

# STATE OF NEW YORK

3925

2021-2022 Regular Sessions

## IN ASSEMBLY

January 29, 2021

Introduced by M. of A. COLTON -- Multi-Sponsored by -- M. of A. McDO-  
NOUGH, MONTESANO, THIELE -- read once and referred to the Committee on  
Governmental Employees

AN ACT to amend the civil service law, in relation to allowing reser-  
vists with twenty years service to be eligible for two and one-half  
points on entrance exams and one point on promotional exams

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. The section heading, paragraphs (a) and (b) of subdivision  
2 2, subdivisions 3, 4, 5 and 6 of section 85 of the civil service law, as  
3 added by chapter 790 of the laws of 1958 and paragraph (c) of subdivi-  
4 sion 4 as amended by chapter 15 of the laws of 1971, are amended and a  
5 new paragraph (b-1) is added to subdivision 1 to read as follows:

6 Additional credit allowed veterans and reservists in competitive exam-  
7 inations; preference in retention upon abolition of positions.

8 (b-1) The term "reservist" means a member of the reserve forces or  
9 reserve components of the armed forces of the United States who was  
10 honorably discharged or released under honorable circumstances from such  
11 service, who is a citizen of the United States or an alien lawfully  
12 admitted for permanent residence in the United States and who is a resi-  
13 dent of the state of New York at the time of application for appointment  
14 or promotion or at the time of retention, as the case may be.

15 (a) On all eligible lists resulting from competitive examinations, the  
16 names of eligibles shall be entered in the order of their respective  
17 final earned ratings on examination, with the name of the eligible with  
18 the highest final earned rating at the head of such list, provided,  
19 however, that for the purpose of determining final earned ratings,

20 (1) Disabled veterans shall be entitled to receive ten points addi-  
21 tional in a competitive examination for original appointment and five  
22 points additional credit in a competitive examination for promotion, and

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

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1 (2) Non-disabled veterans shall be entitled to receive five points  
2 additional credit in a competitive examination for original appointment  
3 and two and one-half points additional credit in a competitive examina-  
4 tion for promotion.

5 (3) Reservists who have served for at least twenty years as members of  
6 the armed forces of the United States shall be entitled to receive two  
7 and one-half points additional credit in a competitive examination for  
8 original appointment, and one point additional credit in a competitive  
9 examination for promotion.

10 (b) Such additional credit shall be added to the final earned rating  
11 of such disabled veteran or non-disabled veteran or reservist, as the  
12 case may be, after he or she has qualified in the competitive examina-  
13 tion and shall be granted only at the time of establishment of the  
14 resulting eligible list.

15 3. Application for additional credit; proof of eligibility; establish-  
16 ment of eligible list. Any candidate, believing himself entitled to  
17 additional credit in a competitive examination as provided herein, may  
18 make application for such additional credit at any time between the date  
19 of his application for examination and the date of the establishment of  
20 the resulting eligible list. Such candidates shall be allowed a period  
21 of not less than two months from the date of the filing of his applica-  
22 tion for examination in which to establish by appropriate documentary  
23 proof his eligibility to receive additional credit under this section.  
24 At any time after two months have elapsed since the final date for  
25 filing applications for a competitive examination for original appoint-  
26 ment or promotion, the eligible list resulting from such examination may  
27 be established, notwithstanding the fact that a veteran or disabled  
28 veteran or reservist who has applied for additional credit has failed to  
29 establish his eligibility to receive such additional credit. A candidate  
30 who fails to establish, by appropriate documentary proof, his eligibil-  
31 ity to receive additional credit by the time an eligible list is estab-  
32 lished shall not thereafter be granted additional credit on such eligi-  
33 ble list.

34 4. Use of additional credit. (a) Except as herein otherwise provided,  
35 no person who has received a permanent original appointment or a perma-  
36 nent promotion in the civil service of the state or of any city or civil  
37 division thereof from an eligible list on which he was allowed the addi-  
38 tional credit granted by this section, either as a veteran or disabled  
39 veteran or reservist, shall thereafter be entitled to any additional  
40 credit under this section either as a veteran or a disabled veteran or  
41 reservist.

42 (b) Where, at the time of establishment of an eligible list, the posi-  
43 tion of a veteran or disabled veteran or reservist on such list has not  
44 been affected by the addition of credits granted under this section, the  
45 appointment or promotion of such veteran or disabled veteran or reser-  
46 vist, as the case may be, from such eligible list shall not be deemed to  
47 have been made from an eligible list on which he was allowed the addi-  
48 tional credit granted by this section.

49 (c) If, at the time of appointment from an eligible list, a veteran or  
50 disabled veteran or reservist is in the same relative standing among the  
51 eligibles who are willing to accept appointment as if he had not been  
52 granted the additional credits provided by this section, his appointment  
53 from among such eligibles shall not be deemed to have been made from an  
54 eligible list on which he was allowed such additional credits.

55 (d) Where a veteran or disabled veteran or reservist has been  
56 originally appointed or promoted from an eligible list on which he was

1 allowed additional credit, but such appointment or promotion is there-  
2 after terminated either at the end of the probationary term or by resig-  
3 nation at or before the end of the probationary term, he shall not be  
4 deemed to have been appointed or promoted, as the case may be, from an  
5 eligible list on which he was allowed additional credit, and such  
6 appointment or promotion shall not affect his eligibility for additional  
7 credit in other examinations.

8 5. Withdrawal of application; election to relinquish additional cred-  
9 it. An application for additional credit in a competitive examination  
10 under this section may be withdrawn by the applicant at any time prior  
11 to the establishment of the resulting eligible list. At any time during  
12 the term of existence of an eligible list resulting from a competitive  
13 examination in which a veteran or disabled veteran or reservist has  
14 received the additional credit granted by this section, such veteran or  
15 disabled veteran or reservist may elect, prior to permanent original  
16 appointment or permanent promotion, to relinquish the additional credit  
17 theretofore granted to him and accept the lower position on such eligi-  
18 ble list to which he would otherwise have been entitled; provided,  
19 however, that such election shall thereafter be irrevocable. Such  
20 election shall be in writing and signed by the veteran or disabled  
21 veteran or reservist, and transmitted to the state civil service depart-  
22 ment or the appropriate municipal civil service commission.

23 6. Roster. The state civil service department and each municipal  
24 commission shall establish and maintain in its office a roster of all  
25 veterans and disabled veterans and reservists appointed or promoted as a  
26 result of additional credits granted by this section to positions under  
27 its jurisdiction. The appointment or promotion of a veteran or disabled  
28 veteran or reservist as a result of additional credits shall be void if  
29 such veteran or disabled veteran or reservist, prior to such appointment  
30 or promotion, had been appointed or promoted as a result of additional  
31 credits granted by this section.

32 § 2. This act shall take effect immediately.