§ 500. Application. a. Notwithstanding any other provision of law, except as otherwise provided in subdivisions c and f of this section, the provisions of this article shall apply to all members who join or rejoin a public retirement system of the state on or after July first, nineteen hundred seventy-six and to all employees who would have been eligible to join or rejoin such a retirement system on or after such date but in lieu thereof elected an optional retirement program to which their employers are thereby required to contribute. In the event that there is a conflict between the provisions of this article and the provisions of any other law or code, the provisions of this article shall govern.

b. Notwithstanding any other provision of this article to the contrary, persons who on or after July first, nineteen hundred seventy-six:

1. Enter the employment of a public employer which participates for such employees in the New York city employees' retirement system, the New York city teachers' retirement system, the New York city police pension fund, article two, the New York city fire department pension fund, article one-B, and the New York city board of education retirement system shall be required to become members or shall be eligible or ineligible for membership in such retirement system or pension fund in the manner provided for by the relevant provisions of the New York city administrative code and other relevant laws and rules and regulations.

2. Enter the employment of a public employer which participates for such employees in the New York state teachers' retirement system shall be required to become members or shall be eligible or ineligible for membership in such retirement system in the manner provided for by the relevant provisions of the New York state education law.

3. Enter the employment of a public employer which participates for such employees in the New York state and local police and fire retirement system shall be required to become members or shall be eligible or ineligible for membership in such retirement system in the manner provided for by the relevant provisions of this chapter.

4. Enter the employment of a public employer which participates for such employees in the New York state employees' retirement system in positions in which they shall work full time shall be required to become members.

a. Provided, however, persons in the employ of such employers after such date in positions in which they work less than full time shall be permitted to become members of the New York state employees' retirement system by filing an application therefor in the manner provided for by section forty of this chapter.

b. Provided further that an employee of a county extension service association or Cornell university appointed for the first time on or after August first, nineteen hundred seventy-seven who holds a federal cooperative appointment with the United States department of agriculture as designated by the director of the New York state cooperative extension service and who is eligible for participation in the federal retirement system shall be excluded from membership in the state employees' retirement system.

c. Provided further that any employee of a county extension service association and any employee of Cornell university appointed for the first time on or after July first, nineteen hundred seventy-six but on or before July thirty-first, nineteen hundred seventy-seven, who holds a state cooperative appointment as designated by the director of the New York state cooperative extension service may elect to receive a federal cooperative appointment in the manner provided for by the relevant federal laws, rules and regulations and to participate in the federal retirement system and discontinue his participation in the state retirement system by filing a written notice of termination on or before December thirty-first, nineteen hundred seventy-eight with the comptroller. Any employee who is a member of the state employees' retirement system at the time he or she elects coverage in the federal retirement program shall be deemed to be a person who discontinues service on the effective date of such election, for the purpose of determining his or her eligibility for rights and benefits in such state

system; provided, however, that if he or she does not withdraw accumulated contributions, (i) continued service with the county extension service association or Cornell university while under the federal retirement program shall be deemed to be member service in the New York state employees' retirement system for the purpose of determining eligibility for any vested retirement allowance, retirement allowance or ordinary death benefit under such system dependent upon a specified period of total service or upon attainment of a specified age while in service or upon death while in service; and (ii) the amount of any such benefit to which the person or his or her estate or person designated by him or her may become entitled under either such system shall be computed only on the basis of service otherwise creditable to him or her therein and his or her compensation during such service. Electing employees and their beneficiaries shall not be entitled to any right or benefit under the New York state employees' retirement system other than a vested retirement allowance, retirement allowance or ordinary death benefit to the extent expressly provided for in this chapter.

c. If the comptroller certifies that the contribution rate under this article for any participating employer who is participating on the effective date hereof would be at least one percent higher than the rate which would be applicable to such employer for an employee who is subject to article eleven of this chapter and who was hired prior to July first, nineteen hundred seventy-six, the provisions of this article shall not apply with respect to such participating employer, provided, however that members who first join the New York state and local police and fire retirement system on or after January first, two thousand ten shall not be subject to the provisions of this article. In such event, the provisions of article eleven and article twenty-two of this chapter shall continue to be applicable to such participating employer and its employees, as provided in section four hundred fifty-one of this chapter. If, as a result of actuarial experience, such employer's contribution rate should increase to the extent that it is not at least one percent lower than the contribution rate under this article, then, upon certification of such fact by the comptroller, the provisions of this subdivision shall no longer apply with respect to the employees of

such employer who thereafter first join or rejoin a public retirement system.

d. The provisions of this article shall not be construed to extend coverage to an employee who would not have been, if employed in the same capacity on June thirtieth, nineteen hundred seventy-six, eligible for membership in the retirement system involved, or to provide an increase in benefits to a member of a retirement system other than as provided by sections five hundred six, five hundred seven, five hundred eight and five hundred nine of this article.

e. Notwithstanding any other provision of law, any person who is not required to become a member of a public retirement system of the state by subdivision b of this section but who became a member on or after July first, nineteen hundred seventy-six may terminate such membership by filing a written notice of termination with the head of the retirement system of which he is a member on or before July first, nineteen hundred seventy-seven.

f. Notwithstanding the provisions of subdivision a of this section, members who were employed by the New York city board of education and assigned during the first fifteen days of the school term to a position which is expected to be vacant for that term and who were employed in one of the three school years immediately prior to July first, nineteen hundred seventy-six in a position which did not entitle them to apply for membership in a public retirement system who first joined the New York city teachers' retirement system subsequent to June thirtieth, nineteen hundred seventy-six shall have all the rights, benefits and privileges applicable to employees who were members of such system on June thirtieth, nineteen hundred seventy-six provided they make written application, duly executed and filed with the New York city teachers' retirement board prior to July first, nineteen hundred eighty-nine.

g. Notwithstanding the provisions of subdivision a of this section, members who were employed by the New York city board of education as regular substitute teachers when assigned as such and members who were employed by the New York city board of education and assigned during the

school year to a position which was expected to be vacant for that school year, such members having been employed for a period of not less than twenty school days during such school year in a position which did not entitle them to apply for membership in a public retirement system who first joined the New York city teachers' retirement system or the New York state teachers' retirement system subsequent to June thirtieth, nineteen hundred seventy-six shall have all the rights, benefits and privileges to which they would have been entitled had their current membership begun on the date their original service commenced, provided they make written application, duly executed and filed with the retirement system in which they are members on or before June thirtieth, two thousand three. Any member of a teachers' retirement system who is entitled by reason of this chapter to have all the rights, benefits and privileges of a member of such system as of a date prior to July first, nineteen hundred seventy-six shall not be entitled to a refund of any contributions made to such system prior to the effective date of this subdivision pursuant to this article or article fifteen of this chapter.