S T A T E O F N E W Y O R K

1054

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, SEMINERIO -- Multi-Sponsored by -- M. of A. COLTON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to rules and regulations promulgated by the superintendent relating to disciplinary proceedings

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

Section 1. Subdivision 3 of section 215 of the executive law, as amended by chapter 478 of the laws of 2004, is amended to read as follows:

3. The sworn members of the New York state police shall be appointed by the superintendent and permanent appointees may be removed by the superintendent only after a hearing. No person shall be appointed to the New York state police force as a sworn member unless he or she shall be a citizen of the United States, between the ages of twenty-one and twenty-nine years except that in the superintendent's discretion, the maximum age may be extended to thirty-five years. Notwithstanding any other provision of law or any general or special law to the contrary the time spent on military duty, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed his or her twenty-ninth birthday, solely for the purpose of permitting qualification as to age and for no other purpose. Such limitations as to age however shall not apply to persons appointed to the positions of counsel, first assistant counsel, assistant counsel, and assistant deputy superintendent for employee relations nor to any person appointed to the bureau of criminal investigation pursuant to section two hundred sixteen of this article nor shall any person be appointed unless he or she has fitness and good moral character and shall have passed a physical and mental examination based upon standards provided by the rules and regulations of the superintendent. Appointments shall be made for a probationary

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

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period which, in the case of appointees required to attend and complete a basic training program at the state police academy, shall include such time spent attending the basic school and terminate one year after successful completion thereof. All other sworn members shall be subject to a probationary period of one year from the date of appointment. Following satisfactory completion of the probationary period the member shall be a permanent appointee. Voluntary resignation or withdrawal from the New York state police during such appointment shall be submitted to the superintendent for approval. Reasonable time shall be required to account for all equipment issued or for debts or obligations to the state to be satisfied. Resignation or withdrawal from the division during a time of emergency, so declared by the governor, shall not be approved if contrary to the best interest of the state and shall be a misdemeanor. No sworn member removed from the New York state police shall be eligible for reappointment. The superintendent shall make rules and regulations subject to approval by the governor for the discipline and control of the New York state police and for the examination and qualifications of applicants for appointment as members thereto and such examinations shall be held and conducted by the superintendent subject to such rules and regulations. ANY SUCH RULE OR REGULATION RELATING TO THE FORMAL DISCIPLINARY HEARING OF A MEMBER OF THE STATE POLICE WHICH PROVIDES FOR DESIGNATION OF OFFICERS BY THE SUPERINTENDENT TO A HEARING BOARD SHALL REQUIRE AN EQUAL NUMBER OF REPRESENTATIVES TO BE NAMED BY THE SUPERINTENDENT AND CERTIFIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED MEMBER. AN ADDITIONAL NEUTRAL PARTY, WHO SHALL NOT BE A MEMBER OR OFFICER OF THE DIVISION OF STATE POLICE, SHALL SIT ON SUCH HEARING BOARD AND SHALL SERVE AS HEARING OFFICER. SUCH ADDITIONAL MEMBER SHALL BE CHOSEN JOINTLY BY THE SUPERINTENDENT AND CERTIFIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED MEMBER IN A MANNER AGREED UPON BY THE SUPERINTENDENT AND CERTIFIED OR RECOGNIZED EMPLOYEE REPRESENTATIVE ORGANIZATION OF THE ACCUSED MEMBER. The superintendent is authorized to charge a fee of twenty dollars as an application fee for any person applying to take a competitive examination for the position of trooper, and a fee of five dollars for any competitive examination for a civilian position. The superintendent shall promulgate regulations subject to the approval of the director of the budget, to provide for a waiver of the application fee when the fee would cause an unreasonable hardship on the applicant and to establish a fee schedule and charge fees for the use of state police facilities.

S 2. This act shall take effect immediately.