

[(3)] (2) Board of trustees of St. Mary's College of Maryland;

[(4)] (3) State Board for Community Colleges with respect to any community college or regional community college established under Title 16 of the Education Article;

[(5) State Board for] (4) MARYLAND Higher Education COMMISSION; and

[(6)] (5) Board of regents of Morgan State University.

(b) (2) An eligible employee is any person who is a member of or eligible for membership in 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 who is:

(i) A member of the faculty at any of the institutions set forth in subsection (a) of this section;

(ii) A professional employee at any community college or regional community college;

(iii) A University of Maryland SYSTEM employee who is not designated to be treated as a classified employee by the University under § 13-1A-02(b) of the Education Article; or

(iv) A person who:

1. Is employed [by a university or college that is under the jurisdiction of the board of trustees of State universities and colleges, as provided under Title 14 of the Education Article, or is employed] by Morgan State University or St. Mary's College of Maryland; and

2. Who is not subject to the Merit System Law.

(d) Elections to participate in an optional retirement program shall be made as follows:

(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),] 11-204(A) 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 respective system and with the employing institution at least