

# Info for New Employers in NY

## Each Employer is Required to do the following:

### 1 Register with the IRS

**Form SS-4**, Application for Employer Identification Number (EIN), must be completed and submitted to the IRS. See "How to get an EIN".

### 2 Register with New York

**Form NYS-100**, NYS Employer Registration for Unemployment Insurance, Withholding and Wage Reporting, must be completed and mailed to NYS. Non corporate employers who only employ their spouse and/or their children, under 21, are EXEMPT from Unemployment Tax and are not required to register.

### 3 Obtain Mandatory Insurance Coverage for Employees

**Disability Insurance** policies are required for all employees. Non corporate employer's **children under 18 yrs old are exempt**. Employers may elect to exclude spouse by completing form DB 212.5. For applications: [www.nysif.com](http://www.nysif.com) or call NYS Insurance Fund at **866-697-4332**.

**Workers' Compensation** insurance is required for ALL employees, no exceptions. For applications: [www.nysif.com](http://www.nysif.com) or call Workers' Compensation at **888-875-5790**.

**Note: Corporate Employers** with 2 or less officers are not required to obtain insurance for officers.

### 4 Requirements when Hiring Employees

**Form I-9** must be completed by each employer and employee to determine employee's eligibility to be hired.

**Form W-4** must be completed by each employee to determine the marital status and exemptions claimed. Employee is allowed to claim a different marital status for purposes of withholding only. If employee claims more than 10 exemptions, this must be reported to the IRS.

**Report New Hires** Employers must report all new hires to NYS within 20 days of the start date. W-4 can be faxed to NYS at 518-869-3318, thereby fulfilling the reporting requirement. Be sure that form W-4 shows the employer information. If a payroll processing company such as Paychex, is used they will report your new hires to NYS.

**NYS Labor Law** You must provide your new hires with Form LS-54 showing their pay rate and pay dates, when hired and also when their pay rates change. For this form and instruction sheet click on [www.labor.ny.gov/forms-docs/wp/ellsformsandpublications.shtm](http://www.labor.ny.gov/forms-docs/wp/ellsformsandpublications.shtm) and then click on *Pay Notice for Hourly Rate Employees (LS 54)*

**Notice of Employees Rights** Employers in NYC's five boroughs must give all employees "Notice of Employees Rights". For more info and the text of notices copy and paste the link below.

[http://judakallus.com/files/nyc.paid\\_.sick\\_.leave\\_.law\\_.pdf](http://judakallus.com/files/nyc.paid_.sick_.leave_.law_.pdf)

### 5 Withholding + Paying Taxes

Once wages are being paid, employers are required to withhold from their employees' paychecks various taxes and pay them to the IRS and to NYS periodically. The employers are also required to file, quarterly and annual reports with the IRS and NYS. In addition, the employers are subject to various taxes on those wages which must be paid to the IRS and NYS. Taxes withheld from employees are treated differently from taxes owed on income. **There are severe penalties for not paying them on time** and the liability survives bankruptcy. Therefore, employers should make sure that the payroll taxes are set aside for payment.

### 6 Payroll Processing

Because of the complexity and potential penalties involved with processing payrolls, we highly recommend that employers use a payroll processing company such as PayPath, ADP, Paychex or another to process payroll. We do not provide this service. Over the years we have established an excellent working relationship with Paychex and we recommend them. One advantage for you is if you need service, we can contact our Paychex representative for help. Please call us for the name and phone number of our representative.

Final word If the above seems daunting, call us and we can help you with filling out the forms.