



TaxNewsFlash

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Notice 2023-69: Guidance on employer leave-based donation programs aiding Hawaii wildfire victims

The IRS today released an advance version of [Notice 2023-69](#) [PDF 121 KB] providing guidance for employers whose employees forgo sick, vacation, or personal leave to aid victims of the wildfires that began in parts of Hawaii on August 8, 2023.

As described in a related IRS release—[IR-2023-181](#) (September 28, 2023)—Notice 2023-69 provides that cash payments employers make to charitable organizations during 2023 and 2024 providing relief to victims of the Hawaii wildfires in exchange for sick, vacation, or personal leave that their employees forgo will not be treated as compensation to the employees. Similarly, the employees cannot claim a deduction for the leave that they donated to their employer.

Employers, however, may deduct these cash payments as a business expense or as a charitable contribution deduction if the employer otherwise meets the respective requirements of the applicable sections of the Code.

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