



# OPERATIONS ORDER

SUBJECT: <b>RSSL §43 TRANSFERRED SERVICE BY FORMER HA/TA POLICE OFFICERS</b>	
DATE ISSUED:	NUMBER:
<b>12-11-02</b>	<b>2-26, c.s.</b>

1. As a result of a settlement of litigation between the Police Unions and the City of New York, the Board of Trustees of the Police Pension Fund (the PPF) has passed a resolution with regard to the transfer of prior service pursuant to §43 of the Retirement and Social Security Law according to the provisions stated below.

*NOTE This Operations Order ONLY applies to former HA/TA Police Officers who were in active service as uniformed members of the NYPD on or after May1, 1995.*

2. This settlement applies to all members of the PPF who:
- a. were in active service as a uniform member of the NYPD on or after May1, 1995; and
  - b. were uniform members of the Transit or Housing Police in active service and members of NYCERS immediately prior to becoming members of the NYPD and;
  - c. either became a uniform member of the NYPD pursuant to the Memoranda of Understanding (“MOU”) between the City of New York and the New York City Housing Authority, dated September 16, 1994, or the MOU between the City of New York and the New York City Transit Authority, dated March 31, 1995 – or- became a uniform member of the NYPD as a “rollover” pursuant to the lateral transfer provisions of § 3 of chapter 675 of the laws of 1991, as amended by § 15 of chapter 5013 of the laws of 1995; and
  - d. had transferred retirement credit pursuant to RSSL § 43 (in general, any type of prior New York State service, i.e., NYSCERS time) into NYSCERS time during their service as TA/HA Police Officers; and
  - e. then transferred such NYCERS time into the PPF, regardless of how they became PPF members.

3. All such members shall have such prior service credit treated as though it had been directly transferred to the PPF. Thus all such prior New York State service shall count as “allowable” police service, i.e., “good time” or “upfront time” and shall count toward the minimum period of service required for retirement.

4. This settlement agreement also has retroactive “benefit” for those who qualify and subsequently retire within a prescribed period of time. The retroactivity is for purposes of overtime monies only. If a member who meets the above requirements retires for service with an effective date of retirement within the period beginning on July 15, 2002 and ending on February 25, 2003, the member shall solely for the purposes of computing the portion of overtime compensation to be used in calculating the retirement allowance, be deemed to have retired on any date selected by the member during the period from July 15, 2002 and ending on February 25, 2003.

5. An example of the retroactive effect is as follows:

Officer Smith retires on 12/27/02. He meets the requirements above so he could have retired on 8/30/02 and the year ending 8/30/02 would have produced a higher amount of overtime than the year ending 12/27/02. Smith's retirement allowance is calculated using a 12/27/02 effective date of retirement, except that for computing overtime Smith is assumed to have retired on 8/30/02.

*NOTE Due to extremely heavy demand on Pension Fund personnel, the Pension Fund will provide a workup for two potential retirement dates only.*

6. Any members/retirees who may have been affected by this Agreement must contact the Pension Fund directly and have their pension benefits recalculated. To take advantage of the retroactive best twelve months provision, members must contact the PPF and make application to retire by February 25, 2003. Thirty-day notice MUST be served by January 26, 2003. The Pension Fund will expedite applications from those members who will immediately utilize this service credit to retire.

7. Any questions pertaining to the contents of this Order should be directed to the Pension Fund at (212) 693-5100.

8. Commanding Officer shall ensure that the contents of this order are brought to the attention of concerned members of their commands.

**BY DIRECTION OF THE POLICE COMMISSIONER**

**DISTRIBUTION**  
**All Commands**

**OPERATIONS ORDER NO. 2-26, c.s.**

APPENDIX "A"

(THIS FORM MAY BE DUPLICATED)

NEW YORK CITY POLICE DEPARTMENT  
NEW YORK CITY POLICE PENSION FUND, ARTICLE II  
233 BROADWAY, 19<sup>TH</sup> FLOOR, NEW YORK, NY, 10279

APPLICATION TO AMEND PRIOR STATE SERVICE CREDIT TRANSFERRED TO N.Y.C.E.R.S.

Print or Type Only

Control Number: **T** \_\_\_\_\_

Name: (Last, First, M.I.)		Tax Number	Social Security Number	
Address		City	State	Zip Code
Date of Birth	Telephone Number (Home)	Command	Telephone Number (Work)	
Prior Agency	Job Title	Dates of Prior Service		
			From	
Prior Agency	Job Title	Dates of Prior Service		
			From	To
Prior Agency	Job Title	Dates of Prior Service		
			From	To

I, \_\_\_\_\_, request such prior service credit listed above to be treated as though it had been directly transferred to the NYC Police Pension Fund.

Signature \_\_\_\_\_ Date \_\_\_\_\_

TO BE COMPLETED BY POLICE PENSION FUND PERSONNEL

A review of your application indicates the following:

Your prior service credit has been amended as follows: You will receive pension credit from \_\_\_\_\_ to \_\_\_\_\_ your new equated date for pension purposes ONLY will be \_\_\_\_/\_\_\_\_/\_\_\_\_. You will be eligible for service retirement twenty (20) years from the equated date. Your rate has been changed to \_\_\_\_\_ % effective

You are not entitled to this credit due to: \_\_\_\_\_

(Member must print name and return address below)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_