

2684

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 17, 2013

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Introduced by M. of A. GABRYSZAK, CAHILL, JAFFEE, GUNTHER, FRIEND, SCHIMMINGER, ROBERTS, McDONOUGH, GOODELL, FINCH -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, CROUCH, DenDEKKER, GALEF, GIGLIO, GLICK, GOTTFRIED, HAWLEY, HIKIND, HOOPER, RABBITT, RAIA, ROBINSON, SCHIMEL, SWEENEY -- read once and referred to the Committee on Governmental Employees

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

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

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1 city of Buffalo civil service commission for employment as a police  
2 officer in the city of Buffalo police department, or June thirtieth, two  
3 thousand six, whichever is later; and

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

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

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

1 and a fee of five dollars for any competitive examination for a civilian  
2 position. The superintendent shall promulgate regulations subject to the  
3 approval of the director of the budget, to provide for a waiver of the  
4 application fee when the fee would cause an unreasonable hardship on the  
5 applicant and to establish a fee schedule and charge fees for the use of  
6 state police facilities.  
7 S 3. This act shall take effect on the one hundred eightieth day after  
8 it shall have become a law.