



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
DEPARTMENT OF CIVIL SERVICE
ALBANY, NEW YORK 12239
www.cs.ny.gov

JERRY BOONE
COMMISSIONER

PAR-05-13

POLICY ADVISORY REPORT

TO: All Municipal Civil Service Agencies

FROM: Office of Commission Operations & Municipal Assistance

SUBJECT: Implementation of the Amendment to Section Six of Article Five of the New York State Constitution Regarding Veteran Credits

DATE: December 26, 2013

EXECUTIVE SUMMARY

The Constitutional Amendment which allows certain disabled veterans to use additional credits on civil service examinations to obtain a second appointment or promotion takes effect on January 1, 2014. Implementation of this amendment requires immediate action on your part. We recommend you do not establish any eligible lists until such time as you are able to confirm whether any of the candidates who passed the examinations for which you have not yet established an eligible list meet the requirements of the Amendment. Additional administrative action between State and local civil service agencies will be necessary to coordinate the verification of credits.

The information contained in this PAR should be retained with any paper or electronic copies of the current *Veterans' Rights Manual* (last updated January 2011).

BACKGROUND INFORMATION

On November 5, 2013, the electorate approved an amendment to section six of article five of the New York State Constitution granting additional veteran credits on a competitive civil service examination to individuals who previously received non-disabled, war-time veteran credits for original appointment or promotion to a competitive class position and were then subsequently certified as disabled war-time veterans.

Previously, the Constitution had provided a strict one-time-only use of veteran credits on a civil service examination. A non-disabled war-time veteran was entitled to a one-time use of either five points on an open-competitive examination or two and one-half points on a promotion examination. A disabled war-time veteran was entitled to a one-time use of either ten points on an open-competitive examination or five points on a promotion examination.

IMPACT OF THE NEW AMENDMENT

The amendment creates an exception to the one-time-only use of veteran credits. It permits veterans who are certified as disabled after having already received credits at either an original appointment or a promotion because of their status as non-disabled veterans to receive additional credits after the certification of their disability. After being certified disabled, such a veteran would be entitled to an additional grant of credits equal to the difference between 10 credits and the number of credits received at the initial appointment or promotion. This would bring the total additional points of Civil Service credits such a veteran can receive to 10 for either an appointment or a promotion.

HOW TO COMPUTE CREDITS

- If a veteran previously received five (non-disabled) points on an open-competitive examination and subsequently became certified as disabled, he or she would be entitled to receive another five (disabled) points on a subsequent examination whether an open-competitive or a promotion examination.
- If a veteran previously received two and one-half (non-disabled) points on a promotion examination and subsequently became certified as disabled, he or she would be entitled to receive another seven and one-half (disabled) points on a subsequent examination whether an open-competitive or a promotion examination.
- There is no change for a veteran who has already received non-disabled veteran credits and remains non-disabled.
- A disabled veteran who received disabled veteran credits without previously having received non-disabled veteran credits is not entitled to any additional credits.

COORDINATION OF STATE AND LOCAL CIVIL SERVICE AGENCIES NOW REQUIRED

With the implementation of this amendment, you will need to know if a veteran claiming the right to additional credits has received non-disabled credits towards another appointment with either the State or another municipal jurisdiction. Similarly, the State will need to verify the use of credits at the local level of government.

- If you need to verify a candidate's use of credits for a State appointment, please contact this Office at (518) 473-5037 or at assistance.request@cs.state.ny.us. We will research the candidate's history and respond to you. In order to accomplish this, you will need to provide us with the candidate's social security number.
- If the State needs to verify the use of credits, they will require the candidate to complete their Form T-252-a. The candidate will be responsible for sending this form to you for your certification. The form asks you to certify the title to which the candidate was appointed, the date of appointment and the number of veteran credits used. The form contains the address at the Department of Civil Service to which the form should be returned. Note: this form is *not* to be sent to OCO&MA.

WHERE TO FIND MORE INFORMATION

The State Department of Civil Service has information on its website at <http://www.cs.ny.gov/vetcredits/> which you may find useful, in particular the Frequently Asked Questions section. This information is written for veterans who may be interested in applying for veteran credits on State examinations, but it will show you how the State is handling the administration of this new provision.

IF YOU HAVE PARTICULAR QUESTIONS, PLEASE FEEL FREE TO CONTACT OCO&MA AT (518) 473-5037 or by e-mailing assistance.request@cs.state.ny.us. It is going to take some time for all of us to become accustomed to this new process and we will work with you on a case-by-case basis.

NEXT STEPS

- Postpone Establishing Eligible Lists

We have been advised by this Department's Counsel that the Constitutional amendment will apply to any candidates who took and passed a competitive civil service examination which has not yet resulted in the establishment of an eligible list as of January 1, 2014. Of course, all eligible lists after that date will be affected as well. Therefore, we recommend that after January 1, 2014, your agency delay the establishment of any new eligible lists until such time as you are able to confirm whether any of the candidates who took and passed examinations are eligible for additional credits as disabled veterans who have previously used non-disabled credits. In doing so, candidates will need to verify that they are disabled veterans who previously used non-disabled veteran credits for original appointment or promotion at either the State or the local level.

- Revise Examination Application Forms

Examination application forms will need to be amended to include information about the use of veteran credits (including the date of usage) and the process for claiming veteran credits.

The Sample Disability Record Authorization Form (MSD-390) developed for use by local agencies to verify the disability status of local candidates with the Veterans Administration has been updated and is available on MSD Online. Please note that this form is different from Form T-252 used to verify the disability status of veterans for State examinations. Local agencies should not use Form T-252.

A link to the Sample Disability Record Authorization Form (MSD-390) for local civil service agencies is provided below in the Important Web Links section.

- Revise Veteran Credit Rosters

Rosters should be reviewed immediately to determine if they should be revised to ensure that they contain information sufficient to properly calculate and award veteran credits going forward.

At a minimum, the Roster should include:

- Employee Name
 - Social Security Number
 - Title to Which Appointment Was Made
 - Date of Appointment
 - Type of Veteran Credits Received (disabled or non-disabled)
 - Number of Veteran Credits Received
- Verify Use of Veteran Credits for State Examination Applicants

Veterans who have used credits at the local level of government and believe themselves eligible for additional credits when applying for a State examination, will be submitting NYS Department of Civil Service Form T-252-a to your office for verification. Since these forms will be available on the website, you may begin receiving them very soon.

WHAT THE STATE IS DOING

The State is taking many of the same steps as described above. In addition, they have established the website previously mentioned (which should be available as of the date of this PAR). The website is designed to answer applicant questions and provide the form that a veteran will need to complete to request the credits for appointment to positions in State government.

If you have any questions, please contact the Municipal Assistance Section at (518) 473-5037 or assistance.request@cs.state.ny.us.

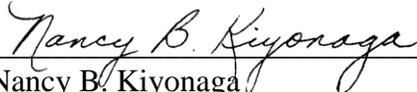
IMPORTANT WEB LINKS

Eligibility for Disabled Veteran Credits Overview: <http://www.cs.ny.gov/vetcredits/>

Constitutional Amendment & Frequently Asked Questions:
<http://www.cs.ny.gov/extdocs/vetcredits/Constitutional%20Amendment%20FAQ.pdf>

Authorization for Verification of Non-Disabled Veteran Credits Use:
<http://www.cs.ny.gov/extdocs/forms/T252a.pdf>

Sample Disability Record Authorization (MSD-390 for local civil service agencies):
http://www.cs.ny.gov/forms/revised_msd_390_sample_disability_authorization_record_12_2013.doc



Nancy B. Kiyonaga
Director, Commission Operations
& Municipal Assistance