

# State of New York (NY) Employee Retention Credit for 2020, 2021, and 2022

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# NEW YORK ERC / ERTC EMPLOYEE RETENTION CREDIT FOR 2020, 2021, AND 2022

New York's civilian labor force is made up of 9,405,392 payroll and W-2 employees. The unemployment rate for New York is currently 4.50%, which means there are an estimated 423,819 employees that are laid off, or unemployed right now. This, according to the U.S. Bureau of Labor Statistics ([LAUS](#)) (BLS) and the [New York Department of Labor and Employment](#) as of April 2022, for employment statistics in New York.

[New York employers](#) and small business owners in NY are unaware or confused about the New York Employee Retention Credit (ERC) program, and how to claim up to \$26,000 per employee, if your company is doing business in the [State of New York](#).

## What is the New York Employee Retention Credit (ERC)?

The [New York Employee Retention Credit](#) (ERC), or New York Employee Retention Tax Credit (ERTC) for NY small businesses financially affected by COVID, is a tax credit subsidy equal to 50% of eligible salary offered to workers by a qualified employer between March 12, 2020, and January 1, 2021.

New York employers who are eligible for the federal IRS tax credit can get it right now by lowering their payroll tax payments for W-2 employees.

The Capital Spending and Jobs Act of 2021 changed section 3134 of the Tax Code to limit the Retaining Employee's Credit to wages earned after October 1, 2021, unless the company is in the process of recovering from a financial setback. For further information, read the IRS [press release](#) advising the Employee Retention Credit retroactive termination.

Additionally, if the New York employer's tax payments are insufficient to meet the employment credit, the IRS may make an advance payment to the employer.

**To find out how your [New York small business](#) can claim the ERC / ERTC Tax Credit, keep reading.** This will describe everything you need to know about the Employee Retention Credit program, and how to claim these tax credits for your business in New York.

## **New York Tax Credits: Get Up To \$26,000 Per Employee for Employee Retention**

The amount of the 50 percent credit can be calculated using wages (including Qualified Health Plan Expenses) up to \$10,000 per employee. Many financially suffering businesses can take advantage of this benefit by reducing future payments or seeking an advance refund on IRS [Form 7200](#), Advanced of Employee Credits Due to COVID-19, which can be used for salaries earned before March 12, 2020.

**New York employers, especially tax-exempt groups, are qualified again for the benefit if they operate a business or trade in 2020 and face one of the following problems:**

- Due to government instructions banning commerce, travel, or group gatherings as a result of the COVID-19 pandemic, a total or partial stoppage of their trade or activities during any calendar quarter.
- A significant drop in gross receipts and suspension of operations.

**The following situations cause a significant decrease in gross receipts:**

- The starting day of the first fiscal quarter was January 1, 2020.
- The overall receipts of a Recovery startup firm are less than half what they are in the very same quarter last year.

## The significant reduction in gross revenues is over:

- The first day of the calendar quarter after the previous calendar quarter
- When gross receipts make up more than 80% of total gross revenue
- 2019 for the same calendar quarter

The credit is available for qualifying salaries paid during this time period or any calendar quarter, including Health insurance costs that were halted.

## New York Employee Retention Tax Credit (ERTC), What Is It?

Because the coronavirus is wreaking havoc in New York and for companies around the country, there are a variety of coronavirus payroll tax credits available to assist NY employers. It's a completely refundable tax credit available to qualifying firms that can keep employees on the payroll.

In New York, the Employee Retention Tax Credit (ERTC) was renewed by the General Appropriations Act (CAA) until December 2020. On September 30, 2021, the Capital Spending and Jobs Act retrospectively eliminated the ERC for most businesses.

When the CARES Act was voted into law, the refundable Employee Retention Tax Credit was equal to 50% of qualified earnings given to eligible workers from March 13, 2020, through Dec 31, 2020.

## NY Small Business Employee Retention Credit

Thirty-four percent of smaller companies were shuttered in January 2020, compared to January 2019. That's an astounding figure for the millions of Americans who toiled and suffered to realize their aspirations from the bottom up.



There is, however, some good news for companies in New York.

If your small business was affected by the pandemic, you might have been eligible for financial assistance under the 2021 Employee Retention Credit. And, to be honest, there may yet be time. Before we go into how to qualify, let's talk about the employee retention credit and how it might benefit your company.

It was established in March 2020 as part of the CARES Act to assist small companies in the aftermath of the COVID-19 pandemic. The purpose was to assist them in receiving the finances they required in order to keep paying their staff and prevent layoffs.

Underneath the American Rescue Package, the ERC was prolonged until the end of 2021 to provide businesses more time to claim the credit. As per the IRS, the Retaining Employees Credit generally applies to qualified wages paid following March 12, 2020, but even before January 1, 2021.

### **What Is an Employee Retention Tax Credit (ERTC)?**

The Employee Retention Credit (ERC) is a refundable tax credit available to qualifying firms that face a large drop in gross receipts or certain closures as a result of COVID-19.

This tax credit is equivalent to 50% of qualified earnings paid to eligible workers between March 13, 2020, through December 31, 2020, rising to \$10,000 per Worker, and 70% of qualified wages given to eligible employees during 2021, up to \$10,000 per Worker every calendar quarter in 2021.

The ERC is designed to assist employers in keeping employees on the payroll and reducing the number of people who file for unemployment benefits.

## What Is an Employee Retention Credit (ERC)?

Employers who were impacted by COVID-19 may not be aware that they may be eligible for a tax credit. This refundable tax credit is a relief tool for employers, encouraging them to keep people on the payroll.

The Consolidated Appropriations Act, which takes effect on January 1, 2021, extended the ERC law. As a result of this extension, any employers who took out PPP loans in 2020 and 2021 may be eligible for the ERC. Because the [ERTC](#) service is new and the law is evolving, specialists are available to ensure that your claim complies with any current IRS instructions as well as eligibility requirements as per service per week.

## What Is the Employee Retention Credit Program?

This Employee Retention Credit Program was established by the Coronavirus Aid, Rehabilitation, and Financial Stability Act. The program is essentially a refund employment tax credit that is immediately accessible to eligible businesses.

Its purpose, like that of the Paycheck Protection Program, is to help employers keep their workers on the payroll if they are incapable to work due to the outbreak or its effects between March 13 through December 31, 2020.

## Employee Retention Credit Program for New York

It contained two programs to aid firms in keeping people employed: the Small Business Administration's Payroll Protection Program and the Internal Revenue Service's Employee Retention Tax Credit.

PPP funds are allocated based on 2.5 months of payroll, with a minimum of 80% of funds utilized on payroll to qualify for forgiveness. Furthermore, PPP monies are not taxed as income, and you may still deduct the PPP-covered wages.

However, ERTC tax credits are credits for a proportion of payroll in each qualifying quarter. There are particular standards for assessing quarterly eligibility and restricting the amount of money that may be claimed per Employee.

The method for acquiring the ERC in 2021 was identical to that described above for 2020. Remember to include in the CAA's modifications, which are detailed above.

If you qualify as a small employer, you can request immediate payment of the benefit using Form 7200, Advancement of Employer Credits Due to COVID-19 (500 or fewer full-time workers in 2019). After 2021, companies with much more than 500 employees will no longer be entitled to raises.

## In New York, How Does an Employee Retention Credit Work?

Employers can apply for and participate in this initiative. Workers, on either hand, benefit since they will be paid although they are still unable to work as a result of the outbreak.

### How Does It Work?

Previously, you were disqualified for the Employee Retention Credit if you had used the Paycheck Protection Program, and that has subsequently changed. You can still reap the benefits of the Employee Retention Credit if you take out a PPP loan and pay it off by May 14, 2020. This credit is also available to tax-exempt organizations.

### Ineligible candidates include:

- Those who took out a Small Business Interruption Loan
- Employers in government
- Self-employed individuals

If you qualify, you'll receive a \$5,000 tax credit for each full-time Employee you maintain. The scheme was revised in May to include health-care costs in the overall salary.

It works by making a tax benefit that would normally be available at tax time available right now. The credit would be given in the form of lower IRS payroll taxes.

## Should I Take Advantage of The Employee Retention Credit?

**Employers can utilize the Employee Retention Credit in two ways: for health care benefits and for other purposes.**

- If your business must shut down entirely or partially during an outbreak in a 2020 quarter, or
- The IRS considers a "substantial fall in gross receipts" if your gross sales fell below 50% as to what they were all in the comparable quarter of 2019, regardless of whether the decline was triggered by the pandemic.

You may still be eligible for the program if your revenue has suffered a major hit as a result of closing your cinder block shop, but you've been willing to proceed with other sorts of business (for example, internet shopping).

## Understanding The Employee Retention Credit for Business in New York

As part of the CARES Act, the Retaining Employees Credit (ERC) was intended to encourage businesses to keep their employees on the roster. For salary received before March 13, 2020, and October 30, 2021, qualifying enterprises can qualify for the ERC.

It can be secured regardless of whether an employer was rated "essential" or received one or more SBA PPP loans.



The ERC is valued at up to \$26,000 per W-2 employee / worker, which is equal to 50% of eligible wages up to \$10,000 in the calendar year 2020 and 70% of eligible income up to \$10,000 in the first three - fourths of 2021.

When presented retroactively, successful ERC return claims lead to direct reimbursements to companies that can help with cash flow.

**The ERC is accessible to both for-profit and non-profit businesses who have experienced one of the following:**

- Entirely or partially halted activities because of Covid-19-related federal, state, or municipal government decrees or proclamations restricting trade, travel, or group gatherings; or
- Gross receipts dropped significantly during the calendar quarter.

In most cases, fully ceased activities imply that an organization is unable to open its doors. A partially halted process needs greater qualitative investigation. If you ran a full-service restaurant and were restricted from having in-person eating or had to reduce your working hours under Covid-19 but were still able to provide outside dining, takeaway, and delivery services, you should qualify for the ERC according to IRS guidelines.

Because the qualifying standards for 2020 differ from those for 2021, a thorough study is required to identify whether an employer qualifies and, if so, to precisely calculate the ERC in order to maximize the refund claim.

**Can I Claim the Employee Retention Credit in New York?**

As per paragraph 206 of the Taxpayers Surety and Catastrophe Tax Relief Act of 2020, businesses that are qualified for the retained Employee's credit (ERC) can claim it even if they have earned a Small Biz Impairment Credit underneath the Paycheck Protection Service.

Any qualified earnings not recorded as payroll expenditures in securing PPP debt forgiveness can be claimed by the eligible company. Any salaries that qualify for loan forgiveness under the ERC or PPP can be used for one of these two schemes, but not both.

Following the enactment of the Taxpayer Certainty as well as the Disaster Tax Relief Act of 2020, the Caution paragraph in the directions for your payroll tax return beneath the line guidelines for Non-returnable Portion of Retaining Employees Credit On Worksheet 1 is no longer applicable.

Beginning with the second quarter, eligible employers must declare their total qualifying salaries and related health insurance expenditures on their quarterly payroll tax returns, which for most firms will be IRS [Form 941](#). The credit is applied to the employer's Social Security tax, although any excess is recoverable under normal circumstances.

## **New York Criteria for the Employee Retention Credit**

When the pandemic hit, the Employee Retention Credit (ERC) helped firms stay open. Since then, company owners have been using this new regulation to keep their employees employed. If you're a company owner who hasn't yet received your refund, stay reading to find out more.

At the outset of the pandemic, many company owners applied for Payroll Protection Program Loans ([PPP](#) Loans). This forgiving loan assisted struggling firms in keeping their staff employed. It was an essential and useful loan, and many firms were eligible to receive it. You couldn't use PPP loans and ERC at the same time when the CARES Act was originally introduced.

These regulations have changed, and you can now participate in both programs. Employee Retention Credit refunds are available to most firms.

**A qualified firm must have fewer than 100 employees in 2020 or 500 in 2021, and one of the following four requirements must be met:**

- When compared to 2019 sales volume statistics, there has been a decrease in sales volume:
- The company was forced to close or partially close (lower capacity) in order to stop the infection from spreading.
- Your company's capacity to finish work was hampered due to supply chain issues.

### **Who Qualifies for the ERC Retention Credit in NY?**

The average number of total employees employed by the qualifying employer for the applicable calendar year is used to calculate qualified earnings. The fraction of group health plan expenditures that is allocable otherwise to qualifying earnings is included in the [ERTC](#) as "qualified wages."

**In order to be qualified, an employer must operate a trade or company in 2020 or 2021 and fulfill one of two conditions:**

1. Due to COVID-19, the employer's commercial operations have been interrupted entirely or partially as a result of directives from a governmental body restricting trade, travel, or group gatherings.
2. Employers can also choose to qualify for quarters in 2021 by looking back at a 20% drop in gross receipts in the previous quarter.

Let's imagine your total receipts in Q1 2019 were \$210,000, but just \$100,000 in Q1 2021. Because your Q1 2021 gross receipts are equivalent to 48 percent of the corresponding quarter in 2019, you would pass the gross receipts test.

### **New York Qualified Employee Retention Credit**

The CARES Act provided several advantages to company owners.

Employee Retention Credit (ERC) is still one of the most important corporate advantages. The ERC is a refund given by the IRS to firms for salaries paid to their employees in 2020 and 2021.

Employers from a variety of industries benefit from ERC. The qualifying criteria are broad enough to accommodate thousands of firms.

The ERC program reimburses qualifying firms up to \$5,000 on employee wages earned in 2020 but up to \$21,000 on wages received in 2021.

### **What New York Businesses Are Eligible for The Employee Retention Credit for the 2020, 2021, and 2022 Tax Filing Years?**

The retaining employee's credit is available to any private-sector enterprise or tax-exempt organization that operates a trade or business inside the calendar year 2020.

pursuant to directives from an appropriate government body prohibiting trade, travel, or group meetings according to [COVID-19](#), totally or partially halted operations for any calendar quarter; or

#### **During the calendar quarter, gross receipts were much lower.**

- The eligibility rules for 2021 have been modified.
- To be eligible for the credit, a significant portion of the company's daily activities must be halted.

For the purposes of the employee retention credit, a portion of an employer's business is considered more than a nominal portion of processes if either the total revenue from that element of daily operations is not less than 10% of total receipts or the number of hours of service done by workers in that section of the business is not less than 10% of the total number of hours of work delivered by all staff in the overall profits.

An employer's business activities must have been curtailed owing to a federal, state, or municipal order, declaration, or decree which impacted the employer's hours of service performed to qualify as temporarily suspended.

A restaurant, for example, that would have to close its dining table owing to a local government decree but could still provide carry-out or delivery service was regarded to have partially ceased operations.

A partial suspension of daily operations might occur if an order restricts the number of hours a firm can be open, or if some commercial activities had to be shut down and work can not be accomplished.

Due to the intricacies of employee retention credit eligibility, Thomson Reuters has revised the Employee Retention Credit Tool to assist all firms in determining their eligibility.

## **New York ERC Employee Retention Credit Filing Services**

For the month in which eligible wages were earned, businesses recorded a total qualified pay and COVID-19 keeping worker's credit on Form 941. Within the 2nd period, the industry's credit again for the quarter ending June 30, 2020 was calculated by recording credit-eligible wages on Form 941.

On all earnings and money paid to all employees for the quarter, the credit may be used for the employer component of social security taxes (6.2 percent rate) and railroad retirement tax. However, for the year 2021, there are certain differences in the rules.

If the credit amount was greater than the employer's share of the federal employment taxes, the difference was recognized as an overpayment and reimbursed to the employer. During the quarter, an eligible employer might lower its employment tax contributions by the expected credit amount.



The company may retain the federal income tax withheld from workers, as well as the employee's part of social security as well as Medicare taxes, and the employer's portion of social security or Medicare taxes, for all employees.

If the employer's employment tax payments were insufficient to cover the expected credit amount, the employer might seek advance payment of the remaining credit amount by filing Form 7200. For 2021, there are new restrictions: the loan is now only accessible to small businesses.

Employers who did not claim the employee retention credit in 2020 or 2021 on a quarterly payroll tax return can file an updated return for each quarter in which the credit is available.

## What Does The NY Employee Retention Credit Offset?

The Employee Retention Tax Credit ([ERTC](#)) was introduced as part of the CARES Legislation to encourage businesses to retain their employees during the pandemic by offering a tax credit that can be used to reduce payroll taxes.

The General Appropriations Act (CAA), which has been passed into law in December 2020, included several significant changes to ERTC rules. An employer, having obtained a PPP loan, could not previously apply for ERTC.

The CAA, on the other hand, enlarged ERTC to include companies that had obtained a PPP loan, as well as extending the credit until June 30, 2021, and increasing the credit amount given to each Employee.

### **To be eligible, a company must either:**

- Be shut down by government order and have activities suspended entirely or partially as a result of the shutdown

- Gross revenues are down significantly from the previous year

For the purposes of the Employee Retention Credit, a government shutdown is defined as a limitation on commerce, travel, or gatherings that has a detrimental impact on your firm. The government order must limit a company's ability to function in a regular manner, including hours of operation, product offerings, and capacity, in such a way that it reduces the business' operations.

If a government agency issues orders that do not have a detrimental impact on your firm, this does not constitute a complete or partial suspension of activities. Furthermore, a voluntary stoppage of economic activity without a competent government authority's direction does not constitute a government shutdown.

### **What Is a Large Drop in Gross Receipts?**

The gross revenue test varies from year to year. If you fulfill the gross receipts requirement, all salaries paid during that quarter may be ERTC eligible. Furthermore, each quarter is an eligible quarter until the quarterly in which your gross receipts reach 80% of the previous year's equivalent quarter.

### **What Are the Earnings That Qualify?**

It depends on your qualifications. Only the earnings earned during the closure are eligible wages if you qualify due to a government shutdown. All salaries paid during the qualifying quarter are eligible wages if you qualify based on a reduction in gross receipts.

### **What Is the Purpose of The Employee Retention Credit in NY?**

Unlike PPP loans and other small company relief alternatives, the ERC is open to all enterprises that were in operation in 2020 or 2021.

ERC grantees will never have to return or seek forgiveness for ERC monies because the ERC is not a debt.

The ERC is also open until December 31, 2021. For qualified wages paid in 2020, each business can claim up to \$5,000 in credits per Employee and up to \$7,000 in credits every quarter for qualified wages paid in 2021. A single employer's total ERC is unrestricted.

### **The ERC provides benefits to eligible firms in three ways.**

- They can lower the amount of employment tax payments they must make otherwise.
- If they had 500 or fewer full-time employees on average in 2019, they could make a claim for an "advance refund" of the credit that is expected for a particular quarter.

This tax credit may be a better match for many company owners than other of the relief bill's more well-known loans and grants.

### **How Your New York Business Can Use the Employee Retention Credit?**

**The ERC's goal is to encourage businesses to keep employees on the payroll even if they are unable to work due to the coronavirus outbreak within the time period covered. Here's everything you want to understand as a business to maximize this new credit.**

- You can claim a nonrefundable credit of up to \$5,000 for each comprehensive comparable person you maintain from March 13, 2020, to December 31, 2020, and up to \$14,000 for each Worker you retain from January 1, 2021, to June 30, 2021, under the new Employee Retention Credit (ERC).
- You qualify as an employer if you were forced to shut down totally or partially and if your total revenues for the same month in 2019 fell below 50%.

- If you're not in business in 2019, the 2020 quarters might be substituted.
- You can get your credit right now by lowering the amount of payroll taxes you pay to the IRS (IRS).
- The new law, which goes into effect on March 27, 2020, permits businesses who took out Paycheck Protection Program (PPP) loans to claim the ERC for eligible salaries that aren't recognized as payroll expenditures in order to get the PPP debt canceled.

If you had more than 100 full-time workers on average in 2020, you could only claim earnings for those who are not working. If you have less than 100 employees, you can claim earnings for all of them, whether or not they are working.

In 2021, the threshold has already been raised to 500 full-time workers, meaning that if you employ over 500 people, then you could only claim the ERC to those who don't supply services. If your firm has 500 or fewer workers, you can collect the ERC for all of the employees, regardless of whether they are working or not.

The credit is equal to half of up to \$10,000 in qualified wages (including amounts paid towards insurance coverage) per full-time Employee for all eligible calendar quarters commencing March 13, 2020, and ending December 31, 2020. This translates to a maximum score of \$5,000 per employee throughout the course of the term.

A qualifying period begins when total revenues were much less than 50% of gross revenue for the same quarter in 2019, and ends when gross receipts are greater than 80% of gross receipts for the same quarter in 2019.

The credit is fully refundable and can be used to pay your share of the owner's Social Security taxes. This means the refund will be viewed as an excess, with your share of the taxes removed and refunded to you.

Based on three eligible quarters, the chart below shows your payroll expenditures for one full-time Employee in 2020. Because other expenditures are unaffected, the chart solely lists FICA taxes as a cost.

## How To Calculate Employee Retention Credit for Companies in New York?

In 2021, employers can get an ERC of up to \$7,000 per Employee each quarter. Employees are eligible for credits worth 70% of their qualifying salaries and related qualified health plan expenditures.

### For One NY Employee:

Assume you have one employee who receives \$10,000 in qualifying earnings in the first quarter of 2021. You would receive a \$7,000 credit as an employer ( $\$10,000 \times 70\%$ ).

### One NY Employee Healthcare Costs:

Let's imagine you pay your one Employee \$5,000 in qualifying earnings in one quarter, as well as \$1,000 in qualified employee health insurance. Multiply the sum of your eligible salary and employee health insurance by 70 percent.

### Several NY Employees:

Assume you have three workers. During the quarter, you pay two of your three workers \$10,000 in qualifying compensation and the third Employee \$20,000 in qualified earnings before the deferment period.

## IRS Employee Retention Credit Support for NY

New York Employers received a completely refundable tax benefit known as the Employee Retention Credit (ERC).



At the outset of the pandemic, it was enacted as part of the CARES Act, and it encouraged employers to retain staff on the payroll. Visit their [official website](#) to read the ERC FAQ from the Internal Revenue Service (IRS) website, as it relates to your business in New York.

## Summary and Conclusion for the ERTC Program in New York

Most New York small businesses were hit hard by the coronavirus, and most are still feeling the economic and financial repercussions. Thankfully, there are additional financial remedies available to assist your New York company in alleviating the effects of the pandemic.

With both the SBA Economic Injury Disaster Loan (EIDL) and the Paycheck Protection Program (PPP) both being closed, there are limited options to keep your NY business afloat. One key resource still available is the ERC / ERTC tax credit program in New York.



**Schedule Your [Employee Retention Credit Consultation](#)** to see what amount of employee retention tax credit your company qualifies for.

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[Everything to Know About Form 941-X for the ERC Credit](#)

[Employee Retention Credits - A Detailed FAQ Guide](#)

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[The Employee Retention Tax Credit Reinstatement Act](#)

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[Gross Receipts for the Employee Retention Credit](#)

[Employee Retention Credit 2021 IRS Guidance](#)

[How Does the Employee Retention Credit Work?](#)

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[Can You Get Both the Employee Retention Credit and PPP Loan?](#)

[Understanding the ERC Credit Calculation Spreadsheet 2021](#)

[All About Employee Retention Credit Taxable Income](#)

# EMPLOYEE RETENTION TAX CREDIT (ERC / ERTC) HELP: CLAIM UP TO A \$26,000 REFUND PER EMPLOYEE FOR YOUR BUSINESS

Disaster Loan Advisors™ can **assist your business with the complex and confusing** Employee Retention Tax Credit (ERTC) and Employee Retention Credit (ERC) program.

Depending on eligibility, business owners and companies can **receive up to \$26,000 per employee** based on the number of W2 employees you had on the payroll in 2020 and 2021.

The ERC / ERTC Program is a **valuable tax credit you can claim**. This is money you have already paid to the IRS in payroll taxes for your W-2 employees.

Done correctly, **these tax credits or cash refunds can be retroactively claimed for up to 3 years**.

It's encouraged that business owners **obtain professional assistance in going through the complex 941-X amended filing process** to help your company **maximize** the full value of the ERC / ERTC program.



**4/15/24 is the Deadline to Amend the 2020 Tax Year.**  
**4/15/25 is the Deadline to Amend the 2021 Tax Year.**



Schedule Your [Employee Retention Credit Consultation](#) to see what amount of employee retention tax credit your company qualifies for.

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