

STATE OF NEW YORK

1627

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

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 § 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 quali-

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

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

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

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

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

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

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

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

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

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

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

20 2. Additional credit authorized. Additional credits shall be allowed
21 children and siblings of firefighters and police officers killed in the
22 line of duty in competitive examinations for original appointment or
23 permanent promotion. (a) On all eligible lists resulting from compet-
24 itive examinations, the names of eligible persons shall be entered in
25 the order of their respective final earned ratings on examinations, with
26 the name of the eligible person with the highest final earned ratings at
27 the head of such list, provided, however, that for the purpose of deter-
28 mining final earned ratings, children and siblings of firefighters and
29 police officers killed in the line of duty shall be entitled to receive
30 an additional ten points in a competitive examination for original
31 appointment in the same municipality in which his or her parent or
32 sibling has served and an additional five points in a competitive exam-
33 ination for promotion in the same municipality in which his or her
34 parent or sibling has served.

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

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

1 tional credit by the time an eligible list is established shall not
2 thereafter be granted additional credit on such eligible list.

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

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

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

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

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

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

54 § 3. Subdivisions 2, 3, 4, 5 and 6 of section 85-c of the civil
55 service law, as amended by chapter 376 of the laws of 2013, are amended
56 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

1 from an eligible list on which he or she was allowed such additional
2 credits.

3 (d) Where a child or sibling has been originally appointed or promoted
4 from an eligible list on which he or she was allowed such additional
5 credit, but such appointment or promotion is thereafter terminated
6 either at the end of the probationary term or by resignation at or
7 before the end of the probationary term, he or she shall not be deemed
8 to have been appointed or promoted, as the case may be, from an eligible
9 list on which he or she is allowed additional credit, and such appoint-
10 ment or promotion shall not affect his or her eligibility for additional
11 credit in other examinations.

12 5. Withdrawal of application; election to relinquish additional cred-
13 it. An application for additional credit in a competitive examination
14 under this section may be withdrawn by the applicant at any time prior
15 to the establishment of the resulting eligible list. At any time during
16 the term of existence of an eligible list resulting from a competitive
17 examination in which a child or sibling has received the additional
18 credit granted by this section, such child or sibling may elect, prior
19 to permanent original appointment or permanent promotion, to relinquish
20 the additional credit theretofore granted to him or her and accept the
21 lower position on such eligible list to which he or she would otherwise
22 have been entitled; provided, however, that such election shall there-
23 after be irrevocable. Such election shall be in writing and signed by
24 the child or sibling, and transmitted to the department or the appropri-
25 ate municipal civil service commission.

26 6. Roster. The department and each municipal commission shall estab-
27 lish and maintain in its office a roster of all such children and
28 siblings appointed or promoted as a result of additional credits granted
29 by this section to positions under its jurisdiction. The appointment or
30 promotion of a child or sibling as a result of additional credits shall
31 be void if such child or sibling, prior to such appointment or
32 promotion, had been appointed or promoted as a result of additional
33 credits granted by this section.

34 § 4. This act shall take effect immediately.