S T A T E O F N E W Y O R K

3467

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the labor law, in relation to establishing a leave of absence for veterans

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

Section 1. The labor law is amended by adding a new section 202-m to read as follows:

S 202-M. LEAVE OF ABSENCE FOR VETERANS. 1. ANY PERSON MAY REQUEST AND SHALL BE GRANTED A LEAVE OF ABSENCE FROM HIS OR HER EMPLOYER ON VETERANS DAY, NOVEMBER ELEVENTH, IF SUCH PERSON QUALIFIES AS A VETERAN UNDER THIS SECTION UNLESS THE EMPLOYER DETERMINES THAT THE PERSON'S ABSENCE WOULD IMPOSE AN UNDUE HARDSHIP ON THE CONDUCT OF THE EMPLOYER'S BUSINESS AS DEFINED BY PARAGRAPH (D) OF SUBDIVISION TEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW.

2. SUBDIVISION ONE OF THIS SECTION SHALL APPLY ONLY WHEN THE EMPLOYER HAS PREVIOUSLY RECEIVED WRITTEN DOCUMENTATION IDENTIFYING THE PERSON AS A VETERAN ON OR BEFORE OCTOBER FIFTEENTH OF THE SAME YEAR SUCH LEAVE IS BEING REQUESTED.

3. THE ENTIRE PERIOD OF THE AUTHORIZED LEAVE OF ABSENCE GRANTED PURSUANT TO THIS SECTION SHALL EITHER BE UNPAID EXCUSED LEAVE FOR PERSONS WHO ARE SUBJECT TO THE OVERTIME PROVISIONS OF THIS CHAPTER, THE FEDERAL FAIR LABOR STANDARDS ACT AND REGULATIONS PROMULGATED THEREUNDER, OR MAY OTHERWISE BE CHARGED AGAINST ANY OTHER LEAVE TO WHICH SUCH PERSON IS ENTITLED, AS DETERMINED BY THE PERSON.

4. NOTHING SET FORTH IN THIS SECTION SHALL BE CONSTRUED TO IMPEDE, INFRINGE OR DIMINISH THE RIGHTS AND BENEFITS WHICH ACCRUE TO EMPLOYEES THROUGH BONA FIDE COLLECTIVE BARGAINING AGREEMENTS, OR OTHERWISE DIMINISH THE INTEGRITY OF THE EXISTING COLLECTIVE BARGAINING RELATIONSHIP.

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

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5. FOR THE PURPOSES OF THIS SECTION, THE TERM "VETERAN" SHALL MEAN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES WHO WAS HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM SUCH SERVICE, WHO IS A CITIZEN OF THE UNITED STATES OR AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES AND WHO IS A RESIDENT OF THE STATE OF NEW YORK AT THE TIME OF APPLICATION FOR LEAVE.

6. THIS SECTION SHALL NOT APPLY TO ANY INDIVIDUAL COVERED BY SECTION SIXTY-THREE OF THE PUBLIC OFFICERS LAW.

S 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law.