

LAWS OF NEW YORK, 2008

CHAPTER 240

AN ACT to amend the military law, in relation to the salary of certain city employees who are engaged in the performance of ordered military duty

Became a law July 7, 2008, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (ii) of paragraph (b) of subdivision 5-a of section 242 of the military law, as added by section 2 of a chapter of the laws of 2008 amending the military law relating to enacting the public servant soldier salary act, as proposed in legislative bill numbers S. 6180-A and A. 9106-A, is amended to read as follows:

(ii) provide for hardship under certain conditions determined by the implementing agency for public servant soldiers who elected to participate in a "full pay/repayment plan". Such conditions shall include, but shall not be limited to, any material unforeseen or compelling changes in circumstances affecting a public servant soldier's ability to repay that occurred since such public servant soldier elected to participate in the "full pay/repayment plan," including but not limited to injuries sustained while on ordered military duty, or a determination by the implementing agency that the public servant soldier is or will be experiencing severe economic hardship due to a change in circumstances. Relief may include an extension of the repayment term or a reduction in the percentage of salary dedicated to repayment, or ~~[that the requirement for a balloon payment will create economic hardship]~~ a modification to the requirement for a balloon payment. Such determinations of economic hardship may be made on a case-by-case basis, and the implementing agency may require the provision of such information by the public servant soldier as it deems necessary to make such determination.

§ 2. The opening paragraph of paragraph (e) of subdivision 5-a of section 242 of the military law, as added by section 2 of a chapter of the laws of 2008 amending the military law relating to enacting the public servant soldier salary act, as proposed in legislative bill numbers S. 6180-A and A. 9106-A, is amended to read as follows:

A public officer or employee who, prior to the effective date of this subdivision, elected to participate in a "full pay/repayment plan" and, in having done so, incurred a repayment obligation, shall make repayments in accordance with terms adopted by the implementing agency, except that, with respect to such repayment obligations, such officer or employee shall have satisfied the obligation to repay when he or she has repaid eighty-five percent of the amount of city salary or military salary, whichever is less, less other such discounts implemented by the implementing agency as of the effective date of this subdivision and such incentives as may be implemented by the implementing agency to encourage payment, and no such term shall:

EXPLANATION--Matter in italics is new; matter in brackets [-] is old law to be omitted.

CHAP. 240

2

§ 3. This act shall take effect on the same date as a chapter of the laws of 2008, amending the military law relating to enacting the public servant soldier salary act, as proposed in legislative bill numbers S. 6180-A and A. 9106-A, takes effect.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly