



Please type or print in black or blue ink. See separate instructions.

Taxpayer's name as shown on return	Social security number or FEIN
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	Name of mobilized employee	Social security number
<b>Employee 1</b> .....	_____	_____
<b>Employee 2</b> .....	_____	_____
<b>Employee 3</b> .....	_____	_____

		Employee 1	Employee 2	Employee 3
<b>1.</b> Enter beginning and ending dates for portion of mobilization period falling into your 2009 tax year .....	<b>1</b>	<b>From</b> _____ <b>To</b> _____	<b>From</b> _____ <b>To</b> _____	<b>From</b> _____ <b>To</b> _____
<b>2.</b> Amount of wages that you would have paid during the period of mobilization (shown on line 1) <i>if the employee had not been mobilized</i> .....	<b>2</b>	_____	_____	_____
<b>3.</b> Amount of federal active duty wages received by employee during the period of mobilization (shown on line 1) .....	<b>3</b>	_____	_____	_____
<b>4.</b> Subtract line 3 from line 2. <i>If zero or less, stop here; you are not eligible for the credit</i> .....	<b>4</b>	_____	_____	_____
<b>5.</b> Amount of wages that you <i>actually paid</i> during the period of mobilization (shown on line 1) .....	<b>5</b>	_____	_____	_____
<b>6.</b> Enter smaller of line 4 or line 5 .....	<b>6</b>	_____	_____	_____
<b>7.</b> Multiply line 6 by 25% (.25) .....	<b>7</b>	_____	_____	_____
<b>8.</b> Maximum credit .....	<b>8</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>
<b>9.</b> Credit. Enter smaller of line 7 or line 8 .....	<b>9</b>	_____	_____	_____
<b>10.</b> Add the credit amounts on line 9 for all employees and enter result .....	<b>10</b>	_____	_____	_____

**If you are filing:            Enter amount from line 10 of this schedule on:**  
 Form ND-1 ..... Schedule ND-1TC, line 15  
 Form 38 ..... Form 38, page 1, line 3  
 Form 40 ..... Form 40, Schedule TC, line 21  
 Form 58 ..... Form 58, Schedule K, line 19  
 Form 60 ..... Form 60, Schedule K, line 15

**2009 Schedule ME instructions****New for 2009!**

Schedule ME is a new supplemental schedule to Forms ND-1, 38, 40, 58 and 60.

**Who is eligible?**

You may be eligible for an income tax credit if you have an eligible employee who is mobilized for active duty in the U.S. armed forces.

An eligible employee is an individual who is:

- a legal resident of North Dakota,
- a member of the National Guard or a reserve component of any branch of the U.S. armed forces, and
- mobilized for federal active duty under Title 10 of the United States Code during the employer's tax year.

You are eligible for the credit if, during the period of mobilization:

- you continue to pay part or all of the eligible employee's wages, and
- the federal active duty wages received by the eligible employee are less than the wages that you **would have paid if the eligible employee had not been mobilized**.

For this purpose, "wages" means the sum of:

- gross wages before reduction by payroll taxes, elective contributions to a defined contribution plan, and any other payroll deduction, plus
- employer's contributions to the employee's defined contribution plan.

"Defined contribution plan" means a 401(k), 403(b), profit-sharing, stock bonus, money purchase, or any other plan meeting the definition of a defined contribution plan under Internal Revenue Code Section 414.

**Specific line instructions****Eligible employee information**

Enter the name and social security number for each eligible employee. If you have more than three eligible employees, complete additional schedules as needed.

**Line 1 - Mobilization period**

Enter the beginning and ending dates during your 2009 tax year that the eligible employee was in mobilization status.

**Example 1.** You file on a calendar year basis (January through December), and the eligible employee's mobilization period runs from October 1, 2009, to November 30, 2010. Enter "10/01/2009" and "12/31/2009" in the spaces for "From" and "To," respectively.

**Example 2.** You file on a calendar basis, and the employee's mobilization period began on March 1, 2008, and ended June 30, 2009. Enter "1/01/2009" and "6/30/2009" in the applicable spaces.

**The credit is not allowed if no part of the mobilization period falls within the 2009 tax year.**

**Line 2 - Employer's deemed wages for mobilization period**

Enter the amount of wages you would have paid to the eligible employee during the period of mobilization (shown on line 1) **if the employee had not been mobilized**. This is the amount of wages you would have paid in the normal course of your business to the employee during that period if he or she had continued to work for you.

**Example 3.** You are a calendar year filer, and you have an eligible employee who was mobilized from October 1, 2009, through December 31, 2009. Prior to mobilization, you paid the employee gross wages of \$1,500 on the 15th and the last working day

of each month. Under a salary reduction arrangement, the employee contributed \$60 to a 401k plan each pay period, which you matched. The 401k contributions were deposited into the plan account each pay day. Enter \$9,360 on line 2, which is the amount you would have paid had the employee not been mobilized. This is the sum of the gross wages of \$9,000 ( $\$1,500 \times 6$ ) plus your matching 401k contributions of \$360 ( $\$60 \times 6$ ).

**Line 3 - Federal active duty pay**

Enter the amount of wages the eligible employee actually received during the period of mobilization (shown on line 1) for his or her federal active duty service. You will need to obtain this information from the employee or his or her designated representative, depending on the situation. The amount of military pay received during the period of mobilization can be determined from the employee's military Leave and Earnings Statement(s).

**Example 4.** Assume the same facts as in Example 3 (in the line 2 instruction). Based on the employee's military Leave and Earnings Statements, the employee received military wages of \$3,750 during the period October 1, 2009, through December 31, 2009. Enter \$3,750 on line 3.

**Line 5 - Employer's actual wage payments**

Enter the amount of wages you actually paid to the eligible employee during the period of mobilization (shown on line 1).

**Example 5.** Assume the same facts as in Example 3 (in the line 2 instruction). During the mobilization period, you continued to pay a reduced gross wage of \$250 plus a 401k contribution match of \$10 on each pay day. Enter \$1,560 on line 5. This is the sum of the gross wages of \$1,500 ( $\$250 \times 6$ ) plus your matching 401k contributions of \$60 ( $\$10 \times 6$ ).