

EMPLOYER'S OBLIGATIONS FOR FORM W-4 OR DE 4

Employers withhold taxes based on what the employee reports on the *Employee's Withholding Allowance Certificate, Form W-4*. The requirements for a complete exemption from state wage withholding are the same as the federal requirements. If the employee wants to claim a different marital status and/or different number of allowances for California Personal Income Tax (PIT) withholding, the employee must also complete the *Employee's Withholding Allowance Certificate, DE 4*. Employers retain the Form(s) W-4 and/or DE 4 for payroll records.

If the number of withholding exemptions that the employee is entitled to changes and the new amount is less than the number claimed by him/her on the Form W-4/DE 4, the employee must complete a new Form W-4/DE 4. Within 10 days of the change occurring, the employee must provide the employer with a new Form W-4/DE 4 with an updated number of withholding exemptions that the employee now claims.

The Form W-4/DE 4 is considered invalid* if either of the following two (2) conditions exist:

- The employee makes major changes to Form W-4 or DE 4, such as crossing out words or writing more than is asked.
- The employee admits that Form W-4 or DE 4 is false.

When you receive an invalid Form W-4 or DE 4, do not use it to calculate California PIT withholding. Tell the employee that it is invalid and ask for another one. If the employee does not give you a valid one, withhold California PIT as if the employee was single and claiming no withholding allowances. However, if you have an earlier Form W-4 or DE 4 for this worker that is valid, withhold in accordance with the prior exemption certificate. The Franchise Tax Board or the Employment Development Department (EDD) may, by special direction in writing, require an employer to submit a Form W-4 or DE 4 when such forms are necessary for the administration of the withholding tax programs.

ASSISTANCE WITH ANY QUESTIONS OR SPECIFIC PROBLEMS

For further assistance, please contact the EDD Taxpayer Assistance Center at 888-745-3886.

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 888-745-3886 (voice) or TTY 800-547-9565.

*Pursuant to Section 31.3402(f)(2)-1(e) of [Title 26, Code of Federal Regulations](#), and Section 4340-1(b) of [Title 22, California Code of Regulations](#).