

NYS Tax Filing and Withholding Requirements for New Employers

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Hiring an employee can be a big step for a farm business. In addition to the challenges of managing a new employee, there are lots of laws and regulations to comply with. This article covers your main requirements for reporting new employees to the state, withholding tax, unemployment, and wage reporting.

Your first step is to get an [EIN \(Employer Identification Number\) from the IRS](#). This is necessary for both federal and state registration for employee tax purposes. Once you get your EIN you will register with NYS as an employer. This is done by applying online through New York Business Express ([see Employer Registration for Unemployment Insurance, Withholding, and Wage Reporting for Business Employer \(NYS 100\)](#)), or calling the Department of Labor at 1 888 899-8810 or (518) 457-4179.

Once You Hire an Employee

You must report to the NYS Tax Department certain identifying information about newly hired or rehired employees working in the state **within 20 calendar days of the hiring date**. A newly hired or rehired employee means an employee:

- previously not employed by the employer, or
- previously employed by the employer but separated from such prior employment for 60 or more consecutive days.

The hiring date is the first day compensated services are performed by an employee. This is the first day any services are performed for which the employee will be paid wages or other compensation. New York State employers may report new hire information electronically through the department's new hire Web site (www.nynewhire.com/#/login). Please be aware that effective January 1, 2022, employers were required to report individuals under an independent contractor arrangement with contract(s) more than \$2,500. For more information about New Hire reporting requirements, please visit <https://www.tax.ny.gov/bus/wt/newhire.htm>.

Federal Withholding Requirements

For Federal taxes employers generally must withhold federal income tax from employees' wages. To figure out how much tax to withhold, use the employee's Form W-4, the appropriate method and the appropriate withholding table described in Publication 15-T, Federal Income Tax Withholding Methods.

An employer generally must also withhold part of social security and Medicare taxes from employees' wages and the employer additionally pays a matching amount. To figure out how much tax to withhold, use the employee's Form W-4 and the methods described in [Publication 15, Employer's Tax Guide](#) and [Publication 15-A, Employer's Supplemental Tax Guide](#).

You must deposit your withholdings. The requirements for depositing, as explained in [Publication 15](#), vary based on your business and the amount you withhold.

Federal Unemployment (FUTA) Tax is reported and paid separately from Federal Income tax, and social security and Medicare taxes. You pay FUTA tax only from your own funds. Employees do not pay this tax or have it withheld from their pay. Agricultural employers are liable for any calendar year in which they

(1) pay cash remuneration of \$20,000 or more in any calendar quarter of that year or the preceding year to persons in agricultural labor; or (2) employ 10 or more persons in agricultural labor on at least one day in each of 20 different weeks during that year or the preceding calendar year. Refer to Publication 15, Employer's Tax Guide and Publication 15-A, Employer's Supplemental Tax Guide for more information on FUTA tax.

NYS Withholding Requirements

Agricultural employers are subject to NYS unemployment for most employees. Generally, if your business has a gross payroll of \$300 or more in a calendar quarter, your business is subject to the New York State Unemployment Insurance Law and must register with DOL. The NYS Tax Department is required to collect wage reporting information based on definitions used by NYS DOL in administering the unemployment insurance program. Every employer who is liable under the provisions of the New York State Unemployment Insurance Law is required to file a quarterly wage report with the department on [Form NYS-45, Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return](#), and if needed, Form NYS-45-ATT, Quarterly Combined Withholding, Wage Reporting, and Unemployment Insurance Return – Attachment. Forms NYS-45 and NYS-45-ATT may be filed online using the Tax Department's Web File system (at www.tax.ny.gov) or on paper.

You are also likely to be obligated to provide workers compensation insurance and disability insurance to your employees as well as withholding for paid family leave. You can get information on current rates for workers' compensation and disability insurance by visiting the State Insurance Fund Web site (www.nysif.com), or by calling the State Insurance Fund at 1 888 875-5790. Most private employers with one or more employees are required to obtain Paid Family Leave insurance. Contact your broker or insurer for information about available policies as well as options for paying your premium (e.g., whether it can be paid semi-annually, annually, or annually on a retrospective basis). This insurance is generally added as a rider on an existing disability insurance policy; it does not replace it. For a list of insurers offering Paid Family Leave policies, visit the [PFL section of the Department of Financial Services website](#).

For More Help

New York State Department of Labor Web site: www.labor.ny.gov. Telephone assistance is available Monday through Friday by calling 1 888 899-8810 or (518) 485-8589.

New York State Tax Department Web site: www.tax.ny.gov Telephone assistance is available Monday through Friday by calling (518) 485-6654

For information relating to New York State unemployment insurance, income tax withholding (including New York City and/or Yonkers, if applicable), and wage reporting, see [Publication NYS-50, Employer's Guide to Unemployment Insurance, Wage Reporting, and Withholding Tax](#).

For federal wage reporting and withholding information, see [IRS Publication 15, \(Circular E\), Employer's Tax Guide](#), which explains employer filing responsibilities and the withholding and payment of federal income and employment taxes.