

3453

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

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

AN ACT to amend the civil service law, in relation to the definition of the terms veteran and non-disabled veteran with regard to additional service credits

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

1 Section 1. Paragraph (a) and the opening paragraph of paragraph (b) of
2 subdivision 1 of section 85 of the civil service law, paragraph (a) as
3 amended by chapter 333 of the laws of 1993 and the opening paragraph of
4 paragraph (b) as amended by chapter 661 of the laws of 1983, are amended
5 to read as follows:
6 (a) The terms "veteran" and "non-disabled veteran" mean a member of
7 the armed forces of the United States [who served therein in time of
8 war,] who was honorably discharged or released under honorable circum-
9 stances from such service, who is a citizen of the United States or an
10 alien lawfully admitted for permanent residence in the United States and
11 who is a resident of the state of New York at the time of application
12 for appointment or promotion or at the time of retention, as the case
13 may be.
14 The term "disabled veteran" means a veteran who is certified by the
15 United States veterans' administration or a military department as enti-
16 tled to receive disability payments upon the certification of such
17 veterans' administration or a military department for a disability
18 incurred [by him in time of war] WHILE ON ACTIVE DUTY and in existence
19 at the time of application for appointment or promotion or at the time
20 of retention, as the case may be. Such disability shall be deemed to be
21 in existence at the time of application for appointment or promotion or
22 at the time of retention, as the case may be, if the certificate of such
23 veterans' administration shall state affirmatively that such veteran has

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

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1 been examined by a medical officer of such veterans' administration on a
2 date within one year of either the date of filing application for
3 competitive examination for original appointment or promotion or the
4 date of the establishment of the resulting eligible list or within one
5 year of the time of retention, as the case may be; that at the time of
6 such examination the war-incurred disability described in such certifi-
7 cate was found to exist; and that such disability is rated at ten per
8 centum or more. Such disability shall also be deemed to be in existence
9 at such time if the certificate of such veterans' administration shall
10 state affirmatively that a permanent stabilized condition of disability
11 exists to an extent of ten per centum or more, notwithstanding the fact
12 that such veteran has not been examined by a medical officer of such
13 veterans' administration within one year of either the time of applica-
14 tion for appointment or promotion or the date of filing application for
15 competitive examination for original appointment or promotion, or within
16 one year of the time of retention, as the case may be. The term "disa-
17 bled veteran" shall also mean:

18 S 2. The department of civil service shall ensure the amendments set
19 forth in section one of this act are accurately reflected on all rele-
20 vant civil service websites, forms and applications.

21 S 3. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law; provided, however, that effective immediate-
23 ly, the addition, amendment and/or repeal of any rule or regulation
24 necessary for the implementation of this act on its effective date are
25 authorized and directed to be made and completed on or before such
26 effective date.