

(1) Eligible employees initially appointed on or after the effective date of the establishment of an optional retirement program shall elect (i) to join THE EMPLOYEES' RETIREMENT SYSTEM OR the Teachers' Retirement System of the State of Maryland or on or after January 1, 1980 the PENSION SYSTEM FOR THE EMPLOYEES OF THE STATE OF MARYLAND OR THE Pension System for the Teachers of the State of Maryland in accordance with the provisions of law applicable thereto or (ii) to participate in the optional retirement program established pursuant to this section. This election shall be in writing and filed with [the Teachers' Retirement System or on or after January 1, 1980 the Pension System for the Teachers of the State of Maryland] THE RESPECTIVE SYSTEM and with the employing institution.

(2) (i) Eligible employees initially appointed prior to the effective date of the establishment of an optional retirement program may elect to participate in the optional retirement program. The election shall be in writing and filed with the EMPLOYEES' RETIREMENT SYSTEM, THE PENSION SYSTEM FOR EMPLOYEES OF THE STATE OF MARYLAND, THE Teachers' Retirement System or the Pension System for the teachers of the State of Maryland and with the employing institution at least 90 days before THE EFFECTIVE DATE OF THE ELECTION. The election shall constitute a waiver of all rights and benefits provided by the [Teachers' Retirement System] RESPECTIVE SYSTEM, except as otherwise provided.

(ii) Eligible employees who have not elected to transfer to the Pension System for employees of the State of Maryland or the Pension System for teachers of the State of Maryland by July 1, 1981, may not so transfer and thereafter elect to participate in the optional retirement program.

(3) Any State employee who becomes eligible to elect an optional retirement program by reason of (i) the certification of the position held by him as professional staff pursuant to §§ 81(2) and (3) and (4), 99, or 100 of this article or §§ 12-104(d), 14-104(d), or 16-105 of the Education Article, or (ii) his appointment, promotion, transfer or reclassification to a position previously so certified, may elect the optional retirement program established pursuant to this section. This election shall be made in writing and filed with the [retirement] RESPECTIVE system and with the employing institution [within 90 days after notice in writing to the employee of his eligibility, and shall become effective on the first day of July coinciding with or next following the date of the election] AT LEAST 90 DAYS BEFORE THE EFFECTIVE DATE OF THE ELECTION and shall constitute a waiver of all rights and benefits provided by the [Teachers' Retirement System] RESPECTIVE SYSTEM, except as otherwise provided.