

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

4076--A

2009-2010 Regular Sessions

I N S E N A T E

April 9, 2009

Introduced by Sens. ADAMS, ADDABBO -- read twice and ordered printed,
and when printed to be committed to the Committee on Civil Service and
Pensions -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee

AN ACT to amend the retirement and social security law, in relation to
allowing military service credit for retirement for all honorably
discharged veterans

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

1 Section 1. Section 1000 of the retirement and social security law, as
2 added by chapter 548 of the laws of 2000 and subdivision 9 as added by
3 chapter 547 of the laws of 2002, is amended to read as follows:
4 S 1000. Military service credit. Notwithstanding any law to the
5 contrary, a member of a public retirement system of the state, as
6 defined in subdivision twenty-three of section five hundred one of this
7 chapter, shall be eligible for credit for military service as hereinaft-
8 er provided:
9 1. A member, upon application to such retirement system, may obtain a
10 total not to exceed three years of service credit for up to three years
11 of military duty, as defined in section two hundred forty-three of the
12 military law, if the member was honorably discharged from the military
13 [and all or part of such military service was rendered during the
14 following periods: (a) commencing December seventh, nineteen hundred
15 forty-one and terminating December thirty-first, nineteen hundred
16 forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty
17 and terminating January thirty-first, nineteen hundred fifty-five; or
18 (c) commencing February twenty-eighth, nineteen hundred sixty-one and
19 terminating May seventh, nineteen hundred seventy-five;
20 2. A member, upon application to such retirement system, may obtain a
21 total not to exceed three years of service credit for up to three years
22 of military duty, as defined in section two hundred forty-three of the

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

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1 military law, if honorably discharged therefrom, if all or part of such
2 services was rendered in the military conflicts referenced below, as
3 follows:

4 (a) hostilities participated in by the military forces of the United
5 States in Lebanon, from the first day of June, nineteen hundred eighty-
6 three to the first day of December, nineteen hundred eighty-seven, as
7 established by receipt of the armed forces expeditionary medal, the navy
8 expeditionary medal, or the marine corps expeditionary medal;

9 (b) hostilities participated in by the military forces of the United
10 States in Grenada, from the twenty-third day of October, nineteen
11 hundred eighty-three to the twenty-first day of November, nineteen
12 hundred eighty-three, as established by receipt of the armed forces
13 expeditionary medal, the navy expeditionary medal, or the marine corps
14 expeditionary medal;

15 (c) hostilities participated in by the military forces of the United
16 States in Panama, from the twentieth day of December, nineteen hundred
17 eighty-nine to the thirty-first day of January, nineteen hundred ninety,
18 as established by receipt of the armed forces expeditionary medal, the
19 navy expeditionary medal, or the marine corps expeditionary medal; or

20 (d) hostilities participated in by the military forces of the United
21 States, from the second day of August, nineteen hundred ninety, to the
22 end of such hostilities in case of a veteran who served in the theater
23 of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the
24 United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the
25 Persian Gulf, the Red Sea, and the airspace above these locations].

26 [3.] 2. A member must have at least five years of credited service
27 (not including service granted hereunder) to be eligible to receive
28 credit under this section.

29 [4.] 3. To obtain such credit, a member shall pay such retirement
30 system, for deposit in the fund used to accumulate employer contrib-
31 utions, a sum equal to the product of the number of years of military
32 service being claimed and three percent of such member's compensation
33 earned during the twelve months of credited service immediately preced-
34 ing the date that the member made application for credit pursuant to
35 this section. If permitted by rule or regulation of the applicable
36 retirement system, the member may pay such member costs by payroll
37 deduction for a period which shall not exceed the time period of mili-
38 tary service to be credited pursuant to this section. In the event the
39 member leaves the employer payroll prior to completion of payment, he or
40 she shall forward all remaining required payments to the appropriate
41 retirement system prior to the effective date of retirement. If the full
42 amount of such member costs is not paid to the appropriate retirement
43 system prior to the member's retirement, the amount of service credited
44 shall be proportional to the total amount of the payments made prior to
45 retirement.

46 [5.] 4. In no event shall the credit granted pursuant to this section,
47 when added to credit granted for military service with any retirement
48 system of this state pursuant to this or any other provision of law,
49 exceed a total of three years.

50 [6.] 5. To be eligible to receive credit for military service under
51 this section, a member must make application for such credit before the
52 effective date of retirement. [Notwithstanding the foregoing provisions
53 of this subdivision, an individual who retired on or after December
54 twenty-first, nineteen hundred ninety-eight and before the effective
55 date of this section may make application for credit pursuant to this
56 section within one year following the effective date of this section, in

1 which event, the cost to the retiree would be based on the twelve month
2 period immediately preceding retirement.]

3 [7.] 6. All costs for service credited to a member pursuant to this
4 section, other than the member costs set forth in subdivision [three]
5 TWO of this section, shall be paid by the state and all employers which
6 participate in the retirement system in which such member is granted
7 credit.

8 [8.] 7. A member who has purchased military service credit pursuant to
9 section two hundred forty-four-a of the military law shall be entitled
10 to a refund of the difference between the amount paid by the member for
11 such purchase and the amount that would be payable if service had been
12 purchased pursuant to this section.

13 [9.] 8. Notwithstanding any other provision of law, in the event of
14 death prior to retirement, amounts paid by the member for the purchase
15 of military service credit pursuant to this section shall be refunded,
16 with interest, to the extent the military service purchased with such
17 amounts does not produce a greater death benefit than would have been
18 payable had the member not purchased such credit.

19 Notwithstanding any other provision of law, in the event of retire-
20 ment, amounts paid by the member for the purchase of military service
21 credit pursuant to this section shall be refunded, with interest, to the
22 extent the military service purchased with such amounts does not produce
23 a greater retirement allowance than would have been payable had the
24 member not purchased such credit.

25 S 2. This act shall take effect immediately.

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

This bill would amend Article 20 of the Retirement and Social Security Law to allow active members of public retirement systems of New York State to claim service credit for up to three years of military service, regardless of when it was performed. Currently active members can receive service credit for military service performed during specified periods of war. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. To obtain such credit, a member must deposit in the pension accumulation fund three percent of his or her current annual full-time rate of compensation per year of military service claimed.

The annual cost to the employers of members of the New York State Teachers' Retirement System for this benefit is estimated to be \$5.2 million or .04% of payroll if this bill is enacted.

The source of this estimate is Fiscal Note 2009-57 dated May 5, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.