



MaBSTOA Pension Plan

Manhattan and Bronx Surface Transit Operating Authority

Clock-In Date

APPLICATION TO PURCHASE CREDIT FOR MILITARY SERVICE

SUMMARY

Chapter 41 of the Laws of 2016, effective May 31, 2016, removes the location requirement for applying to purchase military service credit. If you previously applied and were denied based on the location of your military service, please re-file this application. This application is for members who wish to purchase credit for military service previously rendered. There are various laws that allow you to purchase military service and you are entitled to receive credit under whatever law provides you with the greatest benefit.

Please submit your completed application to the MaBSTOA Pension Plan at 2 Broadway, 10th floor, Section D, New York, NY 10004.

SECTION 1 – EMPLOYEE INFORMATION (PLEASE PRINT)

Last Name	First Name	M.I.	Suffix
BSC ID	Pass Number	Last 4 Digits of SSN	
Address		Apt. Number	
City	State	Zip Code	
Phone (H)	Phone (W)	Email	

SECTION 2 - MILITARY SERVICE INFORMATION (PLEASE PRINT)

I am a member of the MaBSTOA Pension Plan, and hereby apply to purchase credit for service during my employment for the following period(s):

		/			/														
FROM (MM/DD/YYYY)								TO (MM/DD/YYYY)								BRANCH OF SERVICE			
		/			/														
FROM (MM/DD/YYYY)								TO (MM/DD/YYYY)								BRANCH OF SERVICE			
		/			/														
FROM (MM/DD/YYYY)								TO (MM/DD/YYYY)								BRANCH OF SERVICE			

Please include a copy of your discharge papers (DD214) with this form.

Have you ever received credit for Military Service from any New York State or City retirement system? Yes No

Signature of Member	Date



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INFORMATION REGARDING MILITARY SERVICE BUY-BACK

ELIGIBILITY FOR MILITARY BUY-BACK UNDER FEDERAL OR STATE LAW

In all cases, military service must have been satisfactorily completed and a discharge under honorable circumstances must have been granted. A DD214 form is the most common proof of satisfactory military service. Please refer to the military brochure for additional details on acceptable documentation.

Federal Law under the Uniformed Services Employment and Re-employment Rights Act (USERRA)

MaBSTOA Pension Plan Members who are activated to military service in one of the military branches of the U.S. armed forces may apply to receive service credit for the period of time spent on active military duty, not to exceed **five years** for voluntary active duty, not including any time purchased under Article 20 of the Retirement and Social Security Law (RSSL) which is explained in greater detail in the next section. No cap on service is applied if the military service is mandatory, e.g. draft, redeployment.

Members/employees are required to apply to return to a MaBSTOA position within 14 days after termination of military duty if their military service lasted between 31 and 180 days. If their military service lasted more than 180 days, such members are required to apply to return to a MaBSTOA position within 90 days after termination of military duty. Some agencies allow employees to return for reemployment in a timeframe greater than what is allowed under USERRA.

There is no time limit for purchasing military service under USERRA.

In general, members purchasing military service under USERRA are entitled to the rights, benefits and privileges they would have been entitled to had they never left their MaBSTOA position for the military service. Therefore, the cost to purchase military service is the equivalent of the contributions required of the member had they never left for military service based on their Tier and retirement plan.

Article 20 of the Retirement and Social Security Law (RSSL), members (not retirees or vestees) are eligible to purchase active duty (not reserves) military service, not to exceed **three years** of such service, if the member was honorably discharged from military.

No military time will be purchasable unless the member has at least five years of Credited Service in the MaBSTOA Pension Plan (not including any prior military service) at the time of making application for the purchase.

Time spent in training for active duty that predates employment by MaBSTOA is not purchasable.

The cost to purchase military service under Article 20 will be:

- The number of years of military service being purchased, **times**
- 3% for members who joined MaBSTOA Pension Plan prior to 04/01/2012; 6% for members who joined MaBSTOA Pension Plan on or after 04/01/12, **times**
- The member's salary earned during the 12-month period prior to the date of application for purchase of military service.



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INFORMATION REGARDING MILITARY SERVICE BUY-BACK

OVERVIEW

NOTE: Chapter 41 of the Laws of 2016, effective May 31, 2016, removes the location requirement for applying to purchase military service credit. If you previously applied and were denied based on the location of your military service, please re-file your application with the MaBSTOA Pension Plan.

Federal and state laws allow you to purchase service credit for time spent on duty in one of the military branches of the Armed Forces of the United States of America (U.S.A.). Each law has different provisions granting service, and you are entitled to receive credit or military service under whichever law provides you with the greatest benefit.

Please read the eligibility requirements under each section of law to determine if you are eligible. If you are eligible and wish to purchase credit for your military service, complete and return the MaBSTOA Pension Plan Application to Purchase Credit for Military Service.

In all cases, military service must have been satisfactorily completed and a discharge under honorable circumstances must have been granted. A DD214 form is the most common proof of satisfactory military service.

As mentioned above, your application must be accompanied by a copy of the DD214 form issued to you when you were honorably discharged from military duty.

Upon receipt of your application and related materials, MaBSTOA Pension Plan will determine your eligibility, calculate the cost for your military service, and send you a cost letter advising you of the amount due to purchase the service claimed. Payment can be made in a lump sum by the date indicated in the cost letter, or through deductions from your paychecks. You may also roll over funds from a Deferred Compensation Plan or Individual Retirement Account to pay for your purchased military service. Complete instructions for rolling over these monies will be included in the cost letter.

If you retire before completion of the required payments to secure credit for your military service, the balance must be paid in a lump sum before retirement or you will only receive service credit for the amount already paid.

Federal Law under the Uniformed Services Employment and Re-employment Rights Act (USERRA)

Under the Uniformed Service Employment and Reemployment Rights Act (USERRA), military service is defined as the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

MaBSTOA Pension Plan Members who are activated to military service may apply to receive service credit for the period of time spent on active military duty, not to exceed five years for voluntary active duty, not including any time purchased under Article 20 of the Retirement and Social Security Law (RSSL) which is explained in greater detail in the next section. No cap on service is applied if the military service is mandatory, e.g. draft, redeployment.

Members/employees are required to apply to return to a MaBSTOA position within 14 days after termination of military duty if their military service lasted between 31 and 180 days. If their military service lasted more than 180 days, such members are required to apply to return to a MaBSTOA position within 90 days after termination of military duty. Please check NYC Transit's policy regarding the timeframe to return to work; the time frame may be greater than what is allowed under USERRA. **There is no time limit for purchasing military service under USERRA. However, you must be a member of the MaBSTOA Pension Plan at the time you apply for military service credit.**

COST OF PURCHASE

Cost Under Federal Law

In general, members purchasing military service under USERRA are entitled to the rights, benefits and privileges they would have been entitled to had they never left their MaBSTOA position for military service. Therefore, the cost to purchase military service under USERRA is the equivalent of the contributions required of the member had he or she never left for military service based on his or her Tier and retirement plan.

COST OF PURCHASE (CONTINUED)

The MaBSTOA Pension Plan computes the cost as follows:

- your full contribution rate;
multiplied by
- the salary you would have earned during the period of your military service.

Under the provisions of USERRA, you did not need to be a member of the retirement system at the time you entered military service. However, you must have:

- been employed by MaBSTOA immediately before entering military service
- left such employment with the intention of entering military service
- served in one of the military branches of the U.S. Armed Forces
- applied to return to your MaBSTOA position within 14 or 90 days (depends on the length of your military service) after termination of military duty (or release from hospitalization continuing after discharge for a period of not more than one year).

ARTICLE 20 OF THE RETIREMENT AND SOCIAL SECURITY LAW (CHAPTER 548 OF THE LAWS OF 2000, AMENDED BY CHAPTER 41 OF THE LAWS OF 2016)

Under Article 20 of the Retirement and Social Security Law, members (not retirees or vestees) are eligible to purchase active duty (not Reserves) military service, not to exceed **three years** of such service, if the member was honorably discharged from the military. No military time will be purchasable unless the member has at least five years of Credited Service in the MaBSTOA Pension Plan (not including any prior military service) at the time of making application for the purchase.

The **maximum service credit allowed under this law is three years** (including military service purchased while a member of another public retirement system in New York City or State, but **not including any military service purchased under USERRA**).

COST OF PURCHASE

The cost to purchase military service under Article 20 will be:

- the number of years of military service being purchased (up to a maximum of three years)
multiplied by
- 3% for members who joined the MaBSTOA Pension Plan prior to 4/1/12; 6% for members who joined the MaBSTOA Pension Plan on or after 4/1/12
multiplied by
- the member's salary earned during the 12-month period prior to the date of application for purchase of military service.

REFUNDS

In the event military service purchased does not increase your retirement allowance or death benefit, any payments made toward such purchase shall be refunded by the MaBSTOA Pension Plan, with interest.

EXTENDED MILITARY BENEFITS PROGRAM

The Extended Military Benefits Program (EMBP) is a voluntary program in which MaBSTOA employees can choose to continue all payroll deductions, benefits, etc. as if they had never entered into military service. Employees who elect this program receive a salary from MaBSTOA equal to the difference between their MaBSTOA salary and their military pay while they are in military service. Members may initially receive a partial year of credit for this partial salary. To receive full credit, such members must file a Military Buy-Back application when they return to MaBSTOA service.

REQUIRED DOCUMENTATION

A Certificate of Release or Discharge from Active Duty (Form DD214) is the most common proof of satisfactory service. Other acceptable documents of military service include a Public Health Service Certificate (PHS2893 or PH1867) or a military certificate issued pursuant to Presidential Executive Order 11519 during the United States Post Office work stoppage.

If you do not have your DD214, you can request a copy from the National Personnel Records Center, Military Personnel Records, 1 Archives Drive, St. Louis, MO 63138-1002, or online at <http://www.archives.gov/veterans>. The DD214 must have the official signature of the Commanding Officer. The date of induction and date of release must match the net active service. The name, date of birth, and Social Security Number must match MaBSTOA employee records.