S T A T E O F N E W Y O R K

10523

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to employment of veterans with disabilities by municipalities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The civil service law is amended by adding a new section 55-d to read as follows:

S 55-D. EMPLOYMENT OF VETERANS WITH DISABILITIES BY MUNICIPALITIES. 1. MUNICIPAL CIVIL SERVICE COMMISSIONS IN THE STATE MAY, BY RULE, DETERMINE A PRESCRIBED NUMBER OF POSITIONS, NOT TO EXCEED TWO HUNDRED POSITIONS, WITH DUTIES WHICH CAN BE PERFORMED BY DISABLED VETERANS AND VETERANS WITH DISABILITIES WHO ARE FOUND OTHERWISE QUALIFIED, IN THE MANNER HEREAFTER PRESCRIBED, TO PERFORM SATISFACTORILY THE DUTIES OF ANY SUCH POSITION.

2. UPON SUCH DETERMINATION, THE SAID POSITIONS SHALL BE CLASSIFIED IN THE NON-COMPETITIVE CLASS, AND MAY BE FILLED ONLY BY VETERANS OF THE ARMED FORCES OF THE UNITED STATES WHO SERVED THEREIN DURING TIME OF WAR, AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION EIGHTY-FIVE OF THIS CHAPTER, AND (A) WHO ESTABLISH BY APPROPRIATE DOCUMENTARY EVIDENCE THAT THEY ARE DISABLED VETERANS, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION EIGHTY-FIVE OF THIS CHAPTER, OR (B) BY THOSE VETERANS, AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION EIGHTY-FIVE OF THIS CHAPTER, WHO SHALL HAVE BEEN CERTIFIED BY EITHER THE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED IN THE STATE DEPARTMENT OF SOCIAL SERVICES AS PHYSICALLY DISABLED BY BLINDNESS OR BY THE STATE EDUCATION DEPARTMENT AS OTHERWISE PHYSICALLY OR MENTALLY DISABLED AND, IN ANY EVENT, QUALIFIED TO PERFORM SATISFACTORILY THE DUTIES OF ANY SUCH POSITION. PRIORITY IN CERTIFICATION AND REFERRAL OF BOTH SUCH DISABLED VETERANS AND CERTIFIED DISABLED BUT CAPABLE VETERANS SHALL BE GIVEN TO THOSE VETERANS WHO RECEIVED A WOUND IN COMBAT, AS DOCUMENTED BY THE AWARDING OF THE PURPLE HEART, AS AUTHORIZED BY THE UNITED STATES DEPARTMENT OF DEFENSE, AND THAT WOUND IS THE CAUSE OF, OR A SUBSTANTIALLY

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

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CONTRIBUTING FACTOR TO, THE DEGREE OF IMPAIRMENT, WHO OTHERWISE MEET THE REQUIREMENTS OF THIS SECTION.

3. PRIOR TO MAKING CERTIFICATION OF DISABLED VETERANS AND VETERANS WITH DISABILITIES FOR ANY SUCH POSITION, THE COMMISSION FOR THE BLIND AND VISUALLY HANDICAPPED IN THE CASE OF VETERANS PHYSICALLY DISABLED BY BLINDNESS OR THE STATE EDUCATION DEPARTMENT IN THE CASE OF VETERANS OTHERWISE PHYSICALLY OR MENTALLY DISABLED SHALL OBTAIN FROM THE APPROPRIATE MUNICIPAL CIVIL SERVICE COMMISSION A DETAILED DESCRIPTION OF ALL DUTIES OF THE POSITION, AND SHALL INVESTIGATE THE EXTENT OF THE DISABILITY BY EXAMINATION OF ANY SUCH PERSON OR OTHERWISE, AND SHALL DETERMINE AND REPORT ITS FINDINGS TO THE APPROPRIATE CIVIL SERVICE COMMISSION, AS TO THE ABILITY OF THE DISABLED PERSON TO PERFORM THE DUTIES OF SUCH POSITION. SUCH FINDINGS SHALL BE GIVEN DUE CONSIDERATION BY THE MUNICIPAL CIVIL SERVICE COMMISSION.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MUNICIPAL COMMISSION SHALL AFFORD EMPLOYEES IN THE SERVICE OF A CIVIL DIVISION WHO ARE HOLDING OR WHO HAVE HELD A POSITION IN THE NON-COMPETITIVE CLASS OF SUCH SERVICES PURSUANT TO THE PROVISIONS OF THIS SECTION, THE SAME OPPORTUNITY AS EMPLOYEES IN THE COMPETITIVE CLASS TO TAKE PROMOTION EXAMINATIONS.

S 2. This act shall take effect immediately.