

# STATE OF NEW YORK

8965--A

2025-2026 Regular Sessions

## IN ASSEMBLY

August 13, 2025

Introduced by M. of A. DeSTEFANO, SLATER, SEMPOLINSKI, ANGELINO, SIMPSON, DURSO, BENDETT, BLANKENBUSH, TAGUE, CHLUDZINSKI -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to subtracting from federal adjusted gross income any overtime compensation earned by an individual

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

1 Section 1. Subsection (c) of section 612 of the tax law is amended by  
2 adding a new paragraph 48 to read as follows:

3 (48) Any overtime compensation received by an individual, to the  
4 extent includible in gross income for federal income tax purposes. For  
5 purposes of this paragraph, "overtime compensation" shall mean wages  
6 earned for time an individual worked beyond such individual's normal  
7 scheduled working hours. Provided, however, that for the purposes of  
8 qualified overtime compensation as defined in section 225 (c) of the  
9 Internal Revenue Code it shall include any compensation paid to an indi-  
10 vidual that is in excess of the regular rate at which such individual is  
11 employed if (i) such compensation is paid for work for a single employer  
12 pursuant to an agreement between the employee (or labor organization  
13 representing such employee) and employer entered into before the  
14 performance of the work, and (ii) either such work is in excess of a  
15 standard number of hours of such work for a specified period of time and  
16 such agreement specifies that such standard number of hours for a speci-  
17 fied time is not less than forty hours for a seven day period, or, if  
18 the employee (including any crewmember or flight crewmember or rail  
19 operating craft employee) and employer referred to in subparagraph (i)  
20 of this paragraph are both covered by the Railway Labor Act, such work

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

LBD07557-03-6

1 is beyond scheduled or anticipated hours on duty that exceed a maximum  
2 number of hours with respect to a specified period of time (as deter-  
3 mined pursuant to such agreement).

4 § 2. This act shall take effect immediately and shall apply to taxable  
5 years beginning on and after January 1, 2026.