

4009

2011-2012 Regular Sessions

I N   S E N A T E

March 14, 2011

---

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to requests to engage in outside employment by members of the state police

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

1     Section 1. Subdivision 3 of section 215 of the executive law, as  
2 amended by chapter 478 of the laws of 2004, is amended to read as  
3 follows:  
4     3. The sworn members of the New York state police shall be appointed  
5 by the superintendent and permanent appointees may be removed by the  
6 superintendent only after a hearing. No person shall be appointed to the  
7 New York state police force as a sworn member unless he or she shall be  
8 a citizen of the United States, between the ages of twenty-one and twenty-nine  
9 years except that in the superintendent's discretion, the maximum age may be  
10 extended to thirty-five years. Notwithstanding any other  
11 provision of law or any general or special law to the contrary the time  
12 spent on military duty, not exceeding a total of six years, shall be  
13 subtracted from the age of any applicant who has passed his or her twenty-ninth  
14 birthday, solely for the purpose of permitting qualification as to age and for no  
15 other purpose. Such limitations as to age however shall not apply to persons  
16 appointed to the positions of counsel, first assistant counsel, assistant counsel,  
17 and assistant deputy superintendent for employee relations nor to any person  
18 appointed to the bureau of criminal investigation pursuant to section two hundred  
19 sixteen of this article nor shall any person be appointed unless he or she has  
20 fitness and good moral character and shall have passed a physical and mental  
21 examination based upon standards provided by the rules and regulations of the  
22 superintendent. Appointments shall be made for a probationary period which,  
23 in the case of appointees required to attend and complete a basic training  
24 program at the state police academy, shall include such

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

LBD06370-01-1

1 time spent attending the basic school and terminate one year after  
2 successful completion thereof. All other sworn members shall be subject  
3 to a probationary period of one year from the date of appointment.  
4 Following satisfactory completion of the probationary period the member  
5 shall be a permanent appointee. Voluntary resignation or withdrawal from  
6 the New York state police during such appointment shall be submitted to  
7 the superintendent for approval. Reasonable time shall be required to  
8 account for all equipment issued or for debts or obligations to the  
9 state to be satisfied. Resignation or withdrawal from the division  
10 during a time of emergency, so declared by the governor, shall not be  
11 approved if contrary to the best interest of the state and shall be a  
12 misdemeanor. No sworn member removed from the New York state police  
13 shall be eligible for reappointment. The superintendent shall make rules  
14 and regulations subject to approval by the governor for the discipline  
15 and control of the New York state police and for the examination and  
16 qualifications of applicants for appointment as members thereto and such  
17 examinations shall be held and conducted by the superintendent subject  
18 to such rules and regulations, PROVIDED, HOWEVER, NO SUCH RULE, REGU-  
19 LATION OR ADMINISTRATIVE PROVISION SHALL AUTHORIZE THE SUPERINTENDENT OR  
20 HIS OR HER DESIGNEE TO DENY A REQUEST OF A MEMBER OF THE STATE POLICE TO  
21 ENGAGE IN OUTSIDE EMPLOYMENT UNLESS THE OUTSIDE EMPLOYMENT AT ISSUE IS:  
22 (I) SUBSTANTIALLY RELATED TO THE PERFORMANCE OF POLICE DUTIES; (II) IN  
23 CONFLICT WITH OR OPPOSED TO A STATE POLICE OFFICER'S DUTIES; OR (III) IS  
24 FORBIDDEN BY LAW. The superintendent is authorized to charge a fee of  
25 twenty dollars as an application fee for any person applying to take a  
26 competitive examination for the position of trooper, and a fee of five  
27 dollars for any competitive examination for a civilian position. The  
28 superintendent shall promulgate regulations subject to the approval of  
29 the director of the budget, to provide for a waiver of the application  
30 fee when the fee would cause an unreasonable hardship on the applicant  
31 and to establish a fee schedule and charge fees for the use of state  
32 police facilities.

33 S 2. This act shall take effect immediately.