

5710

2013-2014 Regular Sessions

I N S E N A T E

June 6, 2013

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to the calculation of expenses of members of the police department and other peace officers in attending police training schools and disputes over such calculations

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

1 Section 1. Section 72-c of the general municipal law, as amended by
2 section 1 of subpart C of part C of chapter 97 of the laws of 2011, is
3 amended to read as follows:
4 S 72-c. Expenses of members of the police department and other peace
5 officers in attending police training schools. The board or body of a
6 county, city, town or village authorized to appropriate and to raise
7 money by taxation and to make payments therefrom, is hereby authorized,
8 in its discretion, to appropriate and to raise money by taxation and to
9 make payments from such moneys, for the annual expenses of the members
10 of the police department of such municipal corporation in attending a
11 police training school, as provided by the regulations of the depart-
12 ment, either within such municipal corporation or elsewhere within the
13 state; and for the payment of reasonable expenses of such members and
14 other police officers or peace officers of the municipality while going
15 to, attending, and returning from any training school conducted by or
16 under the auspices of the federal bureau of investigation, whether with-
17 in or without the state. Notwithstanding any inconsistent provision of
18 any general, special or local law to the contrary, whenever a member of
19 the police department of a municipal corporation has attended a police
20 training school, the expense of which was borne by such municipal corpo-
21 ration, terminates employment with such municipal corporation and
22 commences employment with any other municipal corporation or employer
23 county sheriff, such employer municipal corporation or employer county

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

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1 sheriff shall reimburse the prior employer municipal corporation for
2 such expenses, including, salary, tuition, enrollment fees, books, and
3 the cost of transportation to and from training school, as follows: on a
4 pro rata basis, to be calculated by subtracting from the number of days
5 in the [three years] EIGHTEEN MONTHS following the date of the member's
6 graduation from police training school, the number of days between the
7 date of the member's graduation from training school and the date of the
8 termination of employment with the municipal corporation which paid for
9 such training, and multiplying the difference by the per diem cost of
10 such expenses, to be calculated by dividing the total cost of such
11 expenses by the number of days in the [three years] EIGHTEEN MONTHS
12 following the date of the member's graduation, if such change in employ-
13 ment occurs within [three years] EIGHTEEN MONTHS of such member's gradu-
14 ation from police training school. Provided, however, the employer
15 municipal corporation or employer county sheriff shall not be required
16 to reimburse the prior employer municipal corporation for that portion
17 of such expenses which is reimbursable by the member to the prior
18 employer municipal corporation under the terms of an employment or labor
19 agreement. Provided, further, however, the employer municipal corpo-
20 ration or employer county sheriff shall not be required to reimburse the
21 prior employer municipal corporation for such basic training if such
22 change in employment occurs after the expiration of the validity of the
23 member's certificate attesting to the satisfactory completion of an
24 approved municipal police basic training program. PROVIDED, HOWEVER,
25 ANY CHALLENGE OR DISPUTE ARISING OUT OF THE CALCULATIONS DESCRIBED HERE-
26 IN SHALL BE MEDIATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES UPON
27 NOTIFICATION OF EITHER EMPLOYER, WITHIN NINETY DAYS OF RECEIPT OF THE
28 DETERMINATION OF COSTS PROVIDED BY THE PREVIOUS EMPLOYER. PROVIDED,
29 HOWEVER, THE EMPLOYER MUNICIPAL CORPORATION OR EMPLOYER COUNTY SHERIFF
30 SHALL NOT BE REQUIRED TO REIMBURSE THE PRIOR EMPLOYER MUNICIPAL CORPO-
31 RATION OR EMPLOYER COUNTY SHERIFF IF SUCH EMPLOYEE ATTENDS A POLICE
32 TRAINING SCHOOL, AS DESCRIBED HEREIN, AT THE EXPENSE OF THE CURRENT
33 EMPLOYER MUNICIPAL CORPORATION OR EMPLOYER COUNTY SHERIFF.

34 S 2. This act shall take effect immediately.