

9964

I N A S S E M B L Y

February 19, 2010

Introduced by M. of A. RABBITT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to requiring the head official of a law enforcement department to enforce a special schedule on Memorial day and Veterans' day that allows law enforcement officers, who are veterans entitled to paid leave, to take such leave

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 63 of the public officers law, as amended by chap-
2 ter 179 of the laws of 2006, is amended to read as follows:
3 S 63. Leave of absence for veterans on Memorial day and Veterans' day.
4 It shall be the duty of the head of every public department and of every
5 court of the state of New York, of every superintendent or foreman on
6 the public works of said state, of the county officers of the several
7 counties of said state, of the town officers of the various towns in
8 this state, of the fire district officers of the various fire districts
9 in this state, and of the head of every department, bureau and office in
10 the government of the various cities and villages in this state, and the
11 officers of any public benefit corporation or any public authority of
12 this state, or of any public benefit corporation or public authority of
13 any county or subdivision of this state, to give leave of absence with
14 pay for twenty-four hours on the day prescribed by law as a public holi-
15 day for the observance of Memorial day and on the eleventh day of Novem-
16 ber, known as Veterans' day, to every person in the service of the
17 state, the county, the town, the fire district, the city or village, the
18 public benefit corporation or public authority of this state, or any
19 public benefit corporation or public authority of any county or subdivi-
20 sion of this state, as the case may be, (i) who served on active duty in
21 the armed forces of the United States during world war I or world war
22 II, or who was employed by the War Shipping Administration or Office of
23 Defense Transportation or their agents as a merchant seaman documented
24 by the United States Coast Guard or Department of Commerce, or as a
25 civil servant employed by the United States Army Transport Service
26 (later redesignated as the United States Army Transportation Corps,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 Water Division) or the Naval Transportation Service; and who served
2 satisfactorily as a crew member during the period of armed conflict,
3 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
4 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
5 foreign, intercoastal, or coastwise service as such terms are defined
6 under federal law (46 USCA 10301 & 10501) and further to include "near
7 foreign" voyages between the United States and Canada, Mexico, or the
8 West Indies via ocean routes, or public vessels in oceangoing service or
9 foreign waters and who has received a Certificate of Release or
10 Discharge from Active Duty and a discharge certificate, or an Honorable
11 Service Certificate/Report of Casualty, from the Department of Defense,
12 or who served as a United States civilian employed by the American Field
13 Service and served overseas under United States Armies and United States
14 Army Groups in world war II during the period of armed conflict, Decem-
15 ber seventh, nineteen hundred forty-one through May eighth, nineteen
16 hundred forty-five, and who was discharged or released therefrom under
17 honorable conditions, or who served as a United States civilian Flight
18 Crew and Aviation Ground Support Employee of Pan American World Airways
19 or one of its subsidiaries or its affiliates and served overseas as a
20 result of Pan American's contract with Air Transport Command or Naval
21 Air Transport Service during the period of armed conflict, December
22 fourteenth, nineteen hundred forty-one through August fourteenth, nine-
23 teen hundred forty-five, and who was discharged or released therefrom
24 under honorable conditions, or during the period of the Korean conflict
25 at any time between the dates of June twenty-seventh, nineteen hundred
26 fifty and January thirty-first, nineteen hundred fifty-five, or during
27 the period of the Vietnam conflict from the twenty-eighth day of Febru-
28 ary, nineteen hundred sixty-one to the seventh day of May, nineteen
29 hundred seventy-five, or (ii) who served on active duty in the armed
30 forces of the United States and who was a recipient of the armed forces
31 expeditionary medal, navy expeditionary medal or marine corps expedi-
32 tionary medal for participation in operations in Lebanon from June
33 first, nineteen hundred eighty-three to December first, nineteen hundred
34 eighty-seven, in Grenada from October twenty-third, nineteen hundred
35 eighty-three to November twenty-first, nineteen hundred eighty-three, or
36 in Panama from December twentieth, nineteen hundred eighty-nine to Janu-
37 ary thirty-first, nineteen hundred ninety, or (iii) who served in the
38 armed forces of a foreign country allied with the United States during
39 world war I or world war II, or during the period of the Korean conflict
40 at any time between June twenty-seventh, nineteen hundred fifty and
41 January thirty-first, nineteen hundred fifty-five, or during the period
42 of the Vietnam conflict from the twenty-eighth day of February, nineteen
43 hundred sixty-one to the seventh day of May, nineteen hundred seventy-
44 five, or during the period of the Persian Gulf conflict from the second
45 day of August, nineteen hundred ninety to the end of such conflict, or
46 who served on active duty in the army or navy or marine corps or air
47 force or coast guard of the United States, and who was honorably
48 discharged or separated from such service under honorable conditions,
49 except where such action would endanger the public safety or the safety
50 or health of persons cared for by the state, in which event such persons
51 shall be entitled to leave of absence with pay on another day in lieu
52 thereof. THE HEAD OFFICIAL OF ANY LAW ENFORCEMENT DEPARTMENT OR AGENCY
53 SHALL MAKE EVERY PRACTICABLE EFFORT TO ENSURE THAT ANY MEMBER OF HIS OR
54 HER LAW ENFORCEMENT DEPARTMENT OR AGENCY SHALL BE ALLOWED TO TAKE SUCH
55 PAID LEAVE OF ABSENCE. SUCH OFFICIAL SHALL PLAN AND ENFORCE A SCHEDULE
56 ON SUCH PUBLIC HOLIDAY WHICH SHALL UTILIZE THOSE MEMBERS OF HIS OR HER

1 LAW ENFORCEMENT DEPARTMENT OR AGENCY WHO ARE NOT VETERANS, BEFORE SCHED-
2 ULING THOSE MEMBERS ENTITLED TO SUCH PAID LEAVE FOR SUCH PUBLIC HOLIDAY.
3 All such persons who are compensated on a per diem, hourly, semi-monthly
4 or monthly basis, with or without maintenance, shall also be entitled to
5 leave of absence with pay under the provisions of this section and no
6 deduction in vacation allowance or budgetary allowable number of working
7 days shall be made in lieu thereof. A refusal to give such leave of
8 absence to one entitled thereto shall be neglect of duty.
9 S 2. This act shall take effect immediately.