



Most New York employers have Secure Choice deadlines approaching

By Brian J. Kearney and Margaret Berger
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In the coming weeks or months, most employers in New York State will need to either register for the state's new [Secure Choice](#) savings program or certify their exemption. The program is an automatic-enrollment payroll deduction Roth IRA program that's mandatory for private sector employers (both for-profit and not-for-profit) in New York that meet certain criteria. Employers do not contribute to the program, and the program is not subject to ERISA.

Covered employers. The program covers New York employers that meet all of the following criteria:

- Have been in business for at least two years
- Had at least 10 employees at all times in the previous calendar year
- Have not offered a tax-favored retirement plan (e.g., 401(k) plan, 403(b) plan, payroll deduction IRA) in the preceding two years

Employers that don't meet these criteria are exempt. Employers can either register for the program or certify their exemption on the program's [website](#).

Registration deadlines. The deadline for a covered employer to register for the program depends on an employer's number of employees:

- For employers with 30 or more employees, the deadline is March 18, 2026.
- For employers with 15-29 employees, the deadline is May 15, 2026.

- For employers with 10-14 employees, the deadline is July 15, 2026.

Covered employer responsibilities. The program will notify employers when it is time to register and will send an access code for the process. (Employers that didn't receive an access code or can't find it can request a new one on the [website](#).) Once an employer registers and uploads its employees' information, the program's administrator contacts the employees and gives them 30 days to either make contribution and investment choices or opt out of the program. Employees that make no election are automatically enrolled at a 3% contribution rate, with 1% increases every January until the contribution rate reaches 10%. The administrator — not the employer — establishes IRAs for enrolled employees. Employers are responsible for sending payroll deductions, updating any changes to employees' contribution rates, maintaining employee records, and marking former employees as terminated.

Related resources

Non-Mercer resources

- [New York State Secure Choice Savings Program](#) website
- [New York State Secure Choice Savings Program Board](#) website
- [NY Gen. Bus. Law, Article 43](#), New York State Secure Choice Savings Program
- [NY State Secure Choice Savings Program Policies and Procedures](#)

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