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H.585

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

4 The Senate proposes to the House to amend the bill by striking out all after
5 the enacting clause and inserting in lieu thereof the following:

6 * * * Pension System for Sheriff and Deputy Sheriffs * * *

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

8 § 455. DEFINITIONS

9 (a) As used in this subchapter:

10 * * *

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

13 * * *

14 (F) “Group G member” means:

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

1 employees of a facility for justice-involved youth, ~~or as~~ and employees of the
2 Vermont ~~State~~ Psychiatric Care Hospital employees or as employees of its
3 successor in interest, who provide direct patient care; and

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

9 (I) all sheriffs; and

10 (II) deputy sheriffs who:

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

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

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

17 (dd) are not full-time deputy sheriffs compensated by the
18 State of Vermont whose primary function is transports as defined in 24 V.S.A.
19 § 290(b) and eligible for Group C pursuant to 3 V.S.A. § 455(9)(B).

20 * * *

21 (13) "Normal retirement date" means:

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(E) with respect to a Group G member:

(i) for facility employees of the Department of Corrections,

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

(I) 62 years of age and following completion of five years of

creditable service;

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

(III) 55 years of age and following completion of 20 years of

creditable service; ~~or~~

(ii) for facility employees of the Department of Corrections,

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 employees of the

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

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

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

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

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

20 (I) attainment of 55 years of age and following completion of
21 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) 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) Subject to the restrictions set forth in subdivision (c)(1) of this section,
9 on or before September 1, 2024, the Department of State's Attorneys and
10 Sheriffs, in consultation with the Department of Human Resources and the
11 Office of the State Treasurer, shall establish a list of positions newly eligible
12 for Group G of the Vermont State Employees' Retirement System, which shall
13 be limited to the following:

14 (1) all sheriffs; and

15 (2) deputy sheriffs who:

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

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

20 (C) are required to perform law enforcement duties as the primary
21 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 pursuant to this act and that has a current Level II or Level III law enforcement
11 officer certification from the Vermont Criminal Justice Council shall have a
12 one-time option to transfer to Group G on or before December 1, 2024.
13 Sheriffs and deputy sheriffs without a current Level II or Level III law
14 enforcement officer certification from the Vermont Criminal Justice Council
15 shall not be eligible to transfer to Group G. For a sheriff or deputy sheriff who
16 qualifies for Group G membership who is first employed on or after December
17 1, 2024 but before January 1, 2025, election to join Group G under this
18 subsection shall be made as soon as possible but shall be within 30 days from
19 the employee’s date of hire.

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

1 Sec. 6. 32 V.S.A. § 1182 is amended to read:

2 § 1182. SHERIFFS

3 (a) The sheriffs of all counties except Chittenden shall be entitled to receive
4 salaries in the amount of ~~\$94,085.00~~ \$104,010.00 as of ~~July 3, 2022~~ July 14,
5 2024 and ~~\$97,754.00~~ \$109,627.00 as of ~~July 2, 2023~~ July 13, 2025. The
6 Sheriff of Chittenden County shall be entitled to an annual salary in the amount
7 of ~~\$99,566.00~~ \$110,070.00 as of ~~July 3, 2022~~ July 14, 2024 and ~~\$103,449.00~~
8 \$116,014.00 as of ~~July 2, 2023~~ July 13, 2025.

9 (b) Compensation under subsection (a) of this section shall be reduced by
10 10 percent for any sheriff who has Level II but not obtained Level III law
11 enforcement officer certification under 20 V.S.A. § 2358.

12 (c) Compensation under subsection (a) of this section shall be reduced by
13 20 percent for any sheriff who has Level I but not obtained Level II law
14 enforcement officer certification under 20 V.S.A. § 2358.

15 (d) Compensation under subsection (a) of this section shall be reduced by
16 30 percent for any sheriff who does not possess a law enforcement officer
17 certification under 20 V.S.A. § 2358.

1 * * * State's Attorneys' Offices Operations Report * * *

2 Sec. 7. STATE'S ATTORNEYS' OFFICES OPERATIONS REPORT

3 On or before January 15, 2025, the Department of State's Attorney and
4 Sheriffs shall report to the House Committee on Government Operations and
5 Military Affairs and the Senate Committee on Government Operations with:

6 (1) an analysis of current funding sources and procedures for compensating
7 State's Attorneys as well as maintaining State's Attorneys' offices' operations,
8 including existing or needed procedures for reducing compensation for State's
9 Attorneys who have their attorney license temporarily suspended or
10 terminated;

11 (2) an analysis of State's Attorneys' duties and the average proportions of
12 time spent on duties requiring an attorney license versus duties not requiring an
13 attorney license; and

14 (3) recommendations for levels of compensation reduction for State's
15 Attorneys who have their attorney license temporarily suspended or terminated
16 so that the compensation better reflects the individual's capability to perform
17 the various duties required to effectively and efficiently manage a law office
18 that is the office of State's Attorney.

19 Sec. 8. EFFECTIVE DATE

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