

Title 3: Executive

Chapter 16: Vermont Employees Retirement System

**1. Citation: § 455 (a) 4, (C)**

(C) For purposes of determining average final compensation for group A or group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for his or her position for 50 percent of such leave, at his or her full rate of compensation in effect at the date of his or her retirement. For purposes of determining average final compensation for group F members, unused annual or sick leave, termination bonuses and any other compensation for service not actually performed shall be excluded. The average final compensation for a State's Attorney **and the Defender General** shall be determined by the State's Attorney's highest annual compensation earned during his or her creditable service.

**2. Citation: § 455 (a), 9, (A) (B)**

(9) "Employee" shall mean:

(A) any regular officer or employee of the Vermont Historical Society or in a department other than a person included under subdivision (B) of this subdivision (9), who is employed for not less than 40 calendar weeks in a year; and

Subdivision (a)(9)(B) effective until July 1, 2015; see also subdivision (a)(9)(B) effective July 1, 2015 set out below.

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers' Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and

Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs employed by the State of Vermont, full-time members of the Capitol Police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State's Attorneys, the Defender General Department of Health, or Office of the Secretary of State, who have attained full-time certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are full-time firefighters employed by the State of Vermont.

Subdivision (a)(9)(B) effective July 1, 2015; see also subdivision (a)(9)(B) effective until July 1, 2015 set out above.

**3. Citation: § 459 (d) 5**

(5) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at age 55, without reductions.