STATE OF NEW YORK

2203

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

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 veterans' services law, in relation to permitting private employers to adopt a veterans' preference employment policy

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

Section 1. The veterans' services law is amended by adding a new section 36 to read as follows:

§ 36. Private employers veterans' preference policy. 1. As used in this section:

a. "Private employer" shall mean a corporation, partnership, limited liability company, not-for-profit corporation or other private entity with one or more employees and excludes the state, a municipality, county or school district.

b. "Veteran" shall mean an individual who served on active duty in the United States army, navy, marine corps, air force, coast guard or the reserves component, or who served in active military service of the United States as a member of the army, national guard, air national guard, New York guard or New York naval militia, and meets one or more of the following:

(i) Served on active duty for a period of more than one hundred eighty days and was discharged or released from active duty with other than a dishonorable discharge.

(ii) Was discharged or released because of a service connected disability.

(iii) Was discharged or released from duty with other than a dishonorable discharge from service under an order to active duty, excluding active duty for training.

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

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c. "Veterans' preference employment policy" shall mean a private employer's voluntary preference for hiring, promoting, or retaining a veteran over another equally qualified applicant or employee.

2. A private employer may adopt and apply a voluntary veterans' preference employment policy.

3. A veterans' preference employment policy shall be in writing and shall be applied uniformly to employment decisions regarding the hiring or promotion of veterans or the retention of veterans during a reduction in the workforce.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided however that if part PP of chapter 56 of the laws of 2022 shall not yet have taken effect on or before such date then this act shall take effect on the same date and in the same manner as such part takes effect.