

S T A T E   O F   N E W   Y O R K

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I N   S E N A T E

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Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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

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

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1 COMPETITIVE EXAMINATIONS, THE NAMES OF ELIGIBLES SHALL BE ENTERED IN THE  
2 ORDER OF THEIR RESPECTIVE FINAL EARNED RATINGS ON EXAMINATION, WITH THE  
3 NAME OF THE ELIGIBLE WITH THE HIGHEST FINAL EARNED RATING AT THE HEAD OF  
4 SUCH LIST, PROVIDED, HOWEVER, THAT FOR THE PURPOSE OF DETERMINING FINAL  
5 EARNED RATINGS, AUXILIARY POLICE OFFICERS SHALL BE ENTITLED TO RECEIVE  
6 IN A COMPETITIVE EXAMINATION FOR ORIGINAL APPOINTMENT AN ADDITIONAL FIVE  
7 POINTS UPON THE CONDITION THAT SUCH AUXILIARY POLICE OFFICER AGREES TO  
8 ACCEPT A POSITION OF EMPLOYMENT WITHIN THE CITY, TOWN OR VILLAGE OF HIS  
9 OR HER RESIDENCE AT THE TIME OF APPOINTMENT.

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

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

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

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

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

1 (D) WHERE AN AUXILIARY POLICE OFFICER HAS BEEN ORIGINALLY APPOINTED  
2 OR PROMOTED FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED ADDI-  
3 TIONAL CREDIT, BUT SUCH APPOINTMENT OR PROMOTION IS THEREAFTER TERMI-  
4 NATED EITHER AT THE END OF THE PROBATIONARY TERM OR BY RESIGNATION AT OR  
5 BEFORE THE END OF THE PROBATIONARY TERM, HE OR SHE SHALL NOT BE DEEMED  
6 TO HAVE BEEN APPOINTED OR PROMOTED, AS THE CASE MAY BE, FROM AN ELIGIBLE  
7 LIST ON WHICH HE OR SHE WAS ALLOWED ADDITIONAL CREDIT, AND SUCH APPOINT-  
8 MENT OR PROMOTION SHALL NOT AFFECT HIS OR HER ELIGIBILITY FOR ADDITIONAL  
9 CREDIT IN OTHER EXAMINATIONS.

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

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

33 S 3. This act shall take effect immediately.