

## VSERS Employee Definition (3 V.S.A. § 455(a)(9)) – expanded version

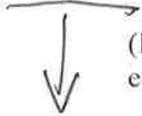
(9) "Employee" shall mean:

(A) Any regular officer or employee of

- the Vermont Historical Society or
- 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.

"Employee" includes

- deputy State's Attorneys,
- victim advocates employed by a State's Attorney pursuant to 13 V.S.A. § 5306,
- secretaries employed by a State's Attorney pursuant to 32 V.S.A. § 1185, and
- other positions created within the State's Attorneys' offices that meet the eligibility requirements for membership in the Retirement System.

 (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 compensated by the State of Vermont whose primary function is transports,
- 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, Department of Health, or Office of the Secretary of State,
  - who have attained Level III law enforcement officer 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 and
- the Defender General.