

CHAPTER TEXT:

LAWS OF NEW YORK, 2004

CHAPTER 728

(See FISCAL NOTE at end of Chapter.)

AN ACT to amend the administrative code of the city of New York, in relation to the crediting of certain prior service by the police pension fund of such city

Became a law December 8, 2004, with the approval of the Governor. Passed on Home Rule request pursuant to Article IX, section 2(b) (2) of the Constitution by a majority vote, three-fifths being present.

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

Section 1. Paragraph 1 of subdivision b of section 13-143 of the administrative code of the city of New York is amended to read as follows:

(1) Subject to the provisions of paragraph two of this subdivision [~~b~~] any period of allowable service rendered as an "EMT member", as defined in paragraph one of subdivision a of section 13-157.2 of this chapter, as added by chapter five hundred seventy-seven of the laws of two thousand, which immediately precedes service in the police force, and any period of allowable service in the uniformed transit police force, uniformed correction force, housing police service and the uniformed force of the department of sanitation immediately preceding service in the police force, credit for which period of immediately preceding allowable service was or is transferred pursuant to subdivision a of this section, shall be deemed to be service in the police force for purposes of eligibility for benefits and to determine the amount of benefits under the police pension fund.

§ 2. Subparagraph (a) of paragraph 2 of subdivision d of section 13-218 of the administrative code of the city of New York is amended to read as follows:

(a) Subject to the provisions of subparagraph (b) of this paragraph [~~two~~], and period of allowable service rendered as an "EMT member", as defined in paragraph one of subdivision a of section 13-157.2 of this title, as added by chapter five hundred seventy-seven of the laws of two thousand, which immediately precedes service in the police force, and any period of allowable service in the uniformed transit police force, uniformed correction force, housing police service and the uniformed force of the department of sanitation immediately preceding service in the police force, credit for which immediately preceding allowable service was or is obtained pursuant to paragraph one of this subdivision [~~d~~], shall be deemed to be service in the police force for purposes of eligibility for benefits and to determine the amount of benefits under the police pension fund.

§ 3. This act shall take effect immediately.

FISCAL NOTE.--If this bill were to be enacted in the 2004 Legislative Session, on the assumption that 150 members of the Police Pension Fund

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

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would be credited with an additional three years of service, the cost to the City in fiscal year 2004-05 would be approximately \$250,000 and would remain constant as a percent of salary.

This fiscal note, dated January 8, 2004 and made by Jonathan Schwartz, consulting actuary is intended for use in the 2004 legislative session.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO

Temporary President of the Senate
Assembly

SHELDON SILVER

Speaker of the



OPERATIONS ORDER

SUBJECT: APPLICATION FOR PRIOR CREDIT FOR SERVICE AS A NYC EMT UNDER CHAPTER 728 OF THE LAWS OF 2004	
DATE ISSUED:	NUMBER:
02-25-05	16

1. Chapter 728 of the Laws of 2004 affords active uniformed members of the Article II Police Pension Fund the opportunity to receive upfront credit for service as a city of New York Emergency Medical Technician (E.M.T.) immediately preceding service as a uniformed member of the New York City Police Department. This time, if properly transferred to the New York City Police Pension Fund at the time of appointment, shall be credited as "good time" toward the required twenty (20) years of service for a Service Retirement. Members **MUST** apply for this time while an Active member of the New York City Police Department (still on the NYPD payroll and before the effective date of retirement).
2. In order to apply under Chapter 728 of the Laws of 2004 to allow your previous EMT time to count as "good time" the following must apply:
 - a. You must have been employed as a NYC EMT.
 - b. Your employment as an EMT must have been immediately preceding your employment as a NYC police officer or immediately preceding your TAPD or HPD uniformed time.
 - c. You must have been a member of the New York City Employees Retirement System while employed as an EMT and properly transferred this time directly to the NYC Police Pension Fund immediately upon your appointment as a uniformed member of the NYC Police Department.
 - d. You **MUST** apply for this credit as an Active member. Chapter 728 of the Laws of 2004 only applies to members who were in active status on December 8, 2004 and thereafter. Active status includes those members who filed for retirement and were still working, using Comp Time, vacation time, or terminal leave on or after December 8, 2004. Any member whose retirement date was **BEFORE** December 8, 2004 is not eligible under this law.
3. Members should be aware that having their EMT time count as "good time" will affect your rate of contribution to their pension. The rate of contribution will be adjusted according to your age at the start of your EMT time. In doing so, this rate change will cause a shortage in the members account. In order to satisfy this shortage after having the EMT time credited as "good time," you may request the amount of your shortage by writing to: New York City Police Pension Fund, 233 Broadway, 25th Floor, New York, NY 10279, attention Christina Calderon. Telephone calls and personal appearances will not be accepted. After receiving a written response from the NYC Police Pension Fund, members may make a lump sum contribution in any amount up to the amount of their shortage to help decrease this shortage. Members cannot use Deferred Compensation Funds (457 Plan) to pay for their shortage.
4. Members applying for credit under this chapter law will complete and submit the form, Police Pension Fund, Article II, Application to Amend Service Credit under Chapter 728, Laws of 2004 (see Appendix "A"). Appendix "A" may be photocopied.

NOTE:

EMT time will not be automatically applied as "good time" to members who transferred the time over prior to the printing of this order. If you think that you are eligible to have your EMT time that was immediately preceding your uniformed service and the time was properly transferred within one (1) year of your appointment as a uniformed member count as "good time" you must fill out Appendix "A".

5. Any questions pertaining to the contents of this order should be directed to the NYC Police Pension Fund at (212) 693-5100.

6. The Pension Fund will expedite applications from those members who will immediately utilize this service credit to retire.

7. Commanding officers will ensure that the contents of this order are brought to the attention of members of their commands.

BY DIRECTION OF THE POLICE COMMISSIONER

DISTRIBUTION
All Commands

NEW YORK CITY POLICE DEPARTMENT
NEW YORK CITY POLICE PENSION FUND, ARTICLE II
233 BROADWAY, 19TH FLOOR, NEW YORK, NY, 10279

APPLICATION TO AMEND SERVICE CREDIT UNDER CHAPTER 728, LAWS OF 2004

Print or Type Only

Control Number: **E** _____

Name: (Last, First, M.I.) _____ Tax Number _____ Social Security Number _____

Address _____ City _____ State _____ Zip Code _____

Date of Birth _____ Telephone Number (Home) _____ Command _____ Telephone Number (Work) _____

Prior Agency	Job Title	Dates of Prior Service	
		From	To
Prior Agency	Job Title		
Prior Agency	Job Title		
Prior Agency	Job Title		

I _____, request such prior service credit as a NYC EMT that was directly transferred to the NYC Police Pension Fund from the New York City Employees Retirement System to be treated as "good time" toward the required twenty (20) years of service.

Signature _____ Date _____

TO BE COMPLETED BY POLICE PENSION FUND PERSONNEL

A review of your application indicates the following:

Your prior service credit has been amended as follows: You will receive pension credit from ____/____/____ to ____/____/____; your new equated date for pension purposes ONLY will be ____/____/____. You will be eligible for service retirement twenty (20) years from the equated date. Your rate has been changed to _____% effective ____/____/____.

You are not entitled to this credit due to: _____

(Member must print name and return address below)

