

VaLORS Membership

Joint Subcommittee to Study the Virginia Retirement
System and Benefits for Public Safety Officers
Injured in the Line of Duty

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History of Retirement Benefits for Law Enforcement Officers

- SPORS – 1950
 - State police only
 - Earlier retirement age (60 rather than 65) plus hazardous duty supplement
- LEOS – 1979
 - State and local law enforcement officers
- VaLORS – 1998
 - Various state employees from departments other than the State Police



Justifications for Enhanced Retirement Benefits

- Earlier than normal retirement age due to physical fitness requirements
- Higher retirement benefit to compensate for hazardous nature of job responsibilities



Current VaLORS Membership

- Capitol police
- Campus police
- Game wardens
- Special Agents of Department of Alcoholic Beverage Control
- Law-enforcement officers in the Virginia Marine Resources Commission
- Correctional officers, including juvenile correctional officers
- Parole officers
- Commercial vehicle enforcement officers employed by the Department of State Police



Employees Who Have Subsequently Lobbied for Inclusion in VaLORS

- Bills offered in every legislative session to add more employees to VaLORS, including:
 - Department of Corrections internal investigators and wardens
 - Department of Juvenile Justice probation officers, supervisors, and court services units
 - Department of Motor Vehicles enforcement officers
 - Department of Conservation and Recreation Conservation Officers
 - Department of Mental Health, Mental Retardation and Substance Abuse Services police and forensic employees



Employees Lobbying for VaLORS Membership (cont'd)

- Department of Correctional Education teachers
- Parole Board examiners
- Department of Game and Inland Fisheries wildlife workers and special game wardens
- Deputy sheriffs
- State Lottery Department security and investigative officers
- Department of Military Affairs firefighters
- Virginia National Guard firefighters
- Department of Transportation Construction Employees



Objective Standard for VaLORS Membership

- No Objective Standard
 - There is currently no objective standard for VaLORS membership
 - Enabling statute individually lists all groups of employees eligible for VaLORS
- Example of Objective Standard
 - LEOS: “Local law-enforcement officers with duties comparably hazardous to those of the state police”



Future VaLORS Membership Options

- Amend enabling statute to include objective standard
- Amend enabling statute to add additional employees on a case-by-case basis
- Leave VaLORS membership as it currently stands



Advantages of Objective Standard

- Minimize employee confusion and resulting political pressures
- Provide concrete justification for enhanced benefits
- Eliminate need for continued involvement by General Assembly



Disadvantages of Objective Standard

- Limit ability of General Assembly to exercise control over future VaLORS membership decisions
- Some risk of litigation
- Possible conflict with current VaLORS-eligible positions (but current positions can be grandfathered)



Considerations in Establishing an Objective Standard

- Objective standard should articulate reasons for enhanced retirement benefits, for example:
 - Earlier than normal retirement age due to physical demands of the position
 - Hazardous duty



Characteristics of an Objective Standard

- Precisely clarifies intended scope of VaLORS, limiting membership to certain specified positions
- Allows flexibility for additional employees to be added in the future; not necessarily limited to traditional law enforcement officers



Examples of Objective Standards

- “All state employees whose positions routinely require them to face workplace hazards similar to those of state police officers”
- “All state employees whose positions normally require retirement from active duty by age 60 or earlier due to physical fitness requirements.”
- “All state law-enforcement employees with statewide jurisdiction and the power of arrest.”



Objective Criteria from Other States

- Public safety officers with the power of arrest from delineated state departments. (Minnesota)
- Any position whose principal duties involve active law enforcement, active fire suppression or prevention, or other duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning. (Kentucky)
- Permanent, full-time employees who (i) possess the power of arrest, (ii) have taken a law enforcement oath, and (iii) are certified as law enforcement officers for purposes of state law. (North Carolina)
- Employees who are required by the terms of their employment to preserve public order, protect life and property, and detect crimes in the state; to prevent and control property destruction by fire; or who are peace officers employed by the Department of Corrections or the Department of Juvenile Justice. (South Carolina)



Objective Criteria from Other States (cont'd)

- Employees who are regularly assigned to “hazardous duty,” defined as “duties of the type normally expected of municipal peace officers” or other specified positions. (Arizona)
- Positions which principally involve “hazardous law enforcement duties,” defined as duties which (i) will reasonably expect to increase the probability of superannuation; (ii) are associated with life-threatening risk or present positions of peril either to the employee or to others, or which can place the public safety in jeopardy; and (iii) either compel others to observe the law, pertain to crime prevention, or pertain to crime reduction, including police, courts, prosecution, correction, or rehabilitation. (Idaho)



Recommended Elements of Objective Standard

- Sworn law enforcement officers with power of arrest.
- Positions whose primary responsibilities involve hazardous duties, possibly defined in relation to those of the state police.
- Positions where the aging process interferes with the individual's ability to perform the physical functions of the position.

