§ 387. Retirement of members in the Suffolk county police force. 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." Suffolk county.

2. "Department." Suffolk county police department.

3. "Service in such department." Full time police duty as an officer or member of such department, or full time police duty or bay constable duty as an officer or member of the police force, police department or constable of any town, village or police district in the county, or as a criminal investigator in the office of the district attorney of Suffolk county prior to January first, nineteen hundred sixty or as a Long Island state park patrolman or a member of the division of state police in the state executive department.

b. Any member in service in such department, including the commissioner of police, on January first, nineteen hundred sixty, who elected, on or before July first, nineteen hundred sixty, to contribute to the New York state employees' retirement system pursuant to the provisions of former section eighty-seven of this chapter, in effect prior to April first, nineteen hundred sixty-seven, shall contribute to the police and fire retirement system on the basis of retirement upon his or her:

1. Completion of twenty-five years of service in such department, or

2. Attainment of age sixty in service in such department if prior thereto, on an allowance of one-fiftieth of his final average salary for each year of service in such department not in excess of twenty-five years, provided such election was in writing and duly executed and filed with the comptroller.

c. On or after January first, nineteen hundred sixty, employees entering or re-entering service in such department:

1. As members of the police force, including the commissioner of police or deputy commissioner of police, shall contribute on the basis provided for by this section.

2. Other than as members of the police force shall not be eligible to the benefits of this section.

d. A member, 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 three hundred twenty-one of this article, a proportion of his compensation similarly determined. Such latter proportion shall be computed to provide, at the time when he shall first become eligible for retirement under this section, an annuity equal to one-one hundredth of his final average salary for each year of service as a member rendered on and after January first, nineteen hundred sixty, and prior to the attainment of the age when he shall first become eligible for retirement. No such member shall be required to continue contributions after completing twenty-five years of such service.

e. A member, contributing on the basis of this section at the time of retirement, shall be entitled to retire after the completion of twenty-five years of creditable service in such department or upon attainment of age sixty, if prior thereto, by filing an application therefor in a manner similar to that provided in section three hundred seventy of this article. He thereupon shall receive, upon retirement, a retirement allowance consisting of:

1. An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, plus

1-a. A pension which is the actuarial equivalent of the reserve-for-increased-take-home-pay to which he may then be entitled, if any, plus

2. A pension of one-one hundredth of his final average salary for each

year of service rendered;

(a) Since he last became a member, and

(b) Prior to the completion of twenty-five years of service in such department, and

(c) Toward which he and his employer have contributed under this section, plus

3. An additional pension of one-fiftieth of his final average salary, multiplied by the number of years of service in such department prior to January first, nineteen hundred sixty. This pension shall be payable only if such member has had one or more years of service as a member. The computation of this pension shall be subject to the further conditions that:

(a) The service shall be limited so that the service in such department used as a basis for pension credit under this paragraph three and paragraph two of this subdivision e shall not exceed twenty-five years, and

(b) The amount of the additional pension payable pursuant to this paragraph three shall not exceed the amount needed to increase the total of the benefits provided under paragraphs one and two of this subdivision e to one-half of the final average salary, plus

4. An additional pension equal to the pension for any creditable service rendered while not an employee of such department as provided under paragraphs three and four of subdivision a of section three hundred seventy-five of this article. This pension shall:

(a) Be payable only if such member has attained age sixty at the time of retirement and has not completed twenty-five years of service in such department for which he receives credit under this article, and

(b) Not increase the total allowance to more than he would have received had his total service been rendered in such department.

f. The increased pensions to members of such department, as provided by this section, shall be paid from additional contributions made by the county on account of such members. The actuary of the police and fire retirement system shall compute the additional contribution for each member who elects the special benefits provided 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 police and fire retirement system for such extra pensions. Upon approval by the comptroller, such additional contributions shall be certified by him or her to the county executive of the county. The amount thereof shall be included in the annual appropriation of the county for the Suffolk county police department. Such amount shall be paid on the warrant of the comptroller of the county to the pension accumulation fund of the police and fire retirement system.

g. In computing the twenty-five years of completed service in such department, full credit shall be given and full allowance shall be made for service of such member in war after world war I as defined in section three hundred two of this article, provided such member at the time of his entrance into the armed forces was in service in such department, and for service in time of war during world war I and service with the American expeditionary forces subsequent to November eleventh, nineteen hundred eighteen, and prior to June thirtieth, nineteen hundred nineteen, of honorably discharged officers, soldiers, sailors and marines who were actual residents of the state at the time of their entry into military service of the United States.

h. Upon retirement of any member pursuant to this section, any additional amounts credited to the member's annuity savings account purusant to subdivision b of section three hundred thirty of this article shall be treated as excess contributions and shall be used to provide an annuity in addition to the annuity prescribed by this section. Any other amounts credited to the member's annuity savings account, except the amounts contributed or required to be contributed under this section and except such amounts as are required to produce the retirement allowance provided by subdivision e of this section, may at the option of the member at the time of retirement be withdrawn or used to provide an annuity in addition to the annuity prescribed by this section.

i. A member who elected or is required to contribute in accordance

with this section, who does not apply for retirement upon completion of twenty-five years of service in such department, may, at the option of the commissioner of police of Suffolk county, be separated from service at any time subsequent to the completion of twenty-five years of service in such department.

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