

STATE OF NEW YORK

6264

2025-2026 Regular Sessions

IN ASSEMBLY

February 27, 2025

Introduced by M. of A. STERN -- read once and referred to the Committee on Veterans' Affairs

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]~~
22 foreperson on the public works of said state, of the county officers of

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

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

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

40 § 3. Paragraph (b) of subdivision 1 of section 243 of the military
41 law, as amended by section 71 of part PP of chapter 56 of the laws of
42 2022, is amended to read as follows:

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

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

1 include time spent in reporting for and returning from military duty and
2 shall be deemed to commence when the public employee leaves [~~his or her~~
3 their position and to end when [~~he or she is~~ they are reinstated to
4 [~~his or her~~ their position, provided such reinstatement is within nine-
5 ty days after the termination of military duty, as hereinafter defined.
6 Notwithstanding the foregoing provisions of this paragraph, the term
7 "military duty" shall not include any of the foregoing services entered
8 upon voluntarily on or after January first, nineteen hundred forty-seven
9 and before June twenty-fifth, nineteen hundred fifty; and, on or after
10 July first, nineteen hundred seventy, the term "military duty" shall not
11 include any voluntary service in excess of four years performed after
12 that date, or the total of any voluntary services, additional or other-
13 wise, in excess of four years performed after that date, shall not
14 exceed five years, if the service in excess of four years is at the
15 request and for the convenience of the federal government, except if
16 such voluntary service is performed during a period of war, or national
17 emergency declared by the president.
18 § 4. This act shall take effect on the first of April next succeeding
19 the date on which it shall have become a law.