

7342

I N S E N A T E

March 31, 2010

Introduced by Sen. VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law and the executive law, in relation to lifting mandatory hiring and retirement ages for state and municipal police

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

1 Section 1. Paragraph (a) of subdivision 1 of section 58 of the civil
2 service law, as amended by chapter 346 of the laws of 2008, is amended
3 to read as follows:
4 (a) he or she is not less than twenty years of age as of the date of
5 appointment [nor more than thirty-five years of age as of the date when
6 the applicant takes the written examination, provided that the maximum
7 age requirement of thirty-five years of age as set forth in this para-
8 graph shall not apply to eligible lists finalized pursuant to an exam-
9 ination administered prior to May thirty-first, nineteen hundred nine-
10 ty-nine, provided, however, that:
11 (i) time spent on military duty or on terminal leave, not exceeding a
12 total of six years, shall be subtracted from the age of any applicant
13 who has passed his or her thirty-fifth birthday as provided in subdivi-
14 sion ten-a of section two hundred forty-three of the military law;
15 (ii) such maximum age requirement of thirty-five years shall not apply
16 to any police officer as defined in subdivision thirty-four of section
17 1.20 of the criminal procedure law, who was continuously employed by the
18 Buffalo municipal housing authority between January first, two thousand
19 five and June thirtieth, two thousand five and who takes the next writ-
20 ten exam offered after the effective date of this subparagraph by the
21 city of Buffalo civil service commission for employment as a police
22 officer in the city of Buffalo police department, or June thirtieth, two
23 thousand six, whichever is later; and
24 (iii) such maximum age requirement of thirty-five years shall not
25 apply to any police officer of any county, town, city or village police
26 force not otherwise provided for in this section if the eligible list
27 has been exhausted and there are no other eligible candidates; provided,
28 however, the police officer themselves are on the eligible list of such
29 county, town, city or village and meet all other requirements of merit

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

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1 and fitness set forth by this chapter and do not exceed the maximum age
2 of thirty-nine];

3 S 2. Subdivision 3 of section 215 of the executive law, as amended by
4 chapter 478 of the laws of 2004, is amended to read as follows:

5 3. The sworn members of the New York state police shall be appointed
6 by the superintendent and permanent appointees may be removed by the
7 superintendent only after a hearing. No person shall be appointed to the
8 New York state police force as a sworn member unless he or she shall be
9 a citizen of the United States, [between the ages of twenty-one and
10 twenty-nine years except that in the superintendent's discretion, the
11 maximum age may be extended to thirty-five years. Notwithstanding any
12 other provision of law or any general or special law to the contrary the
13 time spent on military duty, not exceeding a total of six years, shall
14 be subtracted from the age of any applicant who has passed his or her
15 twenty-ninth birthday, solely for the purpose of permitting qualifica-
16 tion as to age and for no other purpose. Such limitations as to age
17 however shall not apply to persons appointed to the positions of coun-
18 sel, first assistant counsel, assistant counsel, and assistant deputy
19 superintendent for employee relations nor to any person appointed to the
20 bureau of criminal investigation pursuant to section two hundred sixteen
21 of this article nor shall any person be appointed] NOT LESS THAN TWEN-
22 TY-ONE YEARS OF AGE AS OF THE DATE OF APPOINTMENT, OR unless he or she
23 has fitness and good moral character and shall have passed a physical
24 and mental examination based upon standards provided by the rules and
25 regulations of the superintendent. Appointments shall be made for a
26 probationary period which, in the case of appointees required to attend
27 and complete a basic training program at the state police academy, shall
28 include such time spent attending the basic school and terminate one
29 year after successful completion thereof. All other sworn members shall
30 be subject to a probationary period of one year from the date of
31 appointment. Following satisfactory completion of the probationary peri-
32 od the member shall be a permanent appointee. Voluntary resignation or
33 withdrawal from the New York state police during such appointment shall
34 be submitted to the superintendent for approval. Reasonable time shall
35 be required to account for all equipment issued or for debts or obli-
36 gations to the state to be satisfied. Resignation or withdrawal from the
37 division during a time of emergency, so declared by the governor, shall
38 not be approved if contrary to the best interest of the state and shall
39 be a misdemeanor. No sworn member removed from the New York state police
40 shall be eligible for reappointment. The superintendent shall make rules
41 and regulations subject to approval by the governor for the discipline
42 and control of the New York state police and for the examination and
43 qualifications of applicants for appointment as members thereto and such
44 examinations shall be held and conducted by the superintendent subject
45 to such rules and regulations. The superintendent is authorized to
46 charge a fee of twenty dollars as an application fee for any person
47 applying to take a competitive examination for the position of trooper,
48 and a fee of five dollars for any competitive examination for a civilian
49 position. The superintendent shall promulgate regulations subject to the
50 approval of the director of the budget, to provide for a waiver of the
51 application fee when the fee would cause an unreasonable hardship on the
52 applicant and to establish a fee schedule and charge fees for the use of
53 state police facilities.

54 S 3. This act shall take effect on the one hundred eightieth day after
55 it shall have become a law.