

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

7256--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to granting additional credit to auxiliary police officers in competitive examinations

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

1 Section 1. The article heading of article 6 of the civil service law,
2 as added by chapter 790 of the laws of 1958, is amended to read as
3 follows:
4 SPECIAL RIGHTS FOR VETERANS [AND], EXEMPT VOLUNTEER FIREMEN AND AUXIL-
5 IARY POLICE OFFICERS
6 S 2. The civil service law is amended by adding a new section 85-c to
7 read as follows:
8 S 85-C. ADDITIONAL CREDIT ALLOWED AUXILIARY POLICE OFFICERS IN
9 COMPETITIVE EXAMINATIONS. 1. DEFINITIONS. AS USED IN THIS SECTION:
10 (A) THE TERM "AUXILIARY POLICE OFFICER" SHALL MEAN A PERSON WHO
11 ACTIVELY PARTICIPATES AS AN AUXILIARY POLICE OFFICER OF AN AUXILIARY
12 POLICE ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION AND WHO HAS
13 RENDERED THREE YEARS OR MORE OF SATISFACTORY SERVICE IN SUCH POSITION.
14 (B) FOR THE PURPOSE OF THIS SECTION, THE TERMS "DATE OF ORIGINAL
15 APPOINTMENT" AND "DATE OF ORIGINAL APPOINTMENT IN THE SERVICE" SHALL
16 MEAN, FOR PERSONS SUBJECT TO SUBDIVISION ONE-A OF SECTION EIGHTY OF THIS
17 CHAPTER, THE DATE OF ORIGINAL APPOINTMENT ON A PERMANENT BASIS IN THE
18 GRADE OR TITLE IN THE SERVICE OF THE GOVERNMENTAL JURISDICTION IN WHICH
19 SUCH ABOLITION OR REDUCTION OCCURS.
20 2. ADDITIONAL CREDITS IN COMPETITIVE EXAMINATIONS FOR ORIGINAL
21 APPOINTMENT OR PROMOTION. (A) ON ALL ELIGIBLE LISTS RESULTING FROM
22 COMPETITIVE EXAMINATIONS, THE NAMES OF ELIGIBLES SHALL BE ENTERED IN THE
23 ORDER OF THEIR RESPECTIVE FINAL EARNED RATINGS ON EXAMINATION, WITH THE
24 NAME OF THE ELIGIBLE WITH THE HIGHEST FINAL EARNED RATING AT THE HEAD OF

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

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1 SUCH LIST, PROVIDED, HOWEVER, THAT FOR THE PURPOSE OF DETERMINING FINAL
2 EARNED RATINGS, AUXILIARY POLICE OFFICERS SHALL BE ENTITLED TO RECEIVE
3 IN A COMPETITIVE EXAMINATION FOR ORIGINAL APPOINTMENT AN ADDITIONAL FIVE
4 POINTS UPON THE CONDITION THAT SUCH AUXILIARY POLICE OFFICER AGREES TO
5 ACCEPT A POSITION OF EMPLOYMENT WITHIN THE CITY, TOWN OR VILLAGE OF HIS
6 OR HER RESIDENCE AT THE TIME OF APPOINTMENT.

7 (B) SUCH ADDITIONAL CREDIT SHALL BE ADDED TO THE FINAL EARNED RATING
8 OF SUCH AUXILIARY POLICE OFFICER AFTER HE OR SHE HAS QUALIFIED IN THE
9 COMPETITIVE EXAMINATION AND SHALL BE GRANTED ONLY AT THE TIME OF ESTAB-
10 LISHMENT OF THE RESULTING ELIGIBLE LIST.

11 3. APPLICATION FOR ADDITIONAL CREDIT; PROOF OF ELIGIBILITY; ESTAB-
12 LISHMENT OF ELIGIBLE LIST. ANY CANDIDATE, BELIEVING HIMSELF OR HERSELF
13 ENTITLED TO ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION AS PROVIDED
14 HEREIN, MAY MAKE APPLICATION FOR SUCH ADDITIONAL CREDIT AT ANY TIME
15 BETWEEN THE DATE OF HIS OR HER APPLICATION FOR EXAMINATION AND THE DATE
16 OF THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. SUCH CANDIDATES
17 SHALL BE ALLOWED A PERIOD OF NOT LESS THAN TWO MONTHS FROM THE DATE OF
18 THE FILING OF HIS OR HER APPLICATION FOR EXAMINATION IN WHICH TO ESTAB-
19 LISH BY APPROPRIATE DOCUMENTARY PROOF HIS OR HER ELIGIBILITY TO RECEIVE
20 ADDITIONAL CREDIT UNDER THIS SECTION. AT ANY TIME AFTER TWO MONTHS HAVE
21 ELAPSED SINCE THE FINAL DATE FOR FILING APPLICATIONS FOR A COMPETITIVE
22 EXAMINATION FOR ORIGINAL APPOINTMENT OR PROMOTION, THE ELIGIBLE LIST
23 RESULTING FROM SUCH EXAMINATION MAY BE ESTABLISHED, NOTWITHSTANDING THE
24 FACT THAT AN AUXILIARY POLICE OFFICER WHO HAS APPLIED FOR ADDITIONAL
25 CREDIT HAS FAILED TO ESTABLISH HIS OR HER ELIGIBILITY TO RECEIVE SUCH
26 ADDITIONAL CREDIT. A CANDIDATE MUST BE IN GOOD STANDING AND SUCH
27 EVIDENCE MUST BE CERTIFIED AND SUBMITTED AS SUPPORTING DOCUMENTATION TO
28 THE DEPARTMENT OF CIVIL SERVICE. A CANDIDATE WHO FAILS TO ESTABLISH, BY
29 APPROPRIATE DOCUMENTARY PROOF, HIS OR HER ELIGIBILITY TO RECEIVE ADDI-
30 TIONAL CREDIT BY THE TIME AN ELIGIBLE LIST IS ESTABLISHED SHALL NOT
31 THEREAFTER BE GRANTED ADDITIONAL CREDIT ON SUCH ELIGIBLE LIST.

32 4. USE OF ADDITIONAL CREDIT. (A) EXCEPT AS OTHERWISE PROVIDED IN
33 THIS SUBDIVISION, NO PERSON WHO HAS RECEIVED A PERMANENT ORIGINAL
34 APPOINTMENT OR A PERMANENT PROMOTION IN THE CIVIL SERVICE OF THE STATE
35 OR OF ANY CITY OR CIVIL DIVISION THEREOF FROM AN ELIGIBLE LIST ON WHICH
36 HE OR SHE WAS ALLOWED THE ADDITIONAL CREDIT GRANTED BY THIS SECTION AS
37 AN AUXILIARY POLICE OFFICER SHALL THEREAFTER BE ENTITLED TO ANY ADDI-
38 TIONAL CREDIT UNDER THIS SECTION AS AN AUXILIARY POLICE OFFICER.

39 (B) WHERE, AT THE TIME OF ESTABLISHMENT OF AN ELIGIBLE LIST, THE
40 POSITION OF AN AUXILIARY POLICE OFFICER ON SUCH LIST HAS NOT BEEN
41 AFFECTED BY THE ADDITION OF CREDITS GRANTED UNDER THIS SECTION, THE
42 APPOINTMENT OR PROMOTION OF SUCH AUXILIARY POLICE OFFICER FROM SUCH
43 ELIGIBLE LIST SHALL NOT BE DEEMED TO HAVE BEEN MADE FROM AN ELIGIBLE
44 LIST ON WHICH HE OR SHE WAS ALLOWED THE ADDITIONAL CREDIT GRANTED BY
45 THIS SECTION.

46 (C) IF, AT THE TIME OF APPOINTMENT FROM AN ELIGIBLE LIST, AN AUXILIA-
47 RY POLICE OFFICER IS IN THE SAME RELATIVE STANDING AMONG THE ELIGIBLES
48 WHO ARE WILLING TO ACCEPT APPOINTMENT AS IF HE OR SHE HAD NOT BEEN
49 GRANTED THE ADDITIONAL CREDITS PROVIDED BY THIS SECTION, HIS OR HER
50 APPOINTMENT FROM AMONG SUCH ELIGIBLES SHALL NOT BE DEEMED TO HAVE BEEN
51 MADE FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED SUCH ADDI-
52 TIONAL CREDITS.

53 (D) WHERE AN AUXILIARY POLICE OFFICER HAS BEEN ORIGINALLY APPOINTED
54 OR PROMOTED FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED ADDI-
55 TIONAL CREDIT, BUT SUCH APPOINTMENT OR PROMOTION IS THEREAFTER TERMI-
56 NATED EITHER AT THE END OF THE PROBATIONARY TERM OR BY RESIGNATION AT OR

1 BEFORE THE END OF THE PROBATIONARY TERM, HE OR SHE SHALL NOT BE DEEMED
2 TO HAVE BEEN APPOINTED OR PROMOTED, AS THE CASE MAY BE, FROM AN ELIGIBLE
3 LIST ON WHICH HE OR SHE WAS ALLOWED ADDITIONAL CREDIT, AND SUCH APPOINT-
4 MENT OR PROMOTION SHALL NOT AFFECT HIS OR HER ELIGIBILITY FOR ADDITIONAL
5 CREDIT IN OTHER EXAMINATIONS.

6 5. WITHDRAWAL OF APPLICATION; ELECTION TO RELINQUISH ADDITIONAL CRED-
7 IT. AN APPLICATION FOR ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION
8 UNDER THIS SECTION MAY BE WITHDRAWN BY THE APPLICANT AT ANY TIME PRIOR
9 TO THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. AT ANY TIME DURING
10 THE TERM OF EXISTENCE OF AN ELIGIBLE LIST RESULTING FROM A COMPETITIVE
11 EXAMINATION IN WHICH AN AUXILIARY POLICE OFFICER HAS RECEIVED THE ADDI-
12 TIONAL CREDIT GRANTED BY THIS SECTION, SUCH AUXILIARY POLICE OFFICER MAY
13 ELECT, PRIOR TO PERMANENT ORIGINAL APPOINTMENT OR PERMANENT PROMOTION,
14 TO RELINQUISH THE ADDITIONAL CREDIT THERETOFORE GRANTED TO HIM OR HER
15 AND ACCEPT THE LOWER POSITION ON SUCH ELIGIBLE LIST TO WHICH HE OR SHE
16 WOULD OTHERWISE HAVE BEEN ENTITLED; PROVIDED, HOWEVER, THAT SUCH
17 ELECTION SHALL THEREAFTER BE IRREVOCABLE. SUCH ELECTION SHALL BE IN
18 WRITING AND SIGNED BY THE AUXILIARY POLICE OFFICER, AND TRANSMITTED TO
19 THE STATE CIVIL SERVICE DEPARTMENT OR THE APPROPRIATE MUNICIPAL CIVIL
20 SERVICE COMMISSION.

21 6. ROSTER. THE STATE CIVIL SERVICE DEPARTMENT AND EACH MUNICIPAL
22 COMMISSION SHALL ESTABLISH AND MAINTAIN IN ITS OFFICE A ROSTER OF ALL
23 AUXILIARY POLICE OFFICERS APPOINTED OR PROMOTED AS A RESULT OF ADDI-
24 TIONAL CREDITS GRANTED BY THIS SECTION TO POSITIONS UNDER ITS JURISDIC-
25 TION. THE APPOINTMENT OR PROMOTION OF AN AUXILIARY POLICE OFFICER AS A
26 RESULT OF ADDITIONAL CREDITS SHALL BE VOID IF SUCH AUXILIARY POLICE
27 OFFICER, PRIOR TO SUCH APPOINTMENT OR PROMOTION, HAD BEEN APPOINTED OR
28 PROMOTED AS A RESULT OF ADDITIONAL CREDITS GRANTED BY THIS SECTION.

29 S 3. This act shall take effect immediately.