§ 385-a. Retirement of members of the Nassau county police force; new plan. a. As used in this section, the following words and phrases shall have the following meanings unless a different meaning is plainly required by the context:

1. "County." Nassau county.

2. "Police force." The term "police force" shall include only those members of the police department who are appointed as police officers. Such term, however, shall also include every employee of the police department who entered such service prior to January first, nineteen hundred forty-eight and who has been contributing since that date in accordance with the provisions of section three hundred eighty-five of this article.

3. "Creditable service." Full time duty as an officer or member of the police force or full time police duty as an officer or member of the police force of any town, village, city or police district in the county, in the office of the sheriff of the county prior to April sixteenth, nineteen hundred twenty-five, as sheriff of the county prior to December thirty-first, nineteen hundred sixty-five, as a Long Island state park patrolman, or in the division of state police in the state executive department.

b. Every member of the police force, including the commissioner who entered or re-entered service on the police force on and after January first, nineteen hundred sixty-six and members entering or re-entering service on the police force on and after April first, nineteen hundred sixty-seven, and prior to September first, nineteen hundred seventy-eight, shall contribute on the basis provided for by this section.

c. Any member of the police force who elected to contribute under former section eighty-five-a of this chapter shall contribute on the basis provided for by this section.

d. A member of the police force who elects or is required to

contribute in accordance with this section, shall contribute, in lieu of the proportion of compensation as provided in section twenty-one of this article, a proportion of his compensation similarly determined. Such latter proportion shall be the same as that which was or which would be computed under subdivision e of section eighty-five of this article, notwithstanding the fact that such member will be eligible for retirement after twenty years of creditable service. In no event shall a member contribute under this section at a higher rate than he was or would be required to contribute under subdivision e of section eighty-five of this article had this section not been enacted.

Such member's rate of contribution pursuant to this section shall be appropriately reduced pursuant to section seventy-a of this article for such period of time as his employer contributes pursuant to such section toward pensions-providing-for-increased-take-home-pay provided, however, that such member may by written notice duly acknowledged and filed with the comptroller, make an election to waive such reduction as provided by subdivision j of section twenty-one of this article. One year or more after the filing thereof, a member may withdraw any such election by written notice duly acknowledged and filed with the comptroller.

e. No member of the police force shall continue to make contributions after completing twenty years of creditable service.

f. A member of the police force, contributing on the basis of this section shall be entitled to retire after the completion of twenty years of creditable service, or on the first day of the month following the attainment of the mandatory retirement age, by filing an application therefor in a manner similar to that provided in section seventy of this article.

(1) Upon completion of twenty years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which he may then be entitled shall be sufficient to provide him with a retirement allowance equal to

one-half of his final average salary.

(2) Upon attainment of the mandatory retirement age and upon retirement without completion of twenty years of such service, each such member shall receive a pension which together with an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement and an additional pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which he may then be entitled, shall be sufficient to provide him with a retirement allowance equal to one-fortieth of his final average salary for each year of creditable service.

Only for the purpose of determining the amount of the pension provided in this subdivision, the annuity shall be computed as it would be if it were not reduced by the actuarial equivalent of any outstanding loan, and if it were not increased by the actuarial equivalent of any additional contributions or contributions pursuant to waiver under subdivision j of section twenty-one of this article, and if it were not reduced by reason of the members election to decrease his annuity contributions to the retirement system in order to apply the amount of such reduction in payment of his contributions for old-age and survivors insurance coverage.

g. The increased pensions to members of the police force, together with all other expenses of this retirement plan exceeding the contribution required to be made by members pursuant to subdivision d of this section, shall be paid from contributions made by the county on account of such members. The actuary of the retirement system shall compute the additional contribution for each member who participates under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him to the county executive of the county. The amount thereof shall be included in the annual appropriation of the county for the Nassau county police. Such amount shall be paid on the warrant of the county comptroller to the pension accumulation fund of the retirement system.

h. Every member of the police force except the commissioner of police contributing under this section shall leave the service on the last day of the calendar month in which he attains age fifty-nine, which shall be his mandatory retirement age. The commissioner after age fifty-nine and before age seventy may elect to retire and if he does so the date of his retirement shall for the purpose of this section be deemed his mandatory retirement age.

i. The provisions of this section shall be controlling notwithstanding any provision in this article to the contrary.