§ 25-b. Power to administer the workers with disabilities tax credit program. (a) The commissioner is authorized to establish and administer the workers with disabilities tax credit program to provide tax incentives to employers for employing individuals with developmental disabilities. The commissioner is authorized to allocate up to six million dollars of tax credits annually.

(b) Definitions. (1) The term "qualified employer" means an employer that has been certified by the commissioner to participate in the workers with disabilities tax credit program and that employs one or more qualified employees.

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

(i) who is deemed to have a developmental disability, as that term is defined in subdivision twenty-two of section 1.03 of the mental hygiene law and who is certified by the education department or the office for people with developmental disabilities as a person with a disability which constitutes or results in a substantial handicap to employment; and

(ii) who is a current employee of a sheltered workshop, which for purposes of this subdivision is defined as an organization or environment that employs people with disabilities segregated from others; or who was unemployed for at least three months prior to January first, two thousand fifteen; and

(iii) who has worked for the qualified employer in a full-time or part-time position that pays wages that are equivalent to the wages paid for similar jobs, with appropriate adjustments for experience and training, and for which no other employee has been terminated, or where the employer has not otherwise reduced its workforce by involuntary terminations with the intention of filling the vacancy by creating a new hire; and

(iv) who has not worked for an entity related to the qualified employer in the past twenty-four months; and

(v) is employed in New York at a location in New York state.

(c) A qualified employer shall be entitled to a tax credit. The tax credits shall be claimed by the qualified employer as specified in subdivision forty-eight of section two hundred ten-B and subsection (zz) of section six hundred six of the tax law.

(d) To participate in the workers with disabilities tax credit

program, an employer must submit an application (in a form prescribed by the commissioner) to the commissioner. The commissioner shall establish guidelines that specify requirements for employers to participate in the program including criteria for certifying qualified employees. Any regulations that the commissioner determines are necessary may be adopted on an emergency basis notwithstanding anything to the contrary in section two hundred two of the state administrative procedure act. Such requirements may include the types of industries that the employers are engaged in.

(e) If, after reviewing the application submitted by an employer, the commissioner determines that such employer is eligible to participate in the workers with disabilities tax credit program, the commissioner shall issue the employer a preliminary certificate of eligibility that establishes the employer as a qualified employer. The certificate of eligibility shall specify the maximum amount of workers with disabilities tax credit that the employer will be allowed to claim. At the end of the taxable year, a qualified employer must obtain a final certificate of eligibility from the commissioner to file with a return claiming the credit. The final certificate must contain the certificate's taxable year to which the credit applies, the maximum amount of the credit allowed, the qualified employer's name and employer identification number, the employer's business address where the claimed employees were employed, the social security numbers of claimed employees and their hire and termination dates, verification that the claimed employees have met the statutory definition of "qualified employee", and each employee's total hours worked each quarter, hourly wage, and full-time or part-time status.

(f) The tax credits provided under this program shall be applicable to taxable periods beginning before January first, two thousand twenty-nine.