§ 390. Definitions. Wherever used in this article:

1. The term "board" means the board of trustees of the state university of New York.

2. The term "state university" means the state university of New York and the term "community college" means a college established and operated under article one hundred twenty-six of this chapter.

3. The term "eligible employees" means those employees in positions requiring the performance of educational functions in teacher education, agriculture, home economics, forestry, ceramics, liberal and applied arts and sciences, engineering, technical skills, crafts, business education, labor and industrial relations, medicine, dentistry, veterinary medicine, pharmacy, nursing, law, public affairs, maritime officer training, academic administration, library service, student activities, student personnel service and other professions required to carry on the work of the state university and the colleges, schools, institutes, research centers, facilities and institutions comprising it and of the community colleges. Such positions in the state university, including those at the state colleges of agriculture, home economics, veterinary medicine or industrial and labor relations, the state agricultural experiment station at Geneva, or any other institution or agency under the management and control of Cornell university as representative of the board, and at the state college of ceramics under the management and control of Alfred university as the representative of the board, and such positions in the community colleges shall be those certified to the board by the chancellor of state university as requiring the performance of such functions. No person receiving a benefit by reason of his retirement from any retirement or pension system of New York state or any political subdivision thereof shall be eligible to elect the optional retirement program.

3-a. Beginning July first, two thousand thirteen, the term "eligible employees" shall also mean any person excluded from or not encompassed within a negotiating unit within the meaning of article fourteen of the civil service law who would otherwise be entitled to receive a benefit

under the retirement and social security law or the education law initially hired on or after July first, two thousand thirteen with estimated annual wages of seventy-five thousand per annum or greater. Such estimate of annual wages to determine eligibility for the purposes of this subdivision shall be provided by the employer. For the purposes of this subdivision, a newly hired state employee whose immediate preceding employment was with another department, division, or agency of the state shall not be deemed to be an eligible employee.

4. The term "optional retirement program" means the retirement program established pursuant to this article.

5. The term "electing employee" shall mean any eligible employee who exercises his election pursuant to this article to come under the optional retirement program.

6. The term "salary" means all amounts paid by or for the state as compensation for services rendered by an eligible employee holding a position with the state university or by or for a community college as compensation for services rendered by an eligible employee holding a position at such college.

7. The term "insurer" shall mean a life insurance corporation, or other corporation subject to department of financial services supervision.

8. The term "electing employer" means a community college which elects to offer the optional retirement program as herein provided.

8-a. Beginning July first, two thousand thirteen, the term "electing employer" shall also mean any public employer within the state of New York that employs one or more employees who have elected to participate in the optional retirement program established pursuant to this article.

9. The term "local sponsor" means any city, county, intermediate school district, or school district approved by the board, sponsoring or participating in the establishment or operation of a community college.