



EMPLOYEE RETENTION CREDITS (“ERCs”) **CLIENT FREQUENTLY ASKED QUESTIONS**

08/19/2024 UPDATE

- 1. My company was a client of SouthEast Personnel Leasing, Inc. (“SPLI”) in 2021. It may have been eligible for employee retention credits. How do I file for the credits?*

Please immediately send a request for ERC information to ERC941@spli.com. Shortly after receiving your e-mail request, SPLI will send an e-mail response that includes the information/documentation needed to file quarterly ERC claims on behalf of your company.

Once the requested information/documentation is received and reviewed, SPLI will file your ERCs using a Form 941-X for the applicable quarter in which you are eligible for ERCs.

After you have submitted your documentation, SPLI may reach out to request additional documentation to support your eligibility for ERCs. Please be on the lookout for additional e-mails from ERC941@spli.com. Failure to timely respond to these requests for additional information may result in SPLI not filing ERCs for your company.

- 2. Can I call SPLI to discuss ERCs?*

Unfortunately, all ERC questions are handled via e-mail so that proper written documentation can be created, stored, and, if necessary, provided to the IRS in the event of an audit. Ultimately, SPLI’s goal is to avoid oral miscommunication and/or misinterpretation that may adversely affect a client’s documentation and filing process.

- 3. Why does SPLI need my company’s ERC information/documentation?*

The client’s quarterly ERC claims are filed under SPLI’s FEIN. The IRS has repeatedly stated that a third-party payor (“TPP”), such as SPLI, and a client company may **both be liable** for employment tax liabilities, including amounts refunded due to incorrect or fraudulent ERC claims.

This means that SPLI may potentially share joint liability with a client company for any ERCs filed under SPLI’s FEIN. As such, it is incredibly important that SPLI perform a cursory review of each client’s supportive documentation before filing quarterly ERC claims for the client.

For more information regarding the IRS' position on possible joint liability, please visit the following:

<https://www.napeo.org/docs/default-source/ertc/cpeo-liability-memo-dec-2023.pdf>

4. Can I confirm that SPLI has received and reviewed my documentation?

Please send an e-mail to ERC941@spli.com to request confirmation that SPLI has received all submitted documentation. SPLI will review your documentation and may request additional documentation, if necessary. Once the review process has been completed, SPLI will mark your ERC claims as ready to be filed.

Please continue to reach out to SPLI periodically via e-mail to confirm that the submitted ERC claims have been reviewed and that all necessary documentation has been received.

5. When is my ERC documentation due?

All ERC information/documentation for eligible 2021 quarters must be sent via e-mail to ERC941@spli.com no later than **Friday, 03/21/2025 at 5:00 PM EST**.

6. When will SPLI file my new quarterly ERC claims?

Once the review process is complete, SPLI will file ERC claims on separate quarterly Form 941-Xs. Clients can expect the filing to occur no later than 03/28/2025 @ 5:00 PM EST.

Once the filing process is finished, SPLI will e-mail each individual client company to confirm that all quarterly ERC claims have been filed.

Please be advised that the filing date noted above may change, especially if there is an influx of last-minute client submissions and/or lawmakers decide to unilaterally change the filing deadline.

7. How long will it take for the IRS to process my new ERC claims?

On 09/14/2023, the IRS announced an immediate moratorium on the processing of new ERC claims. However, on 08/08/2024, the IRS shifted the moratorium date to 01/31/2024. As such, the IRS will begin processing claims filed between 09/14/2023 and 01/31/2024 shortly. **Unfortunately, the IRS has not announced when it will process claims filed after 01/31/2024.**

For more information on the moratorium and the processing of claims, please visit the following:

<https://www.irs.gov/newsroom/irs-moves-forward-with-employee-retention-credit-claims-agency-accelerates-work-on-complex-credit-as-more-payments-move-into-processing-vigilance-monitoring-continues-on-potentially-improper-claims>

8. *How will I get my refund after the IRS processes my ERC claims?*

Typically, SPLI receives a lump sum ERC check for each applicable quarter. The check includes ERC claims for several SPLI clients. SPLI pulls each client's ERC claim from this lump sum amount.

After an ERC claim check is received from the IRS, SPLI reaches out to confirm correct contact and address information for each client receiving an ERC refund check. Once confirmed, SPLI issues an ERC refund check directly to the client.

9. *SPLI filed my ERC claims months ago. Why have I not received my ERC refund?*

SPLI has repeatedly reached out to the IRS to determine the reason for the delay. SPLI has been given numerous explanations including, but not limited to, some filings were misplaced internally, some filings were unseen or attached to another quarterly filing, and some filings were flagged as fraudulent after other client companies filed ERC claims without the knowledge or authorization of SPLI. SPLI is working with the IRS to address these issues.

As noted above, SPLI has also been dealing with the IRS moratorium on the processing of new ERC claims after 09/14/2023. Recently, on 08/08/2024, the IRS shifted the moratorium date to 01/31/2024. As such, the IRS will begin processing claims filed between 09/14/2023 and 01/31/2024 shortly. Unfortunately, the IRS has not announced when it will process claims filed after 01/31/2024.

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