STATE OF NEW YORK

6834

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 154 of the laws of 1921, relating to the Port Authority of New York and New Jersey, in relation to military leave for all represented and non-represented persons employed by the Port Authority of New York and New Jersey

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1 of chapter 154 of the laws of 1921, relating to the Port Authority of New York and New Jersey, is amended by adding a new article IV-A to read as follows:

ARTICLE IV-A

1. Definitions. (a) Port Authority of New York and New Jersey employee. The term "Port Authority of New York and New Jersey employee", as used in this act, shall include every person, by whatsoever title, description or designation known, who receives any pay, salary or compensation of any kind from The Port Authority of New York and New Jersey, whether represented by a labor organization or not.

(b) Ordered military duty. The term "ordered military duty", as used in this section, shall mean: Any military duty performed in the service of the state or of the United States, including but not limited to attendance at any service school or schools conducted by the armed forces of the United States, by a Port Authority of New York and New Jersey employee as a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States, pursuant to orders issued by competent state or federal authority, with or without the consent of such Port Authority of New York and New Jersey employee. Participation in routine reserve officer training corps training is not considered to be military duty except when performing advanced training duty as a member of a reserve component of the armed forces.

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

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2. Leave of absence while engaged in performance of ordered military duty. Every Port Authority of New York and New Jersey employee shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from his or her duties or service as such public officer or employee while engaged in the performance of ordered military duty and while going to and returning from such duty.

3. Leave of absence while attending service schools. Every Port Authority of New York and New Jersey employee who is or becomes a voluntary member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from his or her duties or service as such Port Authority of New York and New Jersey employee while in attendance, as a member of such force or reserve components, at any service school or schools conducted by the armed forces of the United States, and while going to and returning from such school or schools, notwithstanding that orders for such attendance are or may be issued with the consent of such public officer or employee.

3-a. Leave of absence while performing full-time training duty or active duty for training with or in an armed force of the United States. Every Port Authority of New York and New Jersey employee who is or becomes a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States shall be entitled to absent himself or herself and shall be deemed to have a leave of absence from his or her duties or service as such public officer or employee while performing, as a member of such force or reserve component, initial full-time training duty or initial active duty for training with or in an armed force of the United States under the provisions of this chapter or the laws of the United States or both, and while going to and returning from such full-time training duty or active duty for training, notwithstanding that orders for such duty are or may be issued with the consent of such public officer or employee.

4. Employment rights. Time during which a Port Authority of New York and New Jersey employee is absent pursuant to the provisions of subdivisions two, three and three-a of this article shall not constitute an interruption of continuous employment and, notwithstanding the provisions of any general, special or local law or the provisions of any city charter, no such employee shall be subjected, directly or indirectly, to any loss or diminution of time service, increment, vacation or holiday privileges, or any other right or privilege, by reason of such absence, or be prejudiced, by reason of such absence, with reference to continuance in office or employment, reappointment to office, re-employment, reinstatement, transfer or promotion.

5. Pay for military duty. (a) Every Port Authority of New York and New Jersey employee shall be paid their salary or other compensation as such Port Authority of New York and New Jersey employee for any and all periods of absence while engaged in the performance of ordered military duty, and while going to and returning from such duty, not exceeding a total of thirty days or twenty-two working days, whichever is greater, in any one calendar year and not exceeding thirty days or twenty-two working days, whichever is greater, in any one continuous period of such absence.

(b) Every Port Authority of New York and New Jersey employee of The Port Authority of New York and New Jersey who served in a combat theater or combat zone of operations as documented by a copy of his or her DD214, certificate of release or discharge from active duty, or other

applicable department of defense documentation, shall be paid his or her salary or other compensation as such Port Authority of New York and New Jersey employee for any and all periods of absence while utilizing any health care related services related to such duty, not exceeding five working days, in any one calendar year.

6. Rights and contributions under retirement systems. (a) The amount of required contributions to any pension or retirement system of which a Port Authority of New York and New Jersey employee absent while engaged in the performance of ordered military duty is a member shall be deducted from the salary or other compensation paid to him or her as such Port Authority of New York and New Jersey employee as provided in this section. If such required contributions exceed the amount of such salary or other compensation to which a Port Authority of New York and New Jersey employee is entitled while engaged in the performance of military duty, the amount of such salary or other compensation shall be applied upon such required contributions and such Port Authority of New York and New Jersey employee shall have the right to pay to such pension or retirement system the amount by which such contributions exceed such salary or other compensation. Such Port Authority of New York and New Jersey employee shall also have the right to pay to such system, for any period of such absence during which he or she shall receive no salary or other compensation as such Port Authority of New York and New Jersey employee, the amount that he or she would have contributed to such system if he or she had been present and continuously engaged in the performance of the duties of his or her position during such period.

(b) Such payments, other than those deducted from his or her salary or other compensation as such Port Authority of New York and New Jersey employee, may be paid from time to time at any time while engaged in such ordered military duty or within five years after the date of termination of such ordered military duty, or, in the event of the death of such Port Authority of New York and New Jersey employee while engaged in ordered military duty, such payments, or any part thereof, may be made by the named beneficiary or the legal representative of such Port Authority of New York and New Jersey employee estate within one year following proof of such death.

(c) To the extent that such contributions are paid, absence while engaged in the performance of military duty shall be counted in determining the length of total service under such pension or retirement system.

(d) Any such Port Authority of New York and New Jersey employee, while engaged in the performance of ordered military duty, or his or her beneficiary, as the case may be, shall be entitled to all the benefits of the pension or retirement system of which he or she is a member except accidental disability retirement and accidental death benefit.

§ 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such legislation this act shall take effect immediately. The chair or vice-chair of the port authority as recommended by the governor of the state of New York shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in section one of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.