

1049

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, SCHROEDER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requests to engage in outside employment by members of the 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. No person shall be appointed to the
7 New York state police force as a sworn member unless he or she shall be
8 a citizen of the United States, between the ages of twenty-one and twenty-
9 nine years except that in the superintendent's discretion, the maximum
10 age may be extended to thirty-five years. Notwithstanding any other
11 provision of law or any general or special law to the contrary the time
12 spent on military duty, not exceeding a total of six years, shall be
13 subtracted from the age of any applicant who has passed his or her twenty-
14 ninth birthday, solely for the purpose of permitting qualification as
15 to age and for no other purpose. Such limitations as to age however
16 shall not apply to persons appointed to the positions of counsel, first
17 assistant counsel, assistant counsel, and assistant deputy superintendent
18 for employee relations nor to any person appointed to the bureau of
19 criminal investigation pursuant to section two hundred sixteen of this
20 article nor shall any person be appointed unless he or she has fitness
21 and good moral character and shall have passed a physical and mental
22 examination based upon standards provided by the rules and regulations
23 of the superintendent. Appointments shall be made for a probationary
24 period which, in the case of appointees required to attend and complete

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

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1 a basic training program at the state police academy, shall include such
2 time spent attending the basic school and terminate one year after
3 successful completion thereof. All other sworn members shall be subject
4 to a probationary period of one year from the date of appointment.
5 Following satisfactory completion of the probationary period the member
6 shall be a permanent appointee. Voluntary resignation or withdrawal from
7 the New York state police during such appointment shall be submitted to
8 the superintendent for approval. Reasonable time shall be required to
9 account for all equipment issued or for debts or obligations to the
10 state to be satisfied. Resignation or withdrawal from the division
11 during a time of emergency, so declared by the governor, shall not be
12 approved if contrary to the best interest of the state and shall be a
13 misdemeanor. No sworn member removed from the New York state police
14 shall be eligible for reappointment. The superintendent shall make rules
15 and regulations subject to approval by the governor for the discipline
16 and control of the New York state police and for the examination and
17 qualifications of applicants for appointment as members thereto and such
18 examinations shall be held and conducted by the superintendent subject
19 to such rules and regulations, PROVIDED, HOWEVER, NO SUCH RULE, REGU-
20 LATION OR ADMINISTRATIVE PROVISION SHALL AUTHORIZE THE SUPERINTENDENT OR
21 HIS OR HER DESIGNEE TO DENY A REQUEST OF A MEMBER OF THE STATE POLICE TO
22 ENGAGE IN OUTSIDE EMPLOYMENT UNLESS THE OUTSIDE EMPLOYMENT AT ISSUE IS:
23 (I) SUBSTANTIALLY RELATED TO THE PERFORMANCE OF POLICE DUTIES; (II) IN
24 CONFLICT WITH OR OPPOSED TO A STATE POLICE OFFICER'S DUTIES; OR (III) IS
25 FORBIDDEN BY LAW. The superintendent is authorized to charge a fee of
26 twenty dollars as an application fee for any person applying to take a
27 competitive examination for the position of trooper, and a fee of five
28 dollars for any competitive examination for a civilian position. The
29 superintendent shall promulgate regulations subject to the approval of
30 the director of the budget, to provide for a waiver of the application
31 fee when the fee would cause an unreasonable hardship on the applicant
32 and to establish a fee schedule and charge fees for the use of state
33 police facilities.

34 S 2. This act shall take effect immediately.