

6947

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 15, 2015

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Introduced by M. of A. CUSICK -- read once and referred to the Committee  
on Veterans' Affairs

AN ACT to amend the executive law, in relation to permitting private  
employers to adopt a veterans' preference employment policy

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

1     Section 1. The executive law is amended by adding a new section 369-f  
2     to read as follows:

3     S 369-F. PRIVATE EMPLOYERS VETERANS' PREFERENCE POLICY. 1. AS USED IN  
4     THIS SECTION:

5     A. "PRIVATE EMPLOYER" SHALL MEAN A CORPORATION, PARTNERSHIP, LIMITED  
6     LIABILITY COMPANY, NOT-FOR-PROFIT CORPORATION OR OTHER PRIVATE ENTITY  
7     WITH ONE OR MORE EMPLOYEES AND EXCLUDES THE STATE, A MUNICIPALITY, COUN-  
8     TY OR SCHOOL DISTRICT.

9     B. "VETERAN" SHALL MEAN AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY IN THE  
10    UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, COAST GUARD OR THE  
11    RESERVES COMPONENT, OR WHO SERVED IN ACTIVE MILITARY SERVICE OF THE  
12    UNITED STATES AS A MEMBER OF THE ARMY, NATIONAL GUARD, AIR NATIONAL  
13    GUARD, NEW YORK GUARD OR NEW YORK NAVAL MILITIA, AND MEETS ONE OR MORE  
14    OF THE FOLLOWING:

15    (I) SERVED ON ACTIVE DUTY FOR A PERIOD OF MORE THAN ONE HUNDRED EIGHTY  
16    DAYS AND WAS DISCHARGED OR RELEASED FROM ACTIVE DUTY WITH OTHER THAN A  
17    DISHONORABLE DISCHARGE.

18    (II) WAS DISCHARGED OR RELEASED BECAUSE OF A SERVICE CONNECTED DISA-  
19    BILITY.

20    (III) WAS DISCHARGED OR RELEASED FROM DUTY WITH OTHER THAN A DISHONOR-  
21    ABLE DISCHARGE FROM SERVICE UNDER AN ORDER TO ACTIVE DUTY, EXCLUDING  
22    ACTIVE DUTY FOR TRAINING.

23    C. "VETERANS' PREFERENCE EMPLOYMENT POLICY" SHALL MEAN A PRIVATE  
24    EMPLOYER'S VOLUNTARY PREFERENCE FOR HIRING, PROMOTING, OR RETAINING A  
25    VETERAN OVER ANOTHER EQUALLY QUALIFIED APPLICANT OR EMPLOYEE.

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

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1       2. A PRIVATE EMPLOYER MAY ADOPT AND APPLY A VOLUNTARY VETERANS' PREF-  
2       ERENCE EMPLOYMENT POLICY.

3       3. A VETERANS' PREFERENCE EMPLOYMENT POLICY SHALL BE IN WRITING AND  
4       SHALL BE APPLIED UNIFORMLY TO EMPLOYMENT DECISIONS REGARDING THE HIRING  
5       OR PROMOTION OF VETERANS OR THE RETENTION OF VETERANS DURING A REDUCTION  
6       IN THE WORKFORCE.

7       S 2. This act shall take effect on the one hundred eightieth day after  
8       it shall have become a law.