

STATE OF NEW YORK

2368

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

Introduced by M. of A. GANDOLFO, SMULLEN, MANKTELOW, JENSEN, GIGLIO, DeSTEFANO, DURSO, ANGELINO, BRABENEC -- read once and referred to the Committee on Governmental Employees

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 noncitizen 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~~] such disabled veteran or non-disabled
14 veteran or reservist has qualified in the competitive examination and
15 shall be granted only at the time of establishment of the resulting
16 eligible list.

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

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

46 (b) Where, at the time of establishment of an eligible list, the posi-
47 tion of a veteran or disabled veteran or reservist on such list has not
48 been affected by the addition of credits granted under this section, the
49 appointment or promotion of such veteran or disabled veteran or reser-
50 vist, as the case may be, from such eligible list shall not be deemed to
51 have been made from an eligible list on which [~~he~~] such veteran or disa-
52 bled veteran or reservist was allowed the additional credit granted by
53 this section.

54 (c) If, at the time of appointment from an eligible list, a veteran or
55 disabled veteran or reservist is in the same relative standing among the
56 eligibles who are willing to accept appointment as if [~~he~~] such veteran

1 or disabled veteran or reservist had not been granted the additional
2 credits provided by this section, [~~his~~] such veteran's or disabled
3 veteran's or reservist's appointment from among such eligibles shall not
4 be deemed to have been made from an eligible list on which [~~he~~] such
5 veteran or disabled veteran or reservist was allowed such additional
6 credits.

7 (d) Where a veteran or disabled veteran or reservist has been
8 originally appointed or promoted from an eligible list on which [~~he~~]
9 such veteran or disabled veteran or reservist was allowed additional
10 credit, but such appointment or promotion is thereafter terminated
11 either at the end of the probationary term or by resignation at or
12 before the end of the probationary term, [~~he~~] such veteran or disabled
13 veteran or reservist shall not be deemed to have been appointed or
14 promoted, as the case may be, from an eligible list on which [~~he~~] such
15 veteran or disabled veteran or reservist was allowed additional credit,
16 and such appointment or promotion shall not affect [~~his~~] such veteran's
17 or disabled veteran's or reservist's eligibility for additional credit
18 in other examinations.

19 5. Withdrawal of application; election to relinquish additional cred-
20 it. An application for additional credit in a competitive examination
21 under this section may be withdrawn by the applicant at any time prior
22 to the establishment of the resulting eligible list. At any time during
23 the term of existence of an eligible list resulting from a competitive
24 examination in which a veteran or disabled veteran or reservist has
25 received the additional credit granted by this section, such veteran or
26 disabled veteran or reservist may elect, prior to permanent original
27 appointment or permanent promotion, to relinquish the additional credit
28 theretofore granted to [~~him~~] such veteran or disabled veteran or reser-
29 vist and accept the lower position on such eligible list to which [~~he~~]
30 such veteran or disabled veteran or reservist would otherwise have been
31 entitled; provided, however, that such election shall thereafter be
32 irrevocable. Such election shall be in writing and signed by the veteran
33 or disabled veteran or reservist, and transmitted to the state civil
34 service department or the appropriate municipal civil service commis-
35 sion.

36 6. Roster. The state civil service department and each municipal
37 commission shall establish and maintain in its office a roster of all
38 veterans and disabled veterans and reservists appointed or promoted as a
39 result of additional credits granted by this section to positions under
40 its jurisdiction. The appointment or promotion of a veteran or disabled
41 veteran or reservist as a result of additional credits shall be void if
42 such veteran or disabled veteran or reservist, prior to such appointment
43 or promotion, had been appointed or promoted as a result of additional
44 credits granted by this section.

45 § 2. This act shall take effect immediately.