

STATE OF NEW YORK

8914--A

IN ASSEMBLY

January 26, 2024

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Veterans' Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the economic development law, the public officers law and the military law, in relation to expanding the definition of veteran to include members of the commissioned corps of the national oceanic and atmospheric administration and the commissioned corps of the public health service

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

1 Section 1. Subdivision 6 of section 210 of the economic development
2 law, as amended by section 33 of part PP of chapter 56 of the laws of
3 2022, is amended to read as follows:

4 6. "Veteran" shall mean a person who served in the United States army,
5 navy, air force, marines, coast guard, the commissioned corps of the
6 national oceanic and atmospheric administration, the commissioned corps
7 of the public health service, and/or reserves thereof, and/or in the
8 army national guard, air national guard, New York guard and/or the New
9 York naval militia and who (a) has received an honorable or general
10 discharge from such service, or (b) has a qualifying condition, as
11 defined in section one of the veterans' services law, and has received a
12 discharge other than bad conduct or dishonorable from such service, or
13 (c) is a discharged LGBT veteran, as defined in section one of the
14 veterans' services law, and has received a discharge other than bad
15 conduct or dishonorable from such service.

16 § 2. Section 63 of the public officers law, as amended by section 80
17 of part PP of chapter 56 of the laws of 2022, is amended to read as
18 follows:

19 § 63. Leave of absence for veterans on Memorial day and Veterans' day.
20 It shall be the duty of the head of every public department and of every
21 court of the state of New York, of every superintendent or foreman on
22 the public works of said state, of the county officers of the several
23 counties of said state, of the town officers of the various towns in
24 this state, of the fire district officers of the various fire districts

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

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1 in this state, and of the head of every department, bureau and office in
2 the government of the various cities and villages in this state, and the
3 officers of any public benefit corporation or any public authority of
4 this state, or of any public benefit corporation or public authority of
5 any county or subdivision of this state, to give leave of absence with
6 pay for twenty-four hours on the day prescribed by law as a public holi-
7 day for the observance of Memorial day and on the eleventh day of Novem-
8 ber, known as Veterans' day, to every person in the service of the
9 state, the county, the town, the fire district, the city or village, the
10 public benefit corporation or public authority of this state, or any
11 public benefit corporation or public authority of any county or subdivi-
12 sion of this state, as the case may be, (i) who served on active duty in
13 the armed forces of the United States during world war I or world war
14 II, or who was employed by the War Shipping Administration or Office of
15 Defense Transportation or their agents as a merchant seaman documented
16 by the United States Coast Guard or Department of Commerce, or as a
17 civil servant employed by the United States Army Transport Service
18 (later redesignated as the United States Army Transportation Corps,
19 Water Division) or the Naval Transportation Service; and who served
20 satisfactorily as a crew member during the period of armed conflict,
21 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
22 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
23 foreign, intercoastal, or coastwise service as such terms are defined
24 under federal law (46 USCA 10301 & 10501) and further to include "near
25 foreign" voyages between the United States and Canada, Mexico, or the
26 West Indies via ocean routes, or public vessels in oceangoing service or
27 foreign waters and who has received a Certificate of Release or
28 Discharge from Active Duty and a discharge certificate, or an Honorable
29 Service Certificate/Report of Casualty, from the Department of Defense,
30 or who served as a United States civilian employed by the American Field
31 Service and served overseas under United States Armies and United States
32 Army Groups in world war II during the period of armed conflict, Decem-
33 ber seventh, nineteen hundred forty-one through May eighth, nineteen
34 hundred forty-five, and who (a) was discharged or released therefrom
35 under honorable conditions, or (b) has a qualifying condition, as
36 defined in section one of the veterans' services law, and has received a
37 discharge other than bad conduct or dishonorable from such service, or
38 (c) is a discharged LGBT veteran, as defined in section one of the
39 veterans' services law, and has received a discharge other than bad
40 conduct or dishonorable from such service or who served as a United
41 States civilian Flight Crew and Aviation Ground Support Employee of Pan
42 American World Airways or one of its subsidiaries or its affiliates and
43 served overseas as a result of Pan American's contract with Air Trans-
44 port Command or Naval Air Transport Service during the period of armed
45 conflict, December fourteenth, nineteen hundred forty-one through August
46 fourteenth, nineteen hundred forty-five, and who (d) was discharged or
47 released therefrom under honorable conditions, or (e) has a qualifying
48 condition, as defined in section one of the veterans' services law, and
49 has received a discharge other than bad conduct or dishonorable from
50 such service, or (f) is a discharged LGBT veteran, as defined in section
51 one of the veterans' services law, and has received a discharge other
52 than bad conduct or dishonorable from such service or during the period
53 of the Korean conflict at any time between the dates of June twenty-sev-
54 enth, nineteen hundred fifty and January thirty-first, nineteen hundred
55 fifty-five, or during the period of the Vietnam conflict from the first
56 day of November, nineteen hundred fifty-five to the seventh day of May,

1 nineteen hundred seventy-five, or (ii) who served on active duty in the
2 armed forces of the United States and who was a recipient of the armed
3 forces expeditionary medal, navy expeditionary medal or marine corps
4 expeditionary medal for participation in operations in Lebanon from June
5 first, nineteen hundred eighty-three to December first, nineteen hundred
6 eighty-seven, in Grenada from October twenty-third, nineteen hundred
7 eighty-three to November twenty-first, nineteen hundred eighty-three, or
8 in Panama from December twentieth, nineteen hundred eighty-nine to Janu-
9 ary thirty-first, nineteen hundred ninety, or (iii) who served in the
10 armed forces of a foreign country allied with the United States during
11 world war I or world war II, or during the period of the Korean conflict
12 at any time between June twenty-seventh, nineteen hundred fifty and
13 January thirty-first, nineteen hundred fifty-five, or during the period
14 of the Vietnam conflict from the first day of November, nineteen hundred
15 fifty-five to the seventh day of May, nineteen hundred seventy-five, or
16 during the period of the Persian Gulf conflict from the second day of
17 August, nineteen hundred ninety to the end of such conflict, or (iv) who
18 served on active duty in the army or navy or marine corps or air force
19 or coast guard or the commissioned corps of the national oceanic and
20 atmospheric administration or the commissioned corps of the public
21 health service of the United States, and who (a) was honorably
22 discharged or separated from such service under honorable conditions, or
23 (b) has a qualifying condition, as defined in section one of the veter-
24 ans' services law, and has received a discharge other than bad conduct
25 or dishonorable from such service, or (c) is a discharged LGBT veteran,
26 as defined in section one of the veterans' services law, and has
27 received a discharge other than bad conduct or dishonorable from such
28 service except where such action would endanger the public safety or the
29 safety or health of persons cared for by the state, in which event such
30 persons shall be entitled to leave of absence with pay on another day in
31 lieu thereof. All such persons who are compensated on a per diem, hour-
32 ly, semi-monthly or monthly basis, with or without maintenance, shall
33 also be entitled to leave of absence with pay under the provisions of
34 this section and no deduction in vacation allowance or budgetary allow-
35 able number of working days shall be made in lieu thereof. A refusal to
36 give such leave of absence to one entitled thereto shall be neglect of
37 duty.

38 § 3. Paragraph (b) of subdivision 1 of section 243 of the military
39 law, as amended by section 71 of part PP of chapter 56 of the laws of
40 2022, is amended to read as follows:

41 (b) The term "military duty" shall mean military service in the mili-
42 tary, naval, aviation or marine service of the United States subsequent
43 to July first, nineteen hundred forty, or service under the selective
44 training and service act of nineteen hundred forty, or the national
45 guard and reserve officers mobilization act of nineteen hundred forty,
46 or any other act of congress supplementary or amendatory thereto, or any
47 similar act of congress hereafter enacted and irrespective of the fact
48 that such service was entered upon following a voluntary enlistment
49 therefor or was required under one of the foregoing acts of congress, or
50 service with the United States public health service as a commissioned
51 officer, or service with the national oceanic and atmospheric adminis-
52 tration as a commissioned officer, or service with the American Red
53 Cross while with the armed forces of the United States on foreign
54 service, or service with the special services section of the armed forc-
55 es of the United States on foreign service, or service in the merchant
56 marine which shall consist of service as an officer or member of the

1 crew on or in connection with a vessel documented under the laws of the
2 United States or a vessel owned by, chartered to, or operated by or for
3 the account or use of the government of the United States, or service by
4 one who was employed by the War Shipping Administration or Office of
5 Defense Transportation or their agents as a merchant seaman documented
6 by the United States Coast Guard or Department of Commerce, or as a
7 civil servant employed by the United States Army Transport Service
8 (later redesignated as the United States Army Transportation Corps,
9 Water Division) or the Naval Transportation Service; and who served
10 satisfactorily as a crew member during the period of armed conflict,
11 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
12 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
13 foreign, intercoastal, or coastwise service as such terms are defined
14 under federal law (46 USCA 10301 & 10501) and further to include "near
15 foreign" voyages between the United States and Canada, Mexico, or the
16 West Indies via ocean routes, or public vessels in oceangoing service or
17 foreign waters and who has received a Certificate of Release or
18 Discharge from Active Duty and a discharge certificate, or an Honorable
19 Service Certificate/Report of Casualty, from the Department of Defense,
20 or who served as a United States civilian employed by the American Field
21 Service and served overseas under United States Armies and United States
22 Army Groups in world war II during the period of armed conflict, Decem-
23 ber seventh, nineteen hundred forty-one through May eighth, nineteen
24 hundred forty-five, and who (i) was discharged or released therefrom
25 under honorable conditions, or (ii) has a qualifying condition, as
26 defined in section one of the veterans' services law, and has received a
27 discharge other than bad conduct or dishonorable from such service, or
28 (iii) is a discharged LGBT veteran, as defined in section one of the
29 veterans' services law, and has received a discharge other than bad
30 conduct or dishonorable from such service, or who served as a United
31 States civilian Flight Crew and Aviation Ground Support Employee of Pan
32 American World Airways or one of its subsidiaries or its affiliates and
33 served overseas as a result of Pan American's contract with Air Trans-
34 port Command or Naval Air Transport Service during the period of armed
35 conflict, December fourteenth, nineteen hundred forty-one through August
36 fourteenth, nineteen hundred forty-five, and who (iv) was discharged or
37 released therefrom under honorable conditions, or (v) has a qualifying
38 condition, as defined in section one of the veterans' services law, and
39 has received a discharge other than bad conduct or dishonorable from
40 such service, or (vi) is a discharged LGBT veteran, as defined in
41 section one of the veterans' services law, and has received a discharge
42 other than bad conduct or dishonorable from such service; or service in
43 police duty on behalf of the United States government in a foreign coun-
44 try, if such person is a police officer, as defined by section 1.20 of
45 the criminal procedure law, and if such police officer obtained the
46 prior consent of his or her public employer to absent himself or herself
47 from his or her position to engage in the performance of such service;
48 or as an enrollee in the United States maritime service on active duty
49 and, to such extent as may be prescribed by or under the laws of the
50 United States, any period awaiting assignment to such service and any
51 period of education or training for such service in any school or insti-
52 tution under the jurisdiction of the United States government, but shall
53 not include temporary and intermittent gratuitous service in any reserve
54 or auxiliary force. It shall include time spent in reporting for and
55 returning from military duty and shall be deemed to commence when the
56 public employee leaves his or her position and to end when he or she is

1 reinstated to his or her position, provided such reinstatement is within
2 ninety days after the termination of military duty, as hereinafter
3 defined. Notwithstanding the foregoing provisions of this paragraph, the
4 term "military duty" shall not include any of the foregoing services
5 entered upon voluntarily on or after January first, nineteen hundred
6 forty-seven and before June twenty-fifth, nineteen hundred fifty; and,
7 on or after July first, nineteen hundred seventy, the term "military
8 duty" shall not include any voluntary service in excess of four years
9 performed after that date, or the total of any voluntary services, addi-
10 tional or otherwise, in excess of four years performed after that date,
11 shall not exceed five years, if the service in excess of four years is
12 at the request and for the convenience of the federal government, except
13 if such voluntary service is performed during a period of war, or
14 national emergency declared by the president.

15 § 4. This act shall take effect on the first of April next succeeding
16 the date on which it shall have become a law.