

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 58 entitled “An act relating to requiring that the Defender General receive
4 the same early retirement benefit as a State’s Attorney” respectfully reports
5 that it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 13 V.S.A. § 5254 is amended to read:

9 § 5254. PERSONNEL DESIGNATION AND EXPENDITURES

10 (a) The ~~defender general~~ Defender General, ~~deputy defender general~~
11 Deputy Defender General, public defenders and deputy public defenders shall
12 be exempt from the classified ~~state~~ State service.

13 (b) Clerical and office staff in the ~~office of the defender general~~ Office of
14 the Defender General and in all local offices shall be hired by the ~~defender~~
15 general Defender General. Clerical and office staff shall be ~~state~~ State
16 employees paid by the ~~state~~ State, and shall receive those benefits and
17 compensation available to classified ~~state~~ State employees who are similarly
18 situated, unless otherwise covered by the provisions of a collective bargaining
19 agreement setting forth the terms and conditions of employment, negotiated
20 pursuant to the provisions of 3 V.S.A. chapter 27 of Title 3. Clerical and office
21 staff employed by the ~~office of the defender general~~ Office of the Defender

1 General shall not be part of the classified service as set forth in 3 V.S.A.
2 chapter 13 ~~of Title 3~~.

3 (c) The ~~deputy defender general~~ Deputy Defender General shall be entitled
4 to compensation at an annual rate that does not exceed an amount \$500.00 less
5 than the salary of the ~~defender general~~ Defender General. The public
6 defenders and deputy public defenders shall be entitled to compensation at
7 annual rates not to exceed an amount \$1,000.00 less than the salary of the
8 ~~defender general~~ Defender General.

9 (d) The ~~defender general~~ Defender General is responsible for assuming
10 expenses for his or her office and all local offices. The entirety of expenditures
11 shall not exceed those set in the annual budget of the ~~office of the defender~~
12 ~~general~~ Office of the Defender General and such expenditures shall be subject
13 to the provisions of ~~section 32 V.S.A. § 702 of Title 32~~.

14 (e) The Defender General shall receive an early retirement allowance equal
15 to that of a State's Attorney or sheriff.

16 Sec. 2. 3 V.S.A. § 455 is amended to read:

17 § 455. DEFINITIONS

18 (a) Unless a different meaning is plainly required by the context, the
19 following words and phrases as used in this subchapter shall have the
20 following meanings:

21 * * *

1 (4) “Average final compensation” shall mean:

2 * * *

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

14 * * *

15 (9) “Employee” shall mean:

16 * * *

17 (B) any regular officer or employee of the Department of Public
18 Safety assigned to police and law enforcement duties, including the
19 Commissioner of Public Safety appointed before July 1, 2001; but, irrespective
20 of the member's classification, shall not include any member of the General
21 Assembly as such, any person who is covered by the Vermont Teachers’

1 Retirement System, any person engaged under retainer or special agreement or
2 C beneficiary employed by the Department of Public Safety for not more than
3 208 hours per year, or any person whose principal source of income is other
4 than State employment. In all cases of doubt, the Retirement Board shall
5 determine whether any person is an employee as defined in this subchapter.
6 Also included under this subdivision are employees of the Department of
7 Liquor Control who exercise law enforcement powers, employees of the
8 Department of Fish and Wildlife assigned to law enforcement duties, motor
9 vehicle inspectors, full-time deputy sheriffs employed by the State of Vermont,
10 full-time members of the Capitol Police force, investigators employed by the
11 Criminal Division of the Office of the Attorney General, Department of State's
12 Attorneys, Department of Health, or Office of the Secretary of State, who have
13 attained full-time certification from the Vermont Criminal Justice Training
14 Council, who are required to perform law enforcement duties as the primary
15 function of their employment, and who may be subject to mandatory
16 retirement permissible under 29 U.S.C. § 623(j), who are first included in
17 membership of the system on or after July 1, 2000. Also included under this
18 subdivision are full-time firefighters employed by the State of Vermont and the
19 Defender General.

20 * * *

1 Sec. 3. 3 V.S.A. § 459 is amended to read:

2 § 459. NORMAL AND EARLY RETIREMENT

3 * * *

4 (d) Early retirement allowance.

5 * * *

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

11 * * *

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2015.

14

15

16 (Committee vote: _____)

17

18

Senator _____

19

FOR THE COMMITTEE