

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 1998**

**No. 23**

Introduced by Council Members Cruz, Rivera, Freed, Leffler, Eldridge, Clarke, Dear, Malave-Dilan, Eisland, Foster, Harrison, Koslowitz, Linares, McCaffrey, Michels, O'Donovan, Robinson, Robles, Sabini, Warden, Weiner, Wooten, Abel, Eristoff, Ognibene, Stabile, Boyland, DiBrienza, Duane, Espada, Henry, Lopez, Marshall, Perkins, Provenzano, Reed, Rodriguez, Watkins, Fiala and Fusco; also Council Members Carrion, Fisher, Lasher, Miller and White.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to eligibility of certain persons for appointment as police officers notwithstanding existing maximum age requirements.**

*Be it enacted by the Council as follows:*

Section one. **Declaration of legislative findings and intent.** The Council of the City of New York intends to rectify an inequity caused by the lapse of an exemption for states and municipalities from the federal Age Discrimination in Employment Act ("ADEA") which would have allowed the City of New York to set and maintain age requirements for police officers and firefighters.

Although the Council finds that age restrictions on the hiring of police officers and firefighters are necessary and in furtherance of public safety, the Council also recognizes that police officer candidates who were scheduled to enter the April 15, 1997 class at the Police Academy may not have received timely notification of the reinstatement of the ADEA exemption for states and municipalities. Accordingly, the Council acts herein solely to rectify the resulting inequity. With the federal exemption reinstated and the New York State Civil Service Commissions determination as to its retroactive applicability, however, the Council intends that the age restriction apply to all other candidates not covered by the specific provisions of this legislation. It further finds that such age restriction is necessary to secure the public safety of the City of New York.

§ 2. Subdivision a of section 14-109 of the administrative code of the city of New York is hereby amended to read as follows:

**§ 14-109 Qualifications of members of force; publishing names and residence of applicants and appointees; probation.** a. Only persons shall be appointed or reappointed to membership in the police force or continue to hold membership therein, who are citizens of the United States and who have never been convicted of a felony, and who can read and write understandably the English language. Skilled officers of experience may be appointed for temporary detective duty who are not residents of the city. Only persons shall be appointed police officers who shall be at the date of filing of an application for civil service examination less than thirty-five years of age, *except, that every person who, as of the fifteenth day of April 1997, satisfied all other requirements for admission to the New York city police department academy shall be admitted to such academy and shall be eligible for appointment as a police officer, subject to the provisions of the civil service law and any applicable provisions of the charter, notwithstanding that such person was thirty-five years of age or older on the fifteenth day of April 1997.* Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed. Persons who are appointed as police trainees, after examination in accordance with the civil service law and the rules of the commissioner of citywide administrative services and who have satisfactorily completed service as such trainees, may likewise be appointed as police officers without further written examination, provided that they shall have passed a medical examination at the end of their required trainee period. Persons appointed as police trainees shall not be considered members of the uniformed force of the department.

§ 3. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on April 28, 1998, disapproved by the Mayor on May 27, 1998 and repassed by the Council members on June 10, 1998 and said law is adopted notwithstanding the objection of the Mayor.

CARLOS CUEVAS, City Clerk, Clerk of the Council

**CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27**

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 23 of 1998, Council Int. No. 160-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 28, 1998: 41 FOR, 4 AGAINST, 1 NOT VOTING.

Was disapproved by the Mayor on May 27, 1998.

Was returned to the City Clerk on May 28, 1998.

Was reconsidered by the Council on June 10, 1998 and received the following vote of the Council members at a meeting of the Council on June 10, 1998: 43 FOR, 4 AGAINST, 1 NOT VOTING.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

The validity of this local law is currently a subject of a disagreement between the Mayor and the City Council. This certification is not intended as a legal opinion as to the validity of the local law, other than certifying the truth of the facts presented herein.