



OPERATIONS ORDER

SUBJECT: POLICE PENSION FUND - UPFRONT CREDIT FOR PRIOR SERVICE IN NEW YORK CITY OR NEW YORK STATE AS PEACE OFFICER	
DATE ISSUED:	NUMBER:
03-06-06	13

1. Chapter 498 of the Laws of 2005 affords active uniformed members of the Article II Police Pension Fund the opportunity to receive upfront credit for prior service in New York City or New York State in titles that have Peace Officer Status as defined in Section 2.10 of the CPL. This prior service time, if properly transferred to the New York City Police Pension Fund from the time of member's 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 for your previous Peace Officer Status service time to count as "good time" the following must apply:

- a. Your previous title must have had Peace Officer Status as stated in the CPL Section 2.10.
- b. Your employment in the above mentioned title must have been immediately preceding your employment as a NYC police officer or immediately preceding your time as a uniformed member of the Transit Authority Police Department, Housing Police Department, Sanitation or Corrections, which was properly transferred to the Police Pension Fund.
- c. You must have been a member of the New York City Employees Retirement System, New York State Employees Retirement System, New York State Police and Fire Retirement System, Board of Education Retirement System or New York City Fire Department Pension Fund.
- d. You **MUST** apply for this credit as an active member. Chapter 498 of the Laws of 2005 only applies to members who were in an active status on August 16, 2005 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 August 16, 2005. Any member whose retirement date was **BEFORE** August 16, 2005 is **NOT** eligible for this credit.

3. It is the responsibility of the requesting member to provide the Police Pension Fund with the proper documentation to prove that the prior title was considered Peace Officer Status as stated in Section 2.10 of the CPL. If a member provides documentation that later proves to be incorrect, that time will be revoked immediately, which may result in a Service Retirement being changed to a Vested Retirement.

4. Members should be aware that having this time count as "good time" will affect their rate of contribution to their pension. The rate of contribution will be adjusted according to your age at the start of your previous Peace Officer service time. This rate change may cause a shortage in the members account. Members may request the amount of their shortage by writing to the New York City Police Pension Fund, 233 Broadway, 25th Floor, New York, NY 10279, attention Shortage Request. Telephone calls and personal appearances are not acceptable. After receiving a written response from the NYC Police Pension Fund, members may make a lump sum payment up to the amount of their shortage in order to satisfy or help reduce the shortage. Members cannot use Deferred Compensation Funds (457 Plan) to pay for their shortage.

5. Members applying for credit under this chapter of law must complete and submit the form, NYC Police Pension Fund, Article II Application To Amend Service Credit Under Chapter 498, Laws of 2005 (Appendix "A"). Appendix "A" may be photocopied.

- a. Peace Officer Status service time will NOT be automatically applied as "upfront time" to members who transferred the time over prior to the printing of this order. If you believe that you are eligible to have your Peace Officer service time that was immediately preceding your uniformed service count as "upfront time," and the time was properly transferred, you now must fill out Appendix "A".

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

7. The Police Pension Fund will expedite applications from those members who wish to immediately utilize this service credit to retire. Please inform the Police Pension Fund if you so desire when making an application.

8. 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

OPERATIONS ORDER NO. 13

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 498, LAWS OF 2005

Print or Type Only

Control Number:

G

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)	
Cellular Telephone Number		EMAIL Address		
Prior Retirement System	Prior Agency	Job Title	Dates of Prior Service	
			From	To

Please check here if you are using this time to retire immediately.

I _____, request such prior service credit with Peace Officer Status as stated in the C.P.L. section 2.10 that was directly transferred to the NYC Police Pension Fund to be treated as "good time" toward the required twenty (20) years of service. This time was immediately preceding my NYPD Uniform time.

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)

STATUS:**S2866 MALTESE**

New York City Administrative Code

TITLE....Allows certain prior services as a member of the New York city employees' retirement system to count toward the eligibility requirement for service retirement

This bill is not active in the current session.

03/01/05 REFERRED TO CIVIL SERVICE AND PENSIONS

05/24/05 1ST REPORT CAL.1211

05/25/05 2ND REPORT CAL.

05/31/05 ADVANCED TO THIRD READING

06/07/05 HOME RULE REQUEST

06/07/05 PASSED SENATE

06/07/05 DELIVERED TO ASSEMBLY

06/07/05 referred to ways and means

06/16/05 substituted for a6232

06/16/05 ordered to third reading rules cal.424

06/16/05 home rule request

06/16/05 passed assembly

06/16/05 returned to senate

08/04/05 DELIVERED TO GOVERNOR

08/16/05 SIGNED CHAP.498

SUMMARY:

MALTESE

Amd SS13-143 & 13-218, NYC Ad Cd

Allows certain prior services as a member of the New York city employees' retirement system to count toward the eligibility requirement for service retirement.

EFF. DATE 08/16/2005

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S2866SPONSOR: MALTESETITLE OF BILL: An act to amend the administrative code of the city of New York, in relation to the crediting of prior service by the police pension fund of such cityPURPOSE: This bill would allow certain prior service credit as a member of the NYCERS to count toward the eligibility requirement for service retirement.SUMMARY OF PROVISIONS: This bill amends sections 13-143 and 13-218 of the Administrative Code of the city of New York to authorize prior service credit toward the eligibility requirement for service retire-

ment.

JUSTIFICATION: Retirement and social security laws provide protection for those New York City police officers who dedicate their lives in the service of New York State. Recent court settlements have resolved eligibility issues for credit granted pursuant to Chapter 646 of the laws of 1999 and Chapter 552 of the laws of 2000. This bill is necessary in order to ensure that all prior service is credited in a uniform and equitable manner.

LEGISLATIVE HISTORY: S.2936 of 2003-04. Passed Senate.

FISCAL IMPLICATIONS: See the bill.

EFFECTIVE DATE: Immediately

CHAPTER TEXT:

LAWS OF NEW YORK, 2005

CHAPTER 498

(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 prior service by the police pension fund of such city

Became a law August 16, 2005, 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, as amended by chapter 728 of the laws of 2004, is amended to read as follows:

(1) Subject to the provisions of paragraph two of this subdivision 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 rendered (i) as a peace officer, as defined in section 2.10 of the criminal procedure law, (ii) in the title of sheriff, deputy sheriff, marshal or district attorney investigator, or (iii) in any position specified in appendix A of operations order 2-25 of the police department of the city of New York dated December eleventh, two thousand two, 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, as amended by chapter 728 of the laws of 2004, is amended to read as follows:

(a) Subject to the provisions of subparagraph (b) of this paragraph, 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 rendered (i) as a peace officer, as defined in section 2.10 of the criminal procedure law, (ii) in the title of sheriff, deputy sheriff, marshal or district attorney investigator, or (iii) in any position specified in appendix A of operations order 2-25 of the police department of the city of New York dated December eleventh, two thousand two which immediately precedes service in the police force, and

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

CHAP. 498

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

If this bill were to be enacted in the 2005 Legislative Session, on the assumption that 500 members of the Police Pension Fund would be credited with an additional three years of service, the cost to the City in fiscal year 2005-06 would be approximately \$800,000, and would remain constant as a percentage of salary.

This estimate dated February 9, 2005, was prepared by Jonathan Schwartz, consulting actuary and is intended for use in the 2005 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

SHELDON SILVER
Speaker of the Assembly
