§ 600. Application. a. Notwithstanding any other provision of law, 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, except the following:

1. Members of the New York state and local police and fire retirement system;

2. (a) Members in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision of New York state, other than certain persons as defined in this section or the New York city department of correction.

(b) For purposes of this paragraph, certain persons means either:

(i) a person who is appointed to the title of superintendent, who has had at least seven years of service credited toward the retirement plan established pursuant to this article while employed by the department of corrections and community supervision and who elects the retirement plan established pursuant to this article within ninety days of his or her appointment. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of superintendent; or

(ii) a person who serves in the title of superintendent as of April first, two thousand six, who has had at least seven years of service credited toward the retirement plan established pursuant to this article while employed by the department of corrections and community supervision and who elects the retirement plan established pursuant to this article on or before September thirtieth, two thousand six. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable as long as such person is in the title of superintendent.

(c) Any person in the title of superintendent who is eligible to make an election as described in this section but who does not make such election, shall remain a member of the retirement plan that persons appointed to the title of superintendent join who do not meet the above

criteria.

3. Members of the New York city police pension fund or the New York city fire department pension fund;

4. Members qualified for participation in the uniformed transit police force plan or housing police force plan in the New York city employees' retirement system;

5. Investigator members of the New York city employees' retirement system; and

6. Members of the uniformed force of the New York city department of sanitation who join or rejoin a public retirement system of the state on or after April first, two thousand twelve.

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 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 except that, notwithstanding any other provision of law, 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 the 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 and 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;

1-a. 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 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 except that, notwithstanding any other provision of law, 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 the 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 and 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 paragraph 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 paragraph pursuant to this article or article fourteen of this chapter;

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 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; and

(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 eighty-three 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. 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.