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H.585

An act relating to amending the pension system for sheriffs and certain deputy sheriffs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) As used in this subchapter:

* * *

(11) “Member” means any employee included in the membership of the Retirement System under section 457 of this title.

* * *

(F) “Group G member” means:

(i) the following employees who are first employed in the positions listed in this subdivision (F)(i) on or after July 1, 2023, or who are members of the System as of June 30, 2022 and make an irrevocable election to prospectively join Group G on or before June 30, 2023, pursuant to the terms set by the Board: facility employees of the Department of Corrections, ~~as~~ Department of Corrections employees who provide direct security and treatment services to offenders under supervision in the community, ~~as~~ employees of a facility for justice-involved youth, ~~or as~~ and employees of the

1 Vermont ~~State~~ Psychiatric Care Hospital employees or as employees of its
2 successor in interest, who provide direct patient care; and

3 (ii) the following employees who are first employed in the
4 positions listed in this subdivision (F)(ii) or first included in the membership of
5 the System on or after January 1, 2025, or who are members of the System as
6 of December 31, 2024 and make an irrevocable election to join Group G on or
7 before December 31, 2024, pursuant to the terms set by the Board:

8 (I) all sheriffs; and

9 (II) deputy sheriffs who:

10 (aa) are employed by county sheriff's departments that
11 participate in the Vermont Employees' Retirement System;

12 (bb) have attained Level II or Level III law enforcement
13 officer certification from the Vermont Criminal Justice Council;

14 (cc) are required to perform law enforcement duties as the
15 primary function of their employment; and

16 (dd) are not full-time deputy sheriffs compensated by the
17 State of Vermont whose primary function is transports as defined in 24 V.S.A.
18 § 290(b) and eligible for Group C pursuant to 3 V.S.A. § 455(9)(B).

19 * * *

20 (13) "Normal retirement date" means:

21 * * *

1 (E) with respect to a Group G member:

2 (i) for facility employees of the Department of Corrections,
3 Department of Corrections employees who provide direct security and
4 treatment services to offenders under supervision in the community, employees
5 of a facility for justice-involved youth, or employees of the Vermont ~~State~~
6 Psychiatric Care Hospital or its predecessor or successor in interest, who
7 provide direct patient care, who were first included in the membership of the
8 System on or before June 30, 2008, who were employed as of June 30, 2022,
9 and who made an irrevocable election to prospectively join Group G on or
10 before July 1, 2023, pursuant to the terms set by the Board, the first day of the
11 calendar month next following the earlier of:

12 (I) 62 years of age and following completion of five years of
13 creditable service;

14 (II) completion of 30 years of creditable service; or

15 (III) 55 years of age and following completion of 20 years of
16 creditable service; ~~or~~

17 (ii) for facility employees of the Department of Corrections,
18 Department of Corrections employees who provide direct security and
19 treatment services to offenders under supervision in the community, as
20 employees of a facility for justice-involved youth, or employees of the
21 Vermont ~~State~~ Psychiatric Care Hospital or its predecessor or successor in

1 interest, who provide direct patient care, who were first included in the
2 membership of the System on or after July 1, 2008, who were employed as of
3 June 30, 2022, and who made an irrevocable election to prospectively join
4 Group G on or before July 1, 2023, pursuant to the terms set by the Board, the
5 first day of the calendar month next following the earlier of:

6 (I) 65 years of age and following completion of five years of
7 creditable service;

8 (II) attainment of 87 points reflecting a combination of the age
9 of the member and number of years of service; or

10 (III) 55 years of age and following completion of 20 years of
11 creditable service; ~~or~~

12 (iii) for facility employees of the Department of Corrections,
13 Department of Corrections employees who provide direct security and
14 treatment services to offenders under supervision in the community, employees
15 of a facility for justice-involved youth, or employees of the Vermont ~~State~~
16 Psychiatric Care Hospital or its predecessor or successor in interest, who
17 provide direct patient care, who first become a Group G member on or after
18 July 1, 2023, the first day of the calendar month next following the earlier of:

19 (I) attainment of 55 years of age and following completion of
20 20 years of creditable service; or

1 (II) 65 years of age and following completion of five years of
2 creditable service;

3 (iv) for all sheriffs and those deputy sheriffs who meet the
4 requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who
5 were first included in the membership of the System on or before June 30,
6 2008, who were employed as of December 31, 2024, and who made an
7 irrevocable election to prospectively join Group G on or before January 1,
8 2025, pursuant to the terms set by the Board, the first day of the calendar
9 month next following the earlier of:

10 (I) 62 years of age and following completion of five years of
11 creditable service;

12 (II) completion of 30 years of creditable service; or

13 (III) 55 years of age and following completion of 20 years of
14 creditable service;

15 (v) for all sheriffs and those deputy sheriffs who meet the
16 requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who
17 were first included in the membership of the System on or after July 1, 2008,
18 who were employed as of December 31, 2024, and who made an irrevocable
19 election to prospectively join Group G on or before January 1, 2025, pursuant
20 to the terms set by the Board, the first day of the calendar month next
21 following the earlier of:

1 between the 240 months and the member's months of creditable service, or (ii)
2 an amount that shall be the actuarial equivalent of the normal retirement
3 allowance computed under subsection (b) of this section.

4 (B) Upon early retirement, a Group G member who was previously a
5 Group F member first included in the membership of the System on or after
6 July 1, 2008, and who elected to transfer into Group G ~~on July 1, 2023~~
7 pursuant to the terms set by the Board, shall receive an early retirement
8 allowance that shall be equal to the normal retirement allowance reduced by
9 the lesser of (i) five-ninths of one percent for each month equal to the
10 difference between the 240 months and the member's months of creditable
11 service, or (ii) an amount that shall be the actuarial equivalent of the normal
12 retirement allowance computed under subsection (b) of this section.

13 * * *

14 Sec. 3. 3 V.S.A. § 489 is amended to read:

15 § 489. BENEFITS

16 Persons who become members of the Vermont State Retirement System
17 under this subchapter and on behalf of whom contributions are paid as
18 provided in this subchapter shall be entitled to benefits under the Vermont
19 State Retirement System as though they were employees of the State of
20 Vermont. These employees shall be considered "Group F members" as
21 defined in subdivision 455(a)(11)(E) of this title, except that:

1 (1) elected municipal employees shall not be subject to mandatory
2 retirement requirements; and

3 (2) sheriffs and those deputy sheriffs who meet the requirements
4 pursuant to subdivision 455(a)(11)(F)(ii)(II) of this chapter shall be considered
5 members of Group G.

6 Sec. 4. ONE-TIME IRREVOCABLE ELECTION FOR SHERIFFS AND
7 CERTAIN DEPUTY SHERIFFS

8 (a) On or before September 1, 2024, the Department of State's Attorneys
9 and Sheriffs, in consultation with the Department of Human Resources and the
10 Office of the State Treasurer, shall establish a list of positions newly eligible
11 for Group G of the Vermont State Employees' Retirement System, which shall
12 be limited to the following:

13 (1) all sheriffs; and

14 (2) deputy sheriffs who:

15 (A) are employed by county sheriff's departments that participate in
16 the Vermont State Employees' Retirement System;

17 (B) have attained Level II or Level III law enforcement officer
18 certification from the Vermont Criminal Justice Council;

19 (C) are required to perform law enforcement duties as the primary
20 function of their employment; and

1 (D) are not full-time deputy sheriffs compensated by the State of
2 Vermont whose primary function is transports as defined in 24 V.S.A. § 290(b)
3 and eligible for Group C pursuant to 3 V.S.A. § 455(9)(B).

4 (b) In establishing any new deputy sheriff position on and after January 1,
5 2025, the Department of State's Attorneys and Sheriffs, in consultation with
6 sheriff's departments, shall identify that position as eligible for either Group C
7 membership or Group G membership pursuant to the criteria as set forth in
8 subsection (a) of this section.

9 (c)(1) A sheriff or deputy sheriff who qualifies for Group G membership
10 shall have a one-time option to transfer to Group G on or before December 1,
11 2024. For a sheriff or deputy sheriff who qualifies for Group G membership
12 who is first employed on or after December 1, 2024, election to join Group G
13 under this subsection shall be made as soon as possible but shall be within 30
14 days from the employee's date of hire.

15 (2) Election to join the Group G plan under this subsection shall be
16 irrevocable.

17 (d) The effective date of participation in a new group plan for those
18 employees covered under this section and who elect to transfer to Group G
19 shall be January 1, 2025. All past service accrued through the date of transfer
20 shall be calculated based upon the plan in which it was accrued, with all
21 provisions and penalties, if applicable, applied.

1 (e) The Department of State’s Attorneys and Sheriffs shall notify the Office
2 of the State Treasurer of changes in a deputy sheriff’s eligibility for Group G
3 within 30 days of the change in eligibility, pursuant to 3 V.S.A.
4 § 455(11)(F)(ii)(II).

5 (f) Nothing in this section shall be read to extend postretirement health or
6 other insurance benefits to Group G deputy sheriffs who work for county
7 sheriff’s departments.

8 Sec. 5. 32 V.S.A. § 1182(c) is added to read:

9 (c) Compensation under subsection (a) of this section shall be reduced by
10 30 percent for any sheriff whose law enforcement officer certification is
11 permanently revoked pursuant to 20 V.S.A. § 2406.

12 Sec. 6. EFFECTIVE DATE

13 This act shall take effect on July 1, 2024.