



NEW YORK STATE SENATOR

Jack M. Martins

## Senator Martins: Tax Cuts and New Protections for Women Among the New Laws Taking Effect in January

JACK M. MARTINS December 30, 2015

| ISSUE: **LEGISLATIVE UPDATE**

Senator Jack M. Martins (R-7th Senate District) announced that tax cuts for veterans and businesses, enhanced protections from violence and discrimination for women, easier access to health care services through telehealth services, and expedited access to critical information in missing child cases are among the new laws taking effect in January, 2016.

Senator Martins supported the measures in the Senate.

The new laws include:

### **Women's Equality Agenda**

On January 19, 2016, the following portions of the Senate's Women's Equality Agenda will take effect:

- Preventing Human Trafficking and Protecting Trafficked Victims: This new law toughens penalties against those human trafficking young women, men, and children. It will reduce the stigma defendants may face when they are victims of the massive \$32 billion sex trafficking industry;

- **Ensuring Equal Pay:** The law will ensure that women receive the wages they are entitled to by prohibiting employers from paying employees disparate amounts due to gender. In New York, on average, a woman working full time is paid \$42,213 per year, while a man working full time is paid \$50,388 per year. This creates a wage gap of \$8,275 between full-time working men and women in the state;
- **Stopping Discrimination Based on Family Status:** The new law will help working mothers by preventing discrimination in the hiring and promotion of people with families. Employers will be prohibited from denying work or promotions based on family status, such as parents and women who are pregnant. Prior laws only prohibited discrimination based on family status in credit and housing decisions but not employment with children;
- **Ending Pregnancy Discrimination in the Workplace:** This law requires employers to provide reasonable accommodations to employees with pregnancy-related medical conditions. A pregnancy-related condition would be treated as a temporary disability. Additionally, the measure would codify in law a regulation that an employee must provide medical or other information to verify the existence of the condition;
- **Preventing Housing Discrimination Against Domestic Violence Victims:** The new law prohibits discrimination against domestic violence victims in housing, and subjects violators of this prohibition to a misdemeanor. It also allows the option of a civil action for a violation of the prohibition;
- **Prohibiting Sexual Harassment in the Workplace:** This law protects all employees from sexual harassment by applying existing protections to businesses of all sizes. Under prior law, people working at businesses with fewer than four employees could not file a harassment complaint with the state because small employers were exempt from the law that prohibits harassment. More than 60 percent of the state's private employers have fewer than four employees; and

- **Removing Barriers to Remediating Discrimination:** This law removes barriers to remediating discrimination by allowing successful parties to recover attorney's fees in employment or credit discrimination cases based on sex.

### **Business Tax Cuts**

In 2014, the Senate succeeded in overhauling and simplifying the State Corporate Franchise Tax, which incorporated banks into the new combined code. Starting on Jan. 1, 2016, the Business Income Tax Rate will be lowered from 7.1 to 6.5 percent, saving businesses a total of \$125 million.

Also starting January 1, 2016, New York State's small business exemption increases to 5 percent for sole proprietors with at least one employee and a federal adjusted gross income that does not exceed \$250,000. Exemption increases have been phased in since legislation was passed in 2013 and will ultimately save small businesses a total of \$61 million.

### **Increases in the Minimum Wage and Minimum Wage Reimbursement Tax Credit**

On December 31, 2015, the state's minimum wage will increase from \$8.75 an hour to \$9 an hour. The increase is coupled with an increase in the Minimum Wage Reimbursement Tax Credit from \$1.31 to \$1.35 to help offset some of the increased wage costs for businesses.

### **Help for Veterans**

A new law that takes effect January 2, 2016, helps reduce the local property tax burden for veterans by authorizing an increase in limits to the real property tax exemption. Municipalities have the option of offering these exemptions to help veterans afford owning

a home. The new limits take into account rising property values so that the savings offered with the tax exemption can continue to help eligible veterans.

### **Access to Missing Child Case Information**

On January 19, 2016, a new law will expedite access to critical information in missing child cases. The law was created in response to a tragic child abuse case in Albany County. It specifies that Child Protective Services (CPS) records can be released to expedite an investigation when law enforcement is investigating a missing child and there is reason to believe that a parent, guardian, or other person legally responsible for the child is the subject of a report of child abuse or maltreatment. If CPS denies the request, law enforcement agencies can request an administrative review by the state Office of Children and Family Services, which would then have the ability to overturn a decision by the county CPS.

### **Expanding Access to Telehealth Services**

New laws that take effect January 1, 2016, will greatly expand telehealth services across the state. Telehealth is the delivery of health-related services using digital information and communication technologies.

- Access to health care is expanded by providing for the delivery of health care services via telehealth under Medicaid coverage and private insurance parity. Under Medicaid provisions, services would be delivered via telehealth by a telehealth provider when the patient is located at an approved originating site. Private insurers would be directed to provide coverage for services delivered via telehealth, as long as these services and providers of the services are otherwise covered under the patient's contract or policy;
- Two other laws include dentists and physical and occupational therapists within the covered telehealth services under Medicaid. These practitioners would then be able to provide services from a distant location to benefit the patient where and when they need

it most.