



New York's Secure Choice Savings Program: What Employers Need to Know

The New York Secure Choice Savings Program, originally established in 2018 and expanded by legislation in 2021, is a state-run retirement savings program for private-sector employees who do not have access to an employer-sponsored retirement plan.

For eligible employees, the program provides access to a state-sponsored Roth individual retirement account (Roth IRA) funded through payroll deductions. Eligible employees are automatically enrolled but may opt out, adjust contribution rates, and manage their accounts directly through the program.

For employers, the program creates a mandatory compliance obligation: covered employers must either register for the program and facilitate payroll deductions or certify their exemption if they already offer a qualifying plan.

Employers Subject to the Secure Choice Program

Private employers (including nonprofit organizations) are required to participate in the program if they:

1. Had at least 10 employees in New York during the prior calendar year;
2. Have been in business for at least two years; and
3. Do not offer a qualified retirement plan, such as a 401(k), 403(b), or certain other tax-qualified arrangements.

Employers that meet these requirements ("covered employers") are subject to the program's registration and facilitation requirements. Employers that already offer a qualifying retirement plan are generally exempt from participation but must certify their exemption through the [Secure Choice portal](#).

Scope of the Employer's Obligations

For covered employers, the role is primarily administrative rather than fiduciary in nature. Such employers must:

- Register through the Secure Choice portal;
- Provide required company and payroll information;
- Add eligible employees and facilitate automatic enrollment;
- Begin payroll deductions after the applicable notice and opt-out period;
- Remit employee contributions each payroll cycle; and
- Maintain accurate and up-to-date employee records (including new hires, terminations, and contribution-rate changes).

Employers are neither required nor permitted to contribute to employee accounts and do not act as fiduciaries or manage employee investments.

Key Deadlines for Compliance

- Employers with 30 or more employees: March 18, 2026
- Employers with 15 to 29 employees: May 15, 2026
- Employers with 10 to 14 employees: July 15, 2026

Covered employers that have not yet complied should take steps to do so as soon as possible. The obligation to register or certify exemption remains in effect regardless of whether the applicable deadline has passed.

Potential Penalties for Noncompliance

Article 43 of the New York General Business Law authorizes enforcement against employers that fail to comply with the Secure Choice requirements. However, publicly available official program materials do not currently set out a specific schedule of fines or penalties for violations. Accordingly, the principal compliance focus for covered employers should be to determine whether they are subject to the program and complete any required registration or exemption certification.

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