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I N S E N A T E

April 12, 2010

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend chapter 154 of the laws of 1921, relating to the Port Authority of New York and New Jersey, in relation to the designation as detective in certain instances

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

1 Section 1. Chapter 154 of the laws of 1921, relating to the Port
2 Authority of New York and New Jersey, is amended by adding a new article
3 15-B to read as follows:

4 ARTICLE XV-B

5 1. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PORT AUTHORITY
6 OF NEW YORK AND NEW JERSEY POLICE DEPARTMENT DESIGNATION AS DETECTIVE
7 ACT."

8 2. LEGISLATIVE FINDINGS AND DECLARATION. A. THE LEGISLATURE HEREBY
9 FINDS AND DECLARES THAT IT IS FREQUENTLY IMPRACTICABLE TO ASCERTAIN
10 FITNESS FOR THE POSITION OF DETECTIVE WITHIN VARIOUS POLICE DEPARTMENTS
11 AROUND THE STATE BY MEANS OF A COMPETITIVE EXAMINATION DUE TO THE UNIQUE
12 NATURE OF THE DUTIES ASSIGNED AND THE INTANGIBLE PERSONAL QUALITIES
13 NEEDED TO PERFORM SUCH DUTIES. THE LEGISLATURE FURTHER FINDS THAT
14 COMPETITIVE EXAMINATION HAS NEVER BEEN EMPLOYED IN MANY POLICE DEPART-
15 MENTS, TO ASCERTAIN FITNESS FOR THE POSITION OF DETECTIVE WITHIN SUCH
16 POLICE DEPARTMENTS; SUCH FITNESS HAS ALWAYS BEEN DETERMINED BY EVALU-
17 ATION OF THE CAPABILITIES OF AN INDIVIDUAL (WHO HAS IN ANY CASE RECEIVED
18 PERMANENT APPOINTMENT TO THE POSITION OF POLICE OFFICER) BY SUPERVISORY
19 PERSONNEL. THE LEGISLATURE FURTHER FINDS THAT AN INDIVIDUAL WHO
20 PERFORMS IN AN INVESTIGATORY POSITION IN A MANNER SUFFICIENTLY SATISFAC-
21 TORY TO THE APPROPRIATE SUPERVISORS TO HOLD SUCH AN ASSIGNMENT FOR A
22 CUMULATIVE PERIOD OF EIGHTEEN MONTHS, HAS DEMONSTRATED FITNESS FOR THE
23 POSITION OF DETECTIVE WITHIN SUCH POLICE DEPARTMENT AT LEAST AS SUFFI-
24 CIENTLY AS COULD BE ASCERTAINED BY MEANS OF A COMPETITIVE EXAMINATION.

25 B. IN THE JURISDICTION OF THE PORT AUTHORITY OF NEW YORK AND NEW
26 JERSEY POLICE DEPARTMENT, A JURISDICTION WHICH DOES NOT ADMINISTER EXAM-

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

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INATIONS FOR DESIGNATION TO DETECTIVE, ANY PERSON WHO HAS RECEIVED PERMANENT APPOINTMENT TO THE POSITION OF POLICE OFFICER AND IS TEMPORARILY ASSIGNED TO THE DUTIES OF A DETECTIVE SHALL, WHENEVER SUCH ASSIGNMENT TO THE DUTIES OF A DETECTIVE EXCEEDS A CUMULATIVE PERIOD OF EIGHTEEN MONTHS, BE PERMANENTLY DESIGNATED AS A DETECTIVE AND RECEIVE THE COMPENSATION ORDINARILY PAID TO PERSONS IN SUCH DESIGNATION.

C. NOTHING CONTAINED IN SUBDIVISION B OF THIS SECTION SHALL BE CONSTRUED TO LIMIT THE ABILITY OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY TO ADMINISTER EXAMINATIONS FOR APPOINTMENT TO THE POSITION OF DETECTIVE, PROVIDED HOWEVER, THAT ANY PERMANENTLY APPOINTED POLICE OFFICER TEMPORARILY ASSIGNED TO PERFORM THE DUTIES OF DETECTIVE WITHIN THE PERIOD COMMENCING JULY 2, 1998 THROUGH AND INCLUDING THE DATE UPON WHICH THIS SUBDIVISION SHALL BECOME A LAW AND WHO HAS NOT BEEN DESIGNATED AS A DETECTIVE AND WHO HAS NOT BEEN SUBJECT TO AN EXAMINATION FOR WHICH THERE IS A CERTIFIED ELIGIBLE LIST, SHALL BE PERMANENTLY DESIGNATED AS A DETECTIVE WHENEVER SUCH ASSIGNMENT TO THE DUTIES OF DETECTIVE EXCEEDS A CUMULATIVE PERIOD OF EIGHTEEN MONTHS.

D. PERMANENTLY APPOINTED POLICE OFFICERS TEMPORARILY ASSIGNED TO PERFORM THE DUTIES OF A DETECTIVE SINCE JULY 2, 1998 BY THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY POLICE DEPARTMENT, WHO HAVE SERVED IN SUCH POSITIONS FOR A CUMULATIVE PERIOD EXCEEDING EIGHTEEN MONTHS, AND WHO CONTINUE TO SERVE IN SUCH POSITIONS, SHALL BE PERMANENTLY DESIGNATED AS A DETECTIVE WITHOUT ANY RIGHT TO RETROACTIVE FINANCIAL ENTITLEMENT.

S 2. This act shall take effect upon the enactment into law by the state of New Jersey of legislation having an identical effect with this act, but if the state of New Jersey shall have already enacted such legislation this act shall take effect immediately. The chairman of the port authority shall notify the legislative bill drafting commission upon the occurrence of article 15-B in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.