§ 1738. Retirement of employees. 1. Employees of the authority shall be eligible to join the board of education retirement system as established in section twenty-five hundred seventy-five of the education law and pursuant to the usual rules of that system, provided that a new employee who upon appointment by or transfer to the authority is a member of the New York city employees retirement system may remain a member of the New York city employees retirement system if, within ninety days of the effective date of the transfer to or appointment by the authority, the employee exercises an election to do so. Furthermore, the retirement rights of employees of the city board employed on the effective date of this title shall not be impaired by reason of the enactment of this title into law.

2. a. Notwithstanding the provisions of any other general or local law, administrative code or ordinance to the contrary, any employee of the authority who was suspended on or after December first, two thousand two because of economy measures taken by the authority, and who returned to such service prior to January eighth, two thousand eight, shall be deemed to have been in continuous service in determining length of service for retirement purposes; provided, however, that for retirement purposes, a member receiving such service credit shall pay the additional member contributions prescribed by paragraph b of this subdivision. Notwithstanding any other provision of law to the contrary, a person who otherwise meets the requirements of this paragraph for obtaining retirement service credit for such period of suspension, and who, after returning to such service from such period of suspension, retired for service or disability from a position with the authority prior to the effective date of this subdivision, may obtain retirement service credit for such period of suspension by (i) filing with the retirement system an application to purchase such retirement service credit within one hundred twenty days after the effective date of this subdivision, and (ii) paying to the retirement system the amount required by paragraph b of this subdivision within one year after the effective date of this subdivision.

b. In addition to the regular member contributions that may be payable for his or her current service, such member shall pay by deductions from

his or her compensation the following additional member contributions:

(i) all regular member contributions which such member would have been required to pay to the retirement system for such period of suspension if he or she had been in service during such period of suspension; and

(ii) if such member is a participant in a special plan, the additional member contributions attributable to participation in such special plan which he or she would have been required to pay to the retirement system for such period of suspension if he or she had been in service during such period of suspension; and

(iii) an amount equivalent to the additional costs to the employer of providing retirement service credit to such member for such period of suspension, as determined by the actuary for the retirement system.

c. The deductions for the additional member contributions referred to in paragraph b of this subdivision shall be made in accordance with such equitable method and over such equitable period of time as shall be prescribed by the executive director of the member's retirement system with the approval of the board of trustees.

d. The additional member contributions referred to in subparagraph (i) of paragraph b of this subdivision shall be paid into the account established by the retirement system for the deposit and accumulation of such member's regular member contributions. The additional member contributions referred to in subparagraph (ii) of paragraph b of this subdivision shall be paid into the contingent reserve fund of such retirement system and shall be subject to the provisions of law which govern additional member contributions in the special plan in which such member is a participant. The additional member contributions referred to in subparagraph (iii) of paragraph b of this subdivision shall be paid into the contingent reserve fund of such retirement system and shall not be subject to any retirement system right or privilege of such member, unless such right or privilege is granted by other provisions of law which specifically refer to additional member contributions made pursuant to subparagraph (iii) of paragraph b of this subdivision.

e. At any time prior to completion of the deductions for the additional member contributions referred to in paragraph b of this

subdivision, payment of the remainder of the total of such additional contributions required by such paragraph may be made in a lump sum.