# Form 3508 Documentation

Order of Calculations		2
Definitions		4
SBA Application Schedule A Worksl	heet	9
SBA Application Schedule A		11
SBA Loan Forgiveness Calculation F	Form	14
SBA Forgiveness Deduction Calcula	ations	17

# Form 3508 Calculations

### Form 3508 - Calculating Forgiveness for Employers

The most likely way to have your loan fully forgiven is through payroll costs. Begin by determining these costs before considering what non-payroll costs are eligible to be included in the calculation of the forgiveness amount.

The definition of eligible payroll costs are more thoroughly defined in the 3508 Instruction Document and the SBA website can be referenced for their FAQ that addresses commonly asked questions surrounding payroll costs.

We recommend working through the calculation form as presented below rather than starting with the first page. Additionally, given the complexity of the calculations involved, if you do not have third party payroll reporting that provides this information we recommend that you work with your accountant to complete the calculations necessary to determine the forgiveness amount when utilizing this application form.



# Form 3508 Definitions

# Definitions

	_			Application Section		
Terminology	Definition	Definition does NOT include	Notes	Schedule A Worksheet	Schedule A	Loan Forgiveness Calculation Form
PPP Loan Disbursement Date	Date you received PPP funds from FirstBank		If you received multiple advances on the same loan, enter the 1st date you received PPP loan funds		All	
Covered Period (CP)  •	24-week (168-day) period beginning with the PPP Loan Disbursement Date but may not extend beyond December 31st Borrower has the option of using an 8-week (56-day) period instead of the 24-week period but we expect this would be less common	1st date is NOT when loan was approved or the date you received loan documents to sign	Some parts of the Application give you the option to use CP or APCP; however, you must specifically use CP wherever Application specifically references "Covered Period": on PPP Loan Calc Form (top half "Covered Period", line 2-4), on PPP Schedule A (line 13), and on Nonpayroll Documentation (a-c, as applicable)		All	
Alternative Payroll Covered Period (APCP)	You can start your Covered Period on the 1st day of your 1st pay period AFTER the PPP Loan Disbursement Date (so that you can align your "Covered Period" with the beginning of a pay period).		Remember: applies to PAYROLL COSTS only     Option to make things easier if your payroll frequency is biweekly or more frequent     If you use this alternative time frame, you must consistently use it through the application EXCEPT where specifically noted to use "Covered Period"		All	
Employee (EE)	Will receive a W-2 (salary or hourly, full-time or part-time with a consistent schedule) for the CP or APCP Principal place of residence is in the U.S. Must have SSN	<ul> <li>Self-employed (independent contractors, sole proprietors)</li> <li>Owner-EEs</li> <li>Partners</li> </ul>	Anyone with a 1099 is considered its own business under PPP and can apply for its own PPP loan	Table 1 & 2	N/A	Тор

<sup>\*</sup>Indicates uncertain areas that remain to be clarified

# Definitions

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Terminology	Definition	Definition does NOT include	Notes	Schedule A Worksheet	Schedule A	Loan Forgiveness Calculation Form
Payroll Costs Eligible for Forgiveness	Total paid to each EE by you:  1. Cash Compensation:  Gross salary, wage, commission, and similar compensation (including bonus)  Payment of cash tip or equivalent  Payment for paid leave (vacation PTO, parental, family, medical, or sick)  Allowance for dismissal or separation  Make-whole payments to furloughed EE  2. Benefits  Payment for benefits (group healthcare/dental/vision benefits including insurance premiums  Employer retirement plan contribution  3. Payment of state or local tax assessed on compensation of EE  For non-EE (owner-employees, self-employed, or general partners) up to \$20,833 or 2.5 months of net profit, or \$15,385 if an 8 week CP is being used	Cash compensation in excess of annualized \$100K - thus cap per EE is \$46,154 (\$100K / 52 weeks x 24-week) or \$15,385 if 8-week CP is used Qualified sick and family leave wages under FFCRA* Your (employer) share of federal taxes on compensation (e.g., FICA) Payments to independent contractors (1099) Limitations on expenses related to owner-employees of S-Corp and C-Corps as noted on the next page	<ul> <li>≥60% of total loan forgiveness must be Payroll Costs</li> <li>Count ONLY ONCE any cost that was both incurred and paid</li> <li>Payroll Costs are eligible if they were:         <ul> <li>Incurred (day that EE worked) during CP/APCP and paid (day the paycheck is distributed or the day you originate an ACH credit transaction*) during CP/APCP</li> <li>Incurred during CP/APCP and paid by your next regular payroll date after CP/APCP)</li> <li>Incurred one* pay period before CP/APCP and paid during CP/APCP</li> </ul> </li> </ul>	Table 1 & 2 (Cash Compensation)	Line 1 & 4 (Cash Compensation) Line 6 – 9: other	Line 1 & 10
Nonpayroll Costs Eligible for Forgiveness	<ol> <li>Business mortgage INTEREST only on any mortgage signed before Feb 15, 2020</li> <li>Business rent or lease payments (includes personal property lease such as leased equipment) on any rental/lease agreement in place before Feb 15, 2020</li> <li>Business utilities (electricity, gas, water, transportation, telephone, or internet access) on any service that began before Feb 15, 2020</li> </ol>	<ul> <li>Mortgage: excludes prepayment of interest or payment of principal.</li> </ul>	<ul> <li>Up to 40% of total loan forgiveness may be Nonpayroll Costs</li> <li>Count ONLY ONCE any cost that was both incurred and paid</li> <li>Nonpayroll Costs are eligible if they were:         <ul> <li>Incurred during CP and paid during CP</li> <li>Incurred during CP and paid by your next regular billing date after CP</li> <li>Owed in arrears before CP and paid during CP</li> </ul> </li> </ul>	N/A	N/A	Line 2 – 4

# Definitions - Owner-Employee payroll costs

C-Corporations and S-Corporations treat owner's compensation similar to that of a traditional employee. For borrowers that are LLC's the owners must determine how they are organized for tax filing purposes for the tax year 2019 (partnership, sole proprietorship, etc.).

<u>C Corporation owner-employee limitation:</u> The compensation to a C-Corporation owner-employee, is limited to 2.5/12 of their 2019 employee cash compensation. Expenses related to the owner-employee for state and local taxes assessed on their compensation, for the amounts contributed to their employee health insurance, and for employer retirement contributions (capped at 2.5/12 of the 2019 employer retirement contribution) are all eligible amounts to include in the forgiveness calculation.

<u>S Corporation owner-employee limitation:</u> The compensation to a S-Corporation owner-employee, is limited to 2.5/12 of their 2019 employee cash compensation. Expenses related to the owner-employee for state and local taxes assessed on their compensation and for employer retirement contributions (capped at 2.5/12 of the 2019 employer retirement contribution) are eligible amounts to include in the forgiveness calculation. Employer contributions to their employee health insurance are not eligible for additional forgiveness for S-corporation owner-employees with at least a 2% stake in the business, including for employees who are family members of an at least 2% owner because those amounts are included in cash compensation.

# Definitions

				Α	tion	
Terminology	Definition	Definition does NOT include		Schedule A Worksheet	Schedule A	Loan Forgiveness Calculation Form
Avg FTE	<ul> <li>Average Full-Time Equivalent (FTE) is the average # of hours paid per week divided by 40 (rounded to nearest tenth)</li> <li>Maximum per EE is capped at 1.0 (or, you may simplify and enter "1.0" for each EE who worked ≥40 hours, and "0.5" for each EE who worked &lt;40 hours)</li> </ul>		Applies to CP / APCP     References hours PAID not necessarily     WORKED     Although amounts paid to owners are eligible     for forgiveness, owners are not included in FTE     calculations	Table 1 & 2	Line 2 & 5	N/A
Salary/Hourly Wage Reduction Safe Harbor (Calculation)	This calculation applies only if you reduced salary or hourly wages for any EE by >25% during CP/APCP (when compared to Jan 1, 2020 to Mar 31, 2020). If you restored salary/hourly wages, you can avoid the reduction to the forgivable amount.			Table 1	Line 3	N/A
FTE Reduction Exceptions	FTE count for both of the situations below are excluded from the FTE Reduction calculation:  Any positions for which you made a good-faith, written offer to rehire an EE during CP/APCP which was rejected by that EE, and  Any EEs who during CP/APCP were a) fired for cause, b) voluntarily resigned, or c) voluntarily requested and received a reduction of their hours  Enter this total # only if the position(s) was not filled by a new EE		This helps minimize any reduction in forgivable loan amount	Table 1	N/A	N/A
FTE Reduction Safe Harbor (Calculation)	You are exempt from the reduction in loan forgiveness based on FTE EE described in PPP Schedule A if both 1) you had reduced your FTE EE levels from Feb 15, 2020 to Apr 26, 2020; and 2) you then restored your FTE EE levels by Jun 30, 2020 to your FTE EE levels in your pay period that included Feb 15, 2020			Calculation	Line 11	N/A
FTE Reduction (Calculation)	Determines how much your forgivable amount should be reduced due to reduced staffing (headcount and/or payroll)			N/A	Line 11 – 13	N/A

# Step One: SBA Application Schedule A Worksheet

### SBA Application Schedule A Worksheet

### Table 1-

is for EEs who make ≤\$100K in annualized compensation for all pay periods in 2019 OR were employed only in 2020. You will need to upload a document containing these fields for each employee and will only have to enter the total of these calculations into the FirstBank portal

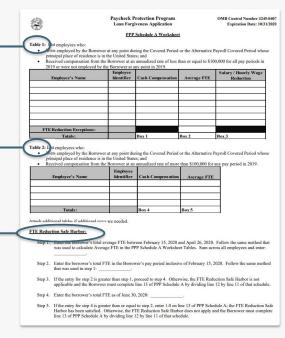
### Table 2

is for EEs who make >\$100K annualized for all pay periods in 2019

- EE's name: add extra page(s) if you need to list more
- EE identifier: last 4 digits of SSN
- Average FTE: see DEFINITIONS
- Salary/Hourly Wage Reduction:
  - Only applies if you reduced salary or hourly wages by >25% during CP/APCP (vs. during Jan 1, 2020 through Mar 31, 2020). See CALCULATIONS AND FORGIVENESS DEDUCTIONS
  - By definition, this doesn't apply to EE who earned more than \$100K in 2019, so this column does not exist for Table 2
- FTE Reduction Exceptions:
  - Any FTE reductions in these cases do NOT reduce your loan forgiveness amount
- Boxes 1-5: sum the column

FTE Reduction Safe Harbor: see Calculation and Forgiveness Deductions section.

These calculations are detailed separately as they apply to multiple sections of the Application. The form does not provide for a place to complete the necessary math



# Step Two: SBA Application Schedule A

# SBA Application Schedule A

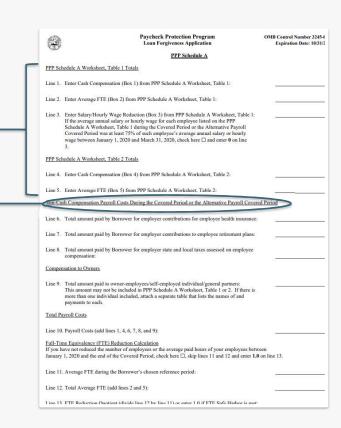
#### PPP Schedule A Worksheet, Table 1 and Table 2 Totals

- Lines 1-5: transfer from Schedule A Worksheet
  - Line 3: If the avg annual salary/hourly wage for each EE listed on Schedule A Worksheet Table 1 during CP/APCP was ≥ 75% of that EE's avg annual salary/hourly wage from Jan 1, 2020 to Mar 31, 2020, check the box found in the text and enter "0" in the field on the right

### Non-Cash Compensation Payroll Costs During CP or APCP

(remember lines 6-8 are in addition to the annualized cash compensation cap of \$100K)

- Lines 6: pull from your bill or payroll report (if you have a third party payroll provider, they may have a
  prepared report)
  - Includes employer contributions to self-insured, employer-sponsored group health plan
  - Excludes pre-tax or after-tax contributions by EE
- Lines 7: pull from payroll register or retirement submission document to your plan
  - Excludes pre-tax or after-tax contributions by EE
- Lines 8: pull from tax return or payroll register
  - Excludes taxes withheld from EE earnings e.g., state unemployment insurance tax



# SBA Application Schedule A

### Compensation to Owners\_

- · Line 9: pull from federal tax filing document
  - These individuals should not be in either Table 1 or 2 from Schedule A Worksheet (healthcare and retirement costs of owners/general partners are not forgivable)
  - Also capped at the lower of a) \$15,385 for each individual OR b) 8-week equivalent
    of EE applicable compensation in 2019 (prevents an owner from increasing her
    compensation during the CP/APCP to maximize forgiveness and disallows any raises
    which may have taken effect in 2020)

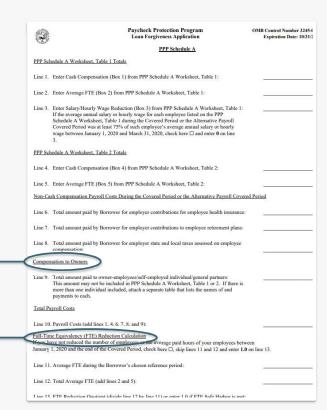
#### FTE Reduction Calculation

If your staffing level is the same on Jan 1, 2020 as it is the last day of your CP, then check the box and enter "1.0" on line 13 (FTE Reduction Safe Harbor is met = no reduction required).

Otherwise, lines 11-13 calculates how much your forgivable amount should be reduced due to reduced staffing (headcount) – if at all

- Line 11: see Calculations and Forgiveness Reductions section
- Line 12: purpose is to calculate the reduction in forgiveness if staffing is reduced and not replaced
- Line 13: if >1.0, enter 1.0\*

\*indicates uncertain areas that remain to be clarified



# Step Three: SBA Loan Forgiveness Calculation Form

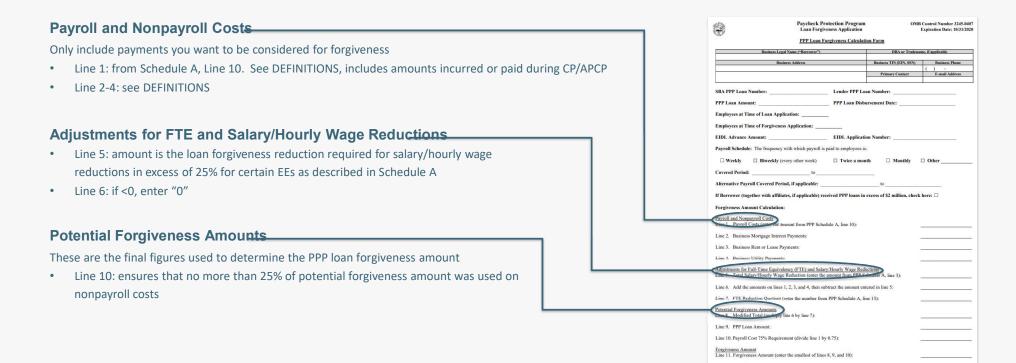
### SBA PPP Loan Forgiveness Calculation Form

#### Top of Application \_

- SBA PPP Loan #: 10-digit # assigned by SBA (this will be provided to you in the FirstBank application portal, you can leave blank for now)
- Lender PPP Loan #: should be on closing documents (this will be provided to you in the FirstBank application portal, you can leave blank for now)
- PPP Loan Amount: this total is the "principal" = maximum amount of loan eligible for forgiveness
- PPP Loan Disbursement Date: see DEFINITIONS
- Employees at Time of Loan: actual # does not affect forgiveness (we believe these two field are intended to be the total # of employees as was used during the application process rather than FTEs)\*
- Employees at Time of Forgiveness: actual # does not affect forgiveness; enter # as of date application is completed and submitted to FirstBank\*
- EIDL information: applies to EIDL loans received between Jan 31<sup>st</sup>, 2020 and April 3<sup>rd</sup>, 2020
  - Any EIDL amount received after Jan 31, 2020 AND used to cover payroll, was LIKELY refinanced into your PPP loan (SBA will reduce the forgivable amount by any initial Advance received on an EIDL loan After April 3<sup>rd</sup>)
- "If Borrower" row: ONLY check if loan is over \$2M or if all loans to related entities are over \$2M in aggregate (borrowers with loans ≤\$2M were required to make, in good faith, eligibility certification that loan was necessary)



### SBA PPP Loan Forgiveness Calculation Form



# Forgiveness Deduction Calculations

## Calculations and Forgiveness Reduction

- As previously stated, the forgiveness amount is based primarily on the amount spent on employee salary/wages during the covered period. However, unless certain Safe Harbor conditions are met, the forgiveness amount will be reduced if the level of FTEs declines or employee wages are reduced by more than 25%. These reductions and their associated Safe Harbor allowances do not apply to sole proprietorships or independent contractors without employees, all businesses with employees should proceed with the following calculations unless they can attest to having not reduced the number of employees or the average paid hours of employees between January 1, 2020 and the covered period (question between Line 10 and Line 11 on Schedule A).
  - The <u>Salary and Wage Reduction Safe Harbor</u> calculation is summarized on pages 7-8 of the SBA Loan Forgiveness Application form; However, as you are required to retain supporting documentation for this calculation, it is likely that you will need to complete a separate document showing how you arrive at those numbers if you do not have a third party payroll provider that has provided a report with these calculations.
  - The <u>FTE Reduction Safe Harbor</u> calculation is summarized on the bottom of the Schedule A Worksheet. As there are two options for how to calculate FTEs, we recommend completing the math for both options to determine which provides for the most advantageous loan forgiveness amount.

\*see DEFINITIONS for clarity

# Salary and Wage Reduction Safe Harbor

The SBA wants to determine if your forgivable loan amount needs to be reduced. This particular calculation only applies if you reduced salary or hourly wages for any employee (EE) by >25% during your CP/APCP (vs. during Jan 1, 2020 to Mar 31, 2020). If you did reduce by >25% AND also then restored salary/hour wages, you can avoid a reduced forgivable loan amount. Determine by the following calculation:

#### Applies to:

- Schedule A Worksheet: Table 1
- Schedule A: Line 3
- Calculation Form: n/a

Step 1	Dete	rmine if pay was reduced >25%:		S	Sample	
	1a	a Enter average annual salary OR hourly wage during CP/APCP: 1a				
	1b	Enter average annual salary OR hourly wage between Jan 1, 2020 and Mar 31, 2020 (Q1):		\$	35,000	
	1c	1c Divide: "1a" / "1b":				
	If 1c is					
	If 1c is					

# Salary and Wage Reduction Safe Harbor

(continued)

Step 2	Determine if the Salary/Hourly Wage Reduction Safe Harbor is met:						
2a	Enter annual salary OR hourly wage as of Feb 15, 2020:	2a	\$	35,000			
2b	Enter avg annual salary OR hourly wage between Feb 15, 2020 and Apr 26, 2020:	2b	\$	25,000			
If 2b is	If 2b is ≥ 2a, skip to Step 3						
If 2b is	< 2a, go to 2c						
2c	Enter avg annual salary or hourly wage as of Jun 30, 2020:	2c	\$	32,500			
If 2c is							
If 2c is	< 2a, go to Step 3						

# Salary and Wage Reduction Safe Harbor

(continued)

Step 3 Det	ep 3 Determine the Salary/Hourly Wage Reduction:							
3a	3a Multiply: "1b" x 0.75:							
3b	3b Subtract: "3a" - "1a":							
If EE i	hourly: compute total dollar amount of reduction that exceeds 25%:							
3c	3c Enter avg number of hours worked per week between Jan 1, 2020 and Mar 31, 2020:							
3d	3d Multiply: "3b" x "3c" x 8:							
Enter	Enter this value in column for that EE. You are done							
If EE i	If EE is salaried: compute total dollar amount of reduction that exceeds 25%:							
3e	3e Multiply: "3b" x 8; then divide by 52:							
Enter	this value in column for that EE. You are done							

### **FTE Reduction Safe Harbor**

A goal of the PPP loan is to keep employment at pre-COVID-19 levels. For businesses that reduced (fired/laid off/furloughed) headcount from Feb 15, 2020 to Apr 26, 2020, the SBA wants to give you the opportunity to use the PPP loan money to return to your original staffing level (before Feb 15, 2020). Thus if your Average FTE decreased from February 15<sup>th</sup> to April, BUT you then restored your Average FTE by Jun 30, 2020 to the level it was during your Feb 15, 2020 pay period, your forgiveness amount will not be reduced.

### Applies to:

- Schedule A Worksheet: bottom of page
- Schedule A: Line 11
- Calculation Form: n/a

This exception is called the "FTE Reduction Safe Harbor". Determine if you meet this Safe Harbor by completing the following calculation:

		<u>Example</u>
Step 1	Enter your total Avg FTE from Feb 15, 2020 and Apr 26, 2020:	5
Step 2	Enter your total Avg FTE that is in your pay period that includes Feb 15, 2020:	6.4
Step 3	If answer for Step 2 is ≤answer for Step 1: Safe Harbor is not applicable; complete line 13 on Schedule A  If answer for Step 2 is larger than Step 1: go to Step 4	
Step 4	Enter your total FTE as of Jun 30, 2020 (end date for CARES Act):	6.4 (means I rehired people)
Step 5	If answer for Step 4 is ≥ answer for Step 2: Safe Harbor is met; enter "1.0" on line 13 of PPP Schedule A  If answer for Step 4 < answer for Step 2: Safe Harbor is not met; complete line 13 on Schedule A	

# Forgiveness Deduction Calculations

(continued)

If your staffing level is the same on Jan 1, 2020 as it is the last day of your CP, then check the box and enter "1.0" on line 13. Otherwise, Schedule A's lines 11-13 are designed to calculate how much your forgivable amount should be reduced because of reduced staffing (headcount or payroll) – if at all.

Is your Average FTE during CP/APCP less than any of the following "reference periods (you pick)":

- a) Feb 15, 2019 Jun 30, 2019 (for YOY comparison with 2020), or
- b) Jan 1, 2020 Feb 29, 2020 (for 2020 before PPP-determined Feb 15 date), or
- c) Seasonal employer: (a), (b), or any 12-week period between May 1, 2019 and Sep 15, 2019?

If no (your Average FTE did not decrease), then your forgivable loan amount is not affected.

If yes (your Average FTE did decrease during a, b, or c), then your entire forgivable loan amount will decrease by a fraction.

#### Applies to:

- Schedule A Worksheet: n/a
- Schedule A: Lines 11-13
- Calculation Form: n/a

# Forgiveness Deduction Calculations

(continued)

Example: this company has a PPP loan disbursement date of April 10<sup>th</sup> for \$20K, and incurred \$20K of costs eligible for forgiveness during its CP. During these 8 weeks, the company had the following employees:

### Applies to:

- Schedule A Worksheet: n/a
- Schedule A: Lines 11-13
- Calculation Form: n/a

	(a) Feb 1	5-Jun 30 (2019)	(b) Jan 1	-Feb 29 (2020)	During AP	<u>During APCP: Apr 20-Jun 14 (2020)</u>				
Employee	Avg hrs paid/wk	Avg FTE ( /40, cap at 1.0)	Avg hrs paid/wk	Avg FTE ( /40, cap at 1.0)		Avg hrs Paid/wk	Simplified FTE*			
Laura	45	45/40 = 1.0	45	45/40 = 1.0	Able to work remotely	45	45/40 = 1.0	1.0		
Luis	40	40/40 = 1.0	40	40/40 = 1.0	Parental leave	40	40/40 = 1.0	1.0		
Nayeli	40	40/40 = 1.0	40	40/40 = 1.0	Reduced hours	28	25/40 = 0.6	0.5		
Jamie	40	40/40 = 1.0	28	28/40 = 0.7	Reduced hours	20	20/40 = 0.5	0.5		
Jackson	32	32/40 = 0.8	28	28/40 = 0.7	Laid off but paid severance	20	20/40 = 0.5	0.5		
Parker	40	40/40 = 1.0	40	40/40 = 1.0	Unpaid furlough					
Megan	40	40/40 = 1.0	40	40/40 = 1.0	Unpaid furlough					
Total		6.8		6.4			3.6	3.5		

period

<sup>\*</sup>You can opt to use a simplified version of "1.0" for EE who work <40 hours, and "0.5" for EE who work <40 hours) While amounts paid to owners are eligible for forgiveness, owners are not included in FTE calculations

# Thank you