

# STATE OF NEW YORK

5938

2023-2024 Regular Sessions

## IN SENATE

March 23, 2023

Introduced by Sen. ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the civil service law, in relation to allowing reservists who have served or who are currently serving to be eligible for two and one-half points on civil service examinations

The People of the State of New York, represented in Senate and Assembly, 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 is  
10 currently in service or who was honorably discharged or released under  
11 honorable circumstances from such service, who is a citizen of the  
12 United States or an alien lawfully admitted for permanent residence in  
13 the United States and who is a resident of the state of New York at the  
14 time of application for appointment or promotion or at the time of  
15 retention, as the case may be.

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

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

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

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1 points additional credit in a competitive examination for promotion,  
2 [~~and~~]

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

7 (3) Reservists who have served or who are currently serving as members  
8 of a reserve component of the armed forces of the United States shall be  
9 entitled to receive two and one-half points additional credit in a  
10 competitive examination.

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

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

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

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

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

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

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

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

34 § 2. This act shall take effect immediately.