

2017-2018 Regular Sessions

I N S E N A T E

January 4, 2017

Introduced by Sens. ORTT, CROCI, LARKIN, MARCHIONE -- 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 executive 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:

1 Section 1. The executive law is amended by adding a new section 369-f
2 to read as follows:

3 S 369-F. PRIVATE EMPLOYERS VETERANS' PREFERENCE POLICY. 1. AS USED IN
4 THIS SECTION:

5 A. "PRIVATE EMPLOYER" SHALL MEAN A CORPORATION, PARTNERSHIP, LIMITED
6 LIABILITY COMPANY, NOT-FOR-PROFIT CORPORATION OR OTHER PRIVATE ENTITY
7 WITH ONE OR MORE EMPLOYEES AND EXCLUDES THE STATE, A MUNICIPALITY, COUN-
8 TY OR SCHOOL DISTRICT.

9 B. "VETERAN" SHALL MEAN AN INDIVIDUAL WHO SERVED ON ACTIVE DUTY IN THE
10 UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE, COAST GUARD OR THE
11 RESERVES COMPONENT, OR WHO SERVED IN ACTIVE MILITARY SERVICE OF THE
12 UNITED STATES AS A MEMBER OF THE ARMY, NATIONAL GUARD, AIR NATIONAL
13 GUARD, NEW YORK GUARD OR NEW YORK NAVAL MILITIA, AND MEETS ONE OR MORE
14 OF THE FOLLOWING:

15 (I) SERVED ON ACTIVE DUTY FOR A PERIOD OF MORE THAN ONE HUNDRED EIGHTY
16 DAYS AND WAS DISCHARGED OR RELEASED FROM ACTIVE DUTY WITH OTHER THAN A
17 DISHONORABLE DISCHARGE.

18 (II) WAS DISCHARGED OR RELEASED BECAUSE OF A SERVICE CONNECTED DISA-
19 BILITY.

20 (III) WAS DISCHARGED OR RELEASED FROM DUTY WITH OTHER THAN A DISHONOR-
21 ABLE DISCHARGE FROM SERVICE UNDER AN ORDER TO ACTIVE DUTY, EXCLUDING
22 ACTIVE DUTY FOR TRAINING.

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

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1 C. "VETERANS' PREFERENCE EMPLOYMENT POLICY" SHALL MEAN A PRIVATE
2 EMPLOYER'S VOLUNTARY PREFERENCE FOR HIRING, PROMOTING, OR RETAINING A
3 VETERAN OVER ANOTHER EQUALLY QUALIFIED APPLICANT OR EMPLOYEE.

4 2. A PRIVATE EMPLOYER MAY ADOPT AND APPLY A VOLUNTARY VETERANS' PREF-
5 ERENCE EMPLOYMENT POLICY.

6 3. A VETERANS' PREFERENCE EMPLOYMENT POLICY SHALL BE IN WRITING AND
7 SHALL BE APPLIED UNIFORMLY TO EMPLOYMENT DECISIONS REGARDING THE HIRING
8 OR PROMOTION OF VETERANS OR THE RETENTION OF VETERANS DURING A REDUCTION
9 IN THE WORKFORCE.

10 S 2. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law.