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MEMORANDUM IN SUPPORT

LEGISLATIVE REFERENCE A.6453 – by M. of A. Magnarelli – Ways and Means Committee
S.4546 – by Senator Croci – Veterans, Homeleand Security, Mil. Affairs

TITLE **AN ACT** to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for certain military service

SUMMARY OF PROVISIONS

This legislation would amend New York State Retirement and Social Security Law (RSSL) Section 1000, as established by Chapter 548 of the Laws of 2000, to provide certain members of public retirement systems of the State the opportunity to purchase (buy back) up to three years of pension service credit for military service performed in the theatre of operations in Afghanistan.

The bill's effective date is retroactive to December 21, 1998.

REASONS FOR SUPPORT

The City of New York strongly supports this legislation which would add Afghanistan to the covered theatres of operation for military buy back purposes.

Current law allows members to purchase pension service credit for military service rendered during defined periods of war (World War II, Korea, Vietnam), or in one of the specified military conflicts in Lebanon, Grenada, Panama, or in hostilities in the theatre of operations in several countries in the Middle East. The current statute was enacted prior to September 11, 2001 and, therefore, did not include Afghanistan among the theatres of operation in which military service personnel may have served to qualify for pension credit. Unfortunately, legislation seeking to add Afghanistan to the current statute has been introduced, but has not become law. This bill seeks to correct this omission and is long overdue.

To qualify, any member of a public retirement system who served in the United States military with an honorable discharge and who has at least five years of credited service would be eligible to purchase up to three years of service credit for that prior military service. Tier 6 members would be required to make a payment of six percent of compensation earned in the 12 months prior to the filing of the credit application times the number of years of service being claimed, while members of other Tiers would be required to make a payment of three percent of such compensation. The military service purchased under this proposed legislation would be

qualifying for all purposes. For example, a Tier 2 New York City Police Officer with 17 years of service credit could purchase three years of military service and qualify for service retirement with 20 years of service.

The City of New York deeply appreciates the service of those who serve in the United States military, especially those who risked their lives during periods of war. The legislative history for Chapter 548 of the Laws of 2000 shows that its proponents highlighted the sacrifice made by members who served in a time of war or military conflict as justification for enacting the military buy back statute. Since the statute enumerated specific periods of war and conflict, the proponents could not have possibly predicted the tragedy of September 11, 2001 and the ensuing military conflicts. War or military conflict is not a static phenomenon and it is, therefore, incumbent upon us to review laws which may need to be updated to reflect current realities. The reality here is that members of public retirement systems in New York City who have served our country honorably in Afghanistan should be afforded the same rights, benefits and privileges as their fellow servicemen and servicewomen who were deployed to a different war, conflict or hostility. The time to correct this inequity is now.

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

Respectfully submitted,

SHERIF SOLIMAN
Director

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