

# STATE OF NEW YORK

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5406

2021-2022 Regular Sessions

## IN ASSEMBLY

February 16, 2021

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

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 6 of article 5 of the constitution, in  
relation to civil service appointments and promotions; veterans' pref-  
erences and credits

1 Section 1. Resolved (if the Senate concur), That section 6 of article  
2 5 of the constitution be amended to read as follows:  
3 § 6. Appointments and promotions in the civil service of the state and  
4 all of the civil divisions thereof, including cities and villages, shall  
5 be made according to merit and fitness to be ascertained, as far as  
6 practicable, by examination which, as far as practicable, shall be  
7 competitive; provided, however, that any member of the armed forces of  
8 the United States [~~who served therein in time of war, and~~] who, at the  
9 time of such member's appointment or promotion, is a citizen or an alien  
10 lawfully admitted for permanent residence in the United States and a  
11 resident of this state and is honorably discharged or released under  
12 honorable circumstances from such service, shall be entitled to receive  
13 five points additional credit in a competitive examination for original  
14 appointment and two and one-half points additional credit in an examina-  
15 tion for promotion or, if such member was disabled in the actual  
16 performance of duty [~~in any war~~] and his or her disability is certified  
17 by the United States department of veterans affairs to be in existence  
18 at the time of application for appointment or promotion, he or she shall  
19 be entitled to receive ten points additional credit in a competitive  
20 examination for original appointment and five points additional credit  
21 in an examination for promotion. Such additional credit shall be added  
22 to the final earned rating of such member after he or she has qualified  
23 in an examination and shall be granted only at the time of establishment  
24 of an eligible list. No such member shall receive the additional credit  
25 granted by this section after he or she has received one appointment,  
26 either original entrance or promotion, from an eligible list on which he

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

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1 or she was allowed the additional credit granted by this section, except  
2 where a member has been appointed or promoted from an eligible list on  
3 which he or she was allowed additional credit for military service and  
4 subsequent to such appointment he or she is disabled as provided in this  
5 section, such member shall be entitled to ten points additional credit  
6 less the number of points of additional credit allowed for the prior  
7 appointment.

8 § 2. Resolved (if the Senate concur), That the foregoing amendment be  
9 referred to the first regular legislative session convening after the  
10 next succeeding general election of members of the assembly, and, in  
11 conformity with section 1 of article 19 of the constitution, be  
12 published for 3 months previous to the time of such election.