

7173

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. ABBATE, PHEFFER, DenDEKKER, TOWNSEND, SALADINO --
read once and referred to the Committee on Governmental Employees

AN ACT to amend the executive law, in relation to longevity in title for
investigative employees of the division of state police

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 3 of section 215 of the executive law, as
2 amended by chapter 478 of the laws of 2004, is amended to read as
3 follows:
4 3. The sworn members of the New York state police shall be appointed
5 by the superintendent and permanent appointees may be removed by the
6 superintendent only after a hearing. MEMBERS WHO HAVE BEEN ASSIGNED OR
7 APPOINTED AS INVESTIGATORS OR SENIOR INVESTIGATORS IN THE BUREAU OF
8 CRIMINAL INVESTIGATION OR AS A STATION COMMANDER, ZONE COMMANDER, ZONE
9 SERGEANT, FIRST SERGEANT, CAPTAIN OR MAJOR FOR A PERIOD OF THREE CONTIN-
10 UOUS YEARS OR MORE MAY BE REMOVED OR DEMOTED FROM SUCH ASSIGNMENT OR
11 APPOINTMENT ONLY AFTER A HEARING, THE PROCEDURE OF WHICH SHALL BE IN
12 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SUPERINTENDENT OF STATE
13 POLICE; PROVIDED, HOWEVER, THAT A HEARING SHALL NOT BE REQUIRED WHEN
14 REDUCTION IN RANK FROM SUCH POSITION IS BASED SOLELY ON REASONS OF THE
15 ECONOMY, CONSOLIDATION OR ABOLITION OF FUNCTIONS, CURTAILMENT OF ACTIV-
16 ITIES OR OTHERWISE. No person shall be appointed to the New York state
17 police force as a sworn member unless he or she shall be a citizen of
18 the United States, between the ages of twenty-one and twenty-nine years
19 except that in the superintendent's discretion, the maximum age may be
20 extended to thirty-five years. Notwithstanding any other provision of
21 law or any general or special law to the contrary the time spent on
22 military duty, not exceeding a total of six years, shall be subtracted
23 from the age of any applicant who has passed his or her twenty-ninth
24 birthday, solely for the purpose of permitting qualification as to age
25 and for no other purpose. Such limitations as to age however shall not

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

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1 apply to persons appointed to the positions of counsel, first assistant
2 counsel, assistant counsel, and assistant deputy superintendent for
3 employee relations nor to any person appointed to the bureau of criminal
4 investigation pursuant to section two hundred sixteen of this article
5 nor shall any person be appointed unless he or she has fitness and good
6 moral character and shall have passed a physical and mental examination
7 based upon standards provided by the rules and regulations of the super-
8 intendent. Appointments shall be made for a probationary period which,
9 in the case of appointees required to attend and complete a basic train-
10 ing program at the state police academy, shall include such time spent
11 attending the basic school and terminate one year after successful
12 completion thereof. All other sworn members shall be subject to a proba-
13 tionary period of one year from the date of appointment. Following
14 satisfactory completion of the probationary period the member shall be a
15 permanent appointee. Voluntary resignation or withdrawal from the New
16 York state police during such appointment shall be submitted to the
17 superintendent for approval. Reasonable time shall be required to
18 account for all equipment issued or for debts or obligations to the
19 state to be satisfied. Resignation or withdrawal from the division
20 during a time of emergency, so declared by the governor, shall not be
21 approved if contrary to the best interest of the state and shall be a
22 misdemeanor. No sworn member removed from the New York state police
23 shall be eligible for reappointment. The superintendent shall make rules
24 and regulations subject to approval by the governor for the discipline
25 and control of the New York state police and for the examination and
26 qualifications of applicants for appointment as members thereto and such
27 examinations shall be held and conducted by the superintendent subject
28 to such rules and regulations. The superintendent is authorized to
29 charge a fee of twenty dollars as an application fee for any person
30 applying to take a competitive examination for the position of trooper,
31 and a fee of five dollars for any competitive examination for a civilian
32 position. The superintendent shall promulgate regulations subject to the
33 approval of the director of the budget, to provide for a waiver of the
34 application fee when the fee would cause an unreasonable hardship on the
35 applicant and to establish a fee schedule and charge fees for the use of
36 state police facilities.

37 S 2. This act shall take effect immediately.