



OPERATIONS ORDER

SUBJECT: PENSION SERVICE CREDIT FOR POLICE SERVICE FOR THE UNITED STATES GOVERNMENT WHILE IN A FOREIGN COUNTRY	
DATE ISSUED:	NUMBER:
05-21-01	35

1. Chapter 606 of the Laws of 2000 affords active uniformed members of the Article II Police Pension Fund, the opportunity to purchase back that service time they spent working in police duty, while in a foreign country (e.g. Bosnia), on behalf of the United States Government. Such Article II Police Pension Fund members must pay the Fund for this service time prior to retirement, if active prior to December 29, 2005 or within five (5) years from the termination of such service. Members cannot obtain more than four (4) years combined service credit for police service in another country and military duty. Members who separated from this Department by reason of Vested Interest and have not reached what would have been their twentieth (20th) anniversary are also eligible to utilize this buyback.

2. Members applying for pension credit under Chapter 606 will complete and submit the form, **Police Pension Fund Article II Application for Purchase of Prior Service Credit Pursuant to Chapter 606 of the Laws of 2000**, (see Appendix "A"), along with documentation of attendance. The attached form may be photocopied. The Pension Section will notify the member of any monetary amount due. The member will have thirty (30) days in which to make payment. If payment is not submitted within this time period the original amount due will have to be recalculated. Recalculations will be done only after all other submitted requests are processed. Credit for time purchased under this law will be "up front time" (time completed and credited prior to a member reaching his/her twentieth [20th] anniversary.)

3. Members applying to purchase time under Chapters 548 (another Chapter related to military time) and 606 of the Laws of 2000, should consult the Pension Section prior to making such applications. This is critical because each Chapter is governed by different time periods. Subsequently, in some instances it will be more beneficial to submit an application for Chapter 606 before submitting one for Chapter 548 and vice-versa. Doing otherwise may limit the amount of time available for purchase.

4. Any questions pertaining to the contents of this order should be directed to the Pension Section at (212) 693-5850.

5. 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

APPENDIX "A"

(THIS FORM MAY BE DUPLICATED)

POLICE PENSION FUND ARTICLE II
APPLICATION FOR PURCHASE OF PRIOR SERVICE CREDIT PURSUANT
TO CHAPTER 606 OF THE LAWS OF 2000

B

Print Or Type Only

CONTROL NUMBER:

Name: (Last, First, M.I.) Tax Number Social Security Number
Address City State Zip Code
Telephone Number (Home) Dates Of Foreign Service Country
Telephone Number (Work) Dates Of Foreign Service Country
Command

I request credit for this service as provided for in Chapter 606 of the Laws of 2000. I understand that I will be provided with the cost for this service and I will only receive credit only in proportion to the amount of that cost I pay to the Retirement System.

Signed Date

Mail application to NYC Police Pension Fund, 233 Broadway, 19th Fl. NY, NY 10279. Fill out name and address at bottom.

TO BE COMPLETED BY PENSION SECTION PERSONNEL

A review of your application indicates the following:

You are eligible to purchase of service credit for which you owe \$ as of / / . Payment is due thirty (30) days from this date. Active members must make payment before their date of retirement. Upon payment of lump sum amount, your equated date for pension purposes will be / / . You will be eligible for service retirement twenty (20) years from the equated date.

You are eligible to purchase of prior service credit for which you owe \$ as of / / . Payment is due thirty (30) days from this date. Active members must make payment before their date of retirement. If payment is made a monetary benefit will be added to your retirement allowance.

You are not entitled to this credit because

(Signature of member agreeing to lump sum payment) I am enclosing \$

by Money Order, Bank Check, or Certified Check with a copy of this statement payable to:

ARTICLE II POLICE PENSION FUND.

(Member must print return address below)

Return address lines

BILL TEXT:**STATE OF NEW YORK**

1632--C

1999-2000 Regular Sessions

IN ASSEMBLY

January 13, 1999

Introduced by M. of A. JACOBS, MAGNARELLI, HILL HOOPER, VITALIANO -- Multi-Sponsored by -- M. of A. D. BUTLER, A. COHEN, DAVIS, MILLMAN, SCARBOROUGH, SWEENEY -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the military law, in relation to affording police officers serving in foreign countries on behalf of the United States government the same protection as other public employees serving in the military

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

1 Section 1. Paragraph (b) of subdivision 1 of section 243 of the mili-
2 tary law, as amended by chapter 616 of the laws of 1995, is amended to
3 read as follows:
4 (b) The term "military duty" shall mean military service in the mili-
5 tary, naval, aviation or marine service of the United States subsequent
6 to July first, nineteen hundred forty, or service under the selective
7 training and service act of nineteen hundred forty, or the national
8 guard and reserve officers mobilization act of nineteen hundred forty,
9 or any other act of congress supplementary or amendatory thereto, or any
10 similar act of congress hereafter enacted and irrespective of the fact
11 that such service was entered upon following a voluntary enlistment
12 therefor or was required under one of the foregoing acts of congress, or
13 service with the United States public health service as a commissioned
14 officer, or service with the American Red Cross while with the armed
15 forces of the United States on foreign service, or service with the

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

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1 special services section of the armed forces of the United States on
2 foreign service, or service in the merchant marine which shall consist
3 of service as an officer or member of the crew on or in connection with
4 a vessel documented under the laws of the United States or a vessel
5 owned by, chartered to, or operated by or for the account or use of the
6 government of the United States, or service by one who was employed by
7 the War Shipping Administration or Office of Defense Transportation or
8 their agents as a merchant seaman documented by the United States Coast
9 Guard or Department of Commerce, or as a civil servant employed by the
10 United States Army Transport Service (later redesignated as the United
11 States Army Transportation Corps, Water Division) or the Naval Transpor-
12 tation Service; and who served satisfactorily as a crew member during
13 the period of armed conflict, December seventh, nineteen hundred forty-
14 one, to August fifteenth, nineteen hundred forty-five, aboard merchant
15 vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service
16 as such terms are defined under federal law (46 USCA 10301 & 10501) and
17 further to include "near foreign" voyages between the United States and
18 Canada, Mexico, or the West Indies via ocean routes, or public vessels
19 in oceangoing service or foreign waters and who has received a Certif-
20 icate of Release or Discharge from Active Duty and a discharge certif-
21 icate, or an Honorable Service Certificate/Report of Casualty, from the
22 Department of Defense, or who served as a United States civilian
23 employed by the American Field Service and served overseas under United
24 States Armies and United States Army Groups in world war II during the
25 period of armed conflict, December seventh, nineteen hundred forty-one
26 through May eighth, nineteen hundred forty-five, and who was discharged
27 or released therefrom under honorable conditions, or who served as a
28 United States civilian Flight Crew and Aviation Ground Support Employee
29 of Pan American World Airways or one of its subsidiaries or its affil-
30 iates and served overseas as a result of Pan American's contract with
31 Air Transport Command or Naval Air Transport Service during the period
32 of armed conflict, December fourteenth, nineteen hundred forty-one
33 through August fourteenth, nineteen hundred forty-five, and who was
34 discharged or released therefrom under honorable conditions, or service
35 in police duty on behalf of the United States government in a foreign
36 country, if such person is a police officer, as defined by section 1.20
37 of the criminal procedure law; or as an enrollee in the United States
38 maritime service on active duty and, to such extent as may be prescribed
39 by or under the laws of the United States, any period awaiting assign-
40 ment to such service and any period of education or training for such
41 service in any school or institution under the jurisdiction of the
42 United States government, but shall not include temporary and intermit-
43 tent gratuitous service in any reserve or auxiliary force. It shall
44 include time spent in reporting for and returning from military duty and
45 shall be deemed to commence when the public employee leaves his position
46 and to end when he is reinstated to his position, provided such rein-
47 statement is within ninety days after the termination of military duty,
48 as hereinafter defined. Notwithstanding the foregoing provisions of
49 this paragraph, the term "military duty" shall not include any of the
50 foregoing services entered upon voluntarily on or after January first,
51 nineteen hundred forty-seven and before June twenty-fifth, nineteen
52 hundred fifty; and, on or after July first, nineteen hundred seventy,
53 the term "military duty" shall not include any voluntary service in
54 excess of four years performed after that date, or the total of any
55 voluntary services, additional or otherwise, in excess of four years
56 performed after that date, shall not exceed five years, if the service

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1 in excess of four years is at the request and for the convenience of the
2 federal government, except if such voluntary service is performed during
3 a period of war, or national emergency declared by the president.

4 § 2. Notwithstanding subdivision four of section two hundred forty-
5 three of the military law, a person whose military duty was service in
6 police duty on behalf of the United States government in a foreign coun-
7 try, if such person is a police officer, as defined by section 1.20 of
8 the criminal procedure law shall be permitted to make contributions to
9 the retirement system of which he or she is a member within five years
10 from the effective date of this act or five years from the termination
11 of such service, whichever is later, for the purposes of obtaining
12 retirement credit as provided in such subdivision.

13 § 3. This act shall take effect immediately.

FISCAL NOTE.--If this bill were to be enacted in the 2000 Legislative Session, the cost to the city of New York would be approximately \$75,000 in fiscal year 2000-01, and would remain constant as a percent of payroll.

This estimate, dated December 14, 1999, was prepared by Jonathan Schwartz, Consulting Actuary.

FISCAL NOTE.--This bill would allow services rendered by a police officer, as defined by Section 1.20 of the Criminal Procedure Law, in police duty on behalf of the United States government in a foreign country to now be creditable under Section 243 of the Military Law.

The exact number of members who could be affected by this legislation cannot be readily determined.

If this bill is enacted, for members with less than 20 years of service, there would be a cost of up to approximately 40% of each affected member's annual salary for each year of military service credited. For members with at least 20 years of service, the cost would be approximately 18% of each affected member's annual salary for each year of military service credit.

For affected members of the New York State and Local Employees' Retirement System (ERS), this cost would be shared by the State of New York and all of the participating employers in the ERS.

For affected members of the New York State and Local Police and Fire Retirement System (PFRS), this cost would be shared by the State of New York and all the participating employers in the PFRS.

This estimate, dated January 24, 2000 and intended for use only during the 2000 Legislative Session, is Fiscal Note No. 2000-113 prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.
