

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

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

10 § 455. DEFINITIONS

11 (a) As used in this subchapter:

12 * * *

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

15 * * *

16 (F) “Group G member” means:

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

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

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

11 (I) all sheriffs; and

12 (II) deputy sheriffs who:

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

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

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

19 (dd) are not full-time deputy sheriffs compensated by the
20 State of Vermont whose primary function is transports as defined in 24 V.S.A.
21 § 290(b) and eligible for Group C pursuant to 3 V.S.A. § 455(9)(B).

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(13) “Normal retirement date” means:

* * *

(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~~ 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

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

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

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

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

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

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

3 (II) 65 years of age and following completion of five years of
4 creditable service;

5 (iv) for all sheriffs and those deputy sheriffs who meet the
6 requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who
7 were first included in the membership of the System on or before June 30,
8 2008, who were employed as of December 31, 2024, and who made an
9 irrevocable election to prospectively join Group G on or before January 1,
10 2025, pursuant to the terms set by the Board, the first day of the calendar
11 month next following the earlier of:

12 (I) 62 years of age and following completion of five years of
13 creditable service;

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

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

17 (v) for all sheriffs and those deputy sheriffs who meet the
18 requirements pursuant to subdivision (11)(F)(ii) of this subsection (a), who
19 were first included in the membership of the System on or after July 1, 2008,
20 who were employed as of December 31, 2024, and who made an irrevocable
21 election to prospectively join Group G on or before January 1, 2025, pursuant

1 to the terms set by the Board, the first day of the calendar month next
2 following the earlier of:

3 (I) 65 years of age and following completion of five years of
4 creditable service;

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

7 (III) 55 years of age and following completion of 20 years of
8 creditable service; or

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

13 (I) attainment of 55 years of age and following completion of
14 20 years of creditable service; or

15 (II) 65 years of age and following completion of five years of
16 creditable service.

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

19 § 459. NORMAL AND EARLY RETIREMENT

20 * * *

21 (b) Normal retirement allowance.

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

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

* * *

(d) Early retirement allowance.

* * *

(4)(A) Upon early retirement, a Group G member who was previously a Group F member first included in the membership of the System on or before June 30, 2008, and who elected to transfer into Group G ~~on July 1, 2023~~ pursuant to the terms set by the Board, shall receive an early retirement allowance that shall be equal to the normal retirement allowance reduced by

1 the lesser of (i) one-half of one percent for each month equal to the difference
2 between the 240 months and the member’s months of creditable service, or (ii)
3 an amount that shall be the actuarial equivalent of the normal retirement
4 allowance computed under subsection (b) of this section.

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

14 * * *

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

16 § 489. BENEFITS

17 Persons who become members of the Vermont State Retirement System
18 under this subchapter and on behalf of whom contributions are paid as
19 provided in this subchapter shall be entitled to benefits under the Vermont
20 State Retirement System as though they were employees of the State of

1 Vermont. These employees shall be considered “Group F members” as
2 defined in subdivision 455(a)(11)(E) of this title, except that:

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

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

8 Sec. 4. ONE-TIME IRREVOCABLE ELECTION FOR SHERIFFS AND
9 CERTAIN DEPUTY SHERIFFS

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

16 (1) all sheriffs; and

17 (2) deputy sheriffs who:

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

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

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

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

6 (b) In establishing any new deputy sheriff position on and after January 1,
7 2025, the Department of State’s Attorneys and Sheriffs, in consultation with
8 sheriff’s departments, shall identify that position as eligible for either Group C
9 membership or Group G membership pursuant to the criteria as set forth in
10 subsection (a) of this section.

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

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

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

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

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

15 *** Sheriff Compensation ***

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

17 It is the intent of the General Assembly that a sheriff’s compensation shall
18 correlate with the sheriff’s level of law enforcement officer certification to
19 properly reflect a sheriff’s capability to perform the various duties required to
20 effectively and efficiently manage a law enforcement agency that is the office
21 of sheriff.

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 not obtained Level III law enforcement
11 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 not obtained Level II law enforcement
14 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.

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

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

1 On or before January 15, 2025, the Department of State’s Attorney and
2 Sheriffs shall report to the House Committee on Government Operations and
3 Military Affairs and the Senate Committee on Government Operations with:
4 (1) an analysis of current funding sources and procedures for compensating
5 State’s Attorneys as well as maintaining State’s Attorneys’ offices’ operations,
6 including existing or needed procedures for reducing compensation for State’s
7 Attorneys who have their attorney license temporarily suspended or
8 terminated;
9 (2) an analysis State’s Attorneys’ duties and the average proportions of
10 time spent on duties requiring an attorney license versus duties not requiring an
11 attorney license; and
12 (3) recommendations for levels of compensation reduction for State’s
13 Attorneys who have their attorney license temporarily suspended or terminated
14 so that the compensation better reflects the individual’s capability to perform
15 the various duties required to effectively and efficiently manage a law office
16 that is the office of State’s Attorney.

17 Sec. 8. EFFECTIVE DATE

18 This act shall take effect on July 1, 2024.
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1 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE