

# STATE OF NEW YORK

2123

2025-2026 Regular Sessions

## IN ASSEMBLY

January 15, 2025

Introduced by M. of A. BERGER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to providing additional credits to children and siblings of deceased New York city sanitation members

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-d to read as follows:  
3 § 85-d. Additional credits allowed the children and siblings of New  
4 York city sanitation members killed in the line of duty. 1. Definitions.  
5 (a) As used in this section, "killed in the line of duty" shall mean  
6 having died in the performance of duty as the natural and proximate  
7 result of the World Trade Center attack on September eleventh, two thou-  
8 sand one or as the natural and proximate result of participation in the  
9 rescue effort that was conducted in response to such attack.  
10 (b) As used in this section "New York city sanitation member" shall  
11 mean a sanitation member as defined in subdivision sixty-four of section  
12 13-101 of the administrative code of the city of New York.  
13 2. Additional credit authorized. Additional credits shall be allowed  
14 to children and siblings of New York city sanitation members killed in  
15 the line of duty in competitive examinations for original appointment.  
16 (a) On all eligible lists resulting from competitive examinations, the  
17 names of eligible persons shall be entered in the order of their respec-  
18 tive final earned ratings on examinations, with the name of the eligible  
19 person with the highest final earned ratings at the head of such list;  
20 provided, however, that for the purpose of determining final earned  
21 ratings, children and siblings of New York city sanitation members  
22 killed in the line of duty shall be entitled to receive an additional  
23 ten points in a competitive examination for original appointment in the

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

LBD03851-01-5

1 same municipality in which such child or sibling's parent or sibling has  
2 served.

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

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

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

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

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

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

55 5. Withdrawal of application; election to relinquish additional cred-  
56 it. An application for additional credit in a competitive examination

1 under this section may be withdrawn by the applicant at any time prior  
2 to the establishment of the resulting eligible list. At any time during  
3 the term of existence of an eligible list resulting from a competitive  
4 examination in which a child or sibling has received the additional  
5 credit granted by this section, such child or sibling may elect, prior  
6 to permanent original appointment, to relinquish the additional credit  
7 theretofore granted to such child or sibling and accept the lower posi-  
8 tion on such eligible list to which such child or sibling would other-  
9 wise have been entitled; provided, however, that such election shall  
10 thereafter be irrevocable. Such election shall be in writing and signed  
11 by the child or sibling, and transmitted to the department or the appro-  
12 priate municipal civil service commission.

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

20 § 2. This act shall take effect immediately.