

5504--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sens. BALL, ADDABBO, AVELLA, CARLUCCI, DeFRANCISCO, GRISANTI, LANZA, MAZIARZ, SAMPSON, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 THE INTEREST OF THE STATE TO ENSURE THAT RETURNING VETERANS HAVE EMPLOY-
2 MENT OPPORTUNITIES AVAILABLE UPON THEIR SEPARATION FROM MILITARY
3 SERVICE.

4 THE STATE ALREADY ENCOURAGES PRIVATE BUSINESSES TO HIRE MILITARY
5 VETERANS THROUGH TAX CREDITS AND OTHER ECONOMIC INCENTIVES. IN ADDITION,
6 THE LEGISLATURE HAS PREVIOUSLY FOUND THAT STATE AGENCIES SPEND MILLIONS
7 OF DOLLARS ANNUALLY ON TEMPORARY STAFF HIRED FROM TEMPORARY EMPLOYMENT
8 SERVICE COMPANIES TO COVER TEMPORARY STAFFING NEEDS. THESE TEMPORARY
9 STATE JOBS COULD SERVE AS A BRIDGE FOR RECENTLY DISCHARGED MILITARY
10 VETERANS WHO HAVE YET TO FIND FULL-TIME PERMANENT WORK. IN ADDITION,
11 THESE TEMPORARY ASSIGNMENTS COULD SERVE TO DEVELOP THE NEXT GENERATION
12 OF THE STATE WORKFORCE AND HELP WITH SUCCESSION PLANNING FOR THE CURRENT
13 WORKFORCE.

14 THE LEGISLATURE DECLARES IT TO BE THE POLICY OF THIS STATE TO USE
15 HONORABLY DISCHARGED VETERANS FOR TEMPORARY APPOINTMENTS IN STATE AGEN-
16 CIES RATHER THAN UTILIZING TEMPORARY EMPLOYMENT SERVICE COMPANIES IN
17 ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES FOR RETURNING MILITARY VETER-
18 ANS.

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

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

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

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

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

35 S 369-C. TEMPORARY HIRING. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
36 CONTRARY, A STATE AGENCY SHALL SELECT A VETERAN FROM THE VETERAN TEMPO-
37 RARY HIRING LIST WHEN MAKING A TEMPORARY APPOINTMENT PROVIDED SUCH
38 VETERAN POSSESSES THE APPLICABLE SKILLS NEEDED FOR THE TEMPORARY ASSIGN-
39 MENT.

40 S 369-D. DEPARTMENT OF CIVIL SERVICES RESPONSIBILITIES. THE DEPARTMENT
41 OF CIVIL SERVICE SHALL:

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

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

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

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

52 S 2. This act shall take effect immediately.