

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE

DIVISION OF STAFFING SERVICES

GENERAL INFORMATION BULLETIN No. 08-08

TO: Department and Agency Personnel, Human Resource, and Affirmative Action Officers

FROM: Blaine Ryan-Lynch, Director of Staffing Services

SUBJECT: Amendment to the New York State Constitution re Eligibility for Disabled Veterans' Credits on New York State Examinations

DATE: December 17, 2008

On November 4, 2008, voters approved an amendment to Article V, section 6 of the New York State Constitution. The amendment removes the requirement that disabled veterans be receiving disability payments from the United States Department of Veterans Affairs in order to obtain additional credits on examinations. The Department of Veterans Affairs need only certify that the veteran was disabled in the actual performance of duty in any war; that the disability is rated at 10 percent or more; and the disability exists at the time of application for appointment or promotion. This amendment also updates references to the former federal Veterans Administration, which is now known as the federal Department of Veterans Affairs.

The amendment takes effect on January 1, 2009. The provisions of this amendment are not retroactive and will apply only to eligible lists established on or after its effective date.

We are in the process of making appropriate revisions to the State Personnel Management Manual, to our examination announcements and application forms, and to other resources and documents as necessary to reflect this change.

Veterans' credits on competitive examination may only be used once to achieve a permanent appointment to any civil service position in any jurisdiction in New York State. Individuals who previously used credit as a non-disabled veteran to receive a permanent appointment are not entitled to additional credit as a disabled veteran, even if they would now qualify as a disabled veteran after passage of the constitutional amendment.

A copy of the amendment text and abstract is attached.

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**TEXT OF PROPOSAL NUMBER ONE, AN AMENDMENT
CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY**

Adopted November 4, 2008
Effective January 1, 2009

proposing an amendment to section 6 of article 5 of the constitution, in relation to additional civil service credit for members of the armed forces of the United States

Section 1. RESOLVED, That section 6 of article 5 of the constitution be amended to read as follows:

§ 6. Appointments and promotions in the civil service of the state and all of the civil divisions thereof, including cities and villages, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination which, as far as practicable, shall be competitive; provided, however, that any member of the armed forces of the United States who served therein in time of war, and who, at the time of such member's appointment or promotion, is a citizen or an alien lawfully admitted for permanent residence in the United States and a resident of this state and is honorably discharged or released under honorable circumstances from such service, shall be entitled to receive five points additional credit in a competitive examination for original appointment and two and one-half points additional credit in an examination for promotion or, if such member was disabled in the actual performance of duty in any war[, is receiving disability payments there-for from the United States veterans administration,] and his or her disability is certified by [such administration] the United States department of veterans affairs to be in existence at the time of application for appointment or promotion, he or she shall be entitled to receive ten points additional credit in a competitive examination for original appointment and five points additional credit in an examination for promotion. Such additional credit shall be added to the final earned rating of such member after he or she has qualified in an examination and shall be granted only at the time of establishment of an eligible list. No such member shall receive the additional credit granted by this section after he or she has received one appointment, either original entrance or promotion, from an eligible list on which he or she was allowed the additional credit granted by this section.

§ 2. RESOLVED, That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2008 in accordance with the provisions of the election law.

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

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ABSTRACT OF PROPOSAL NUMBER ONE, AN AMENDMENT

The purpose of the proposal is to eliminate the requirement that disabled veterans be receiving disability payments in order to qualify for additional credit on civil service examinations.

The State Constitution currently requires that, in order to qualify for additional points on a civil service examination for appointment or promotion, a veteran who was disabled in the actual performance of duty in any war must be receiving disability payments from the United States Veterans Administration, and the United States Veterans Administration must certify that the veteran's disability exists at the time that the veteran applies for appointment or promotion.

The proposed amendment would change the reference to the "United States Veterans Administration" currently in this section to the "United States Department of Veterans Affairs" to reflect the Veterans Administration's redesignation as the Department of Veterans Affairs under federal law.

The proposed amendment would also eliminate the requirement that a veteran who was disabled in the actual performance of duty in any war be receiving disability payments from the federal veterans department in order to qualify for additional points on a civil service examination. Instead, the proposed amendment would only require that the United States Department of Veterans Affairs certify that the veteran's disability exists at the time that the veteran applies for appointment or promotion.