

# New York State Office of the State Comptroller

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## New York State and Local Retirement System

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## Military Service Credit

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

There are different sections of the law that allow the crediting of military service. Once the Retirement System receives your request, we will determine under what section you would qualify and what would be most advantageous to you. Most veterans will qualify to purchase their military credit under Article 20 of the Retirement and Social Security Law.

In most cases, purchasing additional service credit will increase your pension. However there are certain situations where additional service credit may not increase your pension at retirement. Please refer to the booklet for your plan and tier.

You can use our [Benefit Projection Calculator](#) for an estimate of your retirement benefit. Try estimating your retirement benefit with and without the military service credit to see how your retirement benefit will change if you purchase all or part of your military service credit.

### Rules for Receiving Military Service Credit Under the Different Statutes of the Law:

- Article 20 of the Retirement and Social Security Law (RSSL)
- Sections 243 & 243-a of the Military Law
- Sections 2 and 302 of the RSSL (For Tier 1 & 2 only)

### Federal Legislation:

- Veterans Reemployment Rights Statute (VRR)
- Uniform Services Employment Reemployment Rights Act (USERRA)

## A Quick Glance at the Rules for Receiving Military Service Credit Under the Different Statutes of the 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;
- Not have credit for this service in any other public retirement system in New York State;
- Not have a total of more than three years military service credit in all public retirement systems in New York State, including this service.

In addition, some or all of the military service must have been during one of the following periods:

- World War II (12/7/41 - 12/31/46)
- Korean War (6/27/50 - 1/31/55)
- Vietnam Era (2/28/61 - 5/7/75)
- Or, served in one or more of the following military conflicts and received an Armed Forces, Navy or Marine Corps Expeditionary medal in connection with this service:
  - Lebanon (6/1/83 - 12/1/87)
  - Grenada (10/23/83 - 11/21/83)
  - Panama (12/20/89 - 1/31/90)
  - Theater of operations - Includes Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, United Arab Emirates, Oman, Gulf of Aden, Gulf of Oman, Persian Gulf, Red Sea, and airspace above these locations. Medal not needed, but had to serve overseas.

**Your Cost:**

It will be 3 percent of the compensation you earned during the year of credited service immediately prior to the Retirement Systems' receipt of your application, times the number of years of military service being claimed. These payments are not placed in your contribution account.

**Section 243, and 243-a of the Military Law**

**Eligibility**

**Veterans must:**

- Be a member of the Retirement System before you entered the military;
- Enter the military within six months of your last employment; and
- Return to your position within one year.

Eligibility under Section 243-a is the same as Section 243. This law allows members called to active duty from 8/1/90 - 12/31/92, who were not receiving full salary from their employer, to get service credit. Members are not required to make contributions to receive the credit.

cost depends on your plan and tier.

**Sections 2 & 302 of the Retirement and Social Security Law (For Tier 1 and 2 only)**

Service is allowed at no cost for members who were in the military during the following time periods:

- World War II 7/1/40 - 12/31/46
- Korean Service 6/25/50 - 1/31/55
- Berlin Crisis 10/1/61 - 8/31/62

### **Eligibility**

Veterans must have been one of the following:

- A member of the Retirement System when entering military service; or
- Became a member while in military service; or
- Became an employee and joined the System prior to 7/1/48; or
- An employee of a nonparticipating employer who became a participating employer while absent on military service; or
- An employee of the State or a participating employer and became a member of the System after discharge.

### **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 13, 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 the employee may leave. If the employer considers 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:**

You may request the cost by writing to us. Include your name, retirement registration number, and a copy of your Certificate of Release or Discharge from Active Duty papers (DD-214). You may also download form RS5509 - Article 20 - RSSL. The form must be printed, completed and mailed to the Retirement System.