

STATE OF NEW YORK

2653

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sens. GALLIVAN, AKSHAR, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to minimum wage reimbursement credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 38 of the tax law, as added by section 1 of part EE
2 of chapter 59 of the laws of 2013, is renumbered section 45 and subdivi-
3 sions (b) and (c) are amended to read as follows:

4 (b) An eligible employer is a corporation (including a New York S
5 corporation), a sole proprietorship, a limited liability company or a
6 partnership. An eligible employee is an individual who is (i) employed
7 by an eligible employer in New York state, (ii) paid at the minimum wage
8 rate as defined in article nineteen of the labor law during the taxable
9 year by the eligible employer, (iii) between the ages of sixteen and
10 nineteen during the period in which he or she is paid at such minimum
11 wage rate by the eligible employer, and (iv) a student during the period
12 in which he or she is paid at such minimum wage rate by the taxpayer.

13 For taxable years beginning on and after January first, two thousand
14 twenty-one, an eligible employee is an individual who is (i) employed by
15 an eligible employer in New York state, (ii) paid at a rate that does
16 not exceed the minimum wage rate as defined in article nineteen of the
17 labor law plus fifty cents during the taxable year by the eligible
18 employer, (iii) between the ages of sixteen and nineteen during the
19 period in which he or she is paid at such rate that does not exceed such
20 minimum wage rate plus fifty cents by the eligible employer, and (iv) a
21 student during the period in which he or she is paid at such rate that
22 does not exceed such minimum wage rate plus fifty cents by the taxpayer.

23 (c) For taxable years beginning on or after January first, two thou-
24 sand fourteen and before January first, two thousand fifteen, the amount

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

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1 of the credit allowed under this section shall be equal to the product
2 of the total number of hours worked during the taxable year by eligible
3 employees for which they were paid at the minimum wage rate as defined
4 in article nineteen of the labor law and [~~seventy-five~~] seventy-five
5 cents. For taxable years beginning on or after January first, two thou-
6 sand fifteen and before January first, two thousand sixteen, the amount
7 of the credit allowed under this section shall be equal to the product
8 of the total number of hours during the taxable year worked by eligible
9 employees for which they were paid at such minimum wage rate and one
10 dollar and thirty-one cents. For taxable years beginning on or after
11 January first, two thousand sixteen and before January first, two thou-
12 sand nineteen, the amount of the credit allowed under this section shall
13 be equal to the product of the total number of hours during the taxable
14 year worked by eligible employees for which they were paid at such mini-
15 mum wage rate and one dollar and thirty-five cents. For taxable years
16 beginning on or after January first, two thousand twenty-one and before
17 January first, two thousand twenty-four, the amount of the credit
18 allowed under this section shall be equal to the product of the total
19 number of hours during the taxable year worked by eligible employees for
20 which they were paid at a rate that does not exceed such minimum wage
21 rate plus fifty cents and one dollar and thirty-five cents. Provided,
22 however, if the federal minimum wage established by federal law pursuant
23 to 29 U.S.C. section 206 or its successors is increased above eighty-
24 five percent of the minimum wage in article nineteen of the labor law,
25 the dollar amounts in this subdivision shall be reduced to the differ-
26 ence between the minimum wage in article nineteen of the labor law and
27 the federal minimum wage. Such reduction would take effect on the date
28 that employers are required to pay such federal minimum wage.

29 § 2. This act shall take effect immediately and shall apply to taxable
30 years beginning on and after January 1, 2021.