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

March 10, 2016

Introduced by M. of A. BRABENEC, COLTON, LUPINACCI, McDONOUGH, PALMESANO, RAIA -- Multi-Sponsored by -- M. of A. CERETTO, McLAUGHLIN, OAKS -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to the award of competitive civil service status for the spouse or children of military service persons killed in the line of duty

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 85-d to read as follows:

S 85-D. AWARD OF COMPETITIVE CIVIL SERVICE STATUS FOR THE SPOUSE OR CHILDREN OF MILITARY SERVICE PERSONS KILLED IN THE LINE OF DUTY. 1. DEFINITION. AS USED IN THIS SECTION, "KILLED IN THE LINE OF DUTY" SHALL MEAN A MEMBER OF THE ARMED FORCES OF THE UNITED STATES HAVING DIED IN THE PERFORMANCE OF DUTY IN TIME OF WAR.

2. AWARD AUTHORIZED. AN AWARD OF COMPETITIVE CIVIL SERVICE STATUS SHALL BE ALLOWED FOR THE SPOUSE OR CHILDREN OF MILITARY PERSONS KILLED IN THE LINE OF DUTY.

3. APPLICATION FOR AWARD; PROOF OF ELIGIBILITY. ANY CANDIDATE, BELIEVING HIMSELF OR HERSELF ENTITLED TO THE AWARD OF COMPETITIVE CIVIL SERVICE STATUS AS PROVIDED IN THIS SECTION, MAY MAKE APPLICATION FOR SUCH STATUS AT ANY TIME BETWEEN THE DATE OF HIS OR HER APPLICATION FOR SUCH STATUS AND THE DATE OF THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. SUCH CANDIDATES SHALL BE ALLOWED A PERIOD OF NOT LESS THAN TWO MONTHS FROM THE DATE OF THE FILING OF HIS OR HER APPLICATION FOR SUCH STATUS IN WHICH TO ESTABLISH BY APPROPRIATE DOCUMENTARY PROOF HIS OR HER ELIGIBILITY TO RECEIVE SUCH STATUS UNDER THIS SECTION. AT ANY TIME AFTER TWO MONTHS HAVE ELAPSED SINCE THE FINAL DATE FOR FILING APPLICATIONS FOR SUCH STATUS FOR ORIGINAL APPOINTMENT, THE ELIGIBLE LIST RESULTING FROM SUCH EXAMINATION MAY BE ESTABLISHED, NOTWITHSTANDING THE FACT THAT A SPOUSE OR CHILD WHO HAS APPLIED FOR SUCH STATUS HAS FAILED TO ESTABLISH HIS OR HER ELIGIBILITY TO RECEIVE SUCH STATUS. A CANDIDATE WHO FAILS TO ESTABLISH, BY APPROPRIATE DOCUMENTARY PROOF, HIS OR HER ELIGIBILITY TO

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

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RECEIVE SUCH STATUS BY THE TIME AN ELIGIBLE LIST IS ESTABLISHED SHALL NOT THEREAFTER BE GRANTED SUCH STATUS ON SUCH ELIGIBLE LIST.

4. USE OF ADDITIONAL CREDIT. 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 STATUS GRANTED BY THIS SECTION AS A SPOUSE OR CHILD, SHALL THEREAFTER BE ENTITLED TO ANY ADDITIONAL CREDIT UNDER THIS SECTION AS A SPOUSE OR CHILD.

S 2. This act shall take effect immediately.