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

10792

I N A S S E M B L Y

June 19, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Schimel) -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to the calculation of expenses of members of the police department in attending police training schools

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

Section 1. Section 72-c of the general municipal law, as amended by section 1 of subpart C of part C of chapter 97 of the laws of 2011, is amended to read as follows:

S 72-c. Expenses of members of the police department and other peace officers in attending police training schools. The board or body of a county, city, town or village authorized to appropriate and to raise money by taxation and to make payments therefrom, is hereby authorized, in its discretion, to appropriate and to raise money by taxation and to make payments from such moneys, for the annual expenses of the members of the police department of such municipal corporation in attending a police training school, as provided by the regulations of the department, either within such municipal corporation or elsewhere within the state; and for the payment of reasonable expenses of such members and other police officers or peace officers of the municipality while going to, attending, and returning from any training school conducted by or under the auspices of the federal bureau of investigation, whether within or without the state. Notwithstanding any inconsistent provision of any general, special or local law to the contrary, whenever a member of the police department of a municipal corporation has attended a police training school, the expense of which was borne by such municipal corporation, terminates employment with such municipal corporation and commences employment with any other municipal corporation or employer county sheriff, such employer municipal corporation or employer county sheriff shall reimburse the prior employer municipal corporation for such expenses, including, salary, tuition, enrollment fees, books, and the cost of transportation to and from training school, as follows: on a pro rata basis, to be calculated by subtracting from the number of days

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

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in the [three years] EIGHTEEN MONTHS following the date of the member's graduation from police training school, the number of days between the date of the member's graduation from training school and the date of the termination of employment with the municipal corporation which paid for such training, and multiplying the difference by the per diem cost of such expenses, to be calculated by dividing the total cost of such expenses by the number of days in the [three years] EIGHTEEN MONTHS following the date of the member's graduation, if such change in employment occurs within [three years] EIGHTEEN MONTHS of such member's graduation from police training school. Provided, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for that portion of such expenses which is reimbursable by the member to the prior employer municipal corporation under the terms of an employment or labor agreement. Provided, further, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for such basic training if such change in employment occurs after the expiration of the validity of the member's certificate attesting to the satisfactory completion of an approved municipal police basic training program. PROVIDED, HOWEVER, THAT ANY CHALLENGE OR DISPUTE ARISING OUT OF THE CALCULATIONS DESCRIBED HEREIN, SHALL BE MEDIATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES UPON NOTIFICATION OF EITHER EMPLOYER, WITHIN NINETY DAYS OF RECEIPT OF THE DETERMINATION OF COSTS PROVIDED BY THE PREVIOUS EMPLOYER. PROVIDED, HOWEVER, THAT THE EMPLOYER MUNICIPAL CORPORATION OR EMPLOYER COUNTY SHERIFF SHALL NOT BE REQUIRED TO REIMBURSE THE PRIOR EMPLOYER MUNICIPAL CORPORATION OR EMPLOYER COUNTY SHERIFF IF SUCH EMPLOYEE ATTENDS A POLICE TRAINING SCHOOL, AS DESCRIBED HEREIN, AT THE EXPENSE OF THE CURRENT EMPLOYER MUNICIPAL CORPORATION OR EMPLOYER COUNTY SHERIFF.

S 2. This act shall take effect immediately.