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

April 3, 2009

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:

Section 1. The article heading of article 6 of the civil service law, as added by chapter 790 of the laws of 1958, is amended to read as follows:

SPECIAL RIGHTS FOR VETERANS [AND], EXEMPT VOLUNTEER FIREMEN AND AUXILIARY POLICE OFFICERS

S 2. The civil service law is amended by adding a new section 85-c to read as follows:

S 85-C. ADDITIONAL CREDIT ALLOWED AUXILIARY POLICE OFFICERS IN COMPETITIVE EXAMINATIONS. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) THE TERM "AUXILIARY POLICE OFFICER" SHALL MEAN A PERSON WHO ACTIVELY PARTICIPATES AS AN AUXILIARY POLICE OFFICER OF AN AUXILIARY POLICE ORGANIZATION ESTABLISHED BY A POLITICAL SUBDIVISION AND WHO HAS RENDERED THREE YEARS OR MORE OF SATISFACTORY SERVICE IN SUCH POSITION.

(B) FOR THE PURPOSE OF THIS SECTION, THE TERMS "DATE OF ORIGINAL APPOINTMENT" AND "DATE OF ORIGINAL APPOINTMENT IN THE SERVICE" SHALL MEAN, FOR PERSONS SUBJECT TO SUBDIVISION ONE-A OF SECTION EIGHTY OF THIS CHAPTER, THE DATE OF ORIGINAL APPOINTMENT ON A PERMANENT BASIS IN THE GRADE OR TITLE IN THE SERVICE OF THE GOVERNMENTAL JURISDICTION IN WHICH SUCH ABOLITION OR REDUCTION OCCURS.

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

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

3. APPLICATION FOR ADDITIONAL CREDIT; PROOF OF ELIGIBILITY; ESTABLISHMENT OF ELIGIBLE LIST. ANY CANDIDATE, BELIEVING HIMSELF OR HERSELF ENTITLED TO ADDITIONAL CREDIT IN A COMPETITIVE EXAMINATION AS PROVIDED HEREIN, MAY MAKE APPLICATION FOR SUCH ADDITIONAL CREDIT AT ANY TIME BETWEEN THE DATE OF HIS OR HER APPLICATION FOR EXAMINATION AND THE DATE OF THE ESTABLISHMENT OF THE RESULTING ELIGIBLE LIST. SUCH CANDIDATES SHALL BE ALLOWED A PERIOD OF NOT LESS THAN TWO MONTHS FROM THE DATE OF THE FILING OF HIS OR HER APPLICATION FOR EXAMINATION IN WHICH TO ESTABLISH BY APPROPRIATE DOCUMENTARY PROOF HIS OR HER ELIGIBILITY TO RECEIVE ADDITIONAL CREDIT UNDER THIS SECTION. AT ANY TIME AFTER TWO MONTHS HAVE ELAPSED SINCE THE FINAL DATE FOR FILING APPLICATIONS FOR A COMPETITIVE EXAMINATION FOR ORIGINAL APPOINTMENT OR PROMOTION, THE ELIGIBLE LIST RESULTING FROM SUCH EXAMINATION MAY BE ESTABLISHED, NOTWITHSTANDING THE FACT THAT AN AUXILIARY POLICE OFFICER WHO HAS APPLIED FOR ADDITIONAL CREDIT HAS FAILED TO ESTABLISH HIS OR HER ELIGIBILITY TO RECEIVE SUCH ADDITIONAL CREDIT. A CANDIDATE MUST BE IN GOOD STANDING AND SUCH EVIDENCE MUST BE CERTIFIED AND SUBMITTED AS SUPPORTING DOCUMENTATION TO THE DEPARTMENT OF CIVIL SERVICE. A CANDIDATE WHO FAILS TO ESTABLISH, BY APPROPRIATE DOCUMENTARY PROOF, HIS OR HER ELIGIBILITY TO RECEIVE ADDITIONAL CREDIT BY THE TIME AN ELIGIBLE LIST IS ESTABLISHED SHALL NOT THEREAFTER BE GRANTED ADDITIONAL CREDIT ON SUCH ELIGIBLE LIST.

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

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

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

(D) WHERE AN AUXILIARY POLICE OFFICER HAS BEEN ORIGINALLY APPOINTED OR PROMOTED FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED ADDITIONAL CREDIT, BUT SUCH APPOINTMENT OR PROMOTION IS THEREAFTER TERMINATED EITHER AT THE END OF THE PROBATIONARY TERM OR BY RESIGNATION AT OR BEFORE THE END OF THE PROBATIONARY TERM, HE OR SHE SHALL NOT BE DEEMED TO HAVE BEEN APPOINTED OR PROMOTED, AS THE CASE MAY BE, FROM AN ELIGIBLE LIST ON WHICH HE OR SHE WAS ALLOWED ADDITIONAL CREDIT, AND SUCH APPOINTMENT OR PROMOTION SHALL NOT AFFECT HIS OR HER ELIGIBILITY FOR ADDITIONAL CREDIT IN OTHER EXAMINATIONS.

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

6. ROSTER. THE STATE CIVIL SERVICE DEPARTMENT AND EACH MUNICIPAL COMMISSION SHALL ESTABLISH AND MAINTAIN IN ITS OFFICE A ROSTER OF ALL AUXILIARY POLICE OFFICERS APPOINTED OR PROMOTED AS A RESULT OF ADDITIONAL CREDITS GRANTED BY THIS SECTION TO POSITIONS UNDER ITS JURISDICTION. THE APPOINTMENT OR PROMOTION OF AN AUXILIARY POLICE OFFICER AS A RESULT OF ADDITIONAL CREDITS SHALL BE VOID IF SUCH AUXILIARY POLICE OFFICER, PRIOR TO SUCH APPOINTMENT OR PROMOTION, HAD BEEN APPOINTED OR PROMOTED AS A RESULT OF ADDITIONAL CREDITS GRANTED BY THIS SECTION.

S 3. This act shall take effect immediately.