

1 S.58

2 Introduced by Senator White

3 Referred to Committee on Government Operations

4 Date: February 4, 2015

5 Subject: Crimes and criminal procedure; Defender General; retirement benefits

6 Statement of purpose of bill as introduced: This bill proposes to require that

7 the Defender General receive the same early retirement benefit as a State's

8 Attorney.

9 An act relating to requiring that the Defender General receive the same
10 early retirement benefit as a State's Attorney

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 ~~Sec. 1. 13 V.S.A. § 5254 is amended to read:~~

13 § 5254. PERSONNEL DESIGNATION AND EXPENDITURES

14 (a) ~~The defender general~~ Defender General, ~~deputy defender general~~
15 Deputy Defender General, public defenders and deputy public defenders shall
16 be exempt from the classified ~~state~~ State service.

17 (b) Clerical and office staff in the ~~office of the defender general~~ Office of
18 the Defender General and in all local offices shall be hired by the ~~defender~~
19 ~~general~~ Defender General. Clerical and office staff shall be ~~state~~ State
20 employees paid by the ~~state~~ State, and shall receive those benefits and

1 ~~compensation available to classified state State employees who are similarly~~
2 situated, unless otherwise covered by the provisions of a collective bargaining
3 agreement setting forth the terms and conditions of employment, negotiated
4 pursuant to the provisions of 3 V.S.A. chapter 27 of Title 3. Clerical and office
5 staff employed by the ~~office of the defender general~~ Office of the Defender
6 General shall not be part of the classified service as set forth in 3 V.S.A.
7 chapter 13 of Title 3.

8 (c) The ~~deputy defender general~~ Deputy Defender General shall be entitled
9 to compensation at an annual rate that does not exceed an amount \$500.00 less
10 than the salary of the ~~defender general~~ Defender General. The public
11 defenders and deputy public defenders shall be entitled to compensation at
12 annual rates not to exceed an amount \$1,000.00 less than the salary of the
13 ~~defender general~~ Defender General.

14 (d) The ~~defender general~~ Defender General is responsible for assuming
15 expenses for his or her office and all local offices. The entirety of expenditures
16 shall not exceed those set in the annual budget of the ~~office of the defender~~
17 ~~general~~ Office of the Defender General and such expenditures shall be subject
18 to the provisions of ~~section~~ 32 V.S.A. § 702 of Title 32.

19 (e) The Defender General shall receive an early retirement allowance equal
20 to that of a State's Attorney or sheriff.

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on July 1, 2015.~~

Sec. 1. 13 V.S.A. § 5254 is amended to read:

§ 5254. PERSONNEL DESIGNATION AND EXPENDITURES

(a) ~~The defender-general~~ Defender General, ~~deputy defender-general~~ Deputy Defender General, public defenders and deputy public defenders shall be exempt from the classified ~~state~~ State service.

(b) Clerical and office staff in the ~~office of the defender-general~~ Office of the Defender General and in all local offices shall be hired by the ~~defender-general~~ Defender General. Clerical and office staff shall be ~~state~~ State employees paid by the ~~state~~ State, and shall receive those benefits and compensation available to classified ~~state~~ State employees who are similarly situated, unless otherwise covered by the provisions of a collective bargaining agreement setting forth the terms and conditions of employment, negotiated pursuant to the provisions of 3 V.S.A. chapter 27 of Title 3. Clerical and office staff employed by the ~~office of the defender-general~~ Office of the Defender General shall not be part of the classified service as set forth in 3 V.S.A. chapter 13 of Title 3.

(c) The ~~deputy defender-general~~ Deputy Defender General shall be entitled to compensation at an annual rate that does not exceed an amount \$500.00 less than the salary of the ~~defender-general~~ Defender General. The public defenders and deputy public defenders shall be entitled to compensation at annual rates not to exceed an amount \$1,000.00 less than the salary of the ~~defender-general~~ Defender General.

(d) The ~~defender-general~~ Defender General is responsible for assuming expenses for his or her office and all local offices. The entirety of expenditures shall not exceed those set in the annual budget of the ~~office of the defender-general~~ Office of the Defender General and such expenditures shall be subject to the provisions of ~~section~~ 32 V.S.A. § 702 of Title 32.

(e) The Defender General shall receive an early retirement allowance equal to that of a State's Attorney or sheriff.

Sec. 2. 3 V.S.A. § 455 is amended to read:

§ 455. DEFINITIONS

(a) Unless a different meaning is plainly required by the context, the following words and phrases as used in this subchapter shall have the following meanings:

* * *

(4) *“Average final compensation” shall mean:*

* * *

(C) For purposes of determining average final compensation for group A or group C members, a member who has accumulated unused sick leave at retirement shall be deemed to have worked the full normal working time for his or her position for 50 percent of such leave, at his or her full rate of compensation in effect at the date of his or her retirement. For purposes of determining average final compensation for group F members, unused annual or sick leave, termination bonuses and any other compensation for service not actually performed shall be excluded. The average final compensation for a State’s Attorney and the Defender General shall be determined by the State’s Attorney’s or the Defender General’s highest annual compensation earned during his or her creditable service.

* * *

(9) *“Employee” shall mean:*

* * *

(B) any regular officer or employee of the Department of Public Safety assigned to police and law enforcement duties, including the Commissioner of Public Safety appointed before July 1, 2001; but, irrespective of the member's classification, shall not include any member of the General Assembly as such, any person who is covered by the Vermont Teachers’ Retirement System, any person engaged under retainer or special agreement or C beneficiary employed by the Department of Public Safety for not more than 208 hours per year, or any person whose principal source of income is other than State employment. In all cases of doubt, the Retirement Board shall determine whether any person is an employee as defined in this subchapter. Also included under this subdivision are employees of the Department of Liquor Control who exercise law enforcement powers, employees of the Department of Fish and Wildlife assigned to law enforcement duties, motor vehicle inspectors, full-time deputy sheriffs employed by the State of Vermont, full-time members of the Capitol Police force, investigators employed by the Criminal Division of the Office of the Attorney General, Department of State’s Attorneys, Department of Health, or Office of the Secretary of State, who have attained full-time certification from the Vermont Criminal Justice Training Council, who are required to perform law enforcement duties as the primary function of their employment, and who may be subject to mandatory retirement permissible under 29 U.S.C. § 623(j), who are first included in membership of the system on or after July 1, 2000. Also included under this subdivision are

full-time firefighters employed by the State of Vermont and the Defender General.

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

§ 459. NORMAL AND EARLY RETIREMENT

* * *

(d) Early retirement allowance.

* * *

(5) Notwithstanding subdivisions (1) and (2) of this subsection, a State's Attorney, the Defender General, or sheriff who has completed 20 years of creditable service, of which 15 years has been as a State's Attorney, the Defender General, or sheriff, shall receive an early retirement allowance equal to the normal retirement allowance, at age 55, without reductions.

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Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2015.