

Frequently Asked Questions

RE: New Policies, POA Requirements and Supporting Documentation

Why isn't my password reset sending an email link?

- a) After entering in your email address and selecting your method of verification be sure, to Click the [submit](#) button to receive the password reset link email.
- b) If you are still not receiving the password reset link email, Inquiries regarding accessibility issues with Kansas CertLink NextGen please contact AJLA Accessibility Help Desk at ajla.accessibility@ks.gov or refer to the online Help Guide on the Kansas CertLink website.

What documents are required to be submitted to apply for WOTC tax credit?

- a) Both the IRS Form 8850 and the ICF ETA Form 9061 or ICF ETA Form 9062 and supporting documentation to support the applicant's eligibility is required to be submitted to the SWA.
- b) For third-party submissions a power of attorneys must be submitted prior to the submission of the employers' certification request. Any applications that are submitted by a third-party representative without an active power of attorney on file at the time of submission will be denied.

How do I submit my certification request?

- a) All new application submissions will **only** be accepted electronically. All supporting documentation must be uploaded in the system within 90-days of submission as outlined on the proof of submission letter, the [Kansas Department of Commerce, WOTC Policy & Procedures Manual](#) and in accordance with WOTC TEGL No. 16-20.
- b) It is the responsibility of the employer and/or consultant to monitor the progress of their applications, upload supporting documentation and any additional documentation requested through the WOTC [CertLink NextGen](#) System in a timely manner.

When and how do I receive my certification?

- a) All applications are processed by start date in chronological order.
- b) It is the responsibility of the employer and/or consultant to monitor the progress of their applications and print all determination and/or letters through the WOTC [CertLink NextGen](#) System.

Is there a deadline to submit a WOTC application?

- a) IRS Form 8850 and ICF ETA Form 9061 or ICF ETA Form 9062 must be completed with all information requested and must be submitted no later than 28 calendar days from when the applicant starts work. All untimely applications will be denied.

Where can I find the WOTC application forms?

- a) You may find the current forms on [Kansas Department of Commerce, WOTC Policy and Procedures Manual](#) or the [U.S. Department of Labor](#) website.

What type of documentation is required for each target group?

- a) See the State of Kansas authorized documentation according to the ICF ETA Form 9061 question numbers.

QUESTION 12 – Verification of Age (must be provided for SNAP and RRC target groups)

- Birth Certificate
- Valid Driver's License
- Permanent Resident Card
- Passport
- Valid Federal/State Gov't I.D.

QUESTION 13 – Veteran Documentation

- DD-214 showing honorable discharge.
- Letter of Separation or other agency documents issued only by the Department of Veterans Affairs (DVA) on DVA Letterhead certifying the Veteran has a service-connected disability and signed by the individual who verified this information.

QUESTIONS 14 & 16 – TANF and SNAP

- TANF/SNAP (Cash Assistance &/or Food Stamp) Benefit History with Case Number Identifier signed by an authorized individual on state letterhead with a specific description of the months and year that benefits were received dating back to 08/1997.

QUESTION 15 – Vocational Rehabilitation and/or Ticket to Work (see question 13 for Veteran Affairs)

- Vocational Rehabilitation Agency letter signed by an authorized individual on agency letterhead that the individual listed on the IRS Form 8850 has or had a written plan for employment (IPE) **AND** has or had an IWRP showing the date opened and the date closed.
- Ticket to Work will be verified by the SWA.

QUESTION 17 – Ex-Felon

- Parole Officer's Statement signed by an authorized individual on agency letterhead that the individual listed on the IRS Form 8850 showing the date of felony conviction, parole, participation in a work release program, placement in a Residential Re-Entry Facility and/or release from prison.
- Correction Institution Records
- Court Records
- Sentencing Date as listed on the Kansas Department of Corrections – KASPER search is different from the actual required conviction date.

QUESTION 18 & 19 –Designated Community Resident/Rural Renewal County (RRC)

- Proof of address **MUST** match the address listed on the first page of the IRS Form 8850.
 - W-4
 - Valid Driver’s License
 - Residential Lease Agreement with the individual’s name that is on the IRS Form 8850
 - Utility Bill
 - Voter Registration Card
 - Government Issued Award or Tax Statements
 - Nexus/Lexus and Innovative are **NOT** an authorized form of documentation.
- Proof of Age (please see question 12 above)
- Empowerment Zone or Summer Youth (**This target group is not authorized in Kansas**)

QUESTION 20 – Supplemental Security Income (SSI)

- Supplemental Security Income will be verified by the SWA.

QUESTIONS 21 & 22 – Unemployed Veteran (must have documentation of veteran status see question 13)

- Unemployment Insurance (UI) Claims Records showing weekly payments.
- UI Wage Records showing quarterly wages.

QUESTION 23 – Long-term Unemployment Recipient

- Unemployment Insurance (UI) Claims Records showing weekly payments.
- UI Wage Records showing quarterly wages.
- Self-Attestation Form, ETA Form 9175

Is there a time frame to provide supporting documentation and/or for requested documents?

- a) Yes, all forms **AND** supporting documentation for eligibility of the target groups selected should be uploaded with the application in the Kansas WOTC CertLink NextGen system within 90-days of submission.
- b) Yes, it is the responsibility of the employer and/or consultant to monitor the progress of their applications, upload supporting documentation and any additional documentation requested through the WOTC [CertLink NextGen](#) System within 90-days of the submission of the application and/or request for additional information.

Is there a time frame to appeal an application that has been denied?

- a) Yes, an employer may appeal a denial within one year of the original denial date.
- b) Please refer to the [Kansas Department of Commerce, WOTC Policy and Procedures Manual](#) for further instructions on how to appeal a denial.

How do I claim my tax credit?

- a) Provide your ICF ETA Form 9063 (Certification Letter) to your tax accountant, the state SWA’s are unable to advise on tax filings to receive the tax credit.

Is there a minimum number of hours and/or a duration of employment that the employee has to work to claim the tax credit?

- a) Yes, the employee must work a minimum of 120 hours for the employer to claim the tax credit for their business. Please refer to your tax accountant for guidelines on how to claim the tax credit.

Do I have to contract with a third-party consulting firm to file my applications?

- a) No, all employers are eligible to apply for the tax credit.
- b) Non-Profit organizations are only eligible for the veteran target groups.

Can a former employee be rehired and qualify for the tax credit?

- a) Employers may not request certification on former employees who have been rehired. The employee is **only** eligible the first time he/she was hired by the employer.
- b) Rehires are defined as – Any employee that has worked for an employer for wages or salary no matter how long ago or if only worked for the employer one hour. This includes employers under instances of Common Owner, Successors and Subsidiaries.

Where do I submit my application for the tax credit?

- a) You must submit it to the SWA of the state in which your business is located (where the employee works).

Who can claim the tax credit?

- a) The WOTC tax credit is available to employer's for eligible individuals that face significant barriers to employment.

What counties are eligible for the Rural Renewal County target group?

- a) Kansas has the following counties - Atchison, Barber, Barton, Brown, Clay, Cloud, Comanche, Decatur, Edwards, Elk, Ellsworth, Gove, Graham, Greeley, Greenwood, Harper, Hodgeman, Jewell, Kiowa, Labette, Lane, Lincoln, Marshall, Mitchell, Montgomery, Ness, Osborne, Phillips, Rawlins, Republic, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Trego, Wallace, Washington, Wichita, and Woodson.
- b) A complete listing of all Rural Renewal Counties and empowerment zones by state can be found on page 3 of the IRS Form 8850 instructions.

Who should complete and sign the forms?

- a) Page 1 of the IRS Form 8850 must be completed by the employee.
- b) Page 2 of the IRS Form 8850 must be completed by the employer/consultant. Please refer to the [Kansas Department of Commerce, WOTC Policy and Procedures Manual](#) section regarding "IRS Form 8850 Signature Requirements".
- c) ICF ETA Form 9061 may be completed by either the employee or the employer/consultant.

Does the communication mean that your agency will not be accepting any paper applications? If so, are there any exceptions we should be aware of.

- a) That is correct, the State of Kansas will no longer be accepting any paper applications and has transitioned to a 100% electronic platform.

If your site is down or experiencing technical difficulties, will you make an exception on the timeliness requirement or in this case, can we send paper applications? We are hopeful that this is an option and of course, would be the exception, never the rule.

- a) Currently there has been some issues with the batch import function and we have posted instructions on the employer/consultant home page as to what documentation needs to be uploaded into the system for the SWA to readjust the postmark date for any applications that may have missed the 28-day rule.

We read through the TEG and understood that the guidance does not take effect until late June or early May.

- a) Kansas transitioned to a 100% electronic submission platform effective 05/01/2021.
- b) Kansas implemented the new guidance for applications submitted on or after 04/23/2021 as outlined on the proof of submission letter stating that all supporting documentation must be submitted within 90-days.
- c) For all backlog applications that were submitted on or before 04/22/2021 effective 05/01/2021 employers and/or consultants have 90-days to submit supporting documentation.
- d) POA submission to the state has not changed.

Please let us know if we can be of any assistance as you work through your backlog.

- a) The State of Kansas is asking for employer and consultants to review any of their backlog applications to see if they have met the minimum number of hours to be able to utilize the tax credit. If you would like to submit a listing of any applications that do not meet this qualification we are having support staff deny these applications so that our full-time processors may focus on the applications that would benefit your clients the most.

We would be more than happy to come to your office and help your teamwork our applications in whatever capacity you feel would be of benefit.

- a) Thank you for your generous offer but unfortunately the State of Kansas has strict security both in our office and with our systems that will not allow this.

We have a question please pertaining to the following Notice Alert pertaining to backlog applications submitted on or before 4/22/2021. **Once the 90-day denial is issued will we still have the opportunity to appeal the decision within 1 year of the denial letter issue date by submitting supporting documentation to substantiate WOTC eligibility?**

- a) Yes, the one-year appeal will still apply. Please refer to the Kansas Department of Commerce, WOTC Policy and Procedure Manual for complete instructions and required documentation that needs to be submitted for your appeal.

I have found 3 applications that didn't go through with their batches because of misspelled county names. They are now not timely, but I'm resubmitting today in hopes that they can be considered timely.

- a) Currently there has been some issues with the batch import function and we have posted instructions on the employer/consultant home page as to what documentation needed to be uploaded into the system for the SWA to readjust the postmark date for any applications that may have missed the 28-day rule. As soon as the batch import issues have been resolved there will not be any exceptions to the 28-day rule.
- b) Misspelled county names would not be a valid issue for an exception to the 28-day rule. There is a "Data Elements" table provided, and it is the responsibility of the employer/consultant to refer to the data elements table to ensure that their batch file will be accepted.
- c) You may still provide the documentation to request an exception to the 28-day rule, and the SWA will review your case.

I also have a batch from before the website conversion that is not showing up in our batch history. It's from February 11th and I don't have any notes on my end about this one not going through. Can it be seen from your side?

- a) No, Batch import results and error reports can only be viewed by the individual that submitted the import file. We do currently have a ticket in with our programmers so that the account administrator may view all batch import files and the results.

Power of Attorney's that no longer meet the new WOTC TEGL guidelines.

- a) The State of Kansas is awaiting further guidance from the national office on the two issues of the "Check if to be sent copies of notices and communications" box being checked and the three year expiration since which date the POA will expire from is in question. Also, the State of Kansas will need to do a programming change to implement the dual addresses for notices and communications to be sent to. Your POA for this company will remain in effect as submitted previously until we receive the additional guidance.

Since new application submissions will only be accepted electronically, is there a way that we can have this POA approved before the end of the day so we will be able to upload documents into KS system? If you can let me know if there is another option to submit/send the applications to ensure timeliness.

- a) **It is the responsibility of the employer/consultant to monitor the expiration date of all Power of Attorneys and submit any new Power of Attorneys to the SWA in a timely manner.**
- b) The SWA requires a minimum of 24 to 48 hours for POA's to be updated in our system, this may be delayed depending on work assignments, other duties assigned and/or weekend/holidays for the WOTC staff.
- c) If you have submitted a completed, valid POA to the SWA in a timely manner (submitted within 30-days of both parties' signatures) prior to the 28-day deadline for an application **AND** it was not updated in time for you to submit the application within the 28-day rule **AND** you received an error when attempting to batch submit your application. You may still submit your application after the 28-day rule, but you must provide documentation of **ALL** the above to request an adjustment to the 28-day rule. The SWA will review each application on a case by case basis. (exceptions to the 28-day rule are only given in extreme cases only).

If an application is denied for timeliness, employer and consultant will still have the one-year period to appeal the decision. Please refer to the Kansas Department of Commerce, WOTC

Policy and Procedure Manual for complete instructions and required documentation that needs to be submitted for your appeal.

- d) If the POA submitted to the SWA was incomplete, there will be NO exception to the 28-day rule given.

Policy requiring the employer and reps needing to sign 6 months prior to the effective date.

- a) This is a new state policy that has been created since TEGL 16-20 has been issued to comply with the new guidelines.
- b) TEGL 16-20, page 6, Authorized Representative. “An employer may choose to authorize an individual to represent them for WOTC purposes by submitting an IRS Form 2848, Power of Attorney and Declaration of Representative, to a SWA. Without being listed on the IRS Form 2848, **a representative cannot facilitate the employer’s certification requests nor submit Form(s) 8850 on behalf of the employer.** SWAs may request that employers attach an IRS Form 2848 with each individual or set of certification requests. In cases where an employer does not submit an IRS Form 2848 with each individual or set of certification requests, a SWA may use the IRS Form 2848 that is on file for that employer and EIN. **SWAs should not conduct any WOTC business with an individual who is not listed as an authorized representative** on an employer’s IRS Form 2848 that is on file. **SWAs should not accept an IRS Form 2848 signed and dated after the WOTC certification request is submitted to the SWA.**
 - a. Kansas Policy – this would include any requests for the IRS 2848 or corrections to any application that was submitted incomplete.
 - b. Any applications that are received by the SWA where an employer does **NOT** have a valid POA on file at the time of submission and/or the POA was signed after the submission of the request for certification, will be denied.

NOTE: Please be sure to verify that a POA has **NOT** already been updated in our system **PRIOR** to submission to the SWA and the following criteria are met:

- c. All power of attorneys are only effective for a maximum of three years **AND**
- d. Must have been signed by **BOTH** the employer and the authorized representatives within 6 months prior to the effective date of the power of attorney and submitted to the SWA within a timely manner. (example: effective dates listed on IRS Form 2848, PART I, 3. Year(s) or Period(s) 01/01/2021 – 12/31/2023; signature date of both the employer and authorized must be signed between 07/01/2020 and 12/31/2020.)

We need to have a new employer added to our Kansas WOTC account and I could find a way to do that via the online portal. I tried clicking the New Employer button shown below, but that just took me back to the home page. Is there a way to add them online? If not, can you please let me know what needs to be done?

- a. Consultants do not have the ability to add employer to our system. To have an employer added to your consultant account you must submit a power of attorney to the SWA for it to be added to your account.
It is the responsibility of the employer/consultant to monitor the expiration date of all Power of Attorneys and submit any new Power of Attorneys to the SWA in a timely manner.

The SWA requires a minimum of 24 to 48 hours for POA's to be updated in our system, this may be delayed depending on work assignments, other duties assigned and/or weekend/holidays for the WOTC staff.

Submission of POA's has not changed at this time.

Per Kansas SWA any Power of Attorney and Declaration of Representation MUST be submitted using the IRS Form 2848.

No other forms will be accepted in lieu of the official IRS Form 2848 for Power of Attorney's effective 10/01/2016 and beyond.

Original Power of Attorney's do not have to be notarized but must be mailed.

Copies of the original Power of Attorney must be notarized and can be either mailed or emailed to WOTCWebmail@ks.gov.

You may obtain the current version of IRS Form 2848 at www.irs.gov/form2848.

That batch of need letters that were sent back in May, was that the first batch to be sent? I want to be sure we haven't missed any.

- a) Kansas transitioned to a 100% electronic submission platform effective 05/01/2021.
- b) Kansas implemented the new guidance for applications submitted on or after 04/23/2021 as outlined on the proof of submission letter stating that all supporting documentation must be submitted within 90-days.
- c) For all backlog applications that were submitted on or before 04/22/2021 effective 05/01/2021 employers and/or consultants have 90-days to submit supporting documentation. There have been two forms of notification to the employer/consultants of the change effective 05/01/2021, 1. We sent out an email notification to all WOTC users of the requirement to provide supporting documentation within 90 days; and 2. We posted a notification alert on all employer/consultants home screen of the requirement to provide supporting documentation within 90 days.
- d) Kansas has been processing applications and sending out a third needs letter requesting documentation but that does not supersede the original notification for those applications that we are not able to process prior to the expiration of the 90 days. Any applications that do not have supporting documentation on the 91st day will be denied. All employer and/or consultants will still have the one-year appeal period for any applications that are denied for lack of supporting documentation.

Are there any future plans to work on regaining access via interfaces with the new system?

- a) No, due to new security protocols we are unsure if or when we will regain access.

I'm just trying to understand if there is somewhere that I can see what docs are being requested?

- a) All WOTC certification requests that have been submitted on or before 04/22/2021 but not yet processed (pending applications) must have supporting documentation as described on page 3 and 4 of the ICF ETA Form 9061 for the target groups selected uploaded in the Kansas WOTC CertLink NextGen system within in 90 days of this notice. All pending applications that do not have supporting documentation at the end of 90 days will be denied. See below ICF ETA 9061 page 2

Box 24

Sources to Document Eligibility. The applicant or employer is requested to provide documentary evidence to substantiate the **YES answers** in Boxes 12 - 23. List or describe the documentary evidence that is attached to the ICF or that will be provided to the SWA. Indicate in parentheses next to each document listed whether it is attached (A) or forthcoming (F). Some examples of acceptable documentation are provided below. A letter from the agency that administers a program may be furnished specifically addressing the question to which the applicant answered YES. For example, if an applicant answers YES to either question in Box 14 and enters the name of the primary recipient and the city and state in which the benefits were received, the applicant could provide a letter from the appropriate SNAP (formerly Food Stamp) agency stating to whom SNAP benefits were paid, the months for which they were paid, and the names of the individuals included on the grant for each month. SWAs use this box to list the sources used to verify target group eligibility, followed with their initials and the date the determination was completed.

Also refer to the Required Documents by Target Group and the Authorized Forms of Documentation on the [Kansas Department of Commerce WOTC website](#)