

7761

2013-2014 Regular Sessions

I N   A S S E M B L Y

June 3, 2013

---

Introduced by M. of A. BENEDETTO, HAWLEY, FARRELL -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to enacting the "veterans employment act"

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

1     Section 1. The executive law is amended by adding a new article 17-A  
2     to read as follows:

3                             ARTICLE 17-A

4                             VETERANS EMPLOYMENT ACT

5     SECTION 369. SHORT TITLE.

6             369-A. LEGISLATIVE FINDINGS.

7             369-B. DEFINITIONS.

8             369-C. TEMPORARY HIRING.

9             369-D. DEPARTMENT OF CIVIL SERVICE RESPONSIBILITIES.

10            369-E. REGULATIONS.

11     S 369. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS  
12     THE "VETERANS EMPLOYMENT ACT".

13     S 369-A. LEGISLATIVE FINDINGS. THE LEGISLATURE HEREBY FINDS THAT IT IS  
14     ESTIMATED THAT OVER THE NEXT FIVE YEARS, FORTY-FOUR THOUSAND VETERANS  
15     ARE EXPECTED TO RETURN TO THIS STATE FROM THEIR MILITARY POSTS, MAKING  
16     THE EMPIRE STATE HOME TO ONE OF THE LARGEST VETERAN POPULATIONS IN THE  
17     COUNTRY. SHOCKINGLY, THE UNEMPLOYMENT RATE FOR POST-9/11 VETERANS IN NEW  
18     YORK WAS 10.7% IN TWO THOUSAND TWELVE, WHICH IS NEARLY ONE PERCENT HIGH-  
19     ER THAN THE NATIONAL AVERAGE AND HIGHER THAN THE STATE'S OVERALL 8.2%  
20     UNEMPLOYMENT RATE. THE LEGISLATURE HAS FOUND PREVIOUSLY THAT IT IS IN  
21     THE INTEREST OF THE STATE TO ENSURE THAT RETURNING VETERANS HAVE EMPLOY-  
22     MENT OPPORTUNITIES AVAILABLE UPON THEIR SEPARATION FROM MILITARY  
23     SERVICE.

24     THE STATE ALREADY ENCOURAGES PRIVATE BUSINESSES TO HIRE MILITARY  
25     VETERANS THROUGH TAX CREDITS AND OTHER ECONOMIC INCENTIVES. IN ADDITION,

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

LBD10818-03-3

1 THE LEGISLATURE HAS PREVIOUSLY FOUND THAT STATE AGENCIES SPEND MILLIONS  
2 OF DOLLARS ANNUALLY ON TEMPORARY STAFF HIRED FROM TEMPORARY EMPLOYMENT  
3 SERVICE COMPANIES TO COVER TEMPORARY STAFFING NEEDS. THESE TEMPORARY  
4 STATE JOBS COULD SERVE AS A BRIDGE FOR RECENTLY DISCHARGED MILITARY  
5 VETERANS WHO HAVE YET TO FIND FULL-TIME PERMANENT WORK. IN ADDITION,  
6 THESE TEMPORARY ASSIGNMENTS COULD SERVE TO DEVELOP THE NEXT GENERATION  
7 OF THE STATE WORKFORCE AND HELP WITH SUCCESSION PLANNING FOR THE CURRENT  
8 WORKFORCE.

9 THE LEGISLATURE DECLARES IT TO BE THE POLICY OF THIS STATE TO USE  
10 HONORABLY DISCHARGED VETERANS FOR TEMPORARY APPOINTMENTS IN STATE AGEN-  
11 CIES RATHER THAN UTILIZING TEMPORARY EMPLOYMENT SERVICE COMPANIES IN  
12 ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES FOR RETURNING MILITARY VETER-  
13 ANS.

14 S 369-B. DEFINITIONS. AS USED IN THIS ARTICLE:

15 1. "STATE AGENCY" SHALL MEAN ANY DEPARTMENT, BOARD, BUREAU, DIVISION,  
16 COMMISSION, COUNCIL OR COMMITTEE WITHIN THE EXECUTIVE BRANCH, THE STATE  
17 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, AND ALL PUBLIC  
18 AUTHORITIES UNDER THE CONTROL OF THE EXECUTIVE BRANCH.

19 2. "TEMPORARY APPOINTMENT" SHALL HAVE THE SAME MEANING AS PROVIDED IN  
20 SECTION SIXTY-FOUR OF THE CIVIL SERVICE LAW.

21 3. "VETERAN" SHALL MEAN AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY IN THE  
22 UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, COAST GUARD OR THE  
23 RESERVES COMPONENT, OR WHO SERVED IN ACTIVE MILITARY SERVICE OF THE  
24 UNITED STATES AS A MEMBER OF THE ARMY NATIONAL GUARD, AIR NATIONAL  
25 GUARD, NEW YORK GUARD OR NEW YORK NAVAL MILITIA, WHO WAS RELEASED FROM  
26 SUCH SERVICE OTHERWISE THEN BY DISHONORABLE DISCHARGE AFTER SEPTEMBER  
27 ELEVENTH, TWO THOUSAND ONE.

28 4. "VETERAN TEMPORARY HIRING LIST" SHALL MEAN A HIRING LIST MAINTAINED  
29 BY THE DEPARTMENT OF CIVIL SERVICE.

30 S 369-C. TEMPORARY HIRING. NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
31 CONTRARY, A STATE AGENCY SHALL SELECT A VETERAN FROM THE VETERAN TEMPO-  
32 RARY HIRING LIST WHEN MAKING A TEMPORARY APPOINTMENT PROVIDED SUCH  
33 VETERAN POSSESSES THE APPLICABLE SKILLS NEEDED FOR THE TEMPORARY ASSIGN-  
34 MENT.

35 S 369-D. DEPARTMENT OF CIVIL SERVICES RESPONSIBILITIES. THE DEPARTMENT  
36 OF CIVIL SERVICE SHALL:

37 1. ESTABLISH AND MAINTAIN A VETERAN TEMPORARY HIRING LIST, FOR USE BY  
38 STATE AGENCIES IN THE IMPLEMENTATION OF THIS ARTICLE;

39 2. ASSIST STATE AGENCIES BY MAKING AVAILABLE SERVICES OF THE DEPART-  
40 MENT OF CIVIL SERVICE TO FACILITATE THE PROVISIONS OF THIS ARTICLE; AND

41 3. ESTABLISH AND MAINTAIN, TOGETHER WITH THE DIRECTOR OF THE DIVISION  
42 OF VETERANS' AFFAIRS, A PROGRAM TO EDUCATE SEPARATING SERVICE MEMBERS AS  
43 TO THE BENEFITS AVAILABLE TO VETERANS UNDER THIS ARTICLE.

44 S 369-E. REGULATIONS. THE PRESIDENT OF THE STATE CIVIL SERVICE COMMIS-  
45 SION SHALL PROMULGATE SUCH RULES AND REGULATIONS AS SHALL BE NECESSARY  
46 TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

47 S 2. This act shall take effect immediately.