

HOUSE BILL NO. 38

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Clark)

A BILL to amend and reenact §§ 51.1-138, 51.1-201, 51.1-202, and 51.1-203 of the Code of Virginia, relating to Virginia Retirement System; enhanced retirement benefits for 911 dispatchers.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 51.1-138, 51.1-201, 51.1-202, and 51.1-203 of the Code of Virginia are amended and reenacted as follows:**

**§ 51.1-138. Benefits.**

A. Employees who become members under this article and on whose behalf contributions are paid as provided in this article shall be entitled to benefits under the retirement system.

B. By resolution legally adopted and approved by the Board, the employer may elect to provide benefits equivalent to those provided under the State Police Officers' Retirement System, as set out in Chapter 2 (§ 51.1-200 et seq.) of this title except for § 51.1-209, and except that the employer may elect to establish the retirement allowance pursuant to the allowance provided in clause (i) or (ii) in subsection A of § 51.1-206, in lieu of the benefits that would otherwise be provided hereunder for any employees who are employed in (i) law-enforcement positions comparably hazardous to that of a state police officer, including any sworn law-enforcement officer who has the duty and obligation to enforce the penal and traffic laws of this Commonwealth as directed by his superior officer, if so certified by his appointing authority; (ii) positions as full-time salaried fire fighters; (iii) positions as full-time salaried emergency medical technicians; or (iv) positions as regional jail superintendents and jail officers of regional jail farms, regional jails, or jail authorities, as approved by the respective jail board or authority and by the participating political subdivisions of such entities; or (v) positions as full-time salaried dispatchers for a public safety answering point as defined in § 56-484.12. Sheriffs of political subdivisions and

27 superintendents of regional jails ~~which~~ that participate in the retirement system shall receive benefits  
28 equivalent to those of state police officers, except for the benefits provided under § 51.1-209, regardless  
29 of whether the employer has elected to provide equivalent benefits as set out in this subsection.

30 C. Each employer providing the benefits of subsection B for its employees prior to July 1, 1990,  
31 may elect to provide for the early retirement of employees as set forth in this subsection in lieu of the early  
32 retirement and death before retirement provisions of the State Police Officers' Retirement System. Such  
33 election must be made to the Board in writing prior to July 1, 1990. Any member in service on or after his  
34 fifty-fifth birthday with five or more years of creditable service (i) while earning the benefits permitted by  
35 this section, (ii) as a member in the retirement system established by Chapter 2 (§ 51.1-200 et seq.) ~~of this~~  
36 ~~title~~, or (iii) as a member in the retirement system established by Chapter 2.1 (§ 51.1-211 et seq.) ~~of this~~  
37 ~~title~~ may retire upon written notification to the Board setting forth at what time the retirement is to become  
38 effective. The effective date shall be after his last day of service but shall not be more than 90 days prior  
39 to the filing of such notice. The member shall receive an allowance that shall be determined in the same  
40 manner as for retirement at an employee's normal retirement with creditable service and average final  
41 compensation being determined as of the date of his actual retirement. If the member has less than 30  
42 years of service at retirement, the amount of the retirement allowance shall be reduced on an actuarial  
43 equivalent basis for the period by which the actual retirement date precedes the earlier of (a) the member's  
44 normal retirement date or (b) the first date on or after the member's fifty-fifth birthday on which the  
45 member would have completed a total of 30 years of creditable service. Effective December 31, 2003, any  
46 employee in service on June 30, 2002, and July 1, 2002, who is credited with five or more years of  
47 creditable service rendered under this chapter and earning the benefits permitted by this section, Chapter  
48 2 (§ 51.1-200 et seq.), or Chapter 2.1 (§ 51.1-211 et seq.) ~~of this title~~ shall not be subject to the vesting  
49 requirements of this section; and §§ 51.1-205 and 51.1-216.

50 Members retiring under the provisions of this subsection shall be entitled to receive post-retirement  
51 supplements as provided in § 51.1-166. In computing the amount of any supplement, any additional  
52 allowances being paid under the provisions of subsection B of § 51.1-206 shall be disregarded. In the case  
53 of death before retirement, members whose employers elect to provide benefits in accordance with the

54 provisions of this subsection and who have not attained the age of 50 on the date of death shall be assumed  
55 to be 50 years of age for the purposes of reducing the benefits on an actuarial equivalent basis.

56 D. Beginning July 1, 2008, each county and city participating in the Virginia Retirement System  
57 shall provide the benefit coverage described in subsection B to each deputy sheriff, regardless of whether  
58 the deputy sheriff's salary is funded or reimbursed in whole or in part by the Compensation Board.

59 E. Notwithstanding the provisions of subsection C, beginning July 1, 2009, the City of Danville  
60 shall provide to each deputy sheriff the benefit coverage described in subsection B.

61 F. Beginning July 1, 2009, each regional jail board and regional jail authority participating in the  
62 Virginia Retirement System and each county and city participating in such board or authority shall provide  
63 the benefit coverage described in subsection B to each sworn officer of a regional jail, regardless of  
64 whether the regional jail officer's salary is funded or reimbursed in whole or in part by the State  
65 Compensation Board.

66 G. Beginning July 1, 2010, any county or city that (i) participates in the Virginia Retirement  
67 System pursuant to Chapter 1 (§ 51.1-124.1 et seq.), (ii) has in effect a retirement supplement for deputy  
68 sheriffs (in addition to the annual retirement allowance provided under the Virginia Retirement System)  
69 that exceeds the allowance set forth in subsection B of § 51.1-206 hereof, and (iii) provides the same level  
70 of retirement benefits to all of its deputy sheriffs, may, by resolution legally adopted, elect to provide the  
71 benefits coverage under subsection B hereof except for the allowance described in subsection B of § 51.1-  
72 206. Notwithstanding any other provision of law, the additional costs of such election shall be borne solely  
73 by such county or city.

74 H. If an employee (i) is in a position covered by the additional benefits under this section for at  
75 least five years, (ii) is separated from the position because of a disability that entitles him to the disability  
76 retirement benefits pursuant to § 51.1-156, and (iii) accepts a position with the same employer that is not  
77 covered by the benefits under this section but whose salary and benefits are not less than those of the  
78 position from which he is separated, then, at the sole discretion of the employer, the employee may  
79 continue to be covered under the benefits permitted by this section in his new position.

80 I. The retirement system shall not be liable for the payment of any retirement allowances or other  
81 benefits on behalf of a member or beneficiary of a member for which reserves have not been previously  
82 created from funds contributed by the employer or the members for such benefits.

83 **§ 51.1-201. Definitions.**

84 As used in this chapter, unless the context requires a different meaning:

85 "Employee" means a state police officer or state police dispatcher.

86 "Member" means any person included in the membership of the retirement system as provided in  
87 this chapter.

88 "Normal retirement date" means a member's sixtieth birthday.

89 "Retirement system" means the State Police Officers' Retirement System.

90 "State police dispatcher" means a full-time salaried dispatcher for a public safety answering point,  
91 as defined in § 56-484.12, who is employed by the Department of State Police.

92 **§ 51.1-202. Membership in retirement system.**

93 Membership in the retirement system shall be compulsory for all ~~state police officers~~ employees.

94 **§ 51.1-203. Creditable service.**

95 A. Service qualifying for credit under the provisions of the Virginia Retirement System shall be  
96 included as creditable service for the purposes of this chapter, provided the requirements set forth in  
97 Chapter 1 (§ 51.1-124.1 et seq.) of this title for crediting service have been complied with and any payment  
98 required is credited in the member's contribution account.

99 B. If a member ceases to be employed as a state police officer or state police dispatcher, has not  
100 received a refund of the accumulated contributions credited to his member's contribution account, and  
101 accepts employment in a position covered by the Virginia Retirement System or the Judicial Retirement  
102 System, he shall be entitled to credit for his previous creditable service under this chapter. His accumulated  
103 contributions shall be transferred and credited to his member's contribution account in the appropriate  
104 retirement system. Future retirement rights shall be as set forth under the provisions of the appropriate  
105 retirement system.

106 **2. That the provisions of this act shall become effective on July 1, 2025.**

107 3. That the provisions of this act providing enhanced retirement benefits to employees who are  
108 employed in positions as full-time salaried dispatchers for a public safety answering point or by the  
109 Department of State Police shall apply only to service earned as a full-time salaried dispatcher for  
110 a public safety answering point or by the Department of State Police on or after July 1, 2025. An  
111 employer, as that term is defined in § 51.1-124.3 of the Code of Virginia, may, in its discretion,  
112 provide such enhanced retirement benefits to employees who are employed in positions as full-time  
113 salaried dispatchers for a public safety answering point for service earned before July 1, 2025, in  
114 addition to service earned on or after that date.

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