

# STATE OF NEW YORK

4826

2023-2024 Regular Sessions

## IN ASSEMBLY

February 23, 2023

Introduced by M. of A. RAMOS, SANTABARBARA, DINOWITZ, JACKSON, AUBRY,  
DARLING -- read once and referred to the Committee on Veterans'  
Affairs

AN ACT to amend the civil service law, in relation to veterans and  
competitive civil service exam points

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

1 Section 1. Paragraph (a) of subdivision 1 of section 85 of the civil  
2 service law, as separately amended by section 37 of part PP of chapter  
3 56 and chapter 669 of the laws of 2022, is amended to read as follows:

4 (a) The terms "veteran" and "non-disabled veteran" mean: (1) a member  
5 of the armed forces of the United States who was honorably discharged or  
6 released under honorable circumstances from such service including (i)  
7 having a qualifying condition as defined in section one of the veterans'  
8 services law, and receiving a discharge other than bad conduct or  
9 dishonorable from such service, or (ii) being a discharged LGBT veteran,  
10 as defined in section one of the veterans' services law, and receiving a  
11 discharge other than bad conduct or dishonorable from such service, who  
12 is a citizen of the United States or a noncitizen lawfully admitted for  
13 permanent residence in the United States and who is a resident of the  
14 state of New York at the time of application for appointment or  
15 promotion or at the time of retention, as the case may be; or

16 (2) a member of the armed forces of the United States who was honor-  
17 ably discharged or released under honorable circumstances from such  
18 service, who is a citizen of the United States or an alien lawfully  
19 admitted for permanent residence in the United States, who is a resident  
20 of the state of New York at the time of application for appointment or  
21 promotion or at the time of retention, as the case may be, and who was  
22 awarded either a: (i) Combat Action Ribbon, (ii) Combat Infantryman  
23 Badge, (iii) Combat Medical Badge, (iv) Combat Action Badge, (v) Combat  
24 Recognition Ribbon, or (vi) Air Force Combat Action medal.

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

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1 § 2. Subparagraph 1 of paragraph (a) of subdivision 2 of section 85  
2 of the civil service law, as added by chapter 790 of the laws of 1958,  
3 is amended to read as follows:

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

8 § 3. Paragraph (b) of subdivision 1 of section 85 of the civil service  
9 law, as amended by chapter 608 of the laws of 2021, is amended to read  
10 as follows:

11 (b) The term "disabled veteran" means a veteran who is certified by  
12 the United States veterans' administration or a military department as  
13 entitled to receive disability payments upon the certification of such  
14 veterans' administration or a military department for a disability  
15 incurred by him or her in the course of his or her service and in exist-  
16 ence at the time of application for appointment or promotion or at the  
17 time of retention, as the case may be and who was awarded either a: (i)  
18 Combat Action Ribbon, (ii) Combat Infantryman Badge, (iii) Combat  
19 Medical Badge, (iv) Combat Action Badge, (v) Combat Recognition Ribbon,  
20 or (vi) Air Force Combat Action medal. Such disability shall be deemed  
21 to be in existence at the time of application for appointment or  
22 promotion or at the time of retention, as the case may be, if the  
23 certificate of such veterans' administration shall state affirmatively  
24 that such veteran has been examined by a medical officer of such veter-  
25 ans' administration on a date within one year of either the date of  
26 filing application for competitive examination for original appointment  
27 or promotion or the date of the establishment of the resulting eligible  
28 list or within one year of the time of retention, as the case may be;  
29 that at the time of such examination the disability described in such  
30 certificate was found to exist; and that such disability is rated at ten  
31 per centum or more. Such disability shall also be deemed to be in exist-  
32 ence at such time if the certificate of such veterans' administration  
33 shall state affirmatively that a permanent stabilized condition of disa-  
34 bility exists to an extent of ten per centum or more, notwithstanding  
35 the fact that such veteran has not been examined by a medical officer of  
36 such veterans' administration within one year of either the time of  
37 application for appointment or promotion or the date of filing applica-  
38 tion for competitive examination for original appointment or promotion,  
39 or within one year of the time of retention, as the case may be.

40 § 4. This act shall take effect immediately, provided that if the  
41 provisions of part PP of chapter 56 of the laws of 2022 shall not yet  
42 have taken effect on or before such effective date then this act shall  
43 take effect on the same date and in the same manner as such part PP  
44 takes effect.