

2684

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

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.

LBD01974-01-3

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.