



Office of the New York

State Comptroller

NYS Comptroller

Thomas P. DiNapoli



## **NYSLRS**

# **New York State & Local Retirement System**

## **Military Service Credit**

### **New Legislation Signed**

On May 31, 2016, legislation that removes the requirement that military service occur during specific periods of hostilities was signed into law. For information about eligibility and the cost to receive retirement service credit for time served in the military under this new legislation, please see the section on Article 20 of the Retirement and Social Security law below.

You may be entitled to receive additional credit toward your retirement benefit for your military service.

There are different sections of the law that allow the crediting of military service. Once we receive your request, we will determine under what section(s) you qualify and which would be most advantageous to you.

In most cases, purchasing additional service credit will increase your retirement benefit. However, there are certain situations where doing so may not increase your benefit. Please visit our Publications page and refer to the booklet that applies to your plan and tier.

Most members can use our Benefit Projection Calculator to estimate their retirement benefit. Try estimating your retirement benefit with and without the military service credit to see how it will change if you purchase all or part of your military service.

If you are in one of the following groups, you currently cannot estimate your retirement benefit using our benefit calculator. However, you can contact our Call Center to determine if purchasing credit for your military service would be beneficial:

- Employees' Retirement System (ERS) Tier 5 and 6 members in the Article 15 retirement plan;
- Certain ERS members in special 20- or 25-year retirement plans; and
- Police and Fire Retirement System (PFRS) members who joined on or after July 1, 2009.

## Rules for Receiving Military Service Credit under the Various Statutes of Law

### Article 20 of the Retirement and Social Security Law

#### Eligibility

#### Veterans must:

- Have been honorably discharged;
- Have at least five years of credited service in the Retirement System;
- Have not received credit for this service in any other public retirement system in New York State; and
- Apply for and purchase military service credit prior to retirement.

#### Estimate Your Cost

For Tier 1, 2, 3, 4 and 5 members, the cost will be 3 percent of the compensation you earned during the year of credited service immediately prior to our receipt of your application, times the number of years of military service being claimed. These payments are **not** deposited into your contribution account and are not available to borrow against with a Retirement System loan.

#### Example:

Member earned \$50,000 over the last 12 months and is eligible to purchase 3 years of military service

$$\$50,000 \times 3\% \times 3 \text{ years} = \$4,500$$

For Tier 6 members, the cost will be 6 percent of the compensation you earned during the year of credited service immediately prior to our receipt of your application, times the number of years of military service being claimed. These payments are **not** deposited into your contribution account and are not available to borrow against with a Retirement System loan.

#### Example:

Member earned \$50,000 over the last 12 months and is eligible to purchase 3 years of military service

$$\$50,000 \times 6\% \times 3 \text{ years} = \$9,000$$

**How to Apply**

1. Scan and email your Certificate of Release or Discharge from Active Duty papers (DD-214) to [msunit@osc.state.ny.us](mailto:msunit@osc.state.ny.us) and include your name and contact information. You'll receive an email acknowledging that we received your request.

OR

2. Fax your name, contact information and a copy of your DD-214 to 518-486-6405 or 518-402-7799.

OR

3. Mail your name, contact information and a copy of your DD-214 to:

**Military Service Unit**

110 State Street

Albany, NY 12244-0001

You'll receive an acknowledgement letter once we begin processing your request. If you have questions, email us at [msunit@osc.state.ny.us](mailto:msunit@osc.state.ny.us).

**Section 243 of the Military Law**

**Eligibility**

Veterans must:

- Be a member of the Retirement System before entering the military;
- Enter the military within six months of your last employment; and
- Have returned to your position while your Retirement System membership was still active.

Cost depends on your plan and tier.

**Section 242 of the Military Law**

**Eligibility**

Veterans must:

- Be a member of the Retirement System before entering the military; and
- Return to public employment.

Cost depends on your plan and tier.

**Note:** Members who were called to active military duty from 8/1/90 – 12/31/92 and/or 9/11/01 – 12/31/05, who were not receiving full salary from a participating employer and are otherwise eligible to receive retirement service credit for the active military duty under Section 242 or 243 of the New York State Military Law, can be credited with this service without having to make contributions.

## **Federal Legislation**

The following federal legislation, for pension purposes, allows a reemployed person to be treated as not having incurred a break in service with their employer during the person's period of military service, as specified in the legislation.

### **Veterans Reemployment Rights Statute (VRR)**

Veterans must have been employed by a participating employer of the Retirement System within six months prior to entering the military and must have applied for reemployment with the same employer within 90 days from their discharge date.

### **Uniform Services Employment Reemployment Rights Act (USERRA)**

This act replaces the VRR, effective December 12, 1994. Veterans must have been a member of the Retirement System prior to entering the military. This statute does not specify a limit on the period of time in advance of military service that employees may leave employment. If employers consider they were properly notified, so will the Retirement System. If military service exceeds 180 days, you must have applied for reemployment with the same employer within 90 days from the date of discharge.

## **How to Apply:**

Regardless of when you served, to apply for military service credit you can:

1. Scan and email your Certificate of Release or Discharge from Active Duty papers (DD-214) to [msunit@osc.state.ny.us](mailto:msunit@osc.state.ny.us) and include your name and contact information. You'll receive an email acknowledging that we received your request.

OR

2. Fax your name, contact information and a copy of your DD-214 to 518-486-6405 or 518-402-7799.

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(Rev. 6/16)

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## **REQUIREMENTS FOR MILITARY SERVICE UNDER ARTICLE 20**

To be eligible to receive credit for your military service under Article 20, you must:

- have been honorably discharged;
- have at least five years of credited service in the Retirement System at the time you apply for your military service credit;
- not have credit for this service in any other public retirement system in New York State;
- apply for and purchase credit for your military service prior to retirement.

If you are covered by a plan that has a maximum service limit, your military service credit cannot be used to exceed the maximum service limit.

- For Tier 1 through 5 members, payment of 3 percent of the compensation you earned during the year of credited service immediately prior to our receiving your application, times the number of years of credit you are seeking, must be paid into the Retirement System's Pension Accumulation Fund. For Tier 6 members, the cost is 6 percent. **THESE PAYMENTS ARE REFUNDABLE ONLY IF THE MILITARY SERVICE CREDIT CANNOT BE USED IN THE CALCULATION OF A BENEFIT.**
- Payment must be made in a period no longer than the amount of credit being granted.
- Prorated credit will be granted for partial payment.

If you do not have a copy of your DD-214, you may obtain one by writing to:

**National Personnel Records Center  
Military Personnel Records  
1 Archives Drive  
St. Louis, MO 63138**

A request form to send to the National Personnel Records Center is also available through the National Archives website at <http://www.archives.gov/veterans/military-service-records/index.html>



# Application for Military Service Credit Under Article 20-RSSL RS 5509

(Rev. 6/16)

**SEE IMPORTANT INFORMATION ON BACK OF FORM**

PRINT USING ONLY BLUE OR BLACK INK AND ATTACH MILITARY DISCHARGE PAPERS (DD-214)

Name \_\_\_\_\_ Social Security Number \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Address \_\_\_\_\_ Registration Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone: Work: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_ Phone: Home: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Do you have credit for **ANY** military service in another public retirement system in New York State?

Yes

No

If yes, indicate which system(s)

New York State Employees' Retirement System

New York City Teachers' Retirement System

New York State Police & Fire Retirement System

New York City Board of Ed. Retirement System

New York State Teachers' Retirement System

New York City Police Pension Fund

New York City Employees' Retirement System

New York City Fire Dept. Pension Fund

I \_\_\_\_\_, request credit for this service as provided for in Article 20 of the Retirement and Social Security Law. I understand that I will be provided with the cost for this service and will receive credit only in proportion to the amount of that cost I pay to the Retirement System. I have enclosed my DD-214 showing my dates of enlistment.

Signed \_\_\_\_\_ Date \_\_\_\_\_