

# STATE OF NEW YORK

8424--A

2025-2026 Regular Sessions

## IN SENATE

June 10, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to providing a legacy credit to the children and siblings of persons who served in the military and were killed in the line of duty

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

1 Section 1. The civil service law is amended by adding a new section  
2 85-e to read as follows:

3 § 85-e. Additional credits allowed the children and siblings of veter-  
4 ans killed in the line of duty. 1. Definitions. (a) As used in this  
5 section, "killed in the line of duty" shall mean having died in the  
6 performance of duty or from service connected causes including disabili-  
7 ty, presumptive conditions determined by the department of veterans  
8 affairs or toxic exposure.

9 (b) As used in this section, "veteran" shall have the same meaning as  
10 provided in section eighty-five of this article.

11 2. Additional credit authorized. Additional credits shall be allowed  
12 children and siblings of veterans killed in the line of duty in compet-  
13 itive examinations for original appointment.

14 (a) On all eligible lists resulting from competitive examinations, the  
15 names of eligible persons shall be entered in the order of their respec-  
16 tive final earned ratings on examinations, with the name of the eligible  
17 person with the highest final earned ratings at the head of such list;  
18 provided, however, that for the purpose of determining final earned  
19 ratings, children and siblings of veterans killed in the line of duty  
20 shall be entitled to receive an additional ten points in a competitive  
21 examination for original appointment.

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

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1 (b) Such additional credit shall be added to the final earned rating  
2 of such child or sibling, as the case may be, after such child or  
3 sibling has qualified in the competitive examination and shall be grant-  
4 ed only at the time of establishment of the resulting eligible list.

5 3. Application for additional credit; proof of eligibility; establish-  
6 ment of eligible list. Any candidate, believing such candidate is enti-  
7 led to additional credit in a competitive examination as provided in  
8 this section, may make application for such additional credit at any  
9 time between the date of such candidate's application for examination  
10 and the date of the establishment of the resulting eligible list. Such  
11 candidates shall be allowed a period of not less than two months from  
12 the date of the filing of such candidate's application for examination  
13 in which to establish by appropriate documentary proof such candidate's  
14 eligibility to receive additional credit under this section. At any time  
15 after two months have elapsed since the final date for filing applica-  
16 tions for a competitive examination for original appointment, the eligi-  
17 ble list resulting from such examination may be established, notwith-  
18 standing the fact that a child or sibling who has applied for additional  
19 credit has failed to establish such child or sibling's eligibility to  
20 receive such additional credit. A candidate who fails to establish, by  
21 appropriate documentary proof, such candidate's eligibility to receive  
22 additional credit by the time an eligible list is established shall not  
23 thereafter be granted additional credit on such eligible list.

24 4. Use of additional credit. (a) Except as otherwise provided in this  
25 subdivision, no person who has received a permanent original appointment  
26 in the civil service of the state or of any city or civil division ther-  
27 eof from an eligible list on which such person was allowed the addi-  
28 tional credit granted by this section as a child or sibling, shall ther-  
29 eafter be entitled to any additional credit under this section as a  
30 child or sibling.

31 (b) Where, at the time of establishment of an eligible list, the posi-  
32 tion of a child or sibling on such list has not been affected by the  
33 addition of credits granted under this section, the appointment of such  
34 child or sibling from such eligible list shall not be deemed to have  
35 been made from an eligible list on which such child or sibling was  
36 allowed the additional credit granted by this section.

37 (c) If, at the time of appointment from an eligible list, a child or  
38 sibling is in the same relative standing among the eligible persons who  
39 are willing to accept appointment as if such child or sibling had not  
40 been granted the additional credits as provided by this section, such  
41 child or sibling's appointment from such eligible persons shall not be  
42 deemed to have been made from an eligible list on which such child or  
43 sibling was allowed such additional credits.

44 (d) Where a child or sibling has been originally appointed from an  
45 eligible list on which child or sibling was allowed such additional  
46 credit, but such appointment is thereafter terminated either at the end  
47 of the probationary term or by resignation at or before the end of the  
48 probationary term, such child or sibling shall not be deemed to have  
49 been appointed, as the case may be, from an eligible list on which such  
50 child or sibling is allowed additional credit, and such appointment  
51 shall not affect such child or sibling's eligibility for additional  
52 credit in other examinations.

53 5. Withdrawal of application; election to relinquish additional cred-  
54 it. An application for additional credit in a competitive examination  
55 under this section may be withdrawn by the applicant at any time prior  
56 to the establishment of the resulting eligible list. At any time during

1 the term of existence of an eligible list resulting from a competitive  
2 examination in which a child or sibling has received the additional  
3 credit granted by this section, such child or sibling may elect, prior  
4 to permanent original appointment, to relinquish the additional credit  
5 theretofore granted to child or sibling and accept the lower position on  
6 such eligible list to which such child or sibling would otherwise have  
7 been entitled; provided, however, that such election shall thereafter be  
8 irrevocable. Such election shall be in writing and signed by the child  
9 or sibling, and transmitted to the department or the appropriate municipi-  
10 pal civil service commission.

11 6. Roster. The department and each municipal commission shall estab-  
12 lish and maintain in its office a roster of all such children and  
13 siblings appointed as a result of additional credits granted by this  
14 section to positions under its jurisdiction. The appointment of a child  
15 or sibling as a result of additional credits shall be void if such child  
16 or sibling, prior to such appointment, had been appointed as a result of  
17 additional credits granted by this section.

18 § 2. This act shall take effect immediately.