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

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I N A S S E M B L Y

April 2, 2010

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

AN ACT to amend the civil service law, in relation to the 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. BY ENACTMENT OF A LOCAL LAW, ANY COUNTY, CITY, TOWN OR VILLAGE MAY DETERMINE A NUMBER OF POSITIONS AS DETERMINED BY SUBDIVISION THREE OF THIS SECTION THAT MAY BE PERFORMED BY DISABLED VETERANS AND VETERANS WITH DISABILITIES WHO ARE FOUND OTHERWISE QUALIFIED TO PERFORM SATISFACTORILY THE DUTIES OF ANY SUCH POSITION. UPON SUCH DETERMINATION, SUCH POSITIONS SHALL BE CLASSIFIED IN THE NONCOMPETITIVE 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 THE EMPLOYEE HEALTH SERVICE OF THE DEPARTMENT AS BEING DISABLED BUT CAPABLE OF PERFORMING THE DUTIES OF SAID POSITIONS. 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 CONTRIBUTING FACTOR TO, THE DEGREE OF IMPAIRMENT, WHO OTHERWISE MEET THE REQUIREMENTS OF THIS SECTION. THE NUMBER OF VETERANS APPOINTED PURSUANT TO THIS SECTION SHALL NOT EXCEED THE LIMITS ESTABLISHED BY SUBDIVISION THREE OF THIS SECTION.

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

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2. THOSE EMPLOYEES HIRED UNDER SUBDIVISION ONE OF THIS SECTION, SHALL BE AFFORDED THE SAME OPPORTUNITY TO TAKE PROMOTIONAL EXAMINATIONS AS PROVIDED TO EMPLOYEES IN THE COMPETITIVE CLASS.

3. THE NUMBER OF POSITIONS TO BE CLASSIFIED IN THE NONCOMPETITIVE CLASS PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE AT THE DISCRETION OF THE GOVERNING BODY OF THE COUNTY, CITY, TOWN OR VILLAGE ENACTING SUCH LOCAL LAW, BUT IT SHALL IN NO EVENT EXCEED ONE PERCENT OF THE POSITIONS WITHIN SUCH COUNTY, CITY, TOWN OR VILLAGE THAT ARE CURRENTLY CLASSIFIED AS BEING WITHIN THE COMPETITIVE CLASS. IN ALL CASES A COUNTY, CITY, TOWN OR VILLAGE ENACTING SUCH LOCAL LAW MAY DESIGNATE NO LESS THAN ONE SUCH POSITION SHOULD IT SO DESIRE.

S 2. This act shall take effect immediately.