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I N   S E N A T E

January 30, 2014

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Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to promotional exams

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 amended by chapter 376 of the laws of 2013, is amended to read as follows:

2     S 85-a. Additional credits allowed children and siblings of firefighters, police officers, emergency medical technicians and paramedics killed in the line of duty. 1. Additional credit authorized. Additional credits shall be allowed children and siblings of firefighters, police officers, emergency medical technicians and paramedics killed in the line of duty, as "child" and "sibling" in this section in competitive examinations for original appointment. (a) On all eligible lists resulting from competitive examinations, the names of eligible persons shall be entered in the order of their respective final earned ratings on examinations, with the name of the eligible person with the highest final earned ratings at the head of such list, provided, however, that for the purpose of determining final earned ratings, children and siblings of firefighters, police officers, emergency medical technicians and paramedics killed in the line of duty shall be entitled to receive an additional ten points in a competitive examination for original appointment in the same municipality in which his or her parent or sibling has served AND AN ADDITIONAL FIVE POINTS IN A COMPETITIVE EXAMINATION FOR PROMOTION IN THE SAME MUNICIPALITY IN WHICH HIS OR HER PARENT OR SIBLING HAS SERVED. For the purposes of this paragraph, a police officer or firefighter shall be deemed to have "served" in a municipality if he or she was employed by, or worked primarily in, that municipality.

25     (b) Such additional credit shall be added to the final earned rating of such child or sibling, as the case may be, 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.

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

LBD13596-01-4

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

20     3. Use of additional credit. (a) Except as otherwise provided in this  
21 subdivision, no person who has received a permanent original appointment  
22 OR A PERMANENT PROMOTION in the civil service of the state or of any  
23 city or civil division thereof from an eligible list on which he or she  
24 was allowed the additional credit granted by this section as a child or  
25 sibling, shall thereafter be entitled to any additional credit under  
26 this section as a child or sibling.

27     (b) Where, at the time of establishment of an eligible list, the posi-  
28 tion of a child or sibling on such list has not been affected by the  
29 addition of credits granted under this section, the appointment OR  
30 PROMOTION of such child or sibling from such eligible list shall not be  
31 deemed to have been made from an eligible list on which he or she was  
32 allowed the additional credit granted by this section.

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

40     (d) Where a child or sibling has been originally appointed OR PROMOTED  
41 from an eligible list on which he or she was allowed such additional  
42 credit, but such appointment OR PROMOTION is thereafter terminated  
43 either at the end of the probationary term or by resignation at or  
44 before the end of the probationary term, he or she shall not be deemed  
45 to have been appointed OR PROMOTED, as the case may be, from an eligible  
46 list on which he or she is allowed additional credit, and such appoint-  
47 ment OR PROMOTION shall not affect his or her eligibility for additional  
48 credit in other examinations.

49     4. Withdrawal of application; election to relinquish additional cred-  
50 it. An application for additional credit in a competitive examination  
51 under this section may be withdrawn by the applicant at any time prior  
52 to the establishment of the resulting eligible list. At any time during  
53 the term of existence of an eligible list resulting from a competitive  
54 examination in which a child or sibling has received the additional  
55 credit granted by this section, such child or sibling may elect, prior  
56 to permanent original appointment OR PERMANENT PROMOTION, to relinquish

1 the additional credit theretofore granted to him or her and accept the  
2 lower position on such eligible list to which he or she would otherwise  
3 have been entitled; provided, however, that such election shall there-  
4 after be irrevocable. Such election shall be in writing and signed by  
5 the child or sibling, and transmitted to the department or the appropri-  
6 ate municipal civil service commission.

7 5. Roster. The department and each municipal commission shall estab-  
8 lish and maintain in its office a roster of all such children or  
9 siblings appointed OR PROMOTED as a result of additional credits granted  
10 by this section to positions under its jurisdiction. The appointment OR  
11 PROMOTION of a child or sibling as a result of additional credits shall  
12 be void if such child or sibling, prior to such appointment OR  
13 PROMOTION, had been appointed OR PROMOTED as a result of additional  
14 credits granted by this section.

15 S 2. Subdivisions 2, 3, 4, 5 and 6 of section 85-b of the civil  
16 service law, as amended by chapter 376 of the laws of 2013, are amended  
17 to read as follows:

18 2. Additional credit authorized. Additional credits shall be allowed  
19 children and siblings of firefighters and police officers killed in the  
20 line of duty in competitive examinations for original appointment OR  
21 PERMANENT PROMOTION. (a) On all eligible lists resulting from compet-  
22 itive examinations, the names of eligible persons shall be entered in  
23 the order of their respective final earned ratings on examinations, with  
24 the name of the eligible person with the highest final earned ratings at  
25 the head of such list, provided, however, that for the purpose of deter-  
26 mining final earned ratings, children and siblings of firefighters and  
27 police officers killed in the line of duty shall be entitled to receive  
28 an additional ten points in a competitive examination for original  
29 appointment in the same municipality in which his or her parent or  
30 sibling has served AND AN ADDITIONAL FIVE POINTS IN A COMPETITIVE EXAM-  
31 INATION FOR PROMOTION IN THE SAME MUNICIPALITY IN WHICH HIS OR HER  
32 PARENT OR SIBLING HAS SERVED.

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

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

1 4. Use of additional credit. (a) Except as otherwise provided in this  
2 subdivision, no person who has received a permanent original appointment  
3 OR A PERMANENT PROMOTION in the civil service of the state or of any  
4 city or civil division thereof from an eligible list on which he or she  
5 was allowed the additional credit granted by this section as a child or  
6 sibling, shall thereafter be entitled to any additional credit under  
7 this section as a child or sibling.

8 (b) Where, at the time of establishment of an eligible list, the posi-  
9 tion of a child or sibling on such list has not been affected by the  
10 addition of credits granted under this section, the appointment OR  
11 PROMOTION of such child or sibling from such eligible list shall not be  
12 deemed to have been made from an eligible list on which he or she was  
13 allowed the additional credit granted by this section.

14 (c) If, at the time of appointment from an eligible list, a child or  
15 sibling is in the same relative standing among the eligible persons who  
16 are willing to accept appointment as if he or she had not been granted  
17 the additional credits as provided by this section, his or her appoint-  
18 ment from such eligible persons shall not be deemed to have been made  
19 from an eligible list on which he or she was allowed such additional  
20 credits.

21 (d) Where a child or sibling has been originally appointed OR PROMOTED  
22 from an eligible list on which he or she was allowed such additional  
23 credit, but such appointment OR PROMOTION is thereafter terminated  
24 either at the end of the probationary term or by resignation at or  
25 before the end of the probationary term, he or she shall not be deemed  
26 to have been appointed OR PROMOTED, as the case may be, from an eligible  
27 list on which he or she is allowed additional credit, and such appoint-  
28 ment shall not affect his or her eligibility for additional credit in  
29 other examinations.

30 5. Withdrawal of application; election to relinquish additional cred-  
31 it. An application for additional credit in a competitive examination  
32 under this section may be withdrawn by the applicant at any time prior  
33 to the establishment of the resulting eligible list. At any time during  
34 the term of existence of an eligible list resulting from a competitive  
35 examination in which a child or sibling has received the additional  
36 credit granted by this section, such child or sibling may elect, prior  
37 to permanent original appointment OR PERMANENT PROMOTION, to relinquish  
38 the additional credit theretofore granted to him or her and accept the  
39 lower position on such eligible list to which he or she would otherwise  
40 have been entitled; provided, however, that such election shall there-  
41 after be irrevocable. Such election shall be in writing and signed by  
42 the child or sibling, and transmitted to the department or the appropri-  
43 ate municipal civil service commission.

44 6. Roster. The department and each municipal commission shall estab-  
45 lish and maintain in its office a roster of all such children and  
46 siblings appointed OR PROMOTED as a result of additional credits granted  
47 by this section to positions under its jurisdiction. The appointment OR  
48 PROMOTION of a child or sibling as a result of additional credits shall  
49 be void if such child or sibling, prior to such appointment OR  
50 PROMOTION, had been appointed OR PROMOTED as a result of additional  
51 credits granted by this section.

52 S 3. Subdivisions 2, 3, 4, 5 and 6 of section 85-c of the civil  
53 service law, as amended by chapter 376 of the laws of 2013, are amended  
54 to read as follows:

55 2. Additional credit authorized. Additional credits shall be allowed  
56 children and siblings of emergency medical technicians killed in the

1 line of duty in competitive examinations for original appointment OR  
2 PERMANENT PROMOTION.

3 (a) On all eligible lists resulting from competitive examinations, the  
4 names of eligible persons shall be entered in the order of their respec-  
5 tive final earned ratings on examinations, with the name of the eligible  
6 person with the highest final earned ratings at the head of such list;  
7 provided, however, that for the purpose of determining final earned  
8 ratings, children and siblings of emergency medical technicians killed  
9 in the line of duty shall be entitled to receive an additional ten  
10 points in a competitive examination for original appointment in the same  
11 municipality in which his or her parent or sibling has served AND AN  
12 ADDITIONAL FIVE POINTS IN A COMPETITIVE EXAMINATION FOR PROMOTION IN THE  
13 SAME MUNICIPALITY IN WHICH HIS OR HER PARENT OR SIBLING HAS SERVED.

14 (b) Such additional credit shall be added to the final earned rating  
15 of such child or sibling, as the case may be, after he or she has quali-  
16 fied in the competitive examination and shall be granted only at the  
17 time of establishment of the resulting eligible list.

18 3. Application for additional credit; proof of eligibility; establish-  
19 ment of eligible list. Any candidate, believing himself or herself enti-  
20 tled to additional credit in a competitive examination as provided in  
21 this section, may make application for such additional credit at any  
22 time between the date of his or her application for examination and the  
23 date of the establishment of the resulting eligible list. Such candi-  
24 dates shall be allowed a period of not less than two months from the  
25 date of the filing of his or her application for examination in which to  
26 establish by appropriate documentary proof his or her eligibility to  
27 receive additional credit under this section. At any time after two  
28 months have elapsed since the final date for filing applications for a  
29 competitive examination for original appointment OR PROMOTION, the  
30 eligible list resulting from such examination may be established,  
31 notwithstanding the fact that a child or sibling who has applied for  
32 additional credit has failed to establish his or her eligibility to  
33 receive such additional credit. A candidate who fails to establish, by  
34 appropriate documentary proof, his or her eligibility to receive addi-  
35 tional credit by the time an eligible list is established shall not  
36 thereafter be granted additional credit on such eligible list.

37 4. Use of additional credit. (a) Except as otherwise provided in this  
38 subdivision, no person who has received a permanent original appointment  
39 OR PERMANENT PROMOTION in the civil service of the state or of any city  
40 or civil division thereof from an eligible list on which he or she was  
41 allowed the additional credit granted by this section as a child or  
42 sibling, shall thereafter be entitled to any additional credit under  
43 this section as a child or sibling.

44 (b) Where, at the time of establishment of an eligible list, the posi-  
45 tion of a child or sibling on such list has not been affected by the  
46 addition of credits granted under this section, the appointment OR  
47 PROMOTION of such child or sibling from such eligible list shall not be  
48 deemed to have been made from an eligible list on which he or she was  
49 allowed the additional credit granted by this section.

50 (c) If, at the time of appointment from an eligible list, a child or  
51 sibling is in the same relative standing among the eligible persons who  
52 are willing to accept appointment as if he or she had not been granted  
53 the additional credits as provided by this section, his or her appoint-  
54 ment from such eligible persons shall not be deemed to have been made  
55 from an eligible list on which he or she was allowed such additional  
56 credits.

(d) Where a child or sibling has been originally appointed OR PROMOTED from an eligible list on which he or she was allowed such 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 is 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 child or sibling has received the additional credit granted by this section, such child or sibling 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 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 OR PROMOTED as a result of additional credits granted by this section to positions under its jurisdiction. The appointment OR PROMOTION of a child or sibling as a result of additional credits shall be void if such child or sibling, prior to such appointment OR PROMOTION, had been appointed OR PROMOTED as a result of additional credits granted by this section.

S 4. This act shall take effect immediately.