

HSAs and Mistaken Contributions

Exception #2: Employer Contributions Exceed Statutory Limit

- If an employer contributions to an employee's HSA in excess of the statutory annual maximum contribution limit, the employer may correct the error
- The employer may request that the bank return the contributions to the employer
- If the bank does not return the funds to the employer by the end of the year, the amounts must be included as gross income and wages on the employee's Form W-2 for the year during with the employer made the contributions

Example #1

- David is covered by family HDHP coverage in 2017
- **In August 2017**, employer discovers that the employer contributions to his HSA account total \$7,000 (\$6,750 limit)
- Employer requests that the HSA bank return the \$250 excess contributions (adjusted for earnings, losses, and administration fees directly paid from the account) to the employer

Result

- If the bank agrees to return the excess contributions to the employer, and the employer receives the funds by the end of 2017, there are no tax consequences for David
- If the bank does not return the excess contributions to the employer by the end of 2017, the employer must include the amounts in David's gross income and wages on his 2017 Form W-2

Example #2

- Same as above except the employer **does not discover the mistake until July 2018**

Result

- The employer must issue a corrected 2017 Form W-2 to David, and David must file an amended 1040 to reflect the income from the excess contributions
- David will also have a 6% excise tax owed for the excess contributions (and will need to take a corrective distribution of the excess to avoid additional excise taxes)

How To Report Excess Hsa Contribution

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