

7631

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 29, 2013

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

AN ACT to amend the civil service law, in relation to providing additional credits to children and siblings of deceased firefighters, police officers, emergency medical technicians and paramedics killed in the line of duty or in the performance of duty as the natural and proximate result of the World Trade Center attack, or as a result of participation in the rescue effort

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

1     Section 1. Section 85-a of the civil service law, as added by chapter  
2     495 of the laws of 2002, paragraph (a) of subdivision 1 as amended by  
3     chapter 75 of the laws of 2008, is amended to read as follows:  
4     S 85-a. Additional credits allowed children AND SIBLINGS of firefight-  
5     ers [and], police officers, EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS  
6     killed in the line of duty. 1. Additional credit authorized. Additional  
7     credits shall be allowed children AND SIBLINGS of firefighters [and],  
8     police officers, EMERGENCY MEDICAL TECHNICIANS AND PARAMEDICS killed in  
9     the line of duty, as "child" AND "SIBLING" in this section in compet-  
10    itive examinations for original appointment. (a) On all eligible lists  
11    resulting from competitive examinations, the names of eligible persons  
12    shall be entered in the order of their respective final earned ratings  
13    on examinations, with the name of the eligible person with the highest  
14    final earned ratings at the head of such list, provided, however, that  
15    for the purpose of determining final earned ratings, children AND  
16    SIBLINGS of firefighters [and], police officers, EMERGENCY MEDICAL TECH-  
17    NICIANS AND PARAMEDICS killed in the line of duty shall be entitled to  
18    receive an additional ten points in a competitive examination for  
19    original appointment in the same municipality in which his or her parent  
20    OR SIBLING has served. For the purposes of this paragraph, a police  
21    officer or firefighter shall be deemed to have "served" in a munici-

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

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1 pality if he or she was employed by, or worked primarily in, that muni-  
2 cipality.

3 (b) Such additional credit shall be added to the final earned rating  
4 of such child OR SIBLING, as the case may be, after he or she has quali-  
5 fied in the competitive examination and shall be granted only at the  
6 time of establishment of the resulting eligible list.

7 2. Application for additional credit; proof of eligibility; establish-  
8 ment of eligible list. Any candidate, believing himself or herself enti-  
9 tled to additional credit in a competitive examination as provided in  
10 this section, may make application for such additional credit at any  
11 time between the date of his or her application for examination and the  
12 date of the establishment of the resulting eligible list. Such candi-  
13 dates shall be allowed a period of not less than two months from the  
14 date of the filing of his or her application for examination in which to  
15 establish by appropriate documentary proof his or her eligibility to  
16 receive additional credit under this section. At any time after two  
17 months have elapsed since the final date for filing applications for a  
18 competitive examination for original appointment, the eligible list  
19 resulting from such examination may be established, notwithstanding the  
20 fact that a child OR SIBLING who has applied for additional credit has  
21 failed to establish his or her eligibility to receive such additional  
22 credit. A candidate who fails to establish, by appropriate documentary  
23 proof, his or her eligibility to receive additional credit by the time  
24 an eligible list is established shall not thereafter be granted addi-  
25 tional credit on such eligible list.

26 3. Use of additional credit. (a) Except as otherwise provided in this  
27 subdivision, no person who has received a permanent original appointment  
28 in the civil service of the state or of any city or civil division ther-  
29 eof from an eligible list on which he or she was allowed the additional  
30 credit granted by this section as a child OR SIBLING, shall thereafter  
31 be entitled to any additional credit under this section as a child OR  
32 SIBLING.

33 (b) Where, at the time of establishment of an eligible list, the posi-  
34 tion of a child OR SIBLING on such list has not been affected by the  
35 addition of credits granted under this section, the appointment of such  
36 child OR SIBLING from such eligible list shall not be deemed to have  
37 been made from an eligible list on which he or she was allowed the addi-  
38 tional credit granted by this section.

39 (c) If, at the time of appointment from an eligible list, a child OR  
40 SIBLING is in the same relative standing among the eligible persons who  
41 are willing to accept appointment as if he or she had not been granted  
42 the additional credits as provided by this section, his or her appoint-  
43 ment from such eligible persons shall not be deemed to have been made  
44 from an eligible list on which he or she was allowed such additional  
45 credits.

46 (d) Where a child OR SIBLING has been originally appointed from an  
47 eligible list on which he or she was allowed such additional credit, but  
48 such appointment is thereafter terminated either at the end of the  
49 probationary term or by resignation at or before the end of the proba-  
50 tionary term, he or she shall not be deemed to have been appointed, as  
51 the case may be, from an eligible list on which he or she is allowed  
52 additional credit, and such appointment shall not affect his or her  
53 eligibility for additional credit in other examinations.

54 4. Withdrawal of application; election to relinquish additional cred-  
55 it. An application for additional credit in a competitive examination  
56 under this section may be withdrawn by the applicant at any time prior

1 to the establishment of the resulting eligible list. At any time during  
2 the term of existence of an eligible list resulting from a competitive  
3 examination in which a child OR SIBLING has received the additional  
4 credit granted by this section, such child OR SIBLING may elect, prior  
5 to permanent original appointment, to relinquish the additional credit  
6 theretofore granted to him or her and [except] ACCEPT the lower position  
7 on such eligible list to which he or she would otherwise have been enti-  
8 tled; provided, however, that such election shall thereafter be irrev-  
9 ovable. Such election shall be in writing and signed by the child OR  
10 SIBLING, and transmitted to the department or the appropriate municipal  
11 civil service commission.

12 5. Roster. The department and each municipal commission shall estab-  
13 lish and maintain in its office a roster of all such children OR  
14 SIBLINGS appointed as a result of additional credits granted by this  
15 section to positions under its jurisdiction. The appointment of a child  
16 OR SIBLING as a result of additional credits shall be void if such child  
17 OR SIBLING, prior to such appointment, had been appointed as a result of  
18 additional credits granted by this section.

19 S 2. Section 85-b of the civil service law, as added by chapter 500 of  
20 the laws of 2003, is amended to read as follows:

21 S 85-b. Additional credits allowed CHILDREN AND siblings of firefight-  
22 ers and police officers killed in the line of duty. 1. Definition. As  
23 used in this section, "killed in the line of duty" shall mean having  
24 died in the performance of duty as the natural and proximate result of  
25 the World Trade Center attack on September eleventh, two thousand one or  
26 as the natural and proximate result of participation in the rescue  
27 effort that was conducted in response to such attack.

28 2. Additional credit authorized. Additional credits shall be allowed  
29 CHILDREN AND siblings of firefighters and police officers killed in the  
30 line of duty in competitive examinations for original appointment. (a)  
31 On all eligible lists resulting from competitive examinations, the names  
32 of eligible persons shall be entered in the order of their respective  
33 final earned ratings on examinations, with the name of the eligible  
34 person with the highest final earned ratings at the head of such list,  
35 provided, however, that for the purpose of determining final earned  
36 ratings, CHILDREN AND siblings of firefighters and police officers  
37 killed in the line of duty shall be entitled to receive an additional  
38 ten points in a competitive examination for original appointment in the  
39 same municipality in which his or her PARENT OR sibling has served.

40 (b) Such additional credit shall be added to the final earned rating  
41 of such CHILD OR sibling, as the case may be, after he or she has quali-  
42 fied in the competitive examination and shall be granted only at the  
43 time of establishment of the resulting eligible list.

44 3. Application for additional credit; proof of eligibility; establish-  
45 ment of eligible list. Any candidate, believing himself or herself enti-  
46 tled to additional credit in a competitive examination as provided in  
47 this section, may make application for such additional credit at any  
48 time between the date of his or her application for examination and the  
49 date of the establishment of the resulting eligible list. Such candi-  
50 dates shall be allowed a period of not less than two months from the  
51 date of the filing of his or her application for examination in which to  
52 establish by appropriate documentary proof his or her eligibility to  
53 receive additional credit under this section. At any time after two  
54 months have elapsed since the final date for filing applications for a  
55 competitive examination for original appointment, the eligible list  
56 resulting from such examination may be established, notwithstanding the

fact that a CHILD OR sibling who has applied for additional credit has failed to establish his or her eligibility to receive such additional credit. 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 subdivision, no person who has received a permanent original appointment 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 CHILD OR sibling, shall thereafter be entitled to any additional credit under this section as a CHILD OR sibling.

(b) Where, at the time of establishment of an eligible list, the position of a CHILD OR sibling on such list has not been affected by the addition of credits granted under this section, the appointment of such CHILD OR sibling 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 CHILD OR sibling is in the same relative standing among the eligible persons who are willing to accept appointment as if he or she had not been granted the additional credits as provided by this section, his or her appointment from such eligible persons 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 CHILD OR sibling has been originally appointed from an eligible list on which he or she was allowed such additional credit, but such appointment 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, as the case may be, from an eligible list on which he or she is allowed additional credit, and such appointment 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 CHILD OR sibling has received the additional credit granted by this section, such CHILD OR sibling may elect, prior to permanent original appointment, to relinquish the additional credit theretofore granted to him or her and [except] 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 CHILD OR sibling, 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 such CHILDREN AND siblings appointed as a result of additional credits granted by this section to positions under its jurisdiction. The appointment of a CHILD OR sibling as a result of additional credits shall be void if such CHILD OR sibling, prior to such appointment, had been appointed as a result of additional credits granted by this section.

1 S 3. Section 85-c of the civil service law, as added by chapter 555 of  
2 the laws of 2010, is amended to read as follows:

3 S 85-c. Additional credits allowed the children AND SIBLINGS of emer-  
4 gency medical technicians and paramedics killed in the line of duty. 1.  
5 Definitions. (a) As used in this section, "killed in the line of duty"  
6 shall mean having died in the performance of duty as the natural and  
7 proximate result of the World Trade Center attack on September eleventh,  
8 two thousand one or as the natural and proximate result of participation  
9 in the rescue effort that was conducted in response to such attack.

10 (b) As used in this section "emergency medical technician" shall mean  
11 a person who was employed by the city of New York or by the New York  
12 city health and hospitals corporation in a title whose duties are those  
13 of an emergency medical technician or advanced emergency medical techni-  
14 cian (as those terms are defined in section three thousand one of the  
15 public health law), or in a title whose duties require the supervision  
16 of employees whose duties are those of an emergency medical technician  
17 or advanced emergency medical technician (as those terms are defined in  
18 section three thousand one of the public health law).

19 2. Additional credit authorized. Additional credits shall be allowed  
20 children AND SIBLINGS of emergency medical technicians killed in the  
21 line of duty in competitive examinations for original appointment.

22 (a) On all eligible lists resulting from competitive examinations, the  
23 names of eligible persons shall be entered in the order of their respec-  
24 tive final earned ratings on examinations, with the name of the eligible  
25 person with the highest final earned ratings at the head of such list;  
26 provided, however, that for the purpose of determining final earned  
27 ratings, children AND SIBLINGS of emergency medical technicians killed  
28 in the line of duty shall be entitled to receive an additional ten  
29 points in a competitive examination for original appointment in the same  
30 municipality in which his or her parent OR SIBLING has served.

31 (b) Such additional credit shall be added to the final earned rating  
32 of such child OR SIBLING, as the case may be, after he or she has quali-  
33 fied in the competitive examination and shall be granted only at the  
34 time of establishment of the resulting eligible list.

35 3. Application for additional credit; proof of eligibility; establish-  
36 ment of eligible list. Any candidate, believing himself or herself enti-  
37 tled to additional credit in a competitive examination as provided in  
38 this section, may make application for such additional credit at any  
39 time between the date of his or her application for examination and the  
40 date of the establishment of the resulting eligible list. Such candi-  
41 dates shall be allowed a period of not less than two months from the  
42 date of the filing of his or her application for examination in which to  
43 establish by appropriate documentary proof his or her eligibility to  
44 receive additional credit under this section. At any time after two  
45 months have elapsed since the final date for filing applications for a  
46 competitive examination for original appointment, the eligible list  
47 resulting from such examination may be established, notwithstanding the  
48 fact that a child OR SIBLING who has applied for additional credit has  
49 failed to establish his or her eligibility to receive such additional  
50 credit. A candidate who fails to establish, by appropriate documentary  
51 proof, his or her eligibility to receive additional credit by the time  
52 an eligible list is established shall not thereafter be granted addi-  
53 tional credit on such eligible list.

54 4. Use of additional credit. (a) Except as otherwise provided in this  
55 subdivision, no person who has received a permanent original appointment  
56 in the civil service of the state or of any city or civil division ther-

eof from an eligible list on which he or she was allowed the additional credit granted by this section as a child OR SIBLING, shall thereafter be entitled to any additional credit under this section as a child OR SIBLING.

(b) Where, at the time of establishment of an eligible list, the position of a child OR SIBLING on such list has not been affected by the addition of credits granted under this section, the appointment of such child OR SIBLING 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 child OR SIBLING is in the same relative standing among the eligible persons who are willing to accept appointment as if he or she had not been granted the additional credits as provided by this section, his or her appointment from such eligible persons 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 child OR SIBLING has been originally appointed from an eligible list on which he or she was allowed such additional credit, but such appointment 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, as the case may be, from an eligible list on which he or she is allowed additional credit, and such appointment 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 child OR SIBLING has received the additional credit granted by this section, such child OR SIBLING may elect, prior to permanent original appointment, to relinquish the additional credit theretofore granted to him or her and [except] 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 child OR SIBLING, 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 such children AND SIBLINGS appointed as a result of additional credits granted by this section to positions under its jurisdiction. The appointment of a child OR SIBLING as a result of additional credits shall be void if such child OR SIBLING, prior to such appointment, had been appointed as a result of additional credits granted by this section.

S 4. This act shall take effect immediately.