STATE OF NEW YORK

1831--A

2023-2024 Regular Sessions

IN SENATE

January 17, 2023

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- recommitted to the Committee on Civil Service and Pensions in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil service law, in relation to increasing the age of eligibility for provisional or permanent appointment of certain police officers from thirty-five to forty

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 1 of section 58 of the civil service law, as amended by chapter 244 of the laws of 2013, is amended to read as follows:

(a) [~~he or she~~] **such person** is not less than twenty years of age as of the date of appointment nor more than [~~thirty-five~~] **forty** years of age as of the date when the applicant takes the written examination, provided that the maximum age requirement of [~~thirty-five~~] **forty** years of age as set forth in this paragraph shall not apply to eligible lists finalized pursuant to an examination administered prior to May thirty-first, nineteen hundred ninety-nine or a police officer in the department of environmental conservation, provided, however, that:

(i) time spent on military duty or on terminal leave, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed [~~his or her~~] **their** [~~thirty-fifth~~] **fortieth** birthday as provided in subdivision ten-a of section two hundred forty-three of the military law;

(ii) such maximum age requirement of [~~thirty-five~~] **forty** 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 the Buffalo municipal housing authority between January

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

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first, two thousand five and June thirtieth, two thousand five and who takes the next written exam offered after the effective date of this subparagraph by the city of Buffalo civil service commission for employment as a police officer in the city of Buffalo police department, or June thirtieth, two thousand six, whichever is later; and

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

§ 2. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would amend the Civil Service Law to increase the maximum age for appointment in the competitive class of the civil service as a police officer of the department of environmental conservation or of any police force or police department of any county, city, town, village, housing authority or police district to forty years of age. Currently, the maximum age for appointment into these positions is thirty-five years of age.

If this bill is enacted during the 2024 Legislative Session, it is anticipated that there would be a broader group of eligible police officers to become covered in the New York State and Local Police and Fire Retirement System (NYSLPFRS). These members would accrue benefits that would be funded by the normal employer contributions, and we do not anticipate any increases in the annual contribution rates for any of the participating employers in the NYSLPFRS.

Summary of relevant resources:

Membership data as of March 31, 2023 was used in measuring the impact of the proposed change, the same data used in the April 1, 2023 actuarial valuation. Distributions and other statistics can be found in the 2023 Report of the Actuary and the 2023 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2023 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2023 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 22, 2024, and intended for use only during the 2024 Legislative Session, is Fiscal Note No. 2024-136, prepared by the Actuary for the New York State and Local Retirement System.