§ 530. Elimination of mandatory retirement. a. Notwithstanding any provision of law, code, rule or regulation to the contrary and except as provided in subdivisions b and c hereof, no member of a public retirement system or pension fund maintained by the state or a municipality thereof, nor any employee who was eligible to join such a public retirement system but in lieu thereof elected an optional retirement program to which his or her employer is thereby obligated to contribute, shall be required to retire or separate from service on the basis of age.

b. This article shall not apply to any member of a retirement plan which permits immediate retirement upon a specified period of service of twenty-five years or less without regard to age, nor shall this article apply to any employee serving an employer in a position that, if offered to any individual not having been previously employed by any employer (as "employer" is defined in this chapter) or by an employer in any of the public retirement systems funded and maintained by a city, would qualify any such individual to become a member of a retirement plan which permits immediate retirement upon a specified period of service of twenty-five years or less without regard to age.

c. Nothing contained in this article shall be construed to prohibit mandatory retirement or separation from service on the basis of age where age is a bona fide occupational qualification reasonably necessary to the performance of the employee's public duties.

d. Nothing contained in this article shall be construed to extend the time limitations on payments authorized by section two hundred seven-a of the general municipal law, as such limitations are set forth in subdivisions two and four of such section; nor shall anything in this article be deemed to extend the time limitations on payments authorized by section two hundred seven-c of the general municipal law, as such limitations are set forth in subdivision five of such section.

e. Notwithstanding any other provisions of law to the contrary, any person who was employed by the state of New York or a participating employer and who was previously denied membership in the New York state

and local employees' retirement system based solely on the mandatory retirement provisions in effect at the time of commencing employment and who has met all the salary and service credit requirements for a service retirement benefit provided by the applicable provisions of this chapter shall be entitled to file for a service retirement benefit, notwithstanding the mandatory retirement provisions in effect prior to the effective date of this section, and shall be entitled to receive such retirement benefit commencing the day after his or her public employment ceased.