

3763--A

2013-2014 Regular Sessions

I N   S E N A T E

February 14, 2013

---

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to the NY youth works tax incentive program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 25-a of the labor law, as added by section 1 of  
2     part D of chapter 56 of the laws of 2011, subdivision (b) as amended by  
3     section 1 and subdivisions (a) and subdivision (d) as amended by section  
4     2 of part DD of chapter 59 of the laws of 2013 and subdivision (c) as  
5     amended by chapter 536 of the laws of 2013, is amended to read as  
6     follows:  
7     S 25-a. Power to administer the New York youth works tax credit  
8     program. (a) The commissioner is authorized to establish and administer  
9     the New York youth works tax credit program to provide tax incentives to  
10    employers for employing at risk youth in part-time and full-time posi-  
11    tions. There will be five distinct pools of tax incentives. Program one  
12    will cover tax incentives allocated for two thousand twelve [and], two  
13    thousand thirteen, AND TWO THOUSAND FOURTEEN. Program two will cover  
14    tax incentives allocated in two thousand fourteen to be used in two  
15    thousand fourteen and fifteen. Program three will cover tax incentives  
16    allocated in two thousand fifteen to be used in two thousand fifteen and  
17    sixteen. Program four will cover tax incentives allocated in two thou-  
18    sand sixteen to be used in two thousand sixteen and seventeen. Program  
19    five will cover tax incentives allocated in two thousand seventeen to be  
20    used in two thousand seventeen and eighteen. The commissioner is author-  
21    ized to allocate up to twenty-five million dollars of tax credits under  
22    program one, six million dollars of tax credits under program two, six

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD07047-02-4

1 million dollars of tax credits under program three, and six million  
2 dollars of tax credits under program four, and six million dollars of  
3 tax credits under program five.

4 (b) Definitions. (1) The term "qualified employer" means an employer  
5 that has been certified by the commissioner to participate in the New  
6 York youth works tax credit program and that employs one or more quali-  
7 fied employees.

8 (2) The term "qualified employee" means an individual:

9 (i) who is between the age of sixteen and twenty-four;

10 (ii) who resides in a city OR TOWN with a population of [fifty-five]  
11 FIFTY thousand or more [or a town with a population of four hundred  
12 eighty thousand or more];

13 (iii) who is low-income or at-risk, as those terms are defined by the  
14 commissioner;

15 (iv) who is unemployed prior to being hired by the qualified employer;  
16 and

17 (v) who will be working for the qualified employer in a full-time or  
18 part-time position that pays wages that are equivalent to the wages paid  
19 for similar jobs, with appropriate adjustments for experience and train-  
20 ing, and for which no other employee has been terminated, or where the  
21 employer has not otherwise reduced its workforce by involuntary termi-  
22 nations with the intention of filling the vacancy by creating a new  
23 hire.

24 (c) A qualified employer shall be entitled to a tax credit equal to  
25 (1) five hundred dollars per month for up to six months for each quali-  
26 fied employee the employer employs in a full-time job or two hundred  
27 fifty dollars per month for up to six months for each qualified employee  
28 the employer employs in a part-time job of at least twenty hours per  
29 week or ten hours per week when the qualified employee is enrolled in  
30 high school full-time, and (2) one thousand dollars for each qualified  
31 employee who is employed for at least an additional six months by the  
32 qualified employer in a full-time job or five hundred dollars for each  
33 qualified employee who is employed for at least an additional six months  
34 by the qualified employer in a part-time job of at least twenty hours  
35 per week or ten hours per week when the qualified employee is enrolled  
36 in high school full-time. The tax credits shall be claimed by the quali-  
37 fied employer as specified in subdivision forty-four of section two  
38 hundred ten and subsection (tt) of section six hundred six of the tax  
39 law.

40 (d) To participate in the New York youth works tax credit program, an  
41 employer must submit an application (in a form prescribed by the commis-  
42 sioner) to the commissioner after January first, two thousand twelve but  
43 no later than November thirtieth, two thousand [twelve] FOURTEEN for  
44 program one, after January first, two thousand fourteen but no later  
45 than November thirtieth, two thousand fourteen for program two, after  
46 January first, two thousand fifteen but no later than November thirti-  
47 eth, two thousand fifteen for program three, after January first, two  
48 thousand sixteen but no later than November thirtieth, two thousand  
49 sixteen for program four, and after January first, two thousand seven-  
50 teen but no later than November thirtieth, two thousand seventeen for  
51 program five. The qualified employees must start their employment on or  
52 after January first, two thousand twelve but no later than December  
53 thirty-first, two thousand [twelve] FOURTEEN for program one, on or  
54 after January first, two thousand fourteen but no later than December  
55 thirty-first, two thousand fourteen for program two, on or after January  
56 first, two thousand fifteen but no later than December thirty-first, two

1 thousand fifteen for program three, on or after January first, two thou-  
2 sand sixteen but no later than December thirty-first, two thousand  
3 sixteen for program four, and on or after January first, two thousand  
4 seventeen but no later than December thirty-first, two thousand seven-  
5 teen for program five. The commissioner shall establish guidelines and  
6 criteria that specify requirements for employers to participate in the  
7 program including criteria for certifying qualified employees. Any regu-  
8 lations that the commissioner determines are necessary may be adopted on  
9 an emergency basis notwithstanding anything to the contrary in section  
10 two hundred two of the state administrative procedure act. Such require-  
11 ments may include the types of industries that the employers are engaged  
12 in. The commissioner may give preference to employers that are engaged  
13 in demand occupations or industries, or in regional growth sectors,  
14 including those identified by the regional economic development coun-  
15 cils, such as clean energy, healthcare, advanced manufacturing and  
16 conservation. In addition, the commissioner shall give preference to  
17 employers who offer advancement and employee benefit packages to the  
18 qualified individuals.

19 (e) If, after reviewing the application submitted by an employer, the  
20 commissioner determines that such employer is eligible to participate in  
21 the New York youth works tax credit program, the commissioner shall  
22 issue the employer a certificate of eligibility that establishes the  
23 employer as a qualified employer. The certificate of eligibility shall  
24 specify the maximum amount of New York youth works tax credit that the  
25 employer will be allowed to claim.

26 S 2. This act shall take effect immediately.