

CHAPTER SEVEN

EARNINGS TAX

§ 1. Short Title

This chapter is known as the Absentee Shawnee Earnings Tax.

§ 2. Definitions

For purposes of this chapter:

(a) “Employee” means an individual who performs a service for any person and receives earnings or wages as compensation for the services performed. “Employee” does not include independent contractors as that term is defined in Title 26 of the U.S. Code.

(b) “Employer” means the person for whom an individual performs services.

(c) “Earnings” means and includes all wages, salaries, tips and other employee compensation for services performed by an employee for its employer, including the cash value of all remuneration paid in any medium other than cash which is subject to federal income tax withholding pursuant to 26 U.S.C. § 3401 et seq.

(d) “Employed within the Tribal Jurisdiction” means that the employee’s regularly assigned work station is some place within the territorial jurisdiction notwithstanding that such employee may be assigned and perform employee duties outside the jurisdiction of the Tribe.

§ 3. Tax on Earnings

There is hereby levied upon earnings paid to any employee employed within the tribal jurisdiction an earnings tax equal to one percent (1%) of the employee’s earnings.

§ 4. Tax Collected at the Source

(a) Every employer making payment of earnings shall deduct and withhold from such earnings the earnings tax which shall be calculated by multiplying one percent (1%) times the gross earnings of the employee for the pay period in which the earnings are paid or otherwise made subject to the direction of the employee. Each employer shall report to the employee on the pay stub, or in writing, the amount of tax deducted and withheld each pay period.

(b) The employer shall be liable to the Absentee Shawnee Tribe for the payment of the tax required to be deducted and withheld by this Chapter.

(c) If the employer, in violation of this section, fails to deduct and withhold the tax under this Chapter, and the tax is thereafter paid, the tax required to be deducted and withheld shall not be collected from the employer, but this subsection shall not relieve the employer from liability for any penalties or interest which may have accrued.

§ 5. Amount Withheld Based on Earnings on Payroll Date

The total amount of the earnings tax assessed and withheld shall be based on the cumulative amount of earnings paid to the employer on the date of payroll or the date the earnings are otherwise made subject to the direction of the employer

§ 6. Payment of Earnings Tax and Reports

(a) Every employer shall submit to the Tax Commission a monthly report on such form as the Tax Commission shall prescribe showing for each employee the gross wages per pay period, gross taxes collected per pay period, total number of employees per pay period and total gross wages and taxes collected per pay period. The report shall be due on the 15th day of the month following the month in which payments were made to the employee.

(b) Every employer shall pay the gross earnings taxes collected to the Tax Commission at the same time as the report is submitted.

§ 7. Records and Employee Notices

(a) Every employer shall maintain for not less than three (3) years complete and adequate records including time sheets and payroll records showing the amount of earnings paid to each employee and the amount of earnings tax withheld and paid to the Tax Commission.

(b) Once each year, at the time federal Form W-2 wage and tax statements are delivered to the employees, the employer shall disclose to the employee on the W-2 or on another acceptable written form the gross earnings paid to the employee and the total Tribal earnings tax withheld and paid.

(c) Any employee taxpayer may file an administrative protest to receive a refund of any earnings tax held and paid to the Commission in excess of the amount owed. Such protest

must be filed within ninety days (90) of the date the employer discloses to the employee the total earnings and earnings tax withheld and paid to the Commission pursuant to subsection b of this section. Amended 9/11/02 by Resolution LAS-2002-37.

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ABSENTEE SHAWNEE TRIBE OF OKLAHOMA
TAX COMMISSION
 2025 S. GORDON COOPER DRIVE
 SHAWNEE, OK 74801

EARNINGS TAX RETURN

Date: _____, 20 ____ Type of Pay Period: Monthly ~~Bi~~ Weekly Weekly Daily
 Returns are due on the 15 of each month, following payments to the employee.

<i>Name of Taxpayer</i>			<i>Federal Tax I.D. # or Social Security #</i>	
<i>Address</i>				
<i>City</i>	<i>State</i>	<i>ZIP</i>	<i>Telephone Number</i>	<i>Contact Name</i>

Employee <small>Please attach additional schedule of employees as needed.</small>	(A) Gross Wages	(B) Earnings Tax Collected (Gross Wages x 1% Tax Rate)
1.	\$	\$
2.	\$	\$
3.	\$	\$
4.	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
8.	\$	\$
9.	\$	\$

10.	\$	\$
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Total Number of Employees = _____

Total Amount of Gross Wages (Column A) = \$ _____

Total Amount of Earnings Tax Collected and Due (Column B*) = \$ _____

* Attach supporting documentation.

I declare under the penalties of law pursuant to the provisions of the Licensing and Tax Code, that this return is a true, correct and complete return. Willful failure to pay taxes due will result in an additional penalty of fifty percent (50%) of taxes owed.

Signature

Title

Date