

4824

2013-2014 Regular Sessions

I N   S E N A T E

April 25, 2013

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Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the town law, in relation to the employer's ability to suspend a police officer without pay pending disciplinary charges

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

1     Section 1. The second undesignated paragraph of section 155 of the  
2     town law, as amended by chapter 310 of the laws of 1962, is amended to  
3     read as follows:  
4     Any member of such department found guilty upon charges, after five  
5     days' notice and an opportunity to be heard in his defense, of neglect  
6     or dereliction in the performance of official duty, or of violation of  
7     rules or regulations or disobedience, or of incompetency to perform  
8     official duty, or of an act of delinquency seriously affecting his  
9     general character or fitness for office, may be punished by the town  
10    board having jurisdiction, by reprimand, by forfeiture and withholding  
11    of salary or compensation for a specified time not exceeding twenty  
12    days, by extra tours or hours of duty during a specified period not  
13    exceeding twenty days, by suspension from duty for a specified time not  
14    exceeding twenty days and the withholding of salary or compensation  
15    during such suspension, or by dismissal from the department. Such board  
16    shall have the power to suspend, without pay, pending the trial of  
17    charges, any member of such police department IN ACCORDANCE WITH SUBDI-  
18    VISION THREE OF SECTION SEVENTY-FIVE OF THE CIVIL SERVICE LAW. If any  
19    member of such police department so suspended shall not be convicted of  
20    the charges so preferred, he shall be entitled to full pay from the date  
21    of suspension. The conviction of a member of such police department by  
22    the town board shall be subject to review by the supreme court in the  
23    judicial district in which such town is located in the manner provided  
24    by article seventy-eight of the civil practice law and rules, provided  
25    that the proceeding is commenced within thirty days from the determi-  
26    nation of such conviction by the town board.  
27    S 2. This act shall take effect immediately.

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

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