



Employment Test for Businesses Certified
By Empire State Development (ESD)
On or After April 1, 2005, and Before April 1, 2009

AU-12.2
(9/11)

Legal name of business Federal employer identification number (EIN)

Enter your 7-digit qualified empire zone enterprise (QEZE) certification number from Form DTF-81, Qualified Empire Zone Enterprise (QEZE) Sales Tax Certification, issued by the Tax Department

If you qualified as a new business when you filed your application for sales tax QEZE certification with the Tax Department (Form DTF-84, Application for a Qualified Empire Zone Enterprise (QEZE) Sales Tax Certification - For businesses certified by Empire State Development on or after April 1, 2005, and before April 1, 2009) and you continued to have employees, mark an X in the box.

If you did not qualify as a new business when you filed your application with the Tax Department, complete the employment test below. You are required to pass the employment test each year to continue claiming QEZE sales tax benefits. You must complete the employment test for the tax year ending before the period covered by this claim.

You must use the base period established on your original application for QEZE sales tax benefits (Form DTF-84). The base period employment dates and numbers do not change.

Part A - Employees within EZs

Determine the average number of full-time employees located in empire zones (EZs) for the tax year ending before the period covered by this claim and for your base period. To qualify for QEZE sales tax benefits, the average number of EZ employees in box 1 must exceed the average number of EZ employees for your base period.

Line 1 - Enter in column A the dates of your tax year ending before the period covered by this claim. Enter in columns B through E, for the dates shown, the total number of full-time employees within EZs.

Table with 7 columns: Column A Year, Column B March 31, Column C June 30, Column D Sept 30, Column E Dec 31, Column F Total (B + C + D + E), Column G Average number of employees (divide total in column F by the number of entries in B through E). Row 1: 1. Applicable tax year.....

Line 2 - Enter in column A, lines 2 through 4, the tax years in the base period from your original application (Form DTF-84). (Base period year 1 is the oldest tax year, base period year 3 is the most recent.) Enter in columns B through E, lines 2 through 4, for the dates shown, the total number of full-time employees within EZs.

Table with 7 columns: Column A Year, Column B March 31, Column C June 30, Column D Sept 30, Column E Dec 31, Column F Total (B + C + D + E), Column G Average number of employees (divide total in column F by the number of entries in B through E). Rows 2-4: Base period year 1, 2, 3. Row 5: Total number of full-time employees within EZs during the base period. Row 6: Average number of full-time employees within EZs during the base period.

Is the employment number in box 1 greater than the employment number in box 6? Yes No

- If No, stop; you are not eligible for QEZE sales tax benefits for the tax year following the tax year entered on line 1.
If Yes, continue with Part B.

EIN
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### Part B – Employees in NYS – including EZs

Determine the average number of full-time employees located within New York State (NYS), including EZs. The average number of employees located in NYS, including EZs, for the tax year ending before the period covered by this claim must exceed the average number of employees located in NYS, including EZs, for your base period.

**Line 7** – Enter in column A the dates of the tax year ending before the period covered by this claim. Enter in columns B through E, for the dates shown, the total number of full-time employees in NYS, including EZs.

	Column A Year	Column B March 31	Column C June 30	Column D Sept 30	Column E Dec 31	Column F Total (B + C + D + E)	Column G Average number of employees <i>(divide total in column F by the number of entries in B through E)</i>
7. Applicable tax year.....							<b>7.</b>

**Line 8** – Enter in column A, lines 8 through 10, the tax years in the base period from your original application (Form DTF-84). (Base period year 1 is the oldest tax year, base period year 3 is the most recent.) Enter in columns B through E, lines 8 through 10, for the dates shown, the total number of full-time employees in NYS, including EZs.

	Column A Year	Column B March 31	Column C June 30	Column D Sept 30	Column E Dec 31	Column F Total (B + C + D + E)	
8. Base period year 1 .....						<b>8.</b>	
9. Base period year 2 .....						<b>9.</b>	
10. Base period year 3 .....						<b>10.</b>	
11. Total number of full-time employees in NYS, including EZs, during the base period <i>(add boxes 8 through 10).</i> .....						<b>11.</b>	
12. Average number of full-time employees in NYS, including EZs, during the base period <i>(divide the total in box 11 by the number of entries in columns B through E, lines 8 through 10).</i> .....							<b>12.</b>

Is the employment number in box 7 **greater than** the employment number in box 12? ..... Yes  No

- If **No**, **stop**; you are not eligible for QEZE sales tax benefits for the tax year following the tax year entered on line 1.
- If **Yes**, you meet the employment test requirements for the tax year following the tax year entered on line 1.

**Include this completed worksheet with:**

- **Form AU-12, Application for Credit or Refund of Sales or Use Tax – Qualified Empire Zone Enterprise (QEZE); or**
- **Form FT-500, Application for Refund of Sales Tax Paid on Petroleum Products, as applicable.**