§ 801. Transfer rights. a. Except as provided in subdivision b of this section, any member of a public retirement system who by reason of simultaneous membership in two public retirement systems, would have been entitled to transfer membership in a public retirement system pursuant to any provision of law, but failed to make a timely election to do so shall be entitled to transfer membership if written notice is given to such system no later than January first, nineteen hundred ninety-eight, or within one year of the enactment of a local law by the city of New York for a member who: (i) is an employee of the city of New York; or (ii) is not an employee of the city of New York, but has prior employment with such city without which he or she would be ineligible for the benefit provided by this section.

b. For a membership occurring prior to April first, nineteen hundred ninety-three pursuant to any provision of law, a public retirement system shall have the authority to grant relief from a failure to transfer such membership if the member would have been eligible to transfer such membership to the system granting relief if he or she had joined the system granting relief on the commencement of employment, provided that the member had been continuously (as defined in paragraph two of subdivision b of section eight hundred three of this article) employed in such employment from the commencement of eligible employment until the member joined the system and the member files written notice with the system no later than January first, nineteen hundred ninety-eight, or within one year of the enactment of a local law by the city of New York for a member who: (i) is an employee of the city of New York; or (ii) is not an employee of the city of New York, but has prior employment with such city without which he or she would be ineligible for the benefit provided by this section.

c. As a condition for transfer pursuant to subdivisions a and b of this section, the employee must deposit within one year of the filing of the written notice of intention to transfer as provided in subdivision a or b of this section, with the public retirement system of which the employee is a member, an amount equal to the amount withdrawn from the public retirement system of which the employee had been a member with interest thereon as prescribed by the retirement system of which the

employee is a member. When such deposit has been made, a calculation and transfer of the reserve on such employee's benefit shall be made.

d. Except as expressly provided herein, the applicable rules relating to the transfer of membership, including the transfer of reserves, shall apply to the transfer of membership permitted hereunder.

e. This section shall not be construed to continue membership in any retirement system.