§ 89. Retirement of members in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or who are security hospital treatment assistants; new plan. a. Any member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as hereinafter defined, who enters or re-enters service on or after the effective date of this section, or who is a security hospital treatment assistant who enters or reenters service on or after the effective date of the amendment permitting security hospital treatment assistants to be covered by this section, shall contribute on the basis provided for by this section.

b. Any member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as hereinafter defined, who entered such service prior to the effective date of this section may, on or before September first, nineteen hundred sixty-six, elect to come under the provisions of this section. Such election shall be in writing and shall be duly executed and filed with the comptroller.

c. Any member in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision, as hereinafter defined, who entered such service prior to the effective date of this section, may, on or before December thirty-first, nineteen hundred sixty-six, elect to come under the provisions of this section. Such election shall be in writing and shall be duly executed and filed with the comptroller. Any such member who has made an election as set forth herein on or before December thirty-first, nineteen hundred sixty-five, shall be permitted to withdraw the same and in like manner make a new election on or before December thirty-first, nineteen hundred sixty-six.

d. A member who elects or is required to contribute in accordance with this section shall contribute, in lieu of the proportion of compensation as provided in section twenty-one of this article, a proportion of his or her compensation similarly determined. Such latter proportion shall be computed to provide at the time when he or she shall first become

eligible for retirement under this section, an annuity equal to one-one hundredth of his or her final average salary for each year of service as a member rendered after May first, nineteen hundred sixty-five, and prior to the attainment of the age when he or she shall first become eligible for retirement. Such member's rate of contribution pursuant to this section shall be appropriately reduced pursuant to section seventy-a of this article for such period of time as his or her employer contributes pursuant to such section toward pensions-providing-for-increased-take-home pay. No such member shall be required to continue contributions after completing twenty-five years of such service.

e. A member contributing on the basis of this section at the time of retirement, shall be entitled to retire after the completion of twenty-five years of total creditable service as defined in subdivision i of this section, or upon the attainment of age sixty, by filing an application therefor in a manner similar to that provided in section seventy of this article. He or she thereupon shall receive, on retirement a retirement allowance consisting of:

1. An annuity, which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement, plus,

2. A pension which, together with such annuity and a pension which is the actuarial equivalent of the reserves for-increased-take-home pay to which he or she may then be entitled, if any, shall equal one-fiftieth of his or her final average salary for each year of creditable service in the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or for each year of creditable service as a security hospital treatment assistant under the jurisdiction of the office of mental health, as hereinafter defined. This pension shall not exceed the amount needed to make the total amount of the benefits provided under paragraphs one and two of this subdivision e equal to one-half of his or her final average salary.

3. An additional pension equal to the pension for any creditable service rendered while not in the uniformed personnel in institutions

under the jurisdiction of the department of corrections and community supervision and rendered while not serving as a security hospital treatment assistant under the jurisdiction of the office of mental health, as hereinafter defined, as provided under paragraphs two and three of subdivision a of section seventy-five of this article. This pension shall:

(a) Be payable only if such member has attained age sixty at the time of retirement and has not completed twenty-five years of service for which he receives credits under this article, and

(b) Not increase the total allowance to more than one-half of his or her final average salary.

For the purpose only of determining the amount of the pension provided herein, the annuity shall be computed as it would be:

(aa) if not reduced by the actuarial equivalent of any outstanding loan, and

(bb) if not increased by the actuarial equivalent of any additional contributions, and

(cc) if not reduced by reason of the member's election to decrease his or her annuity contributions to the retirement system in order to apply the amount of such reduction in payment of his contributions for old-age and survivors insurance coverage.

f. The increased pensions to members of the uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision or to members who are security hospital treatment assistants under the jurisdiction of the office of mental health, as provided by this section, shall be paid from additional contributions made by the state on account of such member. The actuary of the retirement system shall compute the additional contribution of each member who elects to receive the special benefits provided under this section. Such additional contributions shall be computed on the basis of contributions during the prospective service of such member which will cover the liability of the retirement system for such extra pensions.

g. In computing the twenty-five years of completed service of a member in the uniformed personnel in institutions under the jurisdiction of the

department of corrections and community supervision or of a member who is a security hospital treatment assistant under the jurisdiction of the office of mental health, as hereinafter defined, full credit shall be given and full allowance shall be made for service of such member in war after world war 1 as defined in section two of this chapter, provided such member at the time of his or her entrance into the armed forces was in state service.

h. The provisions of this section shall be controlling notwithstanding any provision in this article to the contrary.

i. As used in this section, "uniformed persons" or "uniformed personnel" in institutions under the jurisdiction of the department of corrections and community supervision or "security hospital treatment assistants" under the jurisdiction of the office of mental health mean officers or employees holding the titles hereinafter set forth in institutions under the jurisdiction of the department of corrections and community supervision or under the jurisdiction of the office of mental health, namely: correction officers, prison guards, correction sergeants, correction lieutenants, correction captains, deputy assistant superintendent or warden, deputy warden or deputy superintendent, superintendents and wardens, assistant director and director of correction reception center, director of correctional program, assistant director of correctional program, director of community correctional center, community correctional center assistant, correction hospital officers, male or female, correction hospital senior officers, correction hospital charge officer, correction hospital supervising officer, correction hospital security supervisor, correction hospital chief officer, correction youth camp officer, correction youth camp supervisor, assistant supervisor, correctional camp superintendent, assistant correctional camp superintendent, director of crisis intervention unit, assistant director of crisis intervention unit, security hospital treatment assistants, security hospital treatment assistants (Spanish speaking), security hospital senior treatment assistants, security hospital supervising treatment assistants and security hospital treatment chiefs. Previous service rendered under the titles by which such positions were formerly designated and previous

service rendered as a narcotic addiction control commission officer shall constitute creditable service. Notwithstanding any provision of law to the contrary, any employee of the department of corrections and community supervision who became enrolled under this section by reason of employment as a uniformed person in an institution under the jurisdiction of the department of corrections and community supervision shall be entitled to full retirement credit for, and full allowance shall be made under this section for the service of such employee, not to exceed twelve years, while assigned to the training academy or central office, in the following titles, namely: correction officer, correction sergeant, correction lieutenant, correction captain, correctional services investigator, senior correctional services employee investigator, correctional services fire and safety coordinator, director of special housing and incarcerated individual disciplinary program, assistant director of special housing and incarcerated individual disciplinary program, assistant chief of investigations, director of CERT operations, correctional facility operations specialist, director of security staffing project, correctional security technical services specialist, assistant commissioner and deputy commissioner.

j. Notwithstanding any provisions of subdivision a, b or i of this section to the contrary, a member who is in the collective negotiating unit designated as the security services unit and established pursuant to article fourteen of the civil service law and who has elected or is required to contribute in accordance with this section may, on or before March thirty-first, nineteen hundred seventy-three, elect to come under the provisions of section seventy-five-h of this article. Such election shall be duly executed and filed with the comptroller.

k. Any member who, on or before the effective date of this provision, is a security hospital treatment assistant under the jurisdiction of the office of mental health may, by filing an election within one year after the effective date of this provision, elect to be subject to the provisions of this section. Such election shall be in writing, shall be duly executed and filed with the comptroller and shall be irrevocable.