

● **TAX LAW (*PERSONAL INCOME TAX*)**

*STATUTORY CITATION:* N.Y. Tax Law §§ 601 – 699

*GENERAL SUMMARY:* Article 22 of the state tax statutes imposes a tax on certain personal income, including all employment earnings of New York residents and that portion of the earnings of non-residents which is derived from or connected with New York sources. Every employer maintaining an office or transacting business in the state and making payment of any wages subject to the state personal income tax must deduct and withhold from each worker's wages for each payroll period an amount calculated to approximate the worker's state income tax liability on such wages. The amounts withheld must be periodically forwarded to the state or a designated tax depository, for credit against the worker's year-end liability. On or before February 15 of the succeeding year, the employer must provide the worker with a written statement showing the amount of wages paid to the worker and the amount deducted and withheld as tax.

*PROVISIONS APPLICABLE TO AGRICULTURE:* According to state tax rules, wages are subject to state income tax withholding to the same extent as they are subject to withholding of federal income tax. Under the U.S. Internal Revenue Code, agricultural employers who pay at least \$2,500 in wages for agricultural labor during the year are required to deduct and withhold federal income tax from the wages of their agricultural employees. In those cases, farm employers in New York must also withhold state income tax from their workers' wages.

Likewise, an employer whose annual agricultural payroll expenditures amount to less than \$2,500, but who pays at least \$150 in cash agricultural wages to a particular worker during the year, is required to withhold federal income tax from that worker's wages, and thus would be obligated to withhold state income tax as well.

*SPECIAL NOTES OR ADVISORIES*

**TAX RETURNS AND LIABILITY** — Even if exempt from tax withholding, a farmworker may be required to file an annual state income tax return and may be liable for payment of taxes, depending on total net income during the tax year and other circumstances.

*ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Collections and Civil Enforcement Division, New York State Department of Taxation and Finance, Albany, New York 12227 (518-591-1980).*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*