§ 6253. Election. 1. Election of the optional retirement program. (a) Each eligible employee initially appointed on or after the effective date of the election to offer such program established by the board shall, within thirty days of his entry into service, elect (i) to join the New York city teachers' retirement system in accordance with the provisions of law applicable thereto, or (ii) to elect the optional retirement program established pursuant to this article; provided however, that such persons initially appointed on or after the effective date of the election to offer such program may defer such election until the ninetieth day following such effective date of the election to offer such program established by the board. Any such deferred election shall be effective as of the date of entry into service.

(b) In the event an eligible employee fails to make an election as provided in paragraph (a) of this subdivision, he shall be deemed to have elected membership in the New York City teachers' retirement system. Such membership shall be effective as of the date of entry into service.

(c) The amount, if any, required to have been contributed by any employee in accordance with an election, a deferred election or failure to elect pursuant to paragraph (a) or (b) of this subdivision shall be collected by payroll deductions in such manner as may be provided by the comptroller for those persons electing the optional retirement program, or in the case of membership in the New York city teachers' retirement system, by the retirement system.

(d) Eligible employees appointed before the effective date of the election to offer such program may elect the optional retirement program established pursuant to this article. Such election shall be made on or before the ninetieth day following the effective date of such offer, and shall become effective on or as of the first day of January next following the effective date of such offer.

(e) Any employee who becomes eligible to elect the optional retirement program by reason of his appointment, promotion, transfer or reclassification to an eligible position may elect the optional retirement program established pursuant to this article. Such election shall be made within thirty days after notice in writing to such employee of his eligibility, and shall become effective on the date of such election, except that in no case shall such election become

effective prior to the first day of January next following the effective date of the offer of such program.

(f) No election by an eligible employee of the optional retirement program shall be effective unless it shall be accompanied by an appropriate application, where required, for the issuance of a contract or contracts under the program.

2. Ineligibility for retirement system membership. Any employee who elects the optional retirement program shall be ineligible for membership in the New York city teachers' or New York city employees' retirement system so long as he shall remain continuously employed in any position by the board and shall continue in the optional retirement program.

3. (a) Any eligible employee of the board who is a member or transferred contributor of either the New York city employees' retirement system or the New York city teachers' retirement system at the time he elects the optional retirement program offered by the board pursuant to this article shall be deemed to be a person who terminates membership on the effective date of such election, for the purpose of determining his eligibility for rights and benefits in either such system; provided, however, that if he does not withdraw his accumulated contributions, (i) his continued service at the city university shall be deemed to be member service in either the New York city employees' retirement system or the New York city teachers' retirement system for the purpose of determining his eligibility for any retirement allowance or ordinary death benefit under either such system dependent upon a specified period of total service or upon attainment of a specified age while in service or upon death while in service; and (ii) the amount of any such benefit to which he or his estate or person designated by him may become entitled under either such system shall be computed only on the basis of service otherwise creditable to him therein and his compensation during such service.

(b) Electing employees and their beneficiaries shall not be entitled to any right or benefit under either the New York city employees' retirement system or the New York city teachers' retirement system other than a retirement allowance or ordinary death benefit to the extent

expressly provided for in this section. Such employee shall not be eligible for any benefit pursuant to section B3-36.0, subdivision two or section B3-36.0, subdivision three of the administrative code of the city of New York or section two hundred forty-five of the military law.