

STATE OF NEW YORK

5947

2021-2022 Regular Sessions

IN ASSEMBLY

March 2, 2021

Introduced by M. of A. LALOR -- 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 chapter 490 of the laws of 2019, is amended to read as follows:

2 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
3 It shall be the duty of the head of every public department and of every
4 court of the state of New York, of every superintendent or foreman on
5 the public works of said state, of the county officers of the several
6 counties of said state, of the town officers of the various towns in
7 this state, of the fire district officers of the various fire districts
8 in this state, and of the head of every department, bureau and office in
9 the government of the various cities and villages in this state, and the
10 officers of any public benefit corporation or any public authority of
11 this state, or of any public benefit corporation or public authority of
12 any county or subdivision of this state, to give leave of absence with
13 pay for twenty-four hours on the day prescribed by law as a public holiday for the observance of Memorial day and on the eleventh day of November, known as Veterans' day, to every person in the service of the
14 state, the county, the town, the fire district, the city or village, the
15 public benefit corporation or public authority of this state, or any
16 public benefit corporation or public authority of any county or subdivision of this state, as the case may be, (i) who served on active duty in
17 the armed forces of the United States during world war I or world war
18 II, or who was employed by the War Shipping Administration or Office of
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD07412-01-1

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

1 conflict from the twenty-eighth day of February, nineteen hundred
2 sixty-one to the seventh day of May, nineteen hundred seventy-five, or
3 during the period of the Persian Gulf conflict from the second day of
4 August, nineteen hundred ninety to the end of such conflict, or who
5 served on active duty in the army or navy or marine corps or air force
6 or coast guard of the United States, and who (a) was honorably
7 discharged or separated from such service under honorable conditions, or
8 (b) has a qualifying condition, as defined in section three hundred
9 fifty of the executive law, and has received a discharge other than bad
10 conduct or dishonorable from such service, or (c) is a discharged LGBT
11 veteran, as defined in section three hundred fifty of the executive law,
12 and has received a discharge other than bad conduct or dishonorable from
13 such service except where such action would endanger the public safety
14 or the safety or health of persons cared for by the state, in which
15 event such persons shall be entitled to leave of absence with pay on
16 another day in lieu thereof. The head official of any state law enforce-
17 ment department or agency shall make every practicable effort to
18 ensure that any member of his or her law enforcement department or agen-
19 cy shall be allowed to take such paid leave of absence. Such official
20 shall plan and enforce a schedule on such public holiday which shall
21 utilize those members of his or her law enforcement department or agency
22 who are not veterans, before scheduling those members entitled to
23 such paid leave for such public holiday. All such persons who are
24 compensated on a per diem, hourly, semi-monthly or monthly basis, with
25 or without maintenance, shall also be entitled to leave of absence with
26 pay under the provisions of this section and no deduction in vacation
27 allowance or budgetary allowable number of working days shall be made in
28 lieu thereof. A refusal to give such leave of absence to one entitled
29 thereto shall be neglect of duty.

30 § 2. This act shall take effect immediately.