

UCLA DOCUMENTATION REQUIREMENTS FOR PERFORMANCE RELATED PAYMENTS TO FOREIGN PERSONS

Type of Payee Contract between UCLA and one of the below:	Documentation Required	Federal Tax Treatment	California Tax Treatment
<u>Foreign Individual</u> ¹ performer or support personnel	<input type="checkbox"/> PA ² <input type="checkbox"/> SOC ³ <input type="checkbox"/> 8233 ⁴ <input type="checkbox"/> 594 ⁵	<u>Withholding</u> = 30% or lower rate provided by a tax treaty. <u>Reporting</u> = IRS Form 1042-S	<u>Withholding</u> = 7% of aggregate payments made, if total exceeds \$1,500 per year or lower rate provided by the Franchise Tax Board on FTB Form 594 ⁶ <u>Reporting</u> = FTB Form 592-B
<u>U.S. Agent</u> on behalf of foreign performer or support personnel	<input type="checkbox"/> PA ⁷	<u>Withholding</u> = None ⁸ <u>Reporting</u> = IRS Form 1099 for payments in excess of \$600 per year.	<u>California Residents:</u> No reporting or withholding <u>California Non-Residents:</u> <u>Withholding</u> = 7% of aggregate payments made, if total exceeds \$1,500 per year lower rate provided by the Franchise Tax Board on FTB Form 594. <u>Reporting</u> = FTB Form 592-B
<u>Foreign Corporation or Partnership</u> (whose income is not included in the tax returns of a U.S. trade or business)	<input type="checkbox"/> PA ⁹ <input type="checkbox"/> W-8BEN ¹⁰	<u>Withholding</u> = 30% or lower rate provided by a tax treaty. <u>Reporting</u> = IRS Form 1042-S	<u>Withholding</u> = 7% of aggregate payments made, if total exceeds \$1,500 per year or lower rate provided by the Franchise Tax Board on FTB Form 594 ¹¹ <u>Reporting</u> = FTB Form 592-B
<u>Foreign Corporation or Partnership</u> (whose income is included in the tax returns of a U.S. trade or business)	<input type="checkbox"/> PA ¹² <input type="checkbox"/> W-8ECI ¹³	<u>Withholding</u> = None <u>Reporting</u> = IRS Form 1042-S	Same as above
<u>Foreign Government or International Organization</u>	<input type="checkbox"/> PA ¹⁴ <input type="checkbox"/> W-8EXP ¹⁵	<u>Withholding</u> = None <u>Reporting</u> = IRS Form 1042-S	<u>Withholding</u> = None <u>Reporting</u> = FTB Form 592-B
<u>Foreign Non-Profit Organization</u> , (not claiming U.S. Tax Exempt status.)	<input type="checkbox"/> PA ¹⁶ <input type="checkbox"/> W-8BEN ¹⁷	<u>Withholding</u> = 30% or lower rate provided by a tax treaty. <u>Reporting</u> = IRS Form 1042-S	<u>Withholding</u> = 7% of aggregate payments made, if total exceeds \$1,500 per year or lower rate provided by the Franchise Tax Board on FTB Form 594 ¹⁸ <u>Reporting</u> = FTB Form 592-B
<u>Foreign Non-Profit Organization</u> (claiming U.S. Tax Exempt status)	<input type="checkbox"/> PA ¹⁹ <input type="checkbox"/> W-8EXP ^{20, 21}	<u>Withholding</u> = None <u>Reporting</u> = IRS Form 1042-S	Same as above
<u>Foreign Qualified Intermediary</u>	<input type="checkbox"/> PA ²² <input type="checkbox"/> W-8EIMY ²³	<u>Withholding</u> = None <u>Reporting</u> = IRS Form 1042-S	Same as above

Footnotes:

¹ Based on the assumption that the individual is an independent contractor and not employed by UCLA or another employer in connection with the services performed for UCLA.

² UCLA Performance Agreement (PA) is not required if payment is to a non-performer such as support personnel.

³ UCLA Statement of Citizenship and Federal Tax Status (SOC). This form can be found at <http://www.tax.ucla.edu>.

⁴ IRS Form 8233 is only needed if payee is requesting a lower rate of withholding provided by a tax treaty. Forms 8233 must be approved by Payroll Services prior to payment to allow reduced Federal Income Tax Withholding in connection with a tax treaty. Please provide Payroll Services at least 5 business days from the date they receive the form to review and approve it. Form 8233 can be found on the IRS web site at <http://www.irs.treas.gov/formspubs/index.html>.

⁵ FTB Form 594 is a form issued by the FTB and is only required if FTB has approved reduced California Income Tax Withholding.

⁶ Assumes individual is **not** a California resident for state income tax purposes and that services are performed in California.

⁷ See n. 2, *supra*.

⁸ This footnote was intentionally left blank.

⁹ See n. 2, *supra*.

¹⁰ IRS Forms W-8BEN, W-8EXP, W-8ECI, and W-8IMY must be approved by Payroll Services prior to payment to allow reduced Federal Income Tax Withholding in connection with a tax treaty. Please provide Payroll Services at least 5 business days from the date they receive the form to review and approve it. Forms W-8BEN, W-8EXP, W-8ECI, and W-8IMY can be found on the IRS web site at <http://www.irs.treas.gov/formspubs/index.html>.

¹¹ Assumes entity is **not** a California resident for state income tax purposes and that services are performed in California.

¹² See n. 2, *supra*.

¹³ See n. 10, *supra*.

¹⁴ See n. 2, *supra*.

¹⁵ See n. 10, *supra*.

¹⁶ See n. 2, *supra*.

¹⁷ See n. 10, *supra*.

¹⁸ Assumes entity is **not** a California resident for state income tax purposes and that services are performed in California.

¹⁹ See n. 2, *supra*.

²⁰ Organizations using this form must have either 1) a letter from the Internal Revenue Service recognizing the status of the foreign non-profit organization as an Internal Revenue Code Section 501(c) organization, or 2) an opinion from a U.S. attorney that states that the organization is an exempt organization described in IRC Section 501(c). Additional requirements apply to 501(c)(3) organizations. Consult with Tax Services concerning these additional requirements prior to contracting with such organizations if exemption from Federal Income Tax will be contemplated in the agreement.

²¹ See n. 10, *supra*.

²² See n. 2, *supra*.

²³ See n. 10, *supra*.