

LAW ENFORCEMENT RETIREMENT BENEFITS STUDY COMMITTEE

Authorized by Act 25 of the 2019 Legislative Session

Virtual Meeting Only

December 17, 2020 – 9:00 a.m.

Please note all member participated via telephone, video, or teleconference:

Members present:

BETH PEARCE, Chair, Vermont State Treasurer

SENATOR JANE KITCHEL, Chair of the Senate Committee on Appropriations

SENATOR JEANETTE WHITE, Chair of the Senate Committee on Government Operations

REPRESENTATIVE MAIDA TOWNSEND, Designee Chair of the House Committee on Appropriations

REPRESENTATIVE JOHN GANNON, Designee Chair of the House Committee on Government Operations

CAPTAIN MICHAEL MANLEY, representing Major Ingrid Jonas

MICHAEL O'NEIL, Member appointed by the Vermont Troopers' Association

BETH FASTIGGI, Commissioner of Human Resources

ROGER DUMAS, Chair of the Vermont State Employees' Retirement System

JOHN FEDERICO, Member appointed by the Vermont State Employees' Association

Members absent:

INGRID JONAS, Designee Commissioner of the Department of Public Safety

Also attending:

Michael Clasen, Deputy State Treasurer

Tim Duggan, Assistant Attorney General, Office of the State Treasurer

Erika Wolffing, Director of Retirement Operations

Ashlynn Doyon, Executive Assistant to the Treasurer

Sheriff Roger Marcoux, Lamoille County Sheriff

Annie Noonan, Department of States Attorneys and Sheriffs

Steve Howard, Vermont State Employees' Association

The Chair, Beth Pearce, called the Thursday, December 17, 2020 committee meeting to order at 9:07 a.m., which was held virtually by conference call and teleconference only.

Item 1: Agenda Approval and Announcements

There were no announcements or changes to the agenda.

On a motion made by Mr. Dumas, seconded by Senator Kitchel, the Committee voted unanimously to approve the agenda as presented.

Item 2: Approve the minutes of November 17, 2020

On a motion made by Mr. Dumas, seconded by Senator Kitchel, the Committee voted unanimously to approve the minutes of November 17, 2020 as submitted.

Item 3: Sheriff Department Issue

Ms. Wolffing explained the current membership of sheriff departments in both the state and municipal systems. Sheriff departments may join either VSERS or VMERS but the decision is irrevocable. There

are currently 7 sheriff departments participating in VSERS and 4 sheriff departments participating in VMERS. Mr. Marcoux explained his memorandum that outlined the request from some Sheriff's departments in VSERS to offer its deputy sheriffs a 20-year retirement plan either through VSERS Group C or VMERS Group D. Mr. Marcoux stated that not all sheriff departments will want to make a change however his department is competing with other local police departments that can offer a 20-year plan through VMERS.

The Committee discussed the request and asked clarifying questions and agreed that there seemed to be an equity issue between the differing police forces in retirement. The Committee agreed that consistency is needed between the various police departments and additional study is needed to determine the cost impact of a sheriff's department moving from one system to another. Ms. Pearce confirmed that a recommendation would be included in the final report due on January 15 that this issue is outside the purview of the Committee but that additional review and study is recommended.

Item 5: VSEA Member Groups Requesting to Join Group C

Ms. Pearce asked the Committee to move discussion item 5 ahead of item 4 on the agenda as Mr. Howard had joined the meeting and was available to testify. Mr. Howard testified on behalf of correctional officers and employees at the Vermont Criminal Justice Training Council. Mr. Howard stated both groups of employees should be included in Group C. Mr. Howard outlined the dangerous nature of a Correctional Officer's duties and the various similarities of the position to law enforcement officers. Mr. Howard stated that there are 13 trainers at the Vermont Criminal Justice Training Council who are responsible for training future law enforcement officers and should be included in Group C. Mr. Howard stated that the VCJTC has trouble recruiting trainers because many qualified candidates do not want to take a position as an instructor because they would have to give up their membership in Group C.

Mr. Howard explained that the State is having difficulty recruiting and retaining correctional officers and asked that they be included in Group C as a way to offer a more generous retirement and alleviate recruitment issues.

The Committee discussed the current "carve-out" for correctional officers and questioned if there was any way to enhance the existing carve out instead of moving the positions into Group C. The Committee also discussed the adopted law enforcement definition and determined that Correctional Officers and instructors at the VCJTC do not meet the definition of law enforcement. The Committee further determined that recruitment and retainment issues were not under the purview of the Committee and should be discussed as part the Department of Human Resources review of classification and compensation of high-risk employees.

Item 4: Discussion Mandatory Retirement Age

Ms. Wolffing reminded the Committee of past research provided by staff on what other systems require for mandatory retirement age. The federal mandatory retirement age is 57. Mr. Duggan explained that age 55 is a floor for mandatory, but above age 55, different systems are at different ages. Mr. Duggan explained the *Badgely v. Walton* decision where the court upheld mandatory retirement age. The Committee determined that there should likely be a mandatory retirement age, but that the committee did not have sufficient information to determine if the age should remain at 55 or should be higher.

Item 6: Other Business and Public Comment
None.

Item 7: Adjournment

On a motion made by Senator Kitchel, seconded by Mr. Federico, the Committee voted unanimously to adjourn at 11:44 a.m.

Next Meeting Date:

The next Law Enforcement Retirement Benefits Study Committee Meeting is TBD.

Respectfully submitted.

A handwritten signature in cursive script that reads "Erika Wolffing".

Erika Wolffing
Director of Retirement Operations, Office of the State Treasurer