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

8619

2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to the hiring of police officers in the department of environmental conservation

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

Section 1. Subdivision 1 of section 58 of the civil service law, as amended by chapter 560 of the laws of 1978, the opening paragraph as amended by chapter 435 of the laws of 1997 and paragraph (a) as amended by chapter 346 of the laws of 2008, is amended to read as follows:

1. Notwithstanding any other provision of this law or any general, special or local law to the contrary, no person shall be eligible for provisional or permanent appointment in the competitive class of the civil service as a police officer OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR of any police force or police department of any county, city, town, village, housing authority or police district unless he OR SHE shall satisfy the following basic requirements:

(a) he or she is not less than twenty years of age as of the date of appointment nor more than thirty-five years of age as of the date when the applicant takes the written examination, provided that the maximum age requirement of thirty-five years of age as set forth in this paragraph shall not apply to eligible lists finalized pursuant to an examination administered prior to May thirty-first, nineteen hundred ninety-nine OR A POLICE OFFICER IN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, provided, however, that:

(i) time spent on military duty or on terminal leave, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed his or her thirty-fifth birthday as provided in subdivision ten-a of section two hundred forty-three of the military law;

(ii) such maximum age requirement of thirty-five years shall not apply to any police officer as defined in subdivision thirty-four of section

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

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1.20 of the criminal procedure law, who was continuously employed by the Buffalo municipal housing authority between January first, two thousand five and June thirtieth, two thousand five and who takes the next written exam offered after the effective date of this subparagraph by the city of Buffalo civil service commission for employment as a police officer in the city of Buffalo police department, or June thirtieth, two thousand six, whichever is later; and

(iii) such maximum age requirement of thirty-five years shall not apply to any police officer of any county, town, city or village police force not otherwise provided for in this section if the eligible list has been exhausted and there are no other eligible candidates; provided, however, the police officer themselves are on the eligible list of such county, town, city or village and meet all other requirements of merit and fitness set forth by this chapter and do not exceed the maximum age of thirty-nine;

(b) he OR SHE is a high school graduate or a holder of a high school equivalency diploma issued by an education department of any of the states of the United States or a holder of a comparable diploma issued by any commonwealth, territory or possession of the United States or by the Canal Zone or a holder of a report from the United States armed forces certifying his OR HER successful completion of the tests of general educational development, high school level;

(c) he OR SHE satisfies the height, weight and physical fitness requirements prescribed by the municipal police training council pursuant to the provisions of section eight hundred forty of the executive law; and

(d) he OR SHE is of good moral character.

S 2. Subdivision 2 of section 58 of the civil service law, as amended by chapter 32 of the laws of 1999, is amended to read as follows:

2. The provisions of this section shall not prevent any county, city, town, village, housing authority, transit authority [or], police district OR THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION from setting more restrictive requirements of eligibility for its police officers, except the maximum age to be a police officer as provided in paragraph (a) of subdivision one of this section.

S 3. Subdivision 3 of section 58 of the civil service law, as amended by chapter 435 of the laws of 1997, is amended to read as follows:

3. As used in this section, the term "police officer" means a POLICE OFFICER IN THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, A member of the regional state park police or a police force, police department, or other organization of a county, city, town, village, housing authority, transit authority or police district, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but shall not include any person serving as such solely by virtue of his OR HER occupying any other office or position, nor shall such term include a sheriff, under-sheriff, commissioner of police, deputy or assistant commissioner of police, chief of police, deputy or assistant chief of police or any person having an equivalent title who is appointed or employed to exercise equivalent supervisory authority.

S 4. Paragraphs (a) and (b) of subdivision 4 of section 58 of the civil service law, as amended by chapter 435 of the laws of 1997, are amended to read as follows:

(a) Any person who has received provisional or permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department, and to be appointed as a police officer in the same or any other police force or police department without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such second or subsequent appointment, provided such second or subsequent appointment occurs within thirty days of the date of resignation.

(b) Any person who has received permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department and, subject to such civil service rules as may be applicable, shall be eligible for reinstatement in the same police force or police department or in any other police force or police department to which he OR SHE was eligible for transfer, without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such reinstatement, provided such reinstatement occurs within one year of the date of resignation.

S 5. This act shall take effect immediately.