



Ohio Administrative Code

Rule 122:16-1-05 Reports.

Effective: July 28, 2016

(A) Each taxpayer that is party to a tax credit agreement shall report to the director annually during the term of the tax credit the number of full-time equivalent employees employed by the taxpayer at the project site as a result of the project, the total payroll from operations at the project site, the total Ohio employee payroll from operations at the project site, the income tax revenue from operations at the project site, the average hourly wage of full-time equivalent employees, the amount of any transferred payroll during the tax year and any other information the director deems necessary to perform the director's duties under section 122.171 of the Revised Code. Each taxpayer's report shall be certified as accurate and complete by the original signature of any authorized officer of the taxpayer.

(B) If a taxpayer uses a professional employer organization as defined in section 4125.01 of the Revised Code in conjunction with the project as authorized under section 4125.042 of the Revised Code, the taxpayer is responsible for collecting all appropriate information from the professional employer organization necessary to complete the report to the director identified in paragraph (A) of this rule and failure to do so will be considered a taxpayer's failure to file.

(C) The taxpayer's annual report shall be postmarked prior to or received by the director no later than March first of each year immediately succeeding the calendar year that is the subject of the annual report.

(D) Each taxpayer shall maintain substantial operations at the project site for a time period consistent with division (E)(3) of section 122.171 of the Revised Code. During the post-term reporting period, the taxpayer shall submit an annual certification to the director postmarked prior to or received by the director no later than March first of each year succeeding the calendar year that is the subject of the annual certification. The taxpayer shall submit to the director a certification that includes, but is not limited to, information demonstrating the taxpayer maintains operations at the project site and the total number of full-time equivalent employees at the project site.



(E) Each taxpayer and any professional employer organization utilized in the project shall establish and maintain for at least four years after the conclusion of the post-term reporting period such records of the taxpayer and professional employer organization that substantiate the employment, investment, and operations on which the tax credits are granted and issued. Such records include, but are not limited to, records of personnel, wage records for employees at the project site and conditions of employment. The taxpayer and any professional employer organization shall organize and make available such records for the review and verification by the director or the director's representatives and appropriate state agencies or officials. The taxpayer and any professional employer organization shall permit such officials and their representatives to audit, examine and make excerpts or transcripts from records required to be maintained under this rule at any time during normal business hours upon written notice as often as the director may deem necessary. In the event the director determines a taxpayer has submitted an annual report containing erroneous data or data not supported by the records maintained under this rule, the director may, after providing notice, require the taxpayer to resubmit corrected annual reports for the years in which such reports were filed with the applicable fees described in rule 122:16-1-02 of the Administrative Code. Thereafter, the director shall issue certificates consistent with the amended data and report such amendment to the tax commissioner.

(F) If a taxpayer fails to file any complete annual report during the term of the tax credit, as described in paragraph (A) of this rule, within one hundred eighty days of the March first deadline, the taxpayer may be deemed to have discontinued operations at the project site and shall be subject to the refund provisions of division (J) of section 122.171 of the Revised Code. A complete annual report shall be one that meets the requirements of paragraph (H) of this rule.

(G) If a taxpayer fails to file any complete post-term reporting period annual certification, as described in paragraph (D) of this rule, within one hundred and eighty days of the March first deadline, the taxpayer may be deemed to have discontinued operations at the project site and shall be subject to the refund provisions of division (J) of section 122.171 of the Revised Code. A complete annual certification shall be one that meets the requirements of paragraph (H) of this rule.

(H) For the purposes of this rule, a complete annual report or complete annual certification shall mean an annual report or annual certification that complies with the filing timeframes of paragraphs (C) and (D) of this rule and includes all of the information required by paragraphs (A) and (D) of



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this rule in a manner prescribed by the director.