**§ 1266-h. Authority police force.** 1. The authority is hereby authorized and empowered, to provide and maintain an authority police department and a uniformed authority police force. Each member of such uniformed police force shall be a "police officer" for the purposes of the criminal procedure law, with all of the powers of such police officers thereunder and subject to the same jurisdictional provisions on the exercise of that power as set forth in such law. The geographical area of employment of such police officers for the purposes of the criminal procedure law shall embrace the metropolitan commuter transportation district as defined in section twelve hundred sixty-two of this title. Such department and force shall have the power, in and about any or all of the facilities owned, occupied and/or operated by the authority and its subsidiary corporations, the New York city transit authority and its subsidiaries, and the triborough bridge and tunnel authority, as determined in the discretion of the authority, to enforce and prevent violation of all laws and ordinances. Nothing herein shall confer upon the authority police force or upon their collective negotiations representatives exclusive jurisdiction or claim over the exercise of police power or security work on behalf of the authority and its subsidiary corporations, the New York city transit authority and its subsidiaries, and the triborough bridge and tunnel authority. Nothing herein shall limit the authority and its subsidiary corporations, the New York city transit authority and its subsidiaries, and the triborough bridge and tunnel authority from continuing to rely on local police for police services. However, traditional police functions previously performed by the Long Island Rail Road Company and/or the Metro-North Commuter Railroad Company police force shall continue to be performed by the authority police forces.

2. Initial appointments to such authority police force shall be all incumbent police officers from the Long Island Rail Road Company and/or the Metro-North Commuter Railroad Company at the time of such appointment. The executive director of the authority, through the chief of police, shall have the power and authority to appoint and employ such number of police officers as he deems necessary to act as police officers of the authority and to administer to the officers an oath or affirmation faithfully to perform the duties of their respective

positions or offices. Unless, at the time of appointment, the person is a police officer of Long Island Rail Road Company or Metro-North Commuter Railroad Company, only persons who have never been convicted of a felony and are citizens of the United States shall be appointed police officers on the authority police force. After the initial appointments are made, selection of police officer candidates shall be made pursuant to an examination process to be determined at the discretion of the authority and candidates must receive a certificate attesting to satisfactory completion of an approved municipal police basic training program, as described in section two hundred nine-q of the general municipal law. No person shall be eligible for appointment unless such person is not less than twenty years of age as of the date of appointment nor more than thirty-five years of age as of the date when the applicant takes the written examination, provided, however, that time spent on military duty or on terminal leave, not exceeding a total of six years, shall be subtracted from the age of any applicant who has passed his or her thirty-fifth birthday as provided in subdivision ten-a of section two hundred forty-three of the military law. Upon appointments made by transferring an entire group of police officers into the authority police force, thereby eliminating such other group of police officers, the authority shall recognize any representative previously chosen by the police officers for the purposes of collective negotiations consistent with the bargaining units already established and shall also assume and continue to observe any existing labor contracts covering these police officers including such provisions which relate to the grievance and disciplinary procedures and interest arbitration. Subsequent to the establishment of the consolidated police force the authority and the collective bargaining representatives shall be authorized to negotiate a merger of the separate bargaining units.

3. The authority may appoint a chief and one or more deputy chiefs of the authority police department who, in the discretion of the authority, may be selected from the ranks of the authority police force, and assign powers and duties to them and fix their compensation. The chief shall be the head of such department. The deputy chief designated by the chief shall possess all the powers and perform all the duties of the chief during his absence or disability. The authority police force shall

consist of such divisions, supervisors and officers, including but not limited to police officers, detectives, sergeants, lieutenants and captains as designated by the authority. Notwithstanding any law or provision to the contrary, the members of the uniformed authority police force shall not acquire civil service status or become members of the New York state and local employees' retirement system, except as set forth below.

4. The authority shall provide for a twenty year retirement plan under the same terms and conditions as provided by section three hundred eighty-nine of the retirement and social security law as enacted by chapter six hundred twenty-eight of the laws of nineteen hundred ninety-one; except that:

(a) any benefit provided pursuant to such plan shall be subject to an offset, as defined in this paragraph, for any tier II benefit payable pursuant to the federal Railroad Retirement Act to or in the respect of a member. The offset provided for by this paragraph shall be the amount of the tier II benefit which would be payable to or in respect to such member pursuant to the federal Railroad Retirement Act multiplied by a fraction, the numerator of which is the member's years of credited service covered by the federal Railroad Retirement Act rendered to, or credited by, the authority or any subsidiary corporation of the authority, and the denominator of which is the member's total years of service covered by the federal Railroad Retirement Act;

(b) references to Long Island Rail Road shall be to the authority;

(c) the transfer of funds described in subdivision f of section three hundred eighty-nine of the retirement and social security law as enacted by chapter six hundred twenty-eight of the laws of nineteen hundred ninety-one shall include the Metro-North Commuter Railroad Company Defined Contribution Pension Plan for Agreement Employees;

(d) the provisions of subdivision g of section three hundred eighty-nine of the retirement and social security law as enacted by chapter six hundred twenty-eight of the laws of nineteen hundred ninety-one to the extent of requiring contributions for past service liability shall not be applicable; and

(e) when a police officer transferred from the Long Island Rail Road Company police force to the authority police force reaches age sixty-two

the authority will offset the amount payable under this plan by the amount of tier II benefit payable from the Railroad Retirement Board for a service age annuity or disability payable at the participants age sixty-two.

5. The authority may, in its sole discretion, establish within the authority's defined benefit program, a retirement program consistent with the foregoing. If the authority has not so established such program in its defined benefit program within one hundred eighty days after enactment, then the authority shall elect to participate in article fourteen-B of the retirement and social security law.

6. If the authority elects to participate in the New York state and local employees' retirement system, such election to participate shall be made by resolution filed with the comptroller and accepted by him pursuant to section thirty-one of the retirement and social security law.

7. Nothing herein contained shall be deemed to diminish, suspend or abolish an existing benefit inured to a police officer, transferred from the Long Island Rail Road Company and/or Metro-North Commuter Railroad Company police force and subject to the provisions of this section in and to the rights, privileges or status previously earned within a pension or retirement system of which they were a member immediately prior to the enactment of this section; and any such existing right, privilege or status shall survive the effect of any decisions or determinations lawfully made in accordance with the provisions hereof so long as such right, privilege or status is greater in benefit to that which would be imposed or imputed to any subject officer as a result of actions of the authority authorized herein.