New York State Department of Taxation and Finance

Employee's Withholding Allowance Certificate

New York State • New York City • Yonkers

IT-2104
(4/09)

Print or type		
First name and middle initial / Last name		Your social security number
Permanent home address *(number and street or rural route)* / Apartment number		Single or Head of household ☐ Married ☐ Married, but withhold at higher single rate ☐
City, village, or post office / State / ZIP code		**Note:** If married but legally separated, mark an ***X*** in the *Single or Head of household* box.

Are you a resident of New York City? ..... Yes ☐ No ☐

Are you a resident of Yonkers? ..... Yes ☐ No ☐

Complete the worksheet on page 3 before making any entries.

1 Total number of allowances you are claiming for New York State and Yonkers, if applicable *(from line 20)*	**1.**	
2 Total number of allowances for New York City *(from line 31)*	**2.**	

Use lines 3, 4, and 5 below to have additional withholding per pay period under special agreement with your employer.

3 New York State amount	**3.**	
4 New York City amount	**4.**	
5 Yonkers amount	**5.**	

I certify that I am entitled to the number of withholding allowances claimed on this certificate.

Employee's signature	Date

Penalty — A penalty of $500 may be imposed for any false statement you make that decreases the amount of money you have withheld from your wages. You may also be subject to criminal penalties.

Employee: detach this page and give it to your employer; keep pages 3 and 4 for your records.

Employers only: Please mark an ***X*** in the appropriate box(es) to indicate why you are sending a copy of this form to New York State:

Employee is a new hire ☐ Employee claimed more than 14 exemption allowances for New York State ☐

Employer's name and address *(Employer: complete this section only if you must send a copy of this form to the NYS Tax Department.)*	Employer identification number

Instructions

Changes effective for 2009

As a result of recent law changes, the New York State personal income tax and Yonkers resident personal income tax surcharge rates have increased for certain taxpayers.

Employers have been notified of any new withholding tables to ensure that the proper amount of tax is withheld for 2009 without any further action on your part. However, in certain instances the new tables may result in an insufficient amount of tax being withheld. If you have more than one job, or if you are married and both spouses work, you should complete this revised Form IT-2104 and give it to your employer. If you do not file a revised Form IT-2104 in these circumstances, you may be underwithheld for New York State and Yonkers purposes (see *Avoid underwithholding* on page 2).

Who should file this form

This certificate, Form IT-2104, is completed by an employee and given to the employer to instruct the employer how much New York State (and New York City and Yonkers) tax to withhold from the employee's pay. The more allowances claimed, the lower the amount of tax withheld.

If you do not file Form IT-2104, your employer may use the same number of allowances you claimed on federal Form W-4. Due to differences in tax law, this may result in the wrong amount of tax withheld for New York State, New York City, and Yonkers. Complete Form IT-2104 each year and file it with your employer if the number of allowances you may claim is different from federal Form W-4 or has changed. Common reasons for completing a new Form IT-2104 each year include the following:

- You started a new job.
- You are no longer a dependent.
- Your individual circumstances may have changed (for example, you were married or have an additional child).
- You itemize your deductions on your personal income tax return.
- You claim allowances for New York State credits.
- You owed tax or received a large refund when you filed your personal income tax return for the past year.
- Your wages have increased and you expect to earn $100,000 or more during the tax year.
- The total income of you and your spouse has increased to $100,000 or more for the tax year.
- You have significantly more or less income from other sources or from another job.
- You no longer qualify for exemption from withholding.
- You have been advised by the Internal Revenue Service that you are entitled to fewer allowances than claimed on your original federal Form W-4, and the disallowed allowances were claimed on your original Form IT-2104.

Exemption from withholding

You cannot use Form IT-2104 to claim exemption from withholding. To claim exemption from income tax withholding, you **must** file Form IT-2104-E, *Certificate of Exemption from Withholding*, with your employer. You must file a new certificate each year that you qualify for exemption. This exemption from withholding is allowable only if you had no New York income tax liability in the prior year, you expect none in the current year, **and** you are over 65 years of age, under 18, or a full-time

student under 25. If you are a dependent who is under 18 or a full-time student, you may owe tax if your income is more than $3,000.

Withholding allowances

You may **not** claim a withholding allowance for yourself or, if married, your spouse. Claim the number of withholding allowances you compute in Part 1 and Part 3 on page 3 of this form. If you want more tax withheld, you may claim fewer allowances. **If you claim more than 14 allowances,** your employer **must send** a copy of your **Form IT-2104** to the New York State Tax Department. You may then be asked to verify your allowances. If you arrive at negative allowances (less than zero) on lines 1, 2, 20, or 31, and your employer cannot accommodate negative allowances, **enter *0*** and see *Additional dollar amount(s)* below.

Income from sources other than wages — If you have more than $1,000 of income from sources other than wages (such as interest, dividends, or alimony received), reduce the number of allowances claimed on line 1 and line 2 (if applicable) of the IT-2104 certificate by one for each $1,000 of nonwage income. If you arrive at negative allowances (less than zero), see *Withholding allowances* above. You may also consider filing estimated tax, especially if you have significant amounts of nonwage income. Estimated tax requires that payments be made by the employee directly to the Tax Department on a quarterly basis. For more information, see the instructions for Form IT-2105, *Estimated Income Tax Payment Voucher for Individuals*, or see *Need help?* below.

Other credits (Worksheet line 13) **—** If you will be eligible to claim any credits other than the credits listed in the worksheet, such as an investment tax credit, you may claim additional allowances as follows:

- If you expect your New York adjusted gross income to be less than $300,000, divide the amount of the expected credit by 70 and enter the result (rounded to the nearest whole number) on line 13.
- If you expect your New York adjusted gross income to be between $300,000 and $500,000, divide the amount of the expected credit by 80 and enter the result (rounded to the nearest whole number) on line 13.
- If you expect your New York adjusted gross income to be over $500,000, divide the amount of the expected credit by 90 and enter the result (rounded to the nearest whole number) on line 13.

Example: *You expect your New York adjusted gross income to be less than $300,000. In addition, you expect to receive a flow-through of an investment tax credit from the S corporation of which you are a shareholder. The investment tax credit will be $160. Divide the expected credit by 70. 160/70 = 2.2857. The additional withholding allowance(s) would be 2. Enter **2** on line 13.*

Married couples with both spouses working — If you and your spouse both work, you should each file a separate IT-2104 certificate with your respective employers. You should each mark an ***X*** in the box *Married, but withhold at higher single rate* on the certificate front, and divide the total number of allowances that you compute on line 20 and line 31 (if applicable) between you and your working spouse. Your withholding will better match your total tax if the higher wage-earning spouse claims all of the couple's allowances and the lower wage-earning spouse claims zero allowances. **Do not** claim more total allowances than you are entitled to. If you and your spouse's combined wages are between $100,000 and $1,100,000, use one of the charts in Part 4 to compute the number of allowances to transfer to line 19.

Taxpayers with more than one job — If you have more than one job, file a separate IT-2104 certificate with each of your employers. Be sure to claim only the total number of allowances that you are entitled to. Your withholding will better match your total tax if you claim all of your allowances at your higher-paying job and zero allowances at the lower-paying job. In addition, to make sure that you have enough tax withheld, if you are a single taxpayer or head of household with two or more jobs, reduce the number of allowances by six on line 1 and line 2 (if applicable) on the certificate you file with your higher-paying job employer. If you arrive at negative allowances (less than zero), see *Withholding allowances* above.

If your combined wages are between $100,000 and $1,100,000, use one of the charts in Part 4 to compute the number of allowances to transfer to line 19. Substitute the words *Highest paying job* for *Higher earner's wages* within the charts.

Dependents — If you are a dependent of another taxpayer and expect your income to exceed $3,000, you should reduce your withholding allowances by one for each $1,000 of income over $2,500. This will ensure that your employer withholds enough tax.

Following the above instructions will help to ensure that you will not owe additional tax when you file your return.

Heads of households with only one job — If you will use the head-of-household filing status on your state income tax return, mark the *Single or Head of household* box on the front of the certificate. If you have only one job, you may also wish to claim two additional withholding allowances on line 14.

Married couples with only one spouse working — If your spouse does not work and has no income subject to state income tax, mark the *Married* box on the front of the certificate. You may also wish to claim two additional allowances on line 15.

Additional dollar amount(s)

You may ask your employer to withhold an additional dollar amount each pay period by completing lines 3, 4, and 5 on Form IT-2104. In most instances, if you compute a negative number of allowances using the worksheet on page 3 and your employer cannot accommodate a negative number, for each negative allowance claimed you should have an additional $2.10 of tax withheld per week for New York State withholding on line 3, and an additional $0.80 of tax withheld per week for New York City withholding on line 4. Yonkers residents should use 10% (.10) of the New York State amount for additional withholding for Yonkers on line 5.

Note: If you are requesting that your employer withhold an additional dollar amount on lines 3, 4, or 5 of this allowance certificate, the additional dollar amount, as determined by these instructions or by using the chart in Part 4, is accurate for a weekly payroll. Therefore, if you are paid other than weekly, you will need to adjust the dollar amount(s) that you compute. For example, if you are paid biweekly, you must double the dollar amount(s) computed using the worksheet on page 3.

Avoid underwithholding

Form IT-2104, together with your employer's withholding tables, is designed to ensure that the correct amount of tax is withheld from your pay. If you fail to have enough tax withheld during the entire year, you may owe a large tax liability when you file your return. The Tax Department must assess interest and may impose penalties in certain situations in addition to the tax liability. Even if you do not file a return, we may determine that you owe personal income tax, and we may assess interest and penalties on the amount of tax that you should have paid during the year.

Privacy notification

The Commissioner of Taxation and Finance may collect and maintain personal information pursuant to the New York State Tax Law, including but not limited to, sections 5-a, 171, 171-a, 287, 308, 429, 475, 505, 697, 1096, 1142, and 1415 of that Law; and may require disclosure of social security numbers pursuant to 42 USC 405(c)(2)(C)(i).

This information will be used to determine and administer tax liabilities and, when authorized by law, for certain tax offset and exchange of tax information programs as well as for any other lawful purpose.

Information concerning quarterly wages paid to employees is provided to certain state agencies for purposes of fraud prevention, support enforcement, evaluation of the effectiveness of certain employment and training programs and other purposes authorized by law.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of Records Management and Data Entry, NYS Tax Department, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the United States and outside Canada, call (518) 485-6800.

Need help?

Internet access: *www.nystax.gov*
Get answers to frequently asked questions; check your refund status; check your estimated tax account; download forms, publications; get tax updates and other information.

Telephone assistance is available from 8:00 A.M. to 5:00 P.M. (eastern time), Monday through Friday.

To order forms and publications:	1 800 462-8100
Refund status:	1 800 443-3200
Personal Income Tax Information Center:	1 800 225-5829
From areas outside the U.S. and outside Canada:	(518) 485-6800
Fax-on-demand forms: Forms are available 24 hours a day, 7 days a week.	1 800 748-3676
Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY):	1 800 634-2110

Worksheet

Part 1 — Complete this part to compute your withholding allowances for New York State and Yonkers (line 1).

6 Enter the number of dependents that you will claim on your state return *(do not include yourself or, if married, your spouse)* ... 6. _____

For lines 7, 8, and 9, enter *1* for each credit you expect to claim on your state return.

7 College tuition credit ... 7. _____

8 New York State household credit ... 8. _____

9 Real property tax credit ... 9. _____

For lines 10, 11, and 12, enter *3* for each credit you expect to claim on your state return.

10 Child and dependent care credit ... 10. _____

11 Earned income credit ... 11. _____

12 Empire State child credit ... 12. _____

13 Other credits *(see instructions)* ... 13. _____

For lines 14 and 15, enter *2* if either situation applies.

14 Head of household status **and** only one job ... 14. _____

15 Married couples with only **one** spouse working **and** only one job ... 15. _____

16 Enter an estimate of your federal adjustments to income, such as alimony you will pay for the tax year and deductible IRA contributions you will make for the tax year. Total estimate $ _____ .
Divide this estimate by $1,000. Drop any fraction and enter the number ... 16. _____

17 If you expect to itemize deductions on your state tax return, complete Part 2 below and enter the number from line 28.
All others enter ***0*** ... 17. _____

18 Add lines 6 through 17 ... 18. _____

19 If you have more than one job, or are married with both spouses working, and your combined wages are between $100,000 and $1,100,000, enter the appropriate number from one of the charts in Part 4. All others enter ***0*** ... 19. _____

20 Subtract line 19 from line 18. Enter the result, including negative amounts, here and on line 1. If your employer cannot accommodate negative allowances, enter ***0*** here and on line 1 and see *Additional dollar amounts* in the instructions.
(If you have more than one job, or if you and your spouse both work, see instructions.) ... 20. _____

Part 2 — Complete this part only if you expect to itemize deductions on your state return.

21 Enter your estimated federal itemized deductions for the tax year ... 21. _____

22 Enter your estimated state, local, and foreign income taxes included on line 21 *(if your estimated New York AGI is over $1 million, you must enter on line 22 all estimated federal itemized deductions included on line 21 except charitable contributions).* ... 22. _____

23 Subtract line 22 from line 21 ... 23. _____

24 Enter your estimated college tuition itemized deduction ... 24. _____

25 Add lines 23 and 24 ... 25. _____

26 Based on your federal filing status, enter the applicable amount from the table below ... 26. _____

Standard deduction table

Single (cannot be claimed as a dependent) ...	$ 7,500	Qualifying widow(er) ...	$15,000
Single (can be claimed as a dependent) ...	$ 3,000	Married filing jointly ...	$15,000
Head of household ...	$10,500	Married filing separate returns ...	$ 7,500

27 Subtract line 26 from line 25 *(if line 26 is larger than line 25, enter **0** here and on line 17 above)* ... 27. _____

28 Divide line 27 by $1,000. Drop any fraction and enter the result here and on line 17 above ... 28. _____

Part 3 — Complete this part to compute your withholding allowances for New York City (line 2).

29 Enter the amount from line 6 above ... 29. _____

30 Add lines 14 through 17 above and enter total here ... 30. _____

31 Add lines 29 and 30. Enter the result here and on line 2 ... 31. _____

(continued on page 4)

Part 4 — These charts are for taxpayers with more than one job, or married couples with both spouses working, and combined wages between $100,000 and $1,100,000. All others do not have to use these charts.

Enter the number of allowances (top number) on line 19; or the additional withholding (bottom dollar amount) on line 3.

	Combined wages between $100,000 and $500,000										
Higher earner's wages ↓	**$100,000 to 120,000**	**$120,000 to 140,000**	**$140,000 to 160,000**	**$160,000 to 180,000**	**$180,000 to 220,000**	**$220,000 to 260,000**	**$260,000 to 300,000**	**$300,000 to 350,000**	**$350,000 to 400,000**	**$400,000 to 450,000**	**$450,000 to 500,000**
$ 55,000 – $ 70,000	9 $12	11 $15									
$ 70,000 – $ 90,000	9 $12	13 $17	17 $22								
$ 90,000 – $110,000	5 $8	10 $15	13 $20	14 $22	15 $23						
$110,000 – $120,000	1 $2	6 $10	10 $16	11 $18	13 $21	12 $20					
$120,000 – $130,000		3 $4	9 $14	10 $16	12 $19	11 $17					
$130,000 – $140,000		1 $2	6 $10	8 $13	10 $16	11 $17	9 $13				
$140,000 – $150,000			3 $4	7 $11	9 $14	11 $17	7 $11				
$150,000 – $160,000			1 $2	6 $8	8 $12	11 $16	8 $12	13 $18			
$160,000 – $180,000				2 $3	8 $11	10 $14	10 $14	42 $59			
$180,000 – $220,000					4 $6	8 $11	11 $15	44 $62	82 $116		
$220,000 – $260,000						4 $6	8 $11	47 $66	84 $119	93 $131	103 $145
$260,000 – $300,000							4 $6	44 $62	88 $124	93 $132	103 $145
$300,000 – $350,000								10 $33	20 $70	26 $88	28 $95
$350,000 – $400,000									6 $11	16 $27	26 $45
$400,000 – $450,000										6 $11	16 $27
$450,000 – $500,000											6 $11

	Combined wages between $500,000 and $1,100,000											
Higher earner's wages ↓	**$500,000 to 550,000**	**$550,000 to 600,000**	**$600,000 to 650,000**	**$650,000 to 700,000**	**$700,000 to 750,000**	**$750,000 to 800,000**	**$800,000 to 850,000**	**$850,000 to 900,000**	**$900,000 to 950,000**	**$950,000 to 1,000,000**	**$1,000,000 to 1,050,000**	**$1,050,000 to 1,100,000**
$260,000 – $300,000	175 $248											
$300,000 – $350,000	58 $198	91 $312	101 $347									
$350,000 – $400,000	82 $140	149 $254	169 $289	190 $325	152 $259							
$400,000 – $450,000	78 $133	141 $240	162 $275	182 $310	203 $346	165 $280	177 $301					
$450,000 – $500,000	68 $116	137 $233	153 $261	174 $296	194 $331	216 $367	177 $301	189 $322	202 $343			
$500,000 – $550,000	10 $55	24 $126	31 $165	37 $193	43 $228	50 $263	57 $299	44 $233	48 $254	52 $275	56 $296	
$550,000 – $600,000		8 $16	23 $48	41 $87	54 $114	71 $150	87 $185	104 $220	73 $155	83 $176	93 $197	103 $218
$600,000 – $650,000			8 $16	23 $48	41 $87	54 $114	71 $150	87 $185	104 $220	73 $155	83 $176	93 $197
$650,000 – $700,000				8 $16	23 $48	41 $87	54 $114	71 $150	87 $185	104 $220	73 $155	83 $176
$700,000 – $750,000					8 $16	23 $48	41 $87	54 $114	71 $150	87 $185	104 $220	73 $155
$750,000 – $800,000						8 $16	23 $48	41 $87	54 $114	71 $150	87 $185	104 $220
$800,000 – $850,000							8 $16	23 $48	41 $87	54 $114	71 $150	87 $185
$850,000 – $900,000								8 $16	23 $48	41 $87	54 $114	71 $150
$900,000 – $950,000									8 $16	23 $48	41 $87	54 $114
$950,000 – $1,000,000										8 $16	23 $48	41 $87
$1,000,000 – $1,050,000											8 $16	23 $48
$1,050,000 – $1,100,000												8 $16