



Section 11: Military Service

Introduction

Two types of service credit are available for active military duty: service preceding NYSTRS membership and service interrupting NYSTRS membership. In all cases, honorable discharge documentation is required as verification of military service. A member who qualifies for credit under more than one scenario for the same period will receive credit under the one which is most advantageous.

Military service credit may generally be claimed simply by sending a letter to NYSTRS; however, the claim must be made while the membership is active. The member's military documentation in the form of an honorable military discharge, Form DD214, must be provided in order for credit to be granted.

To obtain a copy of a DD214, please contact:

National Personnel Records Center
Military Personnel Records
1 Archives Drive
St. Louis, MO 63138
Phone: (314) 801-0800

www.archives.gov/veterans/military-service-records

A recently separated veteran may be able to access their DD214 online through the eBenefits portal at **www.ebenefits.va.gov/ebenefits/homepage**.

A member's request for military service doesn't incur a cost to the employer.

Questions regarding military service credit should be directed to our Military Unit at (800) 348-7298, Ext. 6060 (518-447-2900 if calling from the Albany area).

Prior Military Service

Chapter 41 of the Laws of 2016

Chapter 41 of the Laws of 2016, which amended Retirement and Social Security Law Section 1000, allows active members to purchase up to three years of credit for active military duty regardless of when or where they served provided the veteran was not a member of a public retirement system upon entry into the military. Chapter 41 eliminated eligibility restrictions previously defined by Chapter 548 of the Laws of 2000. Only members actively employed on or after May 31, 2016 and honorably discharged from the military are eligible for credit under Chapter 41.

To be eligible to receive credit for military service under this section of law, a member must have at least five years of NYSTRS service credit. Total credit under Chapter 41 cannot exceed three years and cannot exceed the "net active service" indicated on the member's military document (DD 214).



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For Tier 1-5 members, the cost for each year claimed is 3% of the salary earned during the 12 months of credited service immediately preceding the filing of the military service claim. For Tier 6 members, the cost is 6%.

In the event a member is not able to benefit from any service purchased under this law, the cost of this service will be refunded (including 5% annual interest) to the member at retirement or upon death.

Service Interrupting NYSTRS Membership

Uniformed Services Employment and Reemployment Rights Act (USERRA)

The following conditions must be satisfied in order for a member to purchase military credit under USERRA:

- The military service must interrupt NYSTRS membership.
- The military service must be active service as a member of the United States Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard, including Reserves), Air National Guard, the Commissioned Corps of the Public Health Service, and any other person designated by the President of the United States.
- The military service must be identified as “net active service” on the member's military document. The service can be either voluntary or involuntary.
- A member must have been in a position that made him or her eligible for membership in NYSTRS at the time they entered the military. Full-time and part-time teachers under contract are eligible. Per-diem substitutes are not eligible for credit under USERRA.
- The member must have returned to teaching with a participating employer within 90 days of discharge from active duty or no later than September following the date of discharge.

Service credited under this law is limited to five years and cannot exceed the “net active service” indicated on the member's military document.

There is no cost for this service for Tier 1 or 2 members, as well as for Tier 3 or 4 members who stopped making mandatory contributions before entering military service.

The cost for all other members is based on tier of membership, the rates below and the salary the member would have received for the school years in which the military service occurred.

Tiers 3 and 4	3%
Tier 5	3.5%
Tier 6	3% - 6%



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Section 243 of the Military Law

The following conditions must be satisfied for a member to purchase military service credit under Section 243 of the Military Law:

- The military service must be active service as a member of the United States Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard), the National Guard, the United States Public Health Service as a commissioned officer, the American Red Cross while with the armed forces of the United States on foreign service, the special services section of the United States armed forces on foreign service or the Merchant Marine.
- The military service must have begun on or after July 1, 1940, and must not be service voluntarily entered into between January 1, 1947 and June 25, 1950.
- The claimant must be a teacher in the public schools of New York State and a member of NYSTRS at the time of entry into military service.
- The claimant must have returned to public school teaching within one year of the date of honorable discharge.

Total credit under this law is limited to four years and cannot exceed the “net active service” indicated on the member’s military document.

The cost is as follows and full payment must be made within five years of return to public school teaching:

- The amount the member would have contributed had the employment been continuous during the period of military service. This payment is waived for Tier 3 or 4 members called to active duty on or after August 1, 1990, and prior to January 1, 1993.
- If the member did not have an employer during such period of military service, s/he must also pay the amount an employer would have contributed to the System had employment been continuous during such period. No interest is calculated on this portion of the member payment.

A member who was granted credit for military service and whose membership in the System subsequently ceased because of withdrawal will be entitled to the same credit for military service upon rejoining the System that s/he was credited with upon termination of membership. However, the credit will not be posted until the member claims and pays for all prior teaching service credited at the time of termination of membership in the System.

Chapter 326 of the Laws of 2005

This law added Section 243-d to the Military Law. In order for a member to receive military credit under Section 243-d, s/he must have been called to active duty on or after September 11, 2001 and prior to January 1, 2006.



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Service credited under this law is limited to four years and it cannot exceed the “net active service” indicated on the member’s military document.

For all tiers there is no cost for this service. However, mandatory membership contributions for Tier 4 members are required after the military period ended if the member had not yet met the provisions of Article 19 of New York’s Retirement and Social Security Law. Under Article 19 benefit enhancement legislation, Tier 3 and 4 members are no longer required to make employee contributions to the Retirement System once they have 10 years of membership or service credit, whichever occurs first.