STATE OF NEW YORK

2080

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

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

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:

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:

§ 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.

(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 quali-

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

LBD04214-01-7

fied in the competitive examination and shall be granted only at the time of establishment of the resulting eligible list.

2. Application for additional credit; proof of eligibility; establishment of eligible list. Any candidate, believing himself or herself entitled to additional credit in a competitive examination as provided in this section, may make application for such additional credit at any time between the date of his or her application for examination 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 examination in which to establish by appropriate documentary proof his or her eligibility to receive additional credit under this section. At any time after two months have elapsed since the final date for filing applications for a competitive examination for original appointment **or promotion**, the eligible list 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.

3. Use of additional credit. (a) Except as otherwise provided in this subdivision, no person who has received a permanent original appointment **or a permanent promotion** 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 **or promotion** 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 **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.

4. 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.

5. Roster. The department and each municipal commission shall establish and maintain in its office a roster of all such children or 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.

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

2. Additional credit authorized. Additional credits shall be allowed children and siblings of firefighters and police officers killed in the line of duty in competitive examinations for original appointment **or permanent promotion**. (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 and police officers 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**.

(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.

3. Application for additional credit; proof of eligibility; establishment of eligible list. Any candidate, believing himself or herself entitled to additional credit in a competitive examination as provided in this section, may make application for such additional credit at any time between the date of his or her application for examination 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 examination in which to establish by appropriate documentary proof his or her eligibility to receive additional credit under this section. At any time after two months have elapsed since the final date for filing applications for a competitive examination for original appointment **or promotion**, the eligible list 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 addi-

tional 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 **or a permanent promotion** 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 **or promotion** 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 **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 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.

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

2. Additional credit authorized. Additional credits shall be allowed children and siblings of emergency medical technicians killed in the line of duty in competitive examinations for original appointment **or permanent promotion**.

(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 emergency medical technicians 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**.

(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.

3. Application for additional credit; proof of eligibility; establishment of eligible list. Any candidate, believing himself or herself entitled to additional credit in a competitive examination as provided in this section, may make application for such additional credit at any time between the date of his or her application for examination 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 examination in which to establish by appropriate documentary proof his or her eligibility to receive additional credit under this section. At any time after two months have elapsed since the final date for filing applications for a competitive examination for original appointment **or promotion**, the eligible list 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 **or permanent promotion** 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 **or promotion** 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 **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.

§ 4. This act shall take effect immediately.