

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:

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

4 ARTICLE IV-A

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

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

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

LBD10909-01-3

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

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

19 3-a. Leave of absence while performing full-time training duty or
20 active duty for training with or in an armed force of the United States.
21 Every Port Authority of New York and New Jersey employee who is or
22 becomes a member of any force of the organized militia or of any reserve
23 force or reserve component of the armed forces of the United States
24 shall be entitled to absent himself or herself and shall be deemed to
25 have a leave of absence from his or her duties or service as such public
26 officer or employee while performing, as a member of such force or
27 reserve component, initial full-time training duty or initial active
28 duty for training with or in an armed force of the United States under
29 the provisions of this chapter or the laws of the United States or both,
30 and while going to and returning from such full-time training duty or
31 active duty for training, notwithstanding that orders for such duty are
32 or may be issued with the consent of such public officer or employee.

33 4. Employment rights. Time during which a Port Authority of New York
34 and New Jersey employee is absent pursuant to the provisions of subdivi-
35 sions two, three and three-a of this article shall not constitute an
36 interruption of continuous employment and, notwithstanding the
37 provisions of any general, special or local law or the provisions of any
38 city charter, no such employee shall be subjected, directly or indirect-
39 ly, to any loss or diminution of time service, increment, vacation or
40 holiday privileges, or any other right or privilege, by reason of such
41 absence, or be prejudiced, by reason of such absence, with reference to
42 continuance in office or employment, reappointment to office, re-employ-
43 ment, reinstatement, transfer or promotion.

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

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

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

6 6. Rights and contributions under retirement systems. (a) The amount
7 of required contributions to any pension or retirement system of which a
8 Port Authority of New York and New Jersey employee absent while engaged
9 in the performance of ordered military duty is a member shall be
10 deducted from the salary or other compensation paid to him or her as
11 such Port Authority of New York and New Jersey employee as provided in
12 this section. If such required contributions exceed the amount of such
13 salary or other compensation to which a Port Authority of New York and
14 New Jersey employee is entitled while engaged in the performance of
15 military duty, the amount of such salary or other compensation shall be
16 applied upon such required contributions and such Port Authority of New
17 York and New Jersey employee shall have the right to pay to such pension
18 or retirement system the amount by which such contributions exceed such
19 salary or other compensation. Such Port Authority of New York and New
20 Jersey employee shall also have the right to pay to such system, for
21 any period of such absence during which he or she shall receive no sala-
22 ry or other compensation as such Port Authority of New York and New
23 Jersey employee, the amount that he or she would have contributed to
24 such system if he or she had been present and continuously engaged in
25 the performance of the duties of his or her position during such period.

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

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

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

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