

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 585 entitled “An act relating to amending the pension system for
4 sheriffs and certain deputy sheriffs” respectfully reports that it has considered
5 the same and recommends that the Senate propose to the House that bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

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

9 § 455. DEFINITIONS

10 (a) As used in this subchapter:

11 * * *

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

14 * * *

15 (F) “Group G member” means:

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

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

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

10 (I) sheriffs who have attained Level II or Level III law
11 enforcement officer certification from the Vermont Criminal Justice Council
12 and have not had such certification permanently revoked; and

13 (II) deputy sheriffs who:

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

16 (bb) have attained Level II or Level III law enforcement
17 officer certification from the Vermont Criminal Justice Council and have not
18 had such certification permanently revoked;

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

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

4 * * *

5 (13) “Normal retirement date” means:

6 * * *

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

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

18 (I) 62 years of age and following completion of five years of
19 creditable service;

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

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

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

13 (I) 65 years of age and following completion of five years of
14 creditable service;

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

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

19 (iii) for facility employees of the Department of Corrections,
20 Department of Corrections employees who provide direct security and
21 treatment services to offenders under supervision in the community, employees

1 of a facility for justice-involved youth, or employees of the Vermont State
2 Psychiatric Care Hospital or its predecessor or successor in interest, who
3 provide direct patient care, who first become a Group G member on or after
4 July 1, 2023, the first day of the calendar month next following the earlier of:

5 (I) attainment of 55 years of age and following completion of
6 20 years of creditable service; or

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

9 (iv) for sheriffs and those deputy sheriffs who meet the
10 requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who
11 were first included in the membership of the System on or before June 30,
12 2008, who were employed as of December 31, 2024, and who made an
13 irrevocable election to prospectively join Group G on or before January 1,
14 2025, pursuant to the terms set by the Board, the first day of the calendar
15 month next following the earlier of:

16 (I) 62 years of age and following completion of five years of
17 creditable service;

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

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

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

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

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

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

14 (vi) for sheriffs and those deputy sheriffs who meet the
15 requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who
16 first become a Group G member after January 1, 2025, the first day of the
17 calendar month next following the earlier of:

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

20 (II) 65 years of age and following completion of five years of
21 creditable service.

1 * * *

2 Sec. 2. 3 V.S.A. § 459 is amended to read:

3 § 459. NORMAL AND EARLY RETIREMENT

4 * * *

5 (b) Normal retirement allowance.

6 * * *

7 (6)(A) Upon normal retirement pursuant to subdivisions
8 455(a)(13)(E)(i) ~~and~~, (iii), (iv), and (vi) of this chapter, a Group G member
9 shall receive a normal retirement allowance equal to two and one-half of a
10 percent of the member's average final compensation times years of
11 membership service in Group G. The maximum retirement allowance shall be
12 50 percent of average final compensation.

13 (B) Upon normal retirement pursuant to ~~subdivision~~ subdivisions
14 455(a)(13)(E)(ii) and (v) of this chapter, a Group G member shall receive a
15 normal retirement allowance equal to two and one-half of a percent of the
16 member's average final compensation times years of membership service in
17 Group G. The maximum retirement allowance shall be 60 percent of average
18 final compensation.

19 * * *

20 (d) Early retirement allowance.

21 * * *

1 (4)(A) Upon early retirement, a Group G member who was previously a
2 Group F member first included in the membership of the System on or before
3 June 30, 2008, and who elected to transfer into Group G ~~on July 1, 2023~~
4 pursuant to the terms set by the Board, shall receive an early retirement
5 allowance that shall be equal to the normal retirement allowance reduced by
6 the lesser of (i) one-half of one percent for each month equal to the difference
7 between the 240 months and the member's months of creditable service, or (ii)
8 an amount that shall be the actuarial equivalent of the normal retirement
9 allowance computed under subsection (b) of this section.

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

19 * * *

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

2 § 489. BENEFITS

3 Persons who become members of the Vermont State Retirement System
4 under this subchapter and on behalf of whom contributions are paid as
5 provided in this subchapter shall be entitled to benefits under the Vermont
6 State Retirement System as though they were employees of the State of
7 Vermont. These employees shall be considered “Group F members” as
8 defined in subdivision 455(a)(11)(E) of this title, except that:

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

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

14 Sec. 4. ONE-TIME IRREVOCABLE ELECTION FOR SHERIFFS AND
15 CERTAIN DEPUTY SHERIFFS

16 (a) On or before September 1, 2024, the Department of State’s Attorneys
17 and Sheriffs, in consultation with the Department of Human Resources and the
18 Office of the State Treasurer, shall establish a list of positions newly eligible
19 for Group G of the Vermont State Employees’ Retirement System, which shall
20 be limited to the following:

1 (1) sheriffs who have attained Level II or Level III law enforcement
2 officer certification from the Vermont Criminal Justice Council and have not
3 had such certification permanently revoked; and

4 (2) deputy sheriffs who:

5 (A) are employed by county sheriff’s departments that participate in
6 the Vermont State Employees’ Retirement System;

7 (B) have attained Level II or Level III law enforcement officer
8 certification from the Vermont Criminal Justice Council and have not had such
9 certification permanently revoked;

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

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

15 (b) In establishing any new deputy sheriff position on and after January 1,
16 2025, the Department of State’s Attorneys and Sheriffs, in consultation with
17 sheriff’s departments, shall identify that position as eligible for either Group C
18 membership or Group G membership pursuant to the criteria as set forth in
19 subsection (a) of this section.

20 (c)(1) A sheriff or deputy sheriff who qualifies for Group G membership
21 shall have a one-time option to transfer to Group G on or before December 1,

1 2024. For a sheriff or deputy sheriff who qualifies for Group G membership
2 who is first employed on or after December 1, 2024, election to join Group G
3 under this subsection shall be made as soon as possible but shall be within 30
4 days from the employee’s date of hire.

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

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

12 (e) The Department of State’s Attorneys and Sheriffs shall notify the Office
13 of the State Treasurer of changes in a deputy sheriff’s eligibility for Group G
14 within 30 days of the change in eligibility, pursuant to 3 V.S.A.
15 § 455(11)(F)(ii)(II).

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

19 **Sec. 5. LEGISLATIVE INTENT; SHERIFF COMPENSATION**

20 It is the intent of the General Assembly that a sheriff whose law
21 enforcement officer certification is permanently revoked pursuant to 20 V.S.A.

1 § 2406 shall have their compensation reduced by 30 percent to correlate with
2 and reflect the sheriff's reduced capability to perform the various duties
3 required to effectively and efficiently manage a law enforcement agency that is
4 the office of sheriff.

5 Sec. 6. 32 V.S.A. § 1182(c) is added to read:

6 (c) Compensation under subsection (a) of this section shall be reduced by
7 30 percent for any sheriff whose law enforcement officer certification is
8 permanently revoked pursuant to 20 V.S.A. § 2406.

9 Sec. 7. EFFECTIVE DATE

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

11

12

13 (Committee vote: _____)

14

15

Senator _____

16

FOR THE COMMITTEE

17