

106--A

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. GALLIVAN, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- 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 and the executive law, in relation to lifting mandatory hiring and retirement ages for state and municipal police

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

1     Section 1. Paragraph (a) of subdivision 1 of section 58 of the civil  
2     service law, as amended by chapter 244 of the laws of 2013, is amended  
3     to read as follows:  
4     (a) he or she is not less than twenty years of age as of the date of  
5     appointment [nor more than thirty-five years of age as of the date when  
6     the applicant takes the written examination, provided that the maximum  
7     age requirement of thirty-five years of age as set forth in this para-  
8     graph shall not apply to eligible lists finalized pursuant to an exam-  
9     ination administered prior to May thirty-first, nineteen hundred nine-  
10    ty-nine or a police officer in the department of environmental  
11    conservation, provided, however, that:  
12    (i) time spent on military duty or on terminal leave, not exceeding a  
13    total of six years, shall be subtracted from the age of any applicant  
14    who has passed his or her thirty-fifth birthday as provided in subdivi-  
15    sion ten-a of section two hundred forty-three of the military law;  
16    (ii) such maximum age requirement of thirty-five years shall not apply  
17    to any police officer as defined in subdivision thirty-four of section  
18    1.20 of the criminal procedure law, who was continuously employed by the  
19    Buffalo municipal housing authority between January first, two thousand

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

LBD01974-02-4

1 five and June thirtieth, two thousand five and who takes the next writ-  
2 ten exam offered after the effective date of this subparagraph by the  
3 city of Buffalo civil service commission for employment as a police  
4 officer in the city of Buffalo police department, or June thirtieth, two  
5 thousand six, whichever is later; and

6 (iii) such maximum age requirement of thirty-five years shall not  
7 apply to any police officer of any county, town, city or village police  
8 force not otherwise provided for in this section if the eligible list  
9 has been exhausted and there are no other eligible candidates; provided,  
10 however, the police officer themselves are on the eligible list of such  
11 county, town, city or village and meet all other requirements of merit  
12 and fitness set forth by this chapter and do not exceed the maximum age  
13 of thirty-nine];

14 S 2. Subdivision 3 of section 215 of the executive law, as amended by  
15 chapter 478 of the laws of 2004, is amended to read as follows:

16 3. The sworn members of the New York state police shall be appointed  
17 by the superintendent and permanent appointees may be removed by the  
18 superintendent only after a hearing. No person shall be appointed to the  
19 New York state police force as a sworn member unless he or she shall be  
20 a citizen of the United States, [between the ages of twenty-one and  
21 twenty-nine years except that in the superintendent's discretion, the  
22 maximum age may be extended to thirty-five years. Notwithstanding any  
23 other provision of law or any general or special law to the contrary the  
24 time spent on military duty, not exceeding a total of six years, shall  
25 be subtracted from the age of any applicant who has passed his or her  
26 twenty-ninth birthday, solely for the purpose of permitting qualifica-  
27 tion as to age and for no other purpose. Such limitations as to age  
28 however shall not apply to persons appointed to the positions of coun-  
29 sel, first assistant counsel, assistant counsel, and assistant deputy  
30 superintendent for employee relations nor to any person appointed to the  
31 bureau of criminal investigation pursuant to section two hundred sixteen  
32 of this article nor shall any person be appointed] NOT LESS THAN TWEN-  
33 TY-ONE YEARS OF AGE AS OF THE DATE OF APPOINTMENT, OR unless he or she  
34 has fitness and good moral character and shall have passed a physical  
35 and mental examination based upon standards provided by the rules and  
36 regulations of the superintendent. Appointments shall be made for a  
37 probationary period which, in the case of appointees required to attend  
38 and complete a basic training program at the state police academy, shall  
39 include such time spent attending the basic school and terminate one  
40 year after successful completion thereof. All other sworn members shall  
41 be subject to a probationary period of one year from the date of  
42 appointment. Following satisfactory completion of the probationary peri-  
43 od the member shall be a permanent appointee. Voluntary resignation or  
44 withdrawal from the New York state police during such appointment shall  
45 be submitted to the superintendent for approval. Reasonable time shall  
46 be required to account for all equipment issued or for debts or obli-  
47 gations to the state to be satisfied. Resignation or withdrawal from the  
48 division during a time of emergency, so declared by the governor, shall  
49 not be approved if contrary to the best interest of the state and shall  
50 be a misdemeanor. No sworn member removed from the New York state police  
51 shall be eligible for reappointment. The superintendent shall make rules  
52 and regulations subject to approval by the governor for the discipline  
53 and control of the New York state police and for the examination and  
54 qualifications of applicants for appointment as members thereto and such  
55 examinations shall be held and conducted by the superintendent subject  
56 to such rules and regulations. The superintendent is authorized to

1 charge a fee of twenty dollars as an application fee for any person  
2 applying to take a competitive examination for the position of trooper,  
3 and a fee of five dollars for any competitive examination for a civilian  
4 position. The superintendent shall promulgate regulations subject to the  
5 approval of the director of the budget, to provide for a waiver of the  
6 application fee when the fee would cause an unreasonable hardship on the  
7 applicant and to establish a fee schedule and charge fees for the use of  
8 state police facilities.  
9 S 3. This act shall take effect on the one hundred eightieth day after  
10 it shall have become a law.