

5359

2011-2012 Regular Sessions

I N   S E N A T E

May 11, 2011

---

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the New York city charter in relation to condition precedent to employment

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

1     Section 1. Subsection a of section 1127 of the New York city charter,  
2     as added by a vote of the people of the city of New York at the general  
3     election held in November of 1988, is amended to read as follows:  
4     a. Notwithstanding the provisions of any local law, rule or regulation  
5     to the contrary, every person seeking employment with the city of New  
6     York or any of its agencies regardless of civil service classification  
7     or status shall sign an agreement as a condition precedent to such  
8     employment to the effect that if such person is or becomes a nonresident  
9     individual as that term is defined in section 11-1706 of the administra-  
10    tive code of the city of New York or any similar provision of such code,  
11    during employment by the city, such person will pay to the city an  
12    amount by which a city personal income tax on residents computed and  
13    determined as if such person were a resident individual, as defined in  
14    such section, during such employment, exceeds the amount of any city  
15    earnings tax and city personal income tax imposed on such person for the  
16    same taxable period; PROVIDED, HOWEVER, ANY OUTSIDE INCOME OF ANY SUCH  
17    EMPLOYEE, EARNED OUTSIDE OF NEW YORK CITY, SHALL NOT BE INCLUDED. ANY  
18    INCOME EARNED OUTSIDE OF NEW YORK CITY BY SUCH EMPLOYEE'S SPOUSE SHALL  
19    NOT BE CONSIDERED FOR THE PROVISIONS OF THIS SECTION. THE PROVISIONS OF  
20    THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE ANY REIMBURSEMENT TO  
21    NON-RESIDENT EMPLOYEES OR THEIR SPOUSES FOR THE PERIOD OF TIME SUCH  
22    PAYMENT WAS IN FORCE AND EFFECT.  
23    S 2. This act shall take effect immediately and shall not apply to any  
24    agreement executed on or before such date.

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

LBD02892-03-1