

1428

2011-2012 Regular Sessions

I N A S S E M B L Y

January 7, 2011

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

AN ACT to amend the military law, in relation to prohibiting public employers from abolishing positions occupied by public employees absent on military duty

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

- 1 Section 1. Section 243 of the military law is amended by adding a new
2 subdivision 11-a to read as follows:
3 11-A. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ELEVEN OF THIS
4 SECTION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO PUBLIC EMPLOY-
5 ER SHALL ABOLISH A POSITION OCCUPIED BY A PUBLIC EMPLOYEE ENGAGED IN THE
6 PERFORMANCE OF MILITARY DUTY UNLESS THE PUBLIC EMPLOYER CREATES ANOTHER
7 POSITION FOR THE PERFORMANCE OF DUTIES SIMILAR TO THOSE PERFORMED IN THE
8 POSITION ABOLISHED AND APPOINTS THE PUBLIC EMPLOYEE UPON TERMINATION OF
9 HIS OR HER MILITARY DUTY TO THE POSITION THUS CREATED WITHOUT REDUCTION
10 IN SALARY OR INCREMENT.
11 S 2. This act shall take effect immediately.

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

LBD05550-01-1