§ 604-b. Twenty-five-year and age fifty-five retirement program for New York city transit authority members. a. Definitions. The following words or phrases as used in this section shall have the following meanings unless a different meaning is plainly required by the context:

1. "New York city transit authority member" shall mean a member (as defined in subdivision e of section six hundred one of this article) who (a) is an employee of the New York city transit authority, and (b) would have been subject to the provisions of section 13-161 of the administrative code of the city of New York had he joined the New York city employees' retirement system prior to July twenty-seven, nineteen hundred seventy-six.

2. "Twenty-five-year and age fifty-five retirement program" shall mean all the terms and conditions of this section.

3. "Starting date of the twenty-five-year and age fifty-five retirement program" shall mean the commencement date of the payroll period which includes September first, nineteen hundred ninety-four.

4. "Enactment date of the twenty-five-year and age fifty-five retirement program" shall mean the date of enactment of the chapter of the laws of nineteen hundred ninety-four which added this section, as such date is certified pursuant to section forty-one of the legislative law.

5. "Participant in the twenty-five-year and age fifty-five retirement program" shall mean any New York city transit authority member who, under the applicable provisions of subdivision b of this section, is entitled to the rights, benefits and privileges and is subject to the obligations of the twenty-five-year and age fifty-five retirement program, as applicable to him or her.

6. "Allowable service in the transit authority" shall mean credited service which was rendered as a member of the New York city transit authority.

7. "Minimum period" shall mean the minimum period of twenty-five years of allowable service in the transit authority that is required in order for a participant in the twenty-five-year and age fifty-five retirement program to be eligible for early service retirement pursuant to paragraph one of subdivision c of this section.

8. "Final average salary" shall mean a participant's final average salary as defined in section six hundred eight of this article.

9. "Discontinued member" shall mean a participant in the twenty-five-year and age fifty-five retirement program who, while he or she was a New York city transit authority member, discontinued service in the New York city transit authority and has a right to a deferred vested benefit under subdivision d of this section.

10. "Administrative code" shall mean the administrative code of the city of New York.

b. Participation in twenty-five-year and age fifty-five retirement program.

1. Subject to the provisions of paragraph six of this subdivision, any person who is a New York city transit authority member on the enactment date of the twenty-five-year and age fifty-five retirement program and who, as such a transit authority member or otherwise, last became subject to the provisions of this article prior to such enactment date, may elect to become a participant in the twenty-five-year and age fifty-five retirement program by filing, within forty-five days after the enactment date of the twenty-five-year and age fifty-five retirement program, a duly executed application for such participation with the retirement system of which such person is a member, provided he or she is such a transit authority member on the date such application is filed.

2. Subject to the provisions of paragraph six of this subdivision, any person who becomes a New York city transit authority member after the enactment date of the twenty-five-year and age fifty-five retirement

program and who, as such a transit authority member, last became subject to the provisions of this article prior to such enactment date, may elect to become a participant in the twenty-five-year and age fifty-five retirement program by filing, within forty-five days after becoming such transit authority member, a duly executed application for such participation with the retirement system of which such person is a member, provided he or she is such a transit authority member on the date such application is filed.

3. (i) Any election to be a participant in the twenty-five-year and age fifty-five retirement program shall be irrevocable, except as provided in subparagraph (ii) of this paragraph.

(ii) Notwithstanding the provisions of subparagraph (i) of this paragraph, any New York city transit authority member who elected to become a participant in the twenty-five-year and age fifty-five retirement program pursuant to the provisions of paragraph one or paragraph two of this subdivision, and whose age and allowable service in the transit authority are such that he could not possibly be able to accumulate at least twenty-five years of such service by the time he reaches age sixty-two, may revoke such election by filing within the period beginning November first, nineteen hundred ninety-nine and ending January thirtieth, two thousand, a written request to withdraw from such program with the retirement system of which he is member. Upon such revocation the additional member contributions required by subdivision e of this section, without interest, shall be refunded to such member.

4. Each New York city transit authority member who becomes subject to the provisions of this article on or after the enactment date of the twenty-five-year and age fifty-five retirement program shall become a participant in the twenty-five-year and age fifty-five retirement program on the date he or she becomes such a transit authority member.

4-a. (i) Notwithstanding any provision of paragraphs one and two of this subdivision to the contrary, each person who is a New York city transit authority member on the starting date of the elimination of additional member contributions as such date is defined in an election made pursuant to paragraph ten of subdivision e of this section and who

is not on that date a participant in the twenty-five-year and age fifty-five retirement program shall become a participant in the twenty-five-year and age fifty-five retirement program on such starting date; provided, however, that any such person who, immediately preceding such starting date, was a participant in the age fifty-seven retirement program set forth in section six hundred four-d of this article may elect to remain a participant in the age fifty-seven retirement program, instead of becoming a participant in the twenty-five-year and age fifty-five retirement program, by filing a written election to that effect with the retirement system of which such person is a member.

(ii) Notwithstanding any provision of paragraph two of this subdivision to the contrary, any person who becomes a New York city transit authority member after the starting date of the elimination of additional member contributions, whether such person became subject to the provisions of this article prior to or subsequent to the enactment date of the twenty-five-year and age fifty-five retirement program, shall become a participant in the twenty-five-year and age fifty-five retirement program, on the date he or she becomes such a transit authority member.

5. Where any participant in the twenty-five-year and age fifty-five retirement program shall cease to hold a position as a New York city transit authority member, he or she shall cease to be such a participant and, during any period in which such person does not hold such a transit authority position, he or she shall not be a participant in the twenty-five-year and age fifty-five retirement program and shall not be eligible for the benefits of subdivision c of this section.

6. Where any participant in the twenty-five-year and age fifty-five retirement program terminates service as a New York city transit authority member and returns to such service as a New York city transit authority member at a later date, he or she shall again become such a participant on that date.

7. Where any participant in the twenty-five-year and age fifty-five retirement program terminates service as a New York city transit authority member due to having been promoted to a position that does not

entail eligibility for such such program, the accumulated additional member contributions made pursuant to subdivision e of this section by such participant (together with any interest thereon paid to the retirement system) may be withdrawn by him or her pursuant to procedures promulgated in regulations of the board of trustees of the retirement system, together with interest thereon at the rate of five percent per annum, compounded annually.

c. Service retirement benefits. 1. A participant in the twenty-five-year and age fifty-five retirement program:

(i) who has completed twenty-five or more years of allowable service in the transit authority; and

(ii) who has attained age fifty-five; and

(iii) who has paid, before the effective date of retirement, all additional member contributions and interest, if any, required by subdivision e of this section; and

(iv) who files with the retirement system of which he or she is a member an application for service retirement setting forth at what time he or she desires to be retired; and

(v) who shall be a participant in the twenty-five-year and age fifty-five retirement program at the time so specified for his or her retirement;

shall be retired pursuant to the provisions of this section affording early service retirement.

2. Notwithstanding any other provision of law to the contrary, the early service retirement benefit for participants in the twenty-five-year and age fifty-five retirement program who retire pursuant to paragraph one of this subdivision shall be a pension consisting of:

(i) an amount, on account of the required minimum period of twenty-five years of allowable service, equal to one-half of his or her final average salary; plus

(ii) an amount for each additional year of allowable service, or fraction thereof, beyond such required minimum period of twenty-five years of allowable service, equal to two percent of his or her final average salary, to a maximum of thirty years of allowable service; plus

(iii) an amount for each additional year of allowable service, or fraction thereof, in excess of thirty years of allowable service, equal to one and one-half percent of his or her final average salary.

d. Vesting. 1. A participant in the twenty-five-year and age fifty-five retirement program who:

(i) discontinues city-service and service as a member of the New York city transit authority other than by death or retirement; and

(ii) prior to such discontinuance, completed five but less than twenty-five years of allowable service in the transit authority; and

(iii) has paid, prior to such discontinuance, all additional member contributions and interest, if any, required by subdivision e of this section; and

(iv) does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen of this article;

shall be entitled to receive a deferred vested benefit as provided in section six hundred twelve of this article.

2. A participant in the twenty-five year and age fifty-five retirement program who:

(i) discontinues city service and service as a New York city transit authority member other than by death or retirement with immediate payability; and

(ii) prior to such discontinuance completed twenty-five years of allowable service in the transit authority; and

(iii) has not yet attained age fifty-five; and

(iv) has paid, prior to such discontinuance, all additional member contributions with interest (if any) required by subdivision e of this section; and

(v) does not withdraw in whole or in part his or her accumulated member contributions pursuant to section six hundred thirteen of this article unless such participant thereafter returns to public service and repays the amounts so withdrawn, together with interest, pursuant to such section six hundred thirteen of this article; shall be entitled to

receive a deferred vested benefit as provided in this subdivision.

3. (i) Upon such discontinuance under the conditions and in compliance with the provisions of paragraph two of this subdivision, such deferred vested benefit shall vest automatically.

(ii) In the case of a participant who is not a New York city revised plan member, such vested benefit shall become payable on the earliest date on which such discontinued member could have retired for service if such discontinuance had not occurred or, in the case of a participant who is a New York city revised plan member, such vested benefit shall become payable at age sixty-three.

4. Such deferred vested benefit shall be determined pursuant to the provisions of paragraph two of subdivision c of this section.

e. Additional member contributions. 1. In addition to the member contributions required by section six hundred thirteen of this article, each participant in the twenty-five-year and age fifty-five retirement program shall contribute to the retirement system of which he or she is a member (subject to the applicable provisions of section 13-125.1 of the administrative code) an additional two and thirty-hundredths percent of his or her compensation earned from all allowable service in the transit authority rendered on and after the starting date of the twenty-five-year and age fifty-five retirement program. A participant in the twenty-five-year and age fifty-five retirement program shall contribute additional member contributions only until he or she has thirty years of allowable service in the transit authority. In the event that the New York city transit authority elects to eliminate additional member contributions pursuant to paragraph ten of this subdivision, a participant in the twenty-five-year and age fifty-five retirement program who becomes a participant pursuant to the provisions of paragraph four-a of subdivision b of this section shall not be required to make any additional member contributions pursuant to this subdivision.

2. (i) Commencing with the payroll period which begins on the starting date of the twenty-five-year and age fifty-five retirement program (for

a person who elects to become a participant prior to such starting date), or commencing with the first full payroll period after a person becomes such a participant (for a person who becomes a participant on or after such starting date), additional member contributions at the rate specified in paragraph one of this subdivision shall be deducted (subject to the applicable provisions of section 13-125.1 of the administrative code) from the compensation of such participant on each and every payroll of such participant for each and every payroll period.

(ii) (A) Where any additional member contributions required by paragraph one of this subdivision are not paid by deductions from a participant's compensation pursuant to subparagraph (i) of this paragraph because such contributions are for service rendered in a payroll period prior to the actual commencement of deductions pursuant to such subparagraph (i), such amounts shall be paid by deductions from the compensation of such participant pursuant to item (B) of this subparagraph.

(B) Commencing with the payroll period in which deductions of additional member contributions from a participant's compensation are begun pursuant to subparagraph (i) of this paragraph, in addition to such deductions required by such subparagraph (i), there shall be another deduction of additional member contributions made from the compensation of such participant at the rate specified in paragraph one of this subdivision (subject to the applicable provisions of section 13-125.1 of the administrative code) on each and every payroll period until the total amount of unpaid additional member contributions described in item (A) of this subparagraph, if any, has been paid by deductions from compensation pursuant to this subparagraph.

3. (i) (A) Where any additional member contributions required by paragraph one of this subdivision are not paid by deductions from a participant's compensation pursuant to paragraph two of this subdivision, that participant shall be charged with a contribution deficiency consisting of such unpaid amounts, together with such interest thereon as required by subparagraph (ii) of this paragraph, compounded annually.

(B) Except as provided in subparagraph (ii) of this paragraph, no participant shall be required to pay any interest on his or her

contribution deficiency.

(ii) (A) Should any person who, pursuant to paragraph eight of this subdivision, has withdrawn any additional member contributions (and any interest paid thereon) again become a participant in the twenty-five-year and age fifty-five retirement program pursuant to paragraph six of subdivision b of this section, an appropriate amount shall be included in such participant's contribution deficiency (including interest thereon as calculated pursuant to item (B) of this subparagraph) as if such additional contributions had never been made.

(B) Interest on the amounts of additional member contributions included in a participant's contribution deficiency pursuant to item (A) of this subparagraph shall be calculated as if such additional member contributions had never been paid by a participant, and such interest shall accrue from the end of the payroll period to which an amount of additional member contributions is attributable, until such amount is paid to the retirement system.

(C) The rate of interest to be applied to each such amount during the period for which interest accrues on that amount shall be five percent per annum, compounded annually.

4. A participant, while he or she is a New York city transit authority member, shall pay the total amount of his or her contribution deficiency to the retirement system in accordance with payment procedures which shall be established by the executive director of the retirement system, and approved by the board of trustees of the retirement system.

5. Where a contribution deficiency chargeable to a participant pursuant to paragraph three of this subdivision has not been paid in full before the effective date of retirement, that participant shall not be eligible to retire pursuant to subdivision c of this section.

6. Where a contribution deficiency chargeable to a participant pursuant to paragraph three of this subdivision has not been paid in full before the date of discontinuance of service, that participant shall not be entitled to a deferred vested benefit pursuant to subdivision d of this section.

7. Where a participant has not paid in full any contribution deficiency chargeable to him or her pursuant to paragraph three of this subdivision, and a benefit, other than a refund of member contributions pursuant to section six hundred thirteen of this article, a refund of additional member contributions pursuant to paragraph eight of this subdivision or a refund of additional member contributions pursuant to paragraph seven of subdivision b of this section, becomes payable under this article to the participant or to his or her designated beneficiary or estate, the actuarial equivalent of any such unpaid amount shall be deducted from the benefit otherwise payable.

8. (i) Such additional member contributions (and any interest thereon) shall be paid into the contingent reserve fund of the retirement system of which the participant is a member and shall not for any purpose be deemed to be member contributions or accumulated contributions of a member under section six hundred thirteen of this article or otherwise while he or she is a participant in the twenty-five-year and age fifty-five retirement program or otherwise, except that, a surplus of such additional member contributions that are paid into the retirement system's contingent reserve fund may be used for the sole purpose of offsetting a deficit of basic member contributions.

(ii) (A) Should a participant in the twenty-five-year and age fifty-five retirement program who has rendered less than twenty-five-years of allowable service in the transit authority cease to hold a position as a New York city transit authority member for any reason whatsoever, his or her accumulated additional member contributions made pursuant to this subdivision (together with any interest thereon paid to the retirement system) maybe withdrawn by him or her pursuant to procedures promulgated in regulations of the board of trustees of the retirement system, together with interest thereon at the rate of five percent per annum, compounded annually.

(B) Upon the death of a participant in the twenty-five-year and age fifty-five retirement program, there shall be paid to such person as he or she has nominated or shall nominate to receive his or her accumulated member contributions by written designation duly executed and filed with the retirement system during the lifetime of such participant, or, to his or her estate if no such person is nominated, his or her accumulated

additional member contributions made pursuant to this subdivision (including any interest thereon paid to the retirement system), together with interest thereon at the rate of five percent per annum, compounded annually.

(iii) Except as provided in subparagraph (ii) of this paragraph, no member while he or she is a participant or otherwise, shall have a right to withdraw such additional member contributions or any interest thereon from the retirement system.

9. A member who has made the additional contributions specified by this subdivision may borrow a portion of such contributions, pursuant to the provisions of section six hundred thirteen-b of this article.

10. The New York city transit authority, by the adoption of a resolution or resolutions, may make an election or elections to eliminate the additional member contributions required to be made pursuant to paragraph one of this subdivision. Such election or elections may be made applicable to all employees of the transit authority, to employees who are represented by a specific collective bargaining organization, recognized or certified pursuant to article fourteen of the civil service law, and/or to employees who are not represented for the purposes of collective bargaining. Such election or elections shall define the starting date of the elimination of additional member contributions, except as set forth below, which shall in no event be earlier than the first payroll period following December fifteenth, two thousand. An election made pursuant to this paragraph shall be irrevocable. A demand for an elimination of additional member contributions shall not be subject to the provisions of subdivision five of section two hundred nine of the civil service law. The New York city transit authority shall notify the head of the New York city employees' retirement system of any election or elections made pursuant to this paragraph. Notwithstanding the aforementioned starting date of the elimination of additional member contributions or any other provision of this section, an eligible participant, as defined below, shall be entitled to a refund of all of his or her accumulated additional member contributions made pursuant to this subdivision which shall include any and all interest thereon paid to the retirement system, together with

interest thereon at the rate of five percent per annum, compounded annually, and such refund shall be payable, upon such participant's application, pursuant to procedures promulgated in regulations of the board of trustees of the retirement system. An eligible participant shall be a participant (i) who is or was employed in a title represented for purposes of collective bargaining by an employee organization representing a majority of non-supervisory employees in the New York city transit authority's Queens Bus and/or Staten Island Bus Divisions, recognized or certified pursuant to article fourteen of the civil service law, and who, on December twenty-eight, two thousand five, had an accumulated balance of additional member contributions at the retirement system; or (ii) who is or was employed in a title represented for purposes of collective bargaining by the employee organization representing the majority of non-supervisory employees in the New York city transit authority in other than the Queens Bus and/or Staten Island Bus Divisions, recognized or certified pursuant to article fourteen of the civil service law, and who, on December sixteenth, two thousand five, had an accumulated balance of additional member contributions at the retirement system.

11. Notwithstanding any provision of law, rule or regulation to the contrary, any member who is a current member of the New York city transit authority twenty-five year and age fifty-five retirement plan authorized in this section:

(i) whose name was included on a preferred eligible list during any period occurring on or after May eleventh, two thousand ten and on or prior to July twenty-fifth, two thousand twelve, by reason of the abolition of a position held by him or her with the New York city transit authority; and

(ii) who was a member or former member at the time when his or her name was placed on such list;

shall be permitted to contribute to such retirement plan, the amount which he or she would have contributed to such system for the duration of time his or her name was included on such list, together with regular interest on such amount, and the length of credited time for which contributions are made pursuant to this paragraph shall be credited as allowable service in the transit authority plan under this section for

all purposes, including eligibility for benefits.