*** § 389. Twenty year retirement plan for LIRR police officers.** a. As used in this section, the following words and phrases shall have the following meaning unless a different meaning is plainly required by the context:

1. "LIRR". The Long Island Railroad Company.

2. "LIRR police officer." A person who on or after the effective date of this section holds an appointment as a police officer in the LIRR police department pursuant to section eighty-eight of the railroad law as well as any probationary police officer in that department who is expected to hold such an appointment after completing the requisite training, but not including any such person unless the person's initial employment with that department was in the position of such probationary police officer or as a patrolman, policewoman, sergeant, lieutenant or detective, or any successor title to any of the foregoing positions.

3. "LIRR police service." Service rendered prior to or on or after the effective date of this section by any LIRR police officer while serving only as a LIRR police officer.

4. "Twenty-year plan." The twenty year retirement plan for LIRR police officers as provided in this section.

b. Except as otherwise provided in this article, a LIRR police officer referred to in paragraph three of subdivision b of section three hundred forty of this article or a LIRR police officer referred to in paragraph one of subdivision c of such section who files an election pursuant to subdivision d of this section shall be entitled to all retirement system benefits provided to a member who participates in sections three hundred eighty-four-d and three hundred eighty-four-e of this article and who joins or rejoins the retirement system on the same date as such LIRR police officer joins or rejoins the retirement system (subject to the provisions of subdivision c of section four hundred forty of this chapter).

c. Except as otherwise provided in this article, any provision of law

and any regulation promulgated by the head of the retirement system, including, but not limited to, any such provision or regulation pertaining to contributions, membership rights, benefits, service credit, and procedures which are applicable to a member who joins or rejoins the retirement system on the same date as a LIRR police officer joins or rejoins the retirement system (subject to the provisions of subdivision c of section four hundred forty of this chapter), as such member is referred to in subdivision b of this section, and by virtue of such member's membership in the retirement system, shall, to the extent that any such provision or regulation is found applicable by the head of the retirement system, apply to a LIRR police officer who contributes to the retirement system referred to in subdivision b of this section.

d. A LIRR police officer referred to in paragraph three of subdivision b of section three hundred forty of this article shall contribute to the retirement system pursuant to the schedule provided in this paragraph upon becoming a LIRR police officer, which rate shall thereafter not be changed. A LIRR police officer referred to in paragraph one of subdivision c of such section shall contribute to the retirement system at the rate determined pursuant to the schedule provided in this paragraph commencing with the effective date of this section but based on his age when LIRR police service commenced, which rate shall thereafter not be changed. Except as otherwise provided in this article, such contributions shall be calculated, collected, credited and otherwise treated by the retirement system in the same manner as are member contributions and accumulated contributions under this chapter. A member of the twenty year plan shall not, however, be required to contribute pursuant to this paragraph after he has completed twenty years of LIRR police service, nor shall such a member be permitted to make contributions thereafter except as otherwise provided in this section prior to the completion of twenty years of LIRR police service. In the event of termination of employment with the LIRR as a LIRR police officer, a member of the twenty year plan who is not vested or entitled to any other benefit under this section or any other provision of this chapter may withdraw an amount equal to his accumulated contributions with interest credited thereon. In the event such membership shall terminate other than as a result of transfer to a public employer, any

contributions and interest thereon remaining to the credit of the member shall be refunded. For the purpose of such withdrawal or refund, the contributions shall be credited with interest at the rate of five percent per annum. Upon withdrawal of contributions by a member pursuant to this paragraph, membership in the retirement system shall cease. A former member who thereafter returns to employment with the LIRR as a LIRR police officer shall not receive any credit for previous service to which such withdrawn or refunded contributions applied unless such member applies therefor and repays the amounts so withdrawn or refunded, together with interest through the date of repayment at the rate of five percent per annum.

Age at commencement of LIRR police service	Percentage rate
18	5.90
19	5.70
20	5.55
21	5.35
22	5.15
23	5.00
24	4.80
25	4.65
26	4.45
27	4.30
28	4.15
29	3.95
30	3.80
31	3.65
32	3.50
33	3.35
34	3.15
35 or older	3.00

e. In addition to such other sections of this chapter, as may pursuant to subdivision b of this section, apply in accordance with their terms (including, but not limited to, sections three hundred sixty-one, three hundred sixty-one-a, three hundred sixty-three, three hundred sixty-three-c and three hundred sixty-four), sections three hundred

sixty-two, three hundred seventy-six, three hundred eighty-four-d, three hundred eighty-four-e and four hundred forty-eight of this chapter shall apply to a LIRR police officer who is a member of the retirement system in accordance with this section except as otherwise provided herein, and provided that LIRR police service shall be substituted for total service credit, as that latter term is used in section three hundred sixty-two, for total service as that term is used in section three hundred seventy-six, for total creditable service as that term is used in section three hundred eighty-four-d, and for service as that term is used in sections three hundred eighty-four-e and four hundred forty-eight. Notwithstanding any other provision of the foregoing sections or of this article to the contrary, member contributions under subdivision d of this section shall not entitle the member to any benefit pursuant to section three hundred eighty-four-d of this article greater than one-half of his final average salary after twenty years of LIRR police service, or, in the case of a member who has more than twenty years of LIRR police service at retirement, any benefit pursuant to subdivision b of section three hundred eighty-four-e of this article for such additional years of LIRR police service not exceeding ten, or, in the case of a member who has ten or more years but less than twenty years of LIRR police service upon termination of service as a LIRR police officer, any benefit pursuant to section three hundred seventy-six of this article greater than the vested retirement allowance described in subdivision b of section three hundred seventy-six of this article.

f. Within one hundred twenty days after the effective date of this section, the sum of (a) the balance held under The Long Island Rail Road Company Money Purchase Plan for the account of all LIRR police officers who as of the effective date become members of the retirement system pursuant to section three hundred forty of this article and (b) the amount of any contributions under The Long Island Rail Road Company Pension Plan or The Long Island Rail Road Company Plan for Additional Pensions made by any such LIRR police officer, together with interest on such contributions in the same amount as interest would be credited thereto under such plans if the amount of these contributions were refunded thereunder to the member involved on the date of the transfer,

shall be transferred to the pension accumulation fund of the retirement system by the LIRR and the amount so transferred other than the account balance under The Long Island Rail Road Company Money Purchase Pension Plan deriving from contributions thereunder by the LIRR shall be considered contributions for purposes of subdivision d of this section.

g. Commencing on the effective date of this section and in a manner determined by the head of the retirement system, the LIRR shall make contributions to the retirement system to fund the normal cost to the extent not funded by member contributions and the past service liability cost associated with the implementation of this section to the extent not funded by the amounts referred to in subdivision f of this section as those costs are calculated by the retirement system actuary. Such contributions to fund the past service liability shall be made in level dollar installments over a period equal to (a) the average remaining working lifetime of the members of the twenty year plan or (b) ten years, at the election of the LIRR, by notice of such election to the retirement system together with the notice by the LIRR provided for in subdivision b of section three hundred thirty-one of this article.

** h. Notwithstanding any other provision of law, the LIRR shall pick up the member contributions required on and after the effective date of this subdivision to be made under this section by LIRR police officers and shall do so by reducing the salary of each of its employees to which this section is applicable by that amount which each such employee is required to contribute under this section. The contributions so picked up shall be paid by the LIRR in lieu of the member contributions to be paid by its employees under this section and shall be treated as employer contributions in determining income tax treatment under section four hundred fourteen (h) of the Internal Revenue Code. With the exception of federal income tax treatment, the employee contributions picked up or paid pursuant to this subdivision shall for all other purposes, including computation of retirement benefits and contributions by the LIRR and its employees, be deemed employee salary. Nothing contained in this subdivision shall be construed as superseding the provisions of section four hundred thirty-one of this chapter or any similar provision of law which limits the salary base for computing retirement benefits payable by a public retirement system.

** NB Effective the first day of the calendar month following receipt by the comptroller of the election by The Long Island Rail Road Company and shall remain in full force and effect only so long as such treatment of employee contributions is authorized pursuant to the provisions of the Internal Revenue Code

* NB Effective the first day of the calendar month following receipt by the comptroller of the election by The Long Island Rail Road Company