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

1159

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SAYWARD, ERRIGO, BARRA, DUPREY, MOLINARO, WALKER, GIGLIO -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BURLING, BUTLER, CARROZZA, CONTE, CROUCH, FINCH, FITZPATRICK, HAYES, KOLB, McKEVITT, OAKS, RAIA, REILICH, TEDISCO, THIELE, TOWNSEND, WRIGHT -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to granting additional credit to volunteer firefighters and volunteer ambulance workers in competitive examinations and authorizing a preference in retention upon the abolition of certain positions

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 85-c to read as follows:

S 85-C. ADDITIONAL CREDIT ALLOWED VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS IN COMPETITIVE EXAMINATIONS; PREFERENCE IN RETENTION UPON ABOLITION OF POSITIONS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) THE TERM "VOLUNTEER FIREFIGHTER" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM IN SECTION THREE OF THE VOLUNTEER FIREFIGHTERS' BENEFIT LAW.

(B) THE TERM "VOLUNTEER AMBULANCE WORKER" SHALL HAVE THE SAME MEANING AS ASCRIBED TO SUCH TERM IN SECTION THREE OF THE VOLUNTEER AMBULANCE WORKERS' BENEFIT LAW.

2. ADDITIONAL CREDITS IN COMPETITIVE EXAMINATIONS FOR ORIGINAL APPOINTMENT OR PROMOTION. (A) ON ALL ELIGIBLE LISTS RESULTING FROM COMPETITIVE EXAMINATIONS, THE NAMES OF ELIGIBLES SHALL BE ENTERED IN THE ORDER OF THEIR RESPECTIVE FINAL EARNED RATINGS ON EXAMINATION, WITH THE NAME OF THE ELIGIBLE WITH THE HIGHEST FINAL EARNED RATING AT THE HEAD OF SUCH LIST, PROVIDED, HOWEVER, THAT FOR THE PURPOSE OF DETERMINING FINAL EARNED RATINGS, VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS

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

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SHALL BE ENTITLED TO RECEIVE IN A COMPETITIVE EXAMINATION FOR ORIGINAL APPOINTMENT AN ADDITIONAL FIVE POINTS.

(B) SUCH ADDITIONAL CREDIT SHALL BE ADDED TO THE FINAL EARNED RATING OF SUCH VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER AFTER HE OR SHE HAS QUALIFIED IN THE COMPETITIVE EXAMINATION AND SHALL BE GRANTED ONLY AT THE TIME OF ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST.

3. APPLICATION FOR ADDITIONAL CREDIT; PROOF OF ELIGIBILITY; ESTABLISHMENT OF ELIGIBLE LIST. ANY CANDIDATE, BELIEVING HIMSELF OR HERSELF ENTITLED TO ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION AS PROVIDED HEREIN, MAY MAKE APPLICATION FOR SUCH ADDITIONAL CREDIT AT ANY TIME BETWEEN THE DATE OF HIS OR HER APPLICATION FOR EXAMINATION AND THE DATE OF THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. SUCH CANDIDATES SHALL BE ALLOWED A PERIOD OF NOT LESS THAN TWO MONTHS FROM THE DATE OF THE FILING OF HIS OR HER APPLICATION FOR EXAMINATION IN WHICH TO ESTABLISH BY APPROPRIATE DOCUMENTARY PROOF HIS OR HER ELIGIBILITY TO RECEIVE ADDITIONAL CREDIT UNDER THIS SECTION. AT ANY TIME AFTER TWO MONTHS HAVE ELAPSED SINCE THE FINAL DATE FOR FILING APPLICATIONS FOR A COMPETITIVE EXAMINATION FOR ORIGINAL APPOINTMENT OR PROMOTION, THE ELIGIBLE LIST RESULTING FROM SUCH EXAMINATION MAY BE ESTABLISHED, NOTWITHSTANDING THE FACT THAT A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER WHO HAS APPLIED FOR ADDITIONAL CREDIT HAS FAILED TO ESTABLISH HIS OR HER ELIGIBILITY TO RECEIVE SUCH ADDITIONAL CREDIT. A CANDIDATE MUST BE IN GOOD STANDING AND SUCH EVIDENCE MUST BE CERTIFIED AND SUBMITTED AS SUPPORTING DOCUMENTATION TO THE DEPARTMENT. A CANDIDATE WHO FAILS TO ESTABLISH, BY APPROPRIATE DOCUMENTARY PROOF, HIS OR HER ELIGIBILITY TO RECEIVE ADDITIONAL CREDIT BY THE TIME AN ELIGIBLE LIST IS ESTABLISHED SHALL NOT THEREAFTER BE GRANTED ADDITIONAL CREDIT ON SUCH ELIGIBLE LIST.

4. USE OF ADDITIONAL CREDIT. (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO PERSON WHO HAS RECEIVED A PERMANENT ORIGINAL APPOINTMENT OR A PERMANENT PROMOTION IN THE CIVIL SERVICE OF THE STATE OR OF ANY CITY OR CIVIL DIVISION THEREOF FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED THE ADDITIONAL CREDIT GRANTED BY THIS SECTION AS A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER SHALL THEREAFTER BE ENTITLED TO ANY ADDITIONAL CREDIT UNDER THIS SECTION AS A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER.

(B) WHERE, AT THE TIME OF ESTABLISHMENT OF AN ELIGIBLE LIST, THE POSITION OF A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER ON SUCH LIST HAS NOT BEEN AFFECTED BY THE ADDITION OF CREDITS GRANTED UNDER THIS SECTION, THE APPOINTMENT OR PROMOTION OF SUCH VOLUNTEER FIREFIGHTER OR SUCH VOLUNTEER AMBULANCE WORKER FROM SUCH ELIGIBLE LIST SHALL NOT BE DEEMED TO HAVE BEEN MADE FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED THE ADDITIONAL CREDIT GRANTED BY THIS SECTION.

(C) IF, AT THE TIME OF APPOINTMENT FROM AN ELIGIBLE LIST, A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER IS IN THE SAME RELATIVE STANDING AMONG THE ELIGIBLES WHO ARE WILLING TO ACCEPT APPOINTMENT AS IF HE OR SHE HAD NOT BEEN GRANTED THE ADDITIONAL CREDITS PROVIDED BY THIS SECTION, HIS OR HER APPOINTMENT FROM AMONG SUCH ELIGIBLES SHALL NOT BE DEEMED TO HAVE BEEN MADE FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED SUCH ADDITIONAL CREDITS.

(D) WHERE A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER HAS BEEN ORIGINALLY APPOINTED OR PROMOTED FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED ADDITIONAL CREDIT, BUT SUCH APPOINTMENT OR PROMOTION IS THEREAFTER TERMINATED EITHER AT THE END OF THE PROBATIONARY TERM OR BY RESIGNATION AT OR BEFORE THE END OF THE PROBATIONARY TERM, HE OR SHE SHALL NOT BE DEEMED TO HAVE BEEN APPOINTED OR PROMOTED, AS THE CASE MAY BE, FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED ADDITIONAL

CREDIT, AND SUCH APPOINTMENT OR PROMOTION SHALL NOT AFFECT HIS OR HER ELIGIBILITY FOR ADDITIONAL CREDIT IN OTHER EXAMINATIONS.

5. WITHDRAWAL OF APPLICATION; ELECTION TO RELINQUISH ADDITIONAL CREDIT. AN APPLICATION FOR ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION UNDER THIS SECTION MAY BE WITHDRAWN BY THE APPLICANT AT ANY TIME PRIOR TO THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. AT ANY TIME DURING THE TERM OF EXISTENCE OF AN ELIGIBLE LIST RESULTING FROM A COMPETITIVE EXAMINATION IN WHICH A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER HAS RECEIVED THE ADDITIONAL CREDIT GRANTED BY THIS SECTION, SUCH VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER MAY ELECT, PRIOR TO PERMANENT ORIGINAL APPOINTMENT OR PERMANENT PROMOTION, TO RELINQUISH THE ADDITIONAL CREDIT THERETOFORE GRANTED TO HIM OR HER AND ACCEPT THE LOWER POSITION ON SUCH ELIGIBLE LIST TO WHICH HE OR SHE WOULD OTHERWISE HAVE BEEN ENTITLED; PROVIDED, HOWEVER, THAT SUCH ELECTION SHALL THEREAFTER BE IRREVOCABLE. SUCH ELECTION SHALL BE IN WRITING AND SIGNED BY THE VOLUNTEER FIREFIGHTER OR THE VOLUNTEER AMBULANCE WORKER, AND TRANSMITTED TO THE DEPARTMENT OR THE APPROPRIATE MUNICIPAL CIVIL SERVICE COMMISSION.

6. ROSTER. THE DEPARTMENT AND EACH MUNICIPAL COMMISSION SHALL ESTABLISH AND MAINTAIN IN ITS OFFICE A ROSTER OF ALL VOLUNTEER FIREFIGHTERS AND VOLUNTEER AMBULANCE WORKERS APPOINTED OR PROMOTED AS A RESULT OF ADDITIONAL CREDITS GRANTED BY THIS SECTION TO POSITIONS UNDER ITS JURISDICTION. THE APPOINTMENT OR PROMOTION OF A VOLUNTEER FIREFIGHTER OR A VOLUNTEER AMBULANCE WORKER AS A RESULT OF ADDITIONAL CREDITS SHALL BE VOID IF SUCH VOLUNTEER FIREFIGHTER OR VOLUNTEER AMBULANCE WORKER, PRIOR TO SUCH APPOINTMENT OR PROMOTION, HAD BEEN APPOINTED OR PROMOTED AS A RESULT OF ADDITIONAL CREDITS GRANTED BY THIS SECTION.

S 2. This act shall take effect immediately.