

5396

2015-2016 Regular Sessions

I N   A S S E M B L Y

February 20, 2015

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Introduced by M. of A. LALOR, THIELE, PICHARDO, LOPEZ, GRAF, SIMANOWITZ  
-- Multi-Sponsored by -- M. of A. ABBATE, CERETTO, TENNEY -- 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 any state 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

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

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

1   thereof. THE HEAD OFFICIAL OF ANY STATE LAW ENFORCEMENT DEPARTMENT OR  
2   AGENCY SHALL MAKE EVERY PRACTICABLE EFFORT TO ENSURE THAT ANY MEMBER OF  
3   HIS OR HER LAW ENFORCEMENT DEPARTMENT OR AGENCY SHALL BE ALLOWED TO TAKE  
4   SUCH PAID LEAVE OF ABSENCE. SUCH OFFICIAL SHALL PLAN AND ENFORCE A SCHE-  
5   DULE ON SUCH PUBLIC HOLIDAY WHICH SHALL UTILIZE THOSE MEMBERS OF HIS OR  
6   HER LAW ENFORCEMENT DEPARTMENT OR AGENCY WHO ARE NOT VETERANS, BEFORE  
7   SCHEDULING THOSE MEMBERS ENTITLED TO SUCH PAID LEAVE FOR SUCH PUBLIC  
8   HOLIDAY. All such persons who are compensated on a per diem, hourly,  
9   semi-monthly or monthly basis, with or without maintenance, shall also  
10  be entitled to leave of absence with pay under the provisions of this  
11  section and no deduction in vacation allowance or budgetary allowable  
12  number of working days shall be made in lieu thereof. A refusal to give  
13  such leave of absence to one entitled thereto shall be neglect of duty.  
14    S 2. This act shall take effect immediately.