*** § 89-v. Retirement of paramedics employed by the police department in the town of Tonawanda.** a. A member employed by the town of Tonawanda as a paramedic, or, if the title of paramedic is abolished, an individual employed by the police department in the town of Tonawanda in a position with responsibilities that are essentially identical to those of a paramedic, shall be eligible to retire pursuant to the provisions of this section, if such member files a timely election with the comptroller, on a form provided by the comptroller for such purpose, to be covered by this section. To be effective, such form must be filed within one year after this section shall become law, or within one year following the individual's commencement of eligible employment with the police department in the town of Tonawanda, whichever is later. The benefits hereinabove provided shall be payable to a member, unless at the date of retirement, such member would otherwise be entitled to a greater benefit under other provisions of this article had he withdrawn from this section, in which event such greater benefits shall be payable.

b. Such members shall be entitled to retire upon the completion of twenty-five years of total creditable service by filing an application therefor in the manner provided for in section seventy of this article.

c. Upon completion of twenty-five years of such services and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which he or she may then be entitled shall be sufficient to provide him or her with a retirement allowance equal to one-half of his or her final average salary.

d. As used in this section "creditable service" shall include any and all services performed as a paramedic with the police department in the town of Tonawanda.

e. Credit for service as a member or officer of the state police or as a paid firefighter, police officer or officer of any organized fire

department or police force or department of any county, city, village, town, fire district or police district, shall also be deemed to be creditable service and shall be included in computing years of total service for retirement pursuant to this section provided such services are performed by the member while contributing to the New York state and local police and fire retirement system pursuant to the provisions of this article or article eight of this chapter.

f. The town of Tonawanda shall certify to the comptroller, periodically and at such intervals of time as may be required and in such fashion as may be prescribed, the identity of the paramedics in the police department's employ.

g. A member contributing on the basis of this section at the time of retirement, may retire after the completion of twenty-five years of total creditable service. Application therefor may be filed in a manner similar to that provided in section seventy of this article. Upon completion of twenty-five years of such service and upon retirement, each such member shall receive a pension which, together with an annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of his or her retirement and an additional pension which is the actuarial equivalent of the reserved-for-increased-take-home-pay to which he or she may then be entitled shall be sufficient to provide him or her with a retirement allowance equal to one-half of his or her final average salary. Upon retirement, each such member shall receive, for each year of service in excess of twenty-five, an additional pension which shall be equal to one-sixtieth of his or her final average salary; provided, however, that the total allowance payable pursuant to this section shall not exceed three-quarters of such member's final average salary.

h. In computing the service of a member pursuant to this section full credit shall be given and full allowance shall be made for service of such member in time of war after World War I 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 the service of the town of Tonawanda.

i. Nothing herein shall be construed to prevent a member, who does not retire pursuant to the provisions of this section, from utilizing service which is creditable service pursuant to the provisions of this section for service credit pursuant to the provisions of any other plan of this article to which such member is subject.

j. Impairments of health; presumption. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, any paramedic employed by the police department in the town of Tonawanda who is covered by the provisions of this section or subdivision s of section six hundred four of this chapter and who contracts HIV, tuberculosis or hepatitis after contact with members of the public (where there may have been an exposure to a bodily fluid) will be presumed to have contracted such disease in the performance or discharge of his or her duties as the natural and proximate result of an accident sustained in the performance of duties unless the contrary be proven by competent evidence.

k. Notwithstanding any provision of this chapter or of any general or special law to the contrary, any condition of impairment of health caused by diseases of the heart, resulting in disability or death to any paramedic employed by the police department in the town of Tonawanda who is covered by the provisions of this section or subdivision s of section six hundred four of this chapter and who, prior to entry into such service successfully passed a physical examination which failed to disclose evidence of any disease or other impairment of the heart shall be presumptive evidence that it was incurred in the performance and discharge of duty and the natural proximate result of an accident, unless the contrary be proved by competent evidence.

l. A paramedic employed by the police department in the town of Tonawanda who is covered by the provisions of this section or subdivision s of section six hundred four of this chapter and is in a plan which permits immediate retirement upon completion of a specified period of service without regard to age or who is subject to the provision of subdivision b of section four hundred forty-five of this chapter, shall upon completion of ninety days of service be covered for

financial protection in the event of death in service pursuant to this subdivision. Such death benefit shall be equal to three times the member's salary raised to the next highest multiple of one thousand dollars, but in no event shall it exceed three times the maximum salary specified in section one hundred thirty of the civil service law.

m. The provisions of this section shall be controlling notwithstanding any other provisions in this chapter to the contrary.

* NB There are 3 § 89-v's