

# 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.

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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.