

# STATE OF NEW YORK

7259

2023-2024 Regular Sessions

## IN ASSEMBLY

May 16, 2023

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:

1 Section 1. Subdivision 7 of section 243 of the military law, as  
2 amended by chapter 616 of the laws of 1999, is amended to read as  
3 follows:  
4 7. Status of existing lists. Any person whose name is on any eligible  
5 list shall, while in military duty, retain [~~his~~] the rights and status  
6 on such list. If the name of any such person is reached for certification  
7 during [~~his~~] military duty, it shall be placed on a special  
8 eligible list in the order of [~~his~~] original standing, provided [~~he~~] the  
9 person makes request therefor following termination of [~~his~~] military  
10 duty and during the period of [~~his~~] eligibility on such list. Such list  
11 shall be certified before certification shall be made from a subsequent  
12 open competitive or promotion eligible list for the same position or  
13 from the original eligible list for such position. [~~Such names shall~~  
14 ~~remain on such special eligible list for a period of two years after the~~  
15 ~~termination of such military duty.~~] Upon being placed upon such special  
16 eligible list, the governmental agency or subdivision shall notify such  
17 person, in writing, that their name will remain on the list for two  
18 years after the termination of such military duty, and that unless such  
19 person makes a request to be placed and remain upon such list during  
20 this two year period, their name will be removed. Any such person thus  
21 appointed shall, for the purpose of computing seniority credit and  
22 training and experience credit for promotion and date of membership in  
23 the retirement system and seniority in the event of suspension or  
24 demotion, be deemed to have been appointed on the earliest date upon  
25 which any eligible, who was the lower on such original eligible list,

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

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1 was appointed, provided, however that service credit shall be computed  
2 from the actual date of appointment. The retirement system contributions  
3 of any such person who made any contribution to the retirement system  
4 pursuant to article fourteen or fifteen of the retirement and social  
5 security law, and who was appointed on or after July twenty-seventh,  
6 nineteen hundred seventy-six shall not be refunded.  
7 § 2. This act shall take effect immediately.