STATE OF NEW YORK

8582

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

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

AN ACT to amend the military law, in relation to the existing special eligible list for public employees

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

Section 1. Subdivision 7 of section 243 of the military law, as amended by chapter 616 of the laws of 1999, is amended to read as follows:

7. Status of existing lists. Any person whose name is on any eligible list shall, while in military duty, retain his **or her** rights and status on such list. If the name of any such person is reached for certification during his **or her** military duty, it shall be placed on a special eligible list in the order of his **or her** original standing, provided he **or she** makes request therefor following termination of his **or her** military duty and during the period of his **or her** eligibility on such list. Such list shall be certified before certification shall be made from a subsequent open competitive or promotion eligible list for the same position or from the original eligible list for such position. [~~Such names shall remain on such special eligible list for a period of two years after the termination of such military duty.~~] **Upon being placed upon such special eligible list, the governmental agency or subdivision shall notify such person, in writing, that their name will remain on the list for two years after the termination of such military duty, and that unless such person makes a request to be placed and remain upon such list during this two year period, their name will be removed.** Any such person thus appointed shall, for the purpose of computing seniority credit and training and experience credit for promotion and date of membership in the retirement system and seniority in the event of suspension or demotion, be deemed to have been appointed on the earliest date upon which any eligible, who was the lower on such original eligi-

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

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ble list, was appointed, provided, however that service credit shall be computed from the actual date of appointment. The retirement system contributions of any such person who made any contribution to the retirement system pursuant to article fourteen or fifteen of the retirement and social security law, and who was appointed on or after July twenty-seventh, nineteen hundred seventy-six shall not be refunded.

§ 2. This act shall take effect immediately.