

STATE OF NEW YORK

7405

2023-2024 Regular Sessions

IN SENATE

May 23, 2023

Introduced by Sen. PARKER -- 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 veterans and competitive civil service exam points

The People of the State of New York, represented in Senate and Assembly, 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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§ 2. Subparagraph 1 of paragraph (a) of subdivision 2 of section 85 of the civil service law, as added by chapter 790 of the laws of 1958, is amended to read as follows:

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

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

(b) The term "disabled veteran" means a veteran who is certified by the United States veterans' administration or a military department as entitled to receive disability payments upon the certification of such veterans' administration or a military department for a disability incurred by him or her in the course of his or her service and in existence at the time of application for appointment or promotion or at the time of retention, as the case may be and who was awarded either a: (i) Combat Action Ribbon, (ii) Combat Infantryman Badge, (iii) Combat Medical Badge, (iv) Combat Action Badge, (v) Combat Recognition Ribbon, or (vi) Air Force Combat Action medal. Such disability shall be deemed to be in existence at the time of application for appointment or promotion or at the time of retention, as the case may be, if the certificate of such veterans' administration shall state affirmatively that such veteran has been examined by a medical officer of such veterans' administration on a date within one year of either the date of filing application for competitive examination for original appointment or promotion or the date of the establishment of the resulting eligible list or within one year of the time of retention, as the case may be; that at the time of such examination the disability described in such certificate was found to exist; and that such disability is rated at ten per centum or more. Such disability shall also be deemed to be in existence at such time if the certificate of such veterans' administration shall state affirmatively that a permanent stabilized condition of disability exists to an extent of ten per centum or more, notwithstanding the fact that such veteran has not been examined by a medical officer of such veterans' administration within one year of either the time of application for appointment or promotion or the date of filing application for competitive examination for original appointment or promotion, or within one year of the time of retention, as the case may be.

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