

## S.17 Suggestions

Vermont Sheriffs as elected county officials serve an important role in providing police services. For years the sheriffs have received pay and benefits from the state. The process is ambiguous and needs correction. There is no better time to make the change as 11 of the 14 sheriffs are new to the office since 2019.

My suggestions:

Create three categories of elected sheriff:

PEACE OFFICERS - who are not certified police officers. These officers are not eligible to receive payment through the state. Non-certified officers may appoint certified officers to supervise other certified officers, but may not supervise or sign off on training or certification of other officers.

LEVEL 2 AND 2E- CERTIFIED OFFICERS- Serving as Sheriff may serve in the role subject to their certification restrictions and shall receive 10% less than a Level 3 certified Sheriff.

LEVEL 3 CERTIFIED OFFICERS- Serving as Sheriff shall serve as outlined below:

Amend the pay and benefits to match an existing state plan: Another idea is to base pay increases on terms served matching a state plan. See below:

A sheriff, upon election, shall choose to be county-funded or participate in the state pay plan. The sheriffs shall no longer be eligible for a 5 % administrative fee for contracts in addition to state pay. County pay rates and benefits for sheriffs shall be approved by the county side judges.

The sheriffs who choose to become state paid employees shall become qualified as state paid employees for the purposes of all pay and benefits received by state employees. The sheriffs choosing to be state employees will belong to the Vermont Department of State's Attorneys and Sheriffs. The sheriffs will be required to submit hourly time sheets for pay. The sheriffs will also be required to follow the policy and procedure manual developed and maintained by the department. This manual will be developed and maintained through consultation with the 14 sheriffs.

The sheriffs will not be eligible for overtime through the state, however they will be eligible for overtime through their county sheriff's department for contract work after achieving 40 hours worked between the two departments. The sheriff shall be paid at the hourly rate of time and a half of their state rate. Overtime will not count towards retirement pay. The sheriffs may transfer to Group C to follow the same retirement plan as the state police. Those with already existing plans under plan F choosing to remain under plan F may opt out of Group C and continue under plan F.

The sheriffs will follow the pay chart used for state police lieutenants and captains. Upon initial election or appointment as sheriff, prior experience for full time

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law enforcement employment may be applied and also credit applied for completed bachelor's and/or master's degrees. Human resources will work with the sheriff elect to determine the appropriate grade.

As an example, during term 1 sheriffs will be in pay grade 26. During term 2 sheriffs will be in pay grade 27. During term 3 sheriffs will be in pay grade 28. During term 4 sheriffs will be in pay grade 30. During terms 5 and beyond the sheriffs will max out at pay grade 32.

The above system is used until a sheriff reaches the mandatory retirement age of 57 or the same age determined by group F. Once a sheriff reaches the mandatory retirement age they will return to grade 27 and shall maintain steps for prior years of service. All calculations for retirement pay will be made in the same manner as the state police.

All current sheriffs shall be immediately subject to the current structure. Sheriffs will have the opportunity to transfer prior years of group F services into group C for the years they have served as sheriff by paying the difference between group F and group C contributions paid in toward the plan for each year of service. For example, if a sheriff served 4 years under group F and paid 6% of their salary toward retirement while the group C employee paid 8 % for a salary of \$75,000, the sheriff would be required to pay 2% of the \$300,000 earned over 4 years.

What the above accomplishes:

Supervision of pay and policy through SA and Sheriff's Dept. at the state level for those receiving state pay.

Moves sheriffs into a pay scale and retirement plan at an equivalent level with state police. Currently a brand new inexperienced sheriff is paid the same as a 20 year veteran. Pay increases are determined by the legislature and are inconsistent.

This allows sheriffs to earn additional funds from the county at a specific overtime rate. The rate is currently vague and does not require 40 hours of service.

State Police retirement remains better because OT is applied to retirement earnings. This plan however allows for earnings after age 57, but reduces the salary being earned. The reduction is important to allow for the balance between aging capable officers and administrators. For the most part it keeps with the current group F plan.

Allows sheriffs to opt out of state system and negotiate a salary and benefits directly with the side judges.

Peace officer as an unpaid sheriff offers a disincentive for sheriffs to remain in an unpaid position when not certified or when they become decertified.

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I would also recommend a language change to include:

24VSA304

Strike all or amend language for malfeasance:

Actions for official misfeasance or neglect of a deputy sheriff, or for cause affecting his or her administration of the office, shall be sustained only against the sheriff's department; ~~but the sheriff shall not be amenable criminally for the conduct of his or her deputy, other than for fines for neglect of duty.~~

24VSA309

Strike all

Perhaps the greatest challenge in deciding how to proceed with a decision on changing the existing system is whether you are going to commit to rebuilding the intertwined system, or are you simply triuing up areas of concern. The sheriffs are not required to build and develop their agencies in any given direction with town contracts for patrol or investigations, security, escorts etc. The 5% is the carrot to build an agency. Some sheriffs view dispatching as an enhancement where they could add the 5% to their contracts. In one sense, is the system already balanced where larger agencies are able to pay higher salaries because of the 5% provision? Does this make up the difference for the different pay grade between the state system and the county system? Is the state funding system currently designed with these overlapping functions and pay scenarios because the state is concerned about committing funding to developing Sheriff's Departments?

When trying to determine rate setting, how different are agencies throughout the state? Are the differences in programing already designed to meet the differing needs in areas of the state that have differing needs? Is the issue really, why is the state contributing funding to entities they don't control? Is the system really meant to be equitable? What is the benefit for increasing personal liability as the sheriff to run a larger department if the pay and benefits are the same? If the state police system mandates retirement at 57, why would you continue to pay sheriffs beyond that age? Are the higher ranking positions of the state police more administrative? What is the difference with municipal chiefs? Are there retirement cut-offs for those positions? With the lack of qualified police officers, should the state retirement system C be changed to allow for an expanded retirement age?

These issues are not new they have been the debate at the majority of the Sheriff's meetings I have attended. Trying to resolve what state paid deputies are and how they function and who they report to. It does not appear that the legislation will resolve these issues because they continue to overlap.

The existing system does not allow for a clear system for sheriffs' compensation. This should be rectified.

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If you choose to find ways to make it easier to remove people from office, please add senators, representatives, all government elected officials to the list. None of these positions should be immune from the control you are attempting to exert. I think all of these positions should be subject to a provision where if they are unable to perform the duties of the office, pay should be suspended. It is my personal opinion that that is far enough. Instead of provisions where residency requirements are added for running for office, I think requirements should be made for residency for holding office makes more sense.