

STATE OF NEW YORK

3155

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

Introduced by M. of A. COLTON -- Multi-Sponsored by -- M. of A. McDO-
NOUGH -- read once and referred to the Committee on Governmental
Employees

AN ACT to amend the civil service law, in relation to allowing reser-
vists with twenty years service to be eligible for two and one-half
points on entrance exams and one point on promotional exams

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

1 Section 1. The section heading, paragraphs (a) and (b) of subdivision
2 2, subdivisions 3, 4, 5 and 6 of section 85 of the civil service law, as
3 added by chapter 790 of the laws of 1958 and paragraph (c) of subdivi-
4 sion 4 as amended by chapter 15 of the laws of 1971, are amended and a
5 new paragraph (b-1) is added to subdivision 1 to read as follows:

6 Additional credit allowed veterans and reservists in competitive exam-
7 inations; preference in retention upon abolition of positions.

8 (b-1) The term "reservist" means a member of the reserve forces or
9 reserve components of the armed forces of the United States who was
10 honorably discharged or released under honorable circumstances from such
11 service, who is a citizen of the United States or a noncitizen lawfully
12 admitted for permanent residence in the United States and who is a resi-
13 dent of the state of New York at the time of application for appointment
14 or promotion or at the time of retention, as the case may be.

15 (a) On all eligible lists resulting from competitive examinations, the
16 names of eligibles shall be entered in the order of their respective
17 final earned ratings on examination, with the name of the eligible with
18 the highest final earned rating at the head of such list, provided,
19 however, that for the purpose of determining final earned ratings,

20 (1) Disabled veterans shall be entitled to receive ten points addi-
21 tional in a competitive examination for original appointment and five
22 points additional credit in a competitive examination for promotion, and

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

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1 (2) Non-disabled veterans shall be entitled to receive five points
2 additional credit in a competitive examination for original appointment
3 and two and one-half points additional credit in a competitive examina-
4 tion for promotion.

5 (3) Reservists who have served for at least twenty years as members of
6 the armed forces of the United States shall be entitled to receive two
7 and one-half points additional credit in a competitive examination for
8 original appointment, and one point additional credit in a competitive
9 examination for promotion.

10 (b) Such additional credit shall be added to the final earned rating
11 of such disabled veteran or non-disabled veteran or reservist, as the
12 case may be, after [~~he or she~~] such veteran or reservist has qualified
13 in the competitive examination and shall be granted only at the time of
14 establishment of the resulting eligible list.

15 3. Application for additional credit; proof of eligibility; establish-
16 ment of eligible list. Any candidate, believing [~~himself~~] themselves enti-
17 tled to additional credit in a competitive examination as provided here-
18 in, may make application for such additional credit at any time between
19 the date of [~~his~~] application for examination and the date of the estab-
20 lishment of the resulting eligible list. Such candidates shall be
21 allowed a period of not less than two months from the date of the filing
22 of [~~his~~] the application for examination in which to establish by appro-
23 priate documentary proof [~~his~~] the applicant's eligibility to receive
24 additional credit under this section. At any time after two months have
25 elapsed since the final date for filing applications for a competitive
26 examination for original appointment or promotion, the eligible list
27 resulting from such examination may be established, notwithstanding the
28 fact that a veteran or disabled veteran or reservist who has applied for
29 additional credit has failed to establish [~~his~~] eligibility to receive
30 such additional credit. A candidate who fails to establish, by appropri-
31 ate documentary proof, [~~his~~] eligibility to receive additional credit by
32 the time an eligible list is established shall not thereafter be granted
33 additional credit on such eligible list.

34 4. Use of additional credit. (a) Except as herein otherwise provided,
35 no person who has received a permanent original appointment or a perma-
36 nent promotion in the civil service of the state or of any city or civil
37 division thereof from an eligible list on which [~~he~~] such person was
38 allowed the additional credit granted by this section, either as a
39 veteran or disabled veteran or reservist, shall thereafter be entitled
40 to any additional credit under this section either as a veteran or a
41 disabled veteran or reservist.

42 (b) Where, at the time of establishment of an eligible list, the posi-
43 tion of a veteran or disabled veteran or reservist on such list has not
44 been affected by the addition of credits granted under this section, the
45 appointment or promotion of such veteran or disabled veteran or reser-
46 vist, as the case may be, from such eligible list shall not be deemed to
47 have been made from an eligible list on which [~~he~~] the veteran or reser-
48 vist was allowed the additional credit granted by this section.

49 (c) If, at the time of appointment from an eligible list, a veteran or
50 disabled veteran or reservist is in the same relative standing among the
51 eligibles who are willing to accept appointment as if [~~he~~] such veteran
52 or reservist had not been granted the additional credits provided by
53 this section, [~~his~~] the veteran's or reservist's appointment from among
54 such eligibles shall not be deemed to have been made from an eligible
55 list on which [~~he~~] the veteran or reservist was allowed such additional
56 credits.

1 (d) Where a veteran or disabled veteran or reservist has been
2 originally appointed or promoted from an eligible list on which [~~he~~]
3 such veteran or reservist was allowed additional credit, but such
4 appointment or promotion is thereafter terminated either at the end of
5 the probationary term or by resignation at or before the end of the
6 probationary term, [~~he~~] the veteran or reservist shall not be deemed to
7 have been appointed or promoted, as the case may be, from an eligible
8 list on which [~~he~~] the veteran or reservist was allowed additional cred-
9 it, and such appointment or promotion shall not affect [~~his~~] eligibility
10 for additional credit in other examinations.

11 5. Withdrawal of application; election to relinquish additional cred-
12 it. An application for additional credit in a competitive examination
13 under this section may be withdrawn by the applicant at any time prior
14 to the establishment of the resulting eligible list. At any time during
15 the term of existence of an eligible list resulting from a competitive
16 examination in which a veteran or disabled veteran or reservist has
17 received the additional credit granted by this section, such veteran or
18 disabled veteran or reservist may elect, prior to permanent original
19 appointment or permanent promotion, to relinquish the additional credit
20 theretofore granted [~~to him~~] and accept the lower position on such
21 eligible list to which [~~he~~] such veteran or reservist would otherwise
22 have been entitled; provided, however, that such election shall there-
23 after be irrevocable. Such election shall be in writing and signed by
24 the veteran or disabled veteran or reservist, and transmitted to the
25 state civil service department or the appropriate municipal civil
26 service commission.

27 6. Roster. The state civil service department and each municipal
28 commission shall establish and maintain in its office a roster of all
29 veterans and disabled veterans and reservists appointed or promoted as a
30 result of additional credits granted by this section to positions under
31 its jurisdiction. The appointment or promotion of a veteran or disabled
32 veteran or reservist as a result of additional credits shall be void if
33 such veteran or disabled veteran or reservist, prior to such appointment
34 or promotion, had been appointed or promoted as a result of additional
35 credits granted by this section.

36 § 2. This act shall take effect immediately.