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

156

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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

AN ACT to amend the public authorities law and the civil service law, in relation to transfers or appointments of police officers to competitive or non-competitive positions; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 1299-f of the public authorities law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, ANY PERSON WHO HAS RECEIVED AN APPOINTMENT OR DESIGNATION AS A POLICE OFFICER AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION THIRTEEN OF SECTION TWELVE HUNDRED NINETY-NINE-E OF THIS TITLE TO A REGIONAL TRANSIT AUTHORITY AS DEFINED IN THIS TITLE SHALL BE ELIGIBLE FOR TRANSFER, PROVISIONAL OR PERMANENT APPOINTMENT TO A COMPETITIVE OR NON-COMPETITIVE POSITION WITH A CITY, TOWN, VILLAGE OR POLICE DISTRICT, PROVIDED THAT: (A) SUCH PERSON SHALL HAVE BEEN DISMISSED OR TERMINATED FROM A PERMANENT POSITION IN THE AUTHORITY BETWEEN NOVEMBER THIRTIETH, TWO THOUSAND TWELVE AND NOVEMBER THIRTIETH, TWO THOUSAND THIRTEEN, (B) SUCH DISMISSAL OR TERMINATION IS NOT MADE FOR DISCIPLINARY OR PUNITIVE REASONS, AND (C) SUCH PERSON CONFORMS TO ANY APPOINTMENT REQUIREMENTS OF THE CITY, TOWN, VILLAGE OR ANY OTHER POLICE DISTRICT TO WHICH SUCH PERSON IS OR HAS BEEN TRANSFERRED.

S 2. Subdivision 13 of section 1299-e of the public authorities law, as amended by chapter 816 of the laws of 1984, is amended to read as follows:

13. To appoint or designate one or more persons for the purpose of enforcing rules and regulations established by the authority, and to compel the observance of law and order on the properties, facilities and

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

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improvements of the authority for the protection and administration of such property, facilities and improvements, and the traveling public using such facilities. Each person as and when so appointed or designated shall be known as (a) a "Niagara frontier transportation authority security officer or patrolman" and shall be a peace officer as set forth in subdivision forty-five of section 2.10 of the criminal procedure law, or a police officer within the purview of subdivision thirty-four of section 1.20 of the criminal procedure law or (b) a "ticket inspector" and shall not be a peace officer or a police officer but, when so designated or appointed, shall be authorized to issue and serve appearance tickets pursuant to section 150.20 of the criminal procedure law with respect to violations of rules and regulations so established. THE AUTHORITY SHALL ESTABLISH COMPETITIVE EXAMINATIONS TO DETERMINE SUCH APPOINTMENTS OF DESIGNATIONS BASED ON MERIT AND FITNESS; SUCH EXAMINATIONS SHALL BE DEEMED TO FULFILL THE REQUIREMENTS OF SECTION SIX OF ARTICLE FIVE OF THE STATE CONSTITUTION. CANDIDATES WHO PASS ALL ASPECTS OF THE HIRING PROCESS BUT DO NOT RECEIVE APPOINTMENT OR DESIGNATION SHALL BE PLACED ON AN ELIGIBLE LIST IN ACCORDANCE WITH SECTION FIFTY-SIX OF THE CIVIL SERVICE LAW, WHICH SHALL BE USED TO FILL ANY FUTURE OPENINGS UNTIL TERMINATION OF THE ELIGIBLE LIST. CANDIDATES WHO PASS ALL ASPECTS OF THE HIRING PROCESS AND RECEIVE APPOINTMENT SHALL BE DEEMED ELIGIBLE FOR TRANSFER, PROVISIONAL OR PERMANENT APPOINTMENT TO A COMPETITIVE OR NON-COMPETITIVE POSITION WITH A CITY, TOWN, VILLAGE OR POLICE DISTRICT IN ACCORDANCE WITH SUBDIVISION ONE OF SECTION SEVENTY OF THE CIVIL SERVICE LAW.

S 3. Subdivision 1 of section 70 of the civil service law, as amended by chapter 718 of the laws of 1993, is amended to read as follows:

1. General provisions. Except as provided in subdivisions four and six of this section AND IN SUBDIVISION EIGHT OF SECTION TWELVE HUNDRED NINETY-NINE-F OF THE PUBLIC AUTHORITIES LAW no employee shall be transferred to a position for which there is required by this chapter or the rules established hereunder an examination involving essential tests or qualifications different from or higher than those required for the position held by such employee. The state and municipal commissions may adopt rules governing transfers between positions in their respective jurisdictions and may also adopt reciprocal rules providing for the transfer of employees from one governmental jurisdiction to another. No employee shall be transferred without his or her consent except as provided in subdivision six of this section or upon the transfer of functions as provided in subdivision two of this section.

S 4. Paragraph a of subdivision 1 of section 58 of the civil service law is amended by adding a new subparagraph (iv) to read as follows:

(IV) SUCH MAXIMUM AGE REQUIREMENT OF THIRTY-FIVE YEARS SHALL NOT APPLY TO ANY POLICE OFFICER AS DEFINED IN SUBDIVISION THIRTY-FOUR OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, WHO WAS CONTINUOUSLY EMPLOYED BY A REGIONAL TRANSIT AUTHORITY AS DEFINED IN TITLE ELEVEN-A OF ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW AND CONFORMS TO THE REQUIREMENTS OF SUBDIVISION EIGHT OF SECTION TWELVE HUNDRED NINETY-NINE-F OF THE PUBLIC AUTHORITIES LAW;

S 5. This act shall take effect immediately and shall expire January 1, 2015 when upon such date the provisions of this act shall be deemed repealed.