

TABLE OF CONTENTS

How to Use The Handbook

Tab 100: Introduction and Overview

	<i>Section</i>	<i>Page</i>
Introduction and Overview	¶100	3
Background and Purpose of Fringe Benefit Provisions.....	¶101	4
Exclusion Categories.....	¶102	5
Effect of Special Valuation Rules.....	¶103	7
General Employment Tax Issues.....	¶104	10
Quick Reference Guide to Rates and Limits.....	¶105	11
Additional Fringe Benefits	¶110	21
On-premises Benefits.....	¶111	21
Leave Donation Programs.....	¶112	23
Educational Assistance Plans.....	¶113	32

Tab 200: Qualified Employee Discounts

Introduction	¶200	3
Eligible Employees.....	¶201	4
Treatment of Excess Discounts.....	¶202	4
Employee Use Only	¶210	15
Operation of Discount Programs Through Third Parties	¶220	25
Types of Property and Services Eligible for Exclusion	¶230	35
Definition of “Offered for Sale to Non-employee Customers”	¶240	45
Line of Business Rules	¶250	55
Aggregation of Business Lines Commonly Operated Together.....	¶251	56
Aggregation of Business Lines Linked by Most Employees’ Services.....	¶252	56
Treatment of Employees Performing Substantial Services for Separate Lines of Business.....	¶253	57
Certain Retail Stores Selling Department Store Merchandise.....	¶254	58
Leased Sections of Department Stores.....	¶255	58
Miscellaneous Grandfather Rules for Employers That Operate in Different Lines of Business.....	¶256	59
Calculating Sales Price and Profit Margins	¶260	69
Nondiscrimination Rules	¶270	79
Aggregation Rules.....	¶271	80
Benefit Must Be Provided on “Substantially the Same Terms”.....	¶272	81
Priority Exception.....	¶273	81
Nondiscrimination Testing.....	¶274	82
Impact of Discrimination.....	¶275	83
Discounted Valuation for Group Term Life Insurance and Dependent Care	¶280	93

Tab 300: No-Additional-Cost Services

Introduction	¶300	3
Eligible Employees	¶301	3
Definition of “No Substantial Additional Costs”	¶310	13
Definition of “Offered for Sale to Non-Employee Customers”	¶320	23
Selling the Service to the Public.....	¶321	23
Reciprocal Agreements	¶322	23
Line of Business Rules	¶323	24
Special Rules for Airline Affiliates.....	¶324	24
Grandfather Rules for Employers Operating in Different Lines of Business	¶325	25
Nondiscrimination Rules	¶330	35

Tab 400: Working Condition Fringes

Introduction	¶400	3
Club Dues	¶410	25
Spousal Travel Expenses	¶420	37
Employer-provided Cars	¶430	49
Public Safety Officer Vehicles	¶431	50
Security Exclusion	¶440	61
Proof of Need for Security.....	¶441	61
Automatic Extension of Protection to Family Members Traveling with an Executive.....	¶442	62
Cabs Home Under Unsafe Conditions.....	¶443	62
Special Security Study and Commuting Valuation Rules for Government Workers	¶444	63
Home Security Systems	¶445	64
Home Office Deductions	¶450	75
Employer-provided Equipment	¶460	87
Office Equipment Used Off-premises	¶461	87
Cellular Telephones.....	¶462	87
Computer and Internet Benefits	¶463	89
Uniforms.....	¶464	90
Product-Testing Exclusion	¶470	101
Demonstration-Automobile Exclusion	¶480	113
Use of Demonstration Automobiles as a Working Condition Fringe Benefit	¶481	113
Recordkeeping	¶482	113
Demonstration Automobiles	¶483	114
Full-time Salespersons	¶484	114
Sales Area.....	¶485	114
Substantial Restrictions.....	¶486	114
Valuation Methods	¶487	115
Written Policies	¶488	118
Employer-provided Housing	¶490	129
Kinds of Housing.....	¶491	129
Tax Treatment.....	¶492	129

Tab 500: De Minimis Fringes

Introduction	¶500	3
Eligible Employees.....	¶501	4
Measuring the Frequency of Provision of Benefits.....	¶502	4
Treatment of Cash and Cash Equivalents.....	¶503	5
No Dollar Limit.....	¶504	6
Full Taxation of Benefits Exceeding Value and Frequency Limitations.....	¶505	7
Potential De Minimis Exclusion for Benefits Failing Exclusion Limits		
Provided in Other Code Sections.....	¶506	7
Examples of Excludible and Nonexcludible De Minimis Fringes.....	¶507	8
Benefits Subject to Measurement and Valuation When Tests Are Failed.....	¶508	10
Meal Money and Local Transportation Fare	¶510	21
Company Cafeterias	¶520	33
Employer-Operated Eating Facilities.....	¶521	33
Special Valuation Rule for Meals.....	¶522	35
Meals Provided for the Convenience of the Employer.....	¶523	35
Deductibility of Employer-Provided Meals.....	¶524	40
Advantages of the De Minimis Exclusion Over Code Section 119.....	¶525	41
Employee Award Programs	¶530	45
Eligible Employees.....	¶531	45
Restrictions on Purpose of Awards.....	¶532	46
Tangible Personal Property.....	¶533	47
Dollar Limits.....	¶534	48
Award Ceremonies.....	¶535	49
No “Disguised” Compensation.....	¶536	49
Effect on Employer’s Deduction.....	¶537	49
Qualified Award Plans.....	¶538	49
Sample Qualified Employee Award Plan.....	¶539	50
“Gifts” to Employees	¶540	69
Gifts to the “Natural Object of the Employer’s Bounty”.....	¶541	70
“Gifts” to Independent Contractors.....	¶542	71

Tab 600: Qualified Transportation Fringes

Introduction	¶600	3
Maximum Excludable Benefit.....	¶601	4
Tax Savings.....	¶602	6
Eligible Employees.....	¶603	8
Reimbursements vs. Advances.....	¶604	8
The Benefit Coordination Rule.....	¶605	10
Reporting and Employment Tax Requirements.....	¶606	11
Ten Common Misconceptions About QTFBs.....	¶607	11
Mass Transit Exclusion	¶610	19
Transit Passes.....	¶611	19
Vouchers.....	¶612	21
VanPools.....	¶613	24
De Minimis Exclusion.....	¶614	25

	<i>Section</i>	<i>Page</i>
Parking	¶620	35
Car Pool and VanPool Parking	¶621	35
Valuation of Parking Benefit	¶622	36
Exclusions for Parking Benefits	¶623	37
†Bicycle Commuting Expenses	¶624	37
Compensation Reduction Election	¶630	47
Timing of the Election	¶631	48
Election Revocations and Carryovers	¶632	48
Establishing a Qualified Transportation Fringe Benefit Program	¶633	49
Self-audit of Transportation Benefit Plans	¶640	61
Program Documentation	¶641	61
Program Administration	¶642	63
Tax Consequences	¶643	64
Preventing Abuse	¶650	81
Sample Documents	¶651	82

Tab 700: Travel and Entertainment Expenses

Introduction	¶700	3
Limitations on Travel and Entertainment Deductions	¶701	3
Travel Expenses	¶710	15
Travel Expenses for Jobs Lasting More Than a Year	¶711	17
Local Transportation Expense Reimbursements	¶712	19
State and Local Taxes	¶713	28.3
Entertainment Expenses	¶720	29
Cash Reimbursements of Employee Business Expenses	¶730	41
Background and Purpose of Employee Cash Reimbursement Rules	¶731	41
Penalties for Noncompliance with the Reimbursement Rules	¶732	43
Standard Expense Advance and Reimbursement Plans	¶740	55
Treatment of “Accountable Plans”	¶741	55
Withholding on Unsubstantiated Advances	¶742	60
Treatment of “Nonaccountable Plans”	¶743	60
Per Diem Plans	¶750	71
Reporting Exemption for Plans That Do Not Exceed Federal Per Diem Rates	¶751	71
Reporting and Withholding on Per Diem Plans That Pay More Than Federal Rates	¶752	71
Definition of IRS Per Diem Allowance	¶753	72
Calculating the Per Diem Rate	¶754	75
Withholding on Excess Amounts Under Per Diem Plans	¶755	86
Deduction Limit	¶756	87

Tab 800: Company Cars

Introduction	¶800	3
General Car Valuation Rules	¶810	15
Special Car Valuation Rules	¶820	27
Automobile Lease Valuation Rule	¶821	27
Vehicle Cents-Per-Mile Valuation Rule	¶822	32
Commuting Valuation Rule	¶823	34

†Indicates new or revised material.

Table of Contents

	<i>Section</i>	<i>Page</i>
Using the Special Valuation Rules	¶824	36
Special Reporting and Withholding Rules.....	¶825	40
Valuation of Chauffeur Services	¶830	55
Mileage Allowance Plans	¶840	69
Definition of a Mileage Allowance Plan.....	¶841	70
Mileage Rates	¶842	70
Special Treatment of Payments Under Qualifying FAVR (or “Runzheimer”)		
Car Plans.....	¶843	72
Reporting and Withholding on Amounts Under Mileage Allowance Plans	¶844	75

Tab 900: Flights on Company Aircraft

Introduction	¶900	3
General Valuation Rules.....	¶901	3
Non-commercial Flight Valuation Rule	¶910	15
Definition of “Flight”	¶911	15
Personal vs. Business Flights.....	¶912	15
Calculating the Value of the Flight	¶913	18.1
Definition of Control Employees	¶914	21
Seating Capacity Rule.....	¶915	23
Spousal/Dependent Travel.....	¶916	24
Choice Between Charging or Imputing Income for Personal Flights	¶917	25
“No Second Chance” Rule.....	¶918	26
Commercial Flight Valuation Rule	¶920	37
Frequent Flier Benefits	¶921	37
Air Travel Security	¶930	51
Private Sector.....	¶931	51
Public Sector.....	¶932	52
Taxation	¶933	61
Reimbursements for Personal, Non-business Use	¶934	64
U.S. Customs and Border Protection	¶935	70

Tab 1000: Moving and Relocation Expenses

Qualified Moving Expense Reimbursements	¶1000	3
Eligible Individuals.....	¶1001	6
Deductible Expenses Under Code Section 217	¶1002	7
Nondeductible Expenses Under Code Section 217.....	¶1003	8
Minimum Distance Requirement.....	¶1004	9
No Exclusion If Deducted in a Previous Year.....	¶1006	10
Accountable Plan Rules	¶1007	10
Recordkeeping Requirements.....	¶1008	10
Employee Rights and Responsibilities	¶1009	11
Relocation-related Expenses	¶1010	31
Home Sale Programs.....	¶1011	31
Spousal Relocation Expenses.....	¶1012	35
Housing Assistance	¶1013	36
Sample Documents.....	¶1020	101

Tab 1100: IRS Audits

Introduction	¶1100	3
Organization of the IRS.....	¶1101	4
Coordinated Examination Program.....	¶1102	4
Industry Specialization Program.....	¶1103	7
Market Segment Specialization Program.....	¶1104	9
The Audit Process	¶1110	21
The Agent’s Approach to the Audit.....	¶1111	22
The Opening Conference.....	¶1112	22
Information Document Requests.....	¶1113	23
Statute of Limitations.....	¶1114	23
Methods of Resolving Issues During the Audit Process.....	¶1115	24
Concluding the Audit.....	¶1116	26
The IRS Appeals Division	¶1120	39
Filing Claims for Refund and Refund Suits	¶1130	51
Common Audit Targets	¶1140	61
Non-Cash Fringe Benefit Audit Issues.....	¶1141	62
Expansion of Audit Targets After 1984.....	¶1142	63
Twelve Common Arguments to Justify No Reporting.....	¶1143	63
Cash Allowances Targeted for Audit	¶1150	77
“Runzheimer” Car Reimbursement Plans.....	¶1151	77
Per Diem Reimbursements Before 1989.....	¶1152	78
“Occasional” Meal Allowances.....	¶1153	78
Employee Relocation Programs.....	¶1154	79
Home Sale Programs.....	¶1155	79
Home Office and Commuting Expense Allowances for Salespersons.....	¶1156	80
Effect of Employee Business Expense Reimbursement Rules on Prior		
Years’ Audits	¶1160	93
Employment Tax Audit Strategies	¶1170	103

Appendixes**Appendix A: Federal Statutes****Appendix B: Federal Regulations****Appendix C: Administrative Rulings****Glossary of Terms****Index**