



# Compliance Insights

## New York: Department of Taxation & Finance (Taxation) Department of Labor (DOL)

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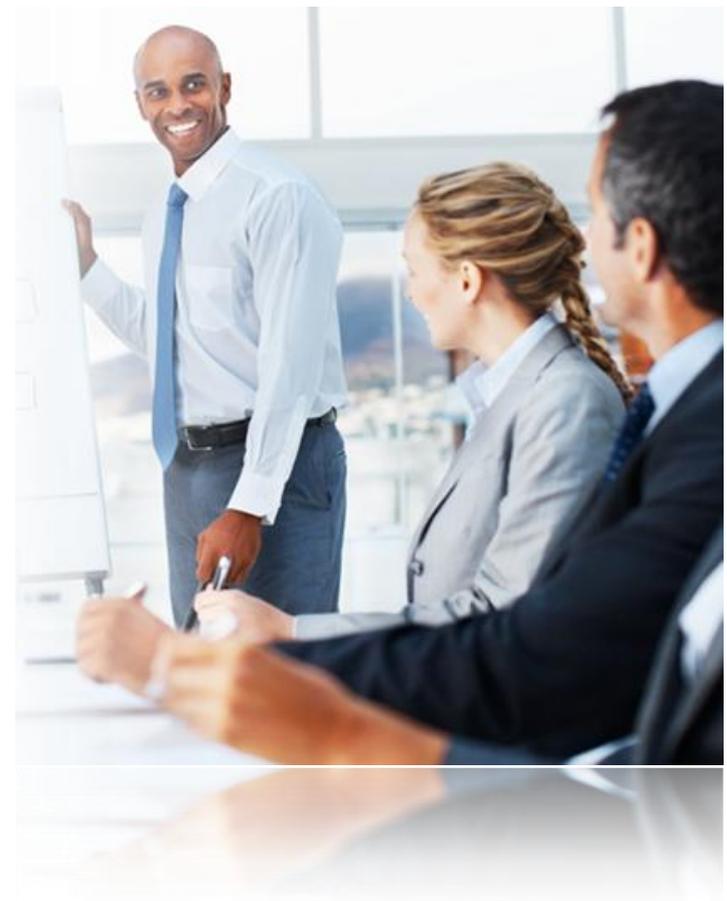


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# Housekeeping

- **This is one of a number of complimentary webinars that ADP offers each year**
- **Today's webinar will last for 30 minutes, ending at 2:30 p.m. (ET)**
- **The last 10 minutes of today's program have been reserved for Q&A**
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# Presenter



**Cathy Koclanakis**  
*Assoc. Agency Relations Analyst*  
*ADP, Inc.*

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# Agenda

- **High-Level State and Local Overview**
- **Current Opportunities**
- **What New York Wants You to Know**
- **Recent Accomplishments**
- **Q&A**

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# High-Level State and Local Overview

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# High-Level State Overview

## New York State Department of Taxation and Finance (Taxation) New York State Department of Labor (DOL)

- Some shared processing between taxation and labor departments
- Shared forms between taxation and labor departments
- Taxation collects unemployment insurance payments

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# High-Level Local Overview

## Local taxes

- New York City Resident & Non-Resident – 4.25%
- Yonkers City Resident – 1.443%
- Yonkers Non Resident - 0.5%

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# High-Level Local Overview

## Metropolitan Commuter Transportation Mobility Tax (MCTMT)

- Imposed if:
  - Payroll exceeds \$2,500 for 1Q2012, *or*
  - \$312,500 in any calendar quarter on or after April 1, 2012, *or*
- Tiered rate based on payroll expense:
  - \$312,500.01 - \$375,000.01 – **0.11%**
  - \$375,000.01 - \$437,500.01 – **0.23%**
  - Over \$437,500.01 – **0.34%**

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# High-Level State Overview



Selected by Department of Taxation and Department of Labor (DOL) to process hardcopy quarterly forms



↓      ↓      ↓  
**NYC      Yonkers      MCTMT**

# High-Level State Overview

## ■ Payments (Taxation)

### ■ Deposit due dates:

- 3 business days (*if withheld \$15,000 or more in 2011*)
- 5 business days (*if withhold < \$15,000 in 2011*)
- Liability under \$700 remitted quarterly

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# High-Level State Overview

- **Electronic Payments (Taxation)**
  - PromptTax, or electronic funds transfer (EFT), is required if \$100K liability in prior year
  - \$5,000 penalty for noncompliance
  - EFT registration:
    - <http://www.tax.ny.gov/bus/prompt/default.htm>  
(2-3 day turnaround)
    - FORM TR-370 (30 day turnaround)

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# High-Level State Overview

## FORM NYS-1 (Return of Tax Withheld)

New York State Department of Taxation and Finance  
**NYS-1** (1/13) **Return of Tax Withheld**

Withholding identification number  
[ ] [ ] [ ]

Employer's legal name: \_\_\_\_\_

A Last payroll date – Enter date of last payroll covered by this return (mmdyy) [ ] [ ] [ ]

B If you permanently ceased paying wages, enter date of final payroll (mmdyy) ..... [ ] [ ] [ ]

C Mark an **X** in the box for additional payment .....

I certify that this information is to the best of my knowledge and belief true, correct, and complete.

Taxpayer's signature	Taxpayer's name (print or type)	Date	Telephone number ( )

Mark **X** if new employer or address change (see back)

For office use only

Postmark [ ] [ ] [ ]	Received date [ ] [ ] [ ]	SI [ ]
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11319412

1 New York State tax withheld ...	[ ] [ ] [ ]	[ ] [ ]
2 New York City tax withheld .....	[ ] [ ] [ ]	[ ] [ ]
3 Yonkers tax withheld .....	[ ] [ ] [ ]	[ ] [ ]
4 Total withheld (add lines 1, 2, & 3)	[ ] [ ] [ ]	[ ] [ ]
5 Credit claimed .....	[ ] [ ] [ ]	[ ] [ ]
6 Total tax due (line 4 minus line 5) \$	[ ] [ ] [ ]	[ ] [ ]

[http://www.tax.ny.gov/pdf/current\\_forms/wt/nys1\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/wt/nys1_fill_in.pdf)

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# High-Level State Overview

## FORM MTA-305 (Employer's Quarterly Metropolitan Commuter Transportation Mobility Tax)

New York State Department of Taxation and Finance  
**Employer's Quarterly Metropolitan Commuter Transportation Mobility Tax Return** MTA-305 (4/12)

Amended return

For help completing your return, see instructions, Form MTA-305-I.

Legal Name: \_\_\_\_\_ Employer identification number (EIN): \_\_\_\_\_

Address (number and street or rural route): \_\_\_\_\_ Address changed? (Mark X if law firm)  Mark an X in only one box to indicate the quarter (a separate return must be completed for each quarter) and enter the last two digits of the tax year.

City, village, or post office: \_\_\_\_\_ State: \_\_\_\_\_ ZIP code: \_\_\_\_\_ Jan 1 - Mar 31  Apr 1 - Jun 30  July 1 - Sep 30  Oct 1 - Dec 31  Tax year: \_\_\_\_\_

Number of employees — Enter the number of covered employees whose wages are included in the amount of payroll expense reported for the quarter: \_\_\_\_\_

Enter your 2-character special condition code, if applicable (see instructions): \_\_\_\_\_  
If you permanently ceased paying wages subject to the metropolitan commuter transportation mobility tax (MCTMT), enter the date (MM/DD/YYYY): \_\_\_\_\_

1. Payroll expense subject to the MCTMT (see instructions) ..... 1. \_\_\_\_\_

2. MCTMT due for quarter (see instructions) ..... 2. \_\_\_\_\_

3. Total prepayments including Prompt Tax payments and/or overpayments from previous quarter (see instructions) ..... 3. \_\_\_\_\_

4. MCTMT balance due (if line 2 is more than line 3, subtract line 3 from line 2; pay this amount) ..... 4. \_\_\_\_\_

6. Total MCTMT overpaid (if line 2 is less than line 3, subtract line 2 from line 3; enter here and mark an X in box 6a or 6b) ..... 6. \_\_\_\_\_

6a. Refund  or 6b. Credit to next quarter MCTMT

Sign your return: I certify that the information on this return and any attachments is to the best of my knowledge and belief true, correct, and complete.

Third-party designee? (see note) Yes <input type="checkbox"/> No <input type="checkbox"/> (E-mail)	Print designee's name: _____	Designee's phone number ( ): _____	Personal identification number (PIN): _____
Paid preparer must complete (see instructions)		Taxpayer must sign here	
Preparer's signature	Date	Preparer's MCT PIN	Taxpayer's signature
Firm's name (or yours, if self-employed)	Preparer's PTIN or SSN	Preparer's PTIN or SSN	Print signer's name
Address	Employer identification number	Employer identification number	Title
Preparer's e-mail	Mark an X if self-employed <input type="checkbox"/>	Date	Telephone number ( ): _____
Payroll service's name	Payroll service's EIN	E-mail	

Note: If you are using a paid preparer or a payroll service, the section above must be completed.  
Make your check or money order payable to: Commissioner of Taxation and Finance

Mail this return to: MCTMT PROCESSING CENTER  
PO BOX 4139  
BINGHAMTON NY 13902-4139

0121120094

[http://www.tax.ny.gov/pdf/current\\_forms/mcmtmt/mta305\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/mcmtmt/mta305_fill_in.pdf)

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# High-Level State Overview

- **Payments (DOL)**

- Quarterly
- Check

- **Filings (DOL)**

- Mandated electronic filing
- Form NYS-45
- Interest Assessment Surcharge was due August 2012

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# Current Opportunities

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# Current Opportunities

## ■ Challenges (Taxation)

- EFT authorization form
- EFT access codes
- Custom power of attorney
- Filing and deposit posting issues for MCTMT
- Litigation of the MCTMT appeal process

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# Current Opportunities

- **Common Setup Problems (Taxation and DOL)**
  - Missing registration
    - Apply through DOL at <http://www.tax.ny.gov/bus/doingbus/hire.htm#hire> or by calling (888)899-8810
    - DTF-95 to update Taxation with account profile information
  - Employer identification number discrepancies due to predecessor and successor changes
  - Inactive account reactivation



# What New York Wants ADP Clients to Know

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# What NY Wants ADP Clients to Know

## Taxation

- If mandated EFT for withholding tax, then mandated EFT for MCTMT payments
- MCTMT is still in effect
  - Although tax has been appealed by the state, the appeal is in litigation
- New EZ Rep System (Form TR-2000 Tax Information Access & Transaction Authorization)
- Hurricane Sandy Relief – (518) 485-6654
- 14-day rule for “traveling” employees – (518) 485-6654



# What NY Wants ADP Clients to Know

## DOL

- Federal Unemployment Tax Act (FUTA) Credit Reduction:
  - 2012 credit reduction = 0.6%
  - FUTA rate = 1.2%
  - FUTA tax per employee = \$84

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# Accomplishments

# Accomplishments

## ■ DOL

- ADP clients are not required to file a custom power of attorney (POA)
- ADP is the first service provider to negotiate the POA agreement
- Quarterly rate and account number verification process

## ■ Taxation

- ADP is permitted to use temporary EFT access codes
- MCTMT – ADP submitted a protective claim for 32,000 clients so that if the tax is appealed, employers will receive their refunds after the statute of limitation
- Monthly deposit schedule and EFT validation process

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# Accomplishments

- **Taxation and DOL**

- Annual agency visits
- Proposals and opportunities discussions
- ADP is surveyed for feedback on new and existing initiatives

# Q&A



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and plan future webinars***

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**Thank you for attending!**



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