the estimated amount to be withheld by the number of pay periods left in the year. Add the total to the amount already withheld for 2010 ..... 13. \_\_\_\_\_
14. Subtract line 13 from line 12. Enter difference. If this is less than zero, you do not need to have additional taxes withheld ..... 14. \_\_\_\_\_
15. Divide line 14 by the number of pay periods remaining in the year. Enter this figure here and in Section IV, Box 2 of the UC W-4/DE 4..... 15. \_\_\_\_\_

**NOTE:** Your employer is not required to withhold the additional amount requested in Section IV, Box 2, of the UC W-4/DE-4. If your employer does not agree to withhold the additional amount, you may increase your withholdings as much as possible by using the “single” status with “zero” allowances. If the amount withheld still results in an underpayment of state income taxes, you may need to file quarterly estimates on Form 540ES with the FTB to avoid a penalty.

**THESE TABLES ARE FOR CALCULATING WORKSHEET C AND FOR 2010 ONLY**

SINGLE OR MARRIED WITH DUAL EMPLOYERS				
IF THE TAXABLE INCOME IS		COMPUTED TAX IS		
OVER	BUT NOT OVER	OF AMOUNT OVER...		PLUS*
\$0	\$ 7,060	1.375%	\$0	\$ 0.00
\$ 7,060	\$ 16,739	2.475%	\$ 7,060	\$ 97.08
\$ 16,739	\$ 26,419	4.675%	\$ 16,739	\$ 336.64
\$ 26,419	\$ 36,675	6.875%	\$ 26,419	\$ 789.18
\$ 36,675	\$ 46,349	9.075%	\$ 36,675	\$ 1,494.28
\$ 46,349	\$1,000,000	10.505%	\$ 46,349	\$ 2,372.20
\$1,000,000	and over	11.605%	\$1,000,000	\$102,553.24

MARRIED FILING JOINT OR QUALIFYING WIDOW(ER) TAXPAYERS				
IF THE TAXABLE INCOME IS		COMPUTED TAX IS		
OVER	BUT NOT OVER	OF AMOUNT OVER...		PLUS*
\$0	\$ 14,120	1.375%	\$0	\$ 0.00
\$ 14,120	\$ 33,478	2.475%	\$ 14,120	\$ 194.15
\$ 33,478	\$ 52,838	4.675%	\$ 33,478	\$ 673.26
\$ 52,838	\$ 73,350	6.875%	\$ 52,838	\$ 1,578.34
\$ 73,350	\$ 92,698	9.075%	\$ 73,350	\$ 2,988.54
\$ 92,698	\$1,000,000	10.505%	\$ 92,698	\$ 4,744.37
\$1,000,000	and over	11.605%	\$1,000,000	\$100,056.45

HEAD OF HOUSEHOLD				
IF THE TAXABLE INCOME IS		THE COMPUTED TAX IS		
OVER	BUT NOT OVER	OF AMOUNT OVER...		PLUS*
\$0	\$ 14,130	1.375%	\$0	\$ 0.00
\$ 14,130	\$ 33,479	2.475%	\$ 14,130	\$ 194.29
\$ 33,479	\$ 43,157	4.675%	\$ 33,479	\$ 673.18
\$ 43,157	\$ 53,412	6.875%	\$ 43,157	\$ 1,125.63
\$ 53,412	\$ 63,089	9.075%	\$ 53,412	\$ 1,830.66
\$ 63,089	\$1,000,000	10.505%	\$ 63,089	\$ 2,708.85
\$1,000,000	and over	11.605%	\$1,000,000	\$101,131.35

IF YOU NEED MORE DETAILED INFORMATION, SEE THE INSTRUCTIONS THAT CAME WITH YOUR LAST CALIFORNIA INCOME TAX RETURN OR CALL FRANCHISE TAX BOARD:

IF YOU ARE CALLING FROM WITHIN THE UNITED STATES 1-800-852-5711 (voice)  
1-800-822-6268 (TTY)

IF YOU ARE CALLING FROM OUTSIDE THE UNITED STATES (Not Toll Free) (916) 845-6500

\*marginal tax

DE 4 information is collected for purposes of administering the Personal Income Tax law and under the Authority of Title 22 of the California Code of Regulations and the Revenue and Taxation Code, including Section 18624. The Information Practices Act of 1977 requires that individuals be notified of how information they provide may be used. Further information is contained in the instructions that came with your last California income tax return.