

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 30, 2009

IN SENATE -- Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

IN ASSEMBLY -- Introduced by M. of A. CAMARA, GREENE, SCOZZAFAVA, WALKER, SAYWARD, AUBRY, BARRA, DUPREY, GABRYSZAK, MAISEL, McKEVITT, WEISENBERG -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to extra credit for certain veterans on competitive examinations

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

1 Section 1. The civil service law is amended by adding a new section
2 85-c to read as follows:

3 S 85-C. ADDITIONAL CREDITS ALLOWED FOR VETERANS WHO SERVED IN AN AREA
4 DESIGNATED AS A COMBAT ZONE BY THE PRESIDENT OF THE UNITED STATES DURING
5 OPERATION IRAQI FREEDOM AFTER MARCH TWENTIETH, TWO THOUSAND THREE. 1.
6 DEFINITION. AS USED IN THIS SECTION, "VETERAN" SHALL MEAN A PERSON WHO
7 SERVED IN A BRANCH OF THE ARMED FORCES OF THE UNITED STATES, OR ANY
8 RESERVE UNIT THEREOF.

9 2. ADDITIONAL CREDIT AUTHORIZED. ADDITIONAL CREDITS SHALL BE ALLOWED
10 FOR VETERANS WHO SERVED IN AN AREA DESIGNATED AS A COMBAT ZONE BY THE
11 PRESIDENT OF THE UNITED STATES DURING OPERATION IRAQI FREEDOM AFTER
12 MARCH TWENTIETH, TWO THOUSAND THREE IN COMPETITIVE EXAMINATIONS FOR
13 ORIGINAL APPOINTMENT. (A) ON ALL ELIGIBLE LISTS RESULTING FROM COMPETITIVE
14 EXAMINATIONS, THE NAMES OF ELIGIBLE PERSONS SHALL BE ENTERED IN
15 THE ORDER OF THEIR RESPECTIVE FINAL EARNED RATINGS ON EXAMINATIONS, WITH
16 THE NAME OF THE ELIGIBLE PERSON WITH THE HIGHEST FINAL EARNED RATINGS AT
17 THE HEAD OF SUCH LIST, PROVIDED, HOWEVER, THAT FOR THE PURPOSE OF DETERMINING
18 FINAL EARNED RATINGS, VETERANS WHO SERVED IN AN AREA DESIGNATED
19 AS A COMBAT ZONE BY THE PRESIDENT OF THE UNITED STATES DURING OPERATION

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

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1 IRAQI FREEDOM AFTER MARCH TWENTIETH, TWO THOUSAND THREE SHALL BE ENTI-
2 TLED TO RECEIVE AN ADDITIONAL FIVE POINTS IN A COMPETITIVE EXAMINATION
3 FOR ORIGINAL APPOINTMENT.

4 (B) SUCH ADDITIONAL CREDIT SHALL BE ADDED TO THE FINAL EARNED RATING
5 OF SUCH VETERAN, AS THE CASE MAY BE, AFTER HE OR SHE HAS QUALIFIED IN
6 THE COMPETITIVE EXAMINATION AND SHALL BE GRANTED ONLY AT THE TIME OF
7 ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST.

8 3. APPLICATION FOR ADDITIONAL CREDIT; PROOF OF ELIGIBILITY; ESTABLISH-
9 MENT OF ELIGIBLE LIST. ANY CANDIDATE, BELIEVING HIMSELF OR HERSELF ENTI-
10 TLED TO ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION AS PROVIDED IN
11 THIS SECTION, MAY MAKE APPLICATION FOR SUCH ADDITIONAL CREDIT AT ANY
12 TIME BETWEEN THE DATE OF HIS OR HER APPLICATION FOR EXAMINATION AND THE
13 DATE OF THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. SUCH CANDI-
14 DATES SHALL BE ALLOWED A PERIOD OF NOT LESS THAN TWO MONTHS FROM THE
15 DATE OF THE FILING OF HIS OR HER APPLICATION FOR EXAMINATION IN WHICH TO
16 ESTABLISH BY APPROPRIATE DOCUMENTARY PROOF HIS OR HER ELIGIBILITY TO
17 RECEIVE ADDITIONAL CREDIT UNDER THIS SECTION. AT ANY TIME AFTER TWO
18 MONTHS HAVE ELAPSED SINCE THE FINAL DATE FOR FILING APPLICATIONS FOR A
19 COMPETITIVE EXAMINATION FOR ORIGINAL APPOINTMENT, THE ELIGIBLE LIST
20 RESULTING FROM SUCH EXAMINATION MAY BE ESTABLISHED, NOTWITHSTANDING THE
21 FACT THAT A VETERAN WHO HAS APPLIED FOR ADDITIONAL CREDIT HAS FAILED TO
22 ESTABLISH HIS OR HER ELIGIBILITY TO RECEIVE SUCH ADDITIONAL CREDIT. A
23 CANDIDATE WHO FAILS TO ESTABLISH, BY APPROPRIATE DOCUMENTARY PROOF, HIS
24 OR HER ELIGIBILITY TO RECEIVE ADDITIONAL CREDIT BY THE TIME AN ELIGIBLE
25 LIST IS ESTABLISHED SHALL NOT THEREAFTER BE GRANTED ADDITIONAL CREDIT ON
26 SUCH ELIGIBLE LIST.

27 4. USE OF ADDITIONAL CREDIT. (A) EXCEPT AS OTHERWISE PROVIDED IN THIS
28 SUBDIVISION, NO PERSON WHO HAS RECEIVED A PERMANENT ORIGINAL APPOINTMENT
29 IN THE CIVIL SERVICE OF THE STATE OR OF ANY CITY OR CIVIL DIVISION THER-
30 EOF FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED THE ADDITIONAL
31 CREDIT GRANTED BY THIS SECTION AS A VETERAN, SHALL THEREAFTER BE ENTI-
32 TLED TO ANY ADDITIONAL CREDIT UNDER THIS SECTION AS A VETERAN.

33 (B) WHERE, AT THE TIME OF ESTABLISHMENT OF AN ELIGIBLE LIST, THE POSI-
34 TION OF A VETERAN ON SUCH LIST HAS NOT BEEN AFFECTED BY THE ADDITION OF
35 CREDITS GRANTED UNDER THIS SECTION, THE APPOINTMENT OF SUCH VETERAN FROM
36 SUCH ELIGIBLE LIST SHALL NOT BE DEEMED TO HAVE BEEN MADE FROM AN ELIGI-
37 BLE LIST ON WHICH HE OR SHE WAS ALLOWED THE ADDITIONAL CREDIT GRANTED BY
38 THIS SECTION.

39 (C) IF, AT THE TIME OF APPOINTMENT FROM AN ELIGIBLE LIST, A SIBLING IS
40 IN THE SAME RELATIVE STANDING AMONG THE ELIGIBLE PERSONS WHO ARE WILLING
41 TO ACCEPT APPOINTMENT AS IF HE OR SHE HAD NOT BEEN GRANTED THE ADDI-
42 TIONAL CREDITS AS PROVIDED BY THIS SECTION, HIS OR HER APPOINTMENT FROM
43 SUCH ELIGIBLE PERSONS SHALL NOT BE DEEMED TO HAVE BEEN MADE FROM AN
44 ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED SUCH ADDITIONAL CREDITS.

45 (D) WHERE A VETERAN HAS BEEN ORIGINALLY APPOINTED FROM AN ELIGIBLE
46 LIST ON WHICH HE OR SHE WAS ALLOWED SUCH ADDITIONAL CREDIT, BUT SUCH
47 APPOINTMENT IS THEREAFTER TERMINATED EITHER AT THE END OF THE PROBATION-
48 ARY TERM OR BY RESIGNATION AT OR BEFORE THE END OF THE PROBATIONARY
49 TERM, HE OR SHE SHALL NOT BE DEEMED TO HAVE BEEN APPOINTED, AS THE CASE
50 MAY BE, FROM AN ELIGIBLE LIST ON WHICH HE OR SHE IS ALLOWED ADDITIONAL
51 CREDIT, AND SUCH APPOINTMENT SHALL NOT AFFECT HIS OR HER ELIGIBILITY FOR
52 ADDITIONAL CREDIT IN OTHER EXAMINATIONS.

53 5. WITHDRAWAL OF APPLICATION; ELECTION TO RELINQUISH ADDITIONAL CRED-
54 IT. AN APPLICATION FOR ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION
55 UNDER THIS SECTION MAY BE WITHDRAWN BY THE APPLICANT AT ANY TIME PRIOR
56 TO THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. AT ANY TIME DURING

1 THE TERM OF EXISTENCE OF AN ELIGIBLE LIST RESULTING FROM A COMPETITIVE
2 EXAMINATION IN WHICH A VETERAN HAS RECEIVED THE ADDITIONAL CREDIT GRANT-
3 ED BY THIS SECTION, SUCH VETERAN MAY ELECT, PRIOR TO PERMANENT ORIGINAL
4 APPOINTMENT, TO RELINQUISH THE ADDITIONAL CREDIT THERETOFORE GRANTED TO
5 HIM OR HER AND ACCEPT THE LOWER POSITION ON SUCH ELIGIBLE LIST TO WHICH
6 HE OR SHE WOULD OTHERWISE HAVE BEEN ENTITLED; PROVIDED, HOWEVER, THAT
7 SUCH ELECTION SHALL THEREAFTER BE IRREVOCABLE. SUCH ELECTION SHALL BE IN
8 WRITING AND SIGNED BY THE VETERAN, AND TRANSMITTED TO THE DEPARTMENT OR
9 THE APPROPRIATE MUNICIPAL CIVIL SERVICE COMMISSION.

10 6. ROSTER. THE DEPARTMENT AND EACH MUNICIPAL COMMISSION SHALL ESTAB-
11 LISH AND MAINTAIN IN ITS OFFICE A ROSTER OF ALL SUCH VETERANS APPOINTED
12 AS A RESULT OF ADDITIONAL CREDITS GRANTED BY THIS SECTION TO POSITIONS
13 UNDER ITS JURISDICTION. THE APPOINTMENT OF A VETERAN AS A RESULT OF
14 ADDITIONAL CREDITS SHALL BE VOID IF SUCH VETERAN, PRIOR TO SUCH APPOINT-
15 MENT, HAD BEEN APPOINTED AS A RESULT OF ADDITIONAL CREDITS GRANTED BY
16 THIS SECTION.

17 S 2. This act shall take effect immediately.