

Report to the Governor and the General Assembly of Virginia

# Eligibility of Public Safety Occupations for Enhanced Retirement Benefits



## **Joint Legislative Audit and Review Commission**

Senator Janet D. Howell, Chair  
Delegate Robert D. Orrock, Sr., Vice Chair

Delegate Terry L. Austin  
Delegate Betsy B. Carr  
Delegate Barry D. Knight  
Senator Mamie E. Locke  
Senator Jeremy S. McPike  
Senator Thomas K. Norment, Jr.  
Delegate Kenneth R. Plum  
Senator Lionell Spruill, Sr.  
Delegate Luke E. Torian  
Delegate R. Lee Ware  
Delegate Tony O. Wilt

Staci Henshaw, Auditor of Public Accounts

### **JLARC staff**

Hal E. Greer, Director

Kimberly Sarte, Associate Director for Ongoing Oversight and Fiscal Analysis

Jamie Bitz, Chief Legislative Analyst for Ongoing Oversight

Christine Wolfe, Senior Legislative Analyst

Information graphics: Nathan Skreslet

Managing Editor: Jessica Sabbath

# Contents

---

**Eligibility of Public Safety Occupations for Enhanced Retirement Benefits 1**

**Appendixes**

A: Study mandate	25
B: Research activities and methods	27
C: Enhanced retirement benefits for federal public safety occupations	35
D: Enhanced retirement benefits in other states	37
E: Agency responses	40



# Eligibility of Public Safety Occupations for Enhanced Retirement Benefits

---

During the November 2022 JLARC meeting, Commission members approved a resolution for JLARC staff to review the eligibility of public safety occupations for enhanced retirement benefits (Appendix A). The motion specifically directs staff to

- review the 2008 occupation risk and responsibility guidelines JLARC developed to assess eligibility for enhanced retirement plan membership and determine whether any modifications or updates to the guidelines are appropriate;
- assess existing state occupations covered through enhanced benefit plans against the risk and responsibility guidelines;
- review the appropriateness of extending enhanced retirement benefits to additional state and local public safety occupations, particularly those requested for review by the Senate Finance and Appropriations and the House Appropriations committees; and
- estimate the cost of extending enhanced retirement benefits to additional state and local public safety employees.

JLARC approved the study mandate after the Senate Finance and Appropriations and House Appropriations committee chairs sent a letter in 2022 requesting that JLARC staff review the eligibility of several state and local public safety occupations for enhanced retirement benefits. The request was in response to legislation submitted in recent years to make these occupations eligible for enhanced benefits. During the 2023 General Assembly session, the Senate Finance and Appropriations and House Appropriations committees requested that additional public safety occupations be included in the JLARC review in response to proposed legislation (Table 1).

---

JLARC staff reviewed the eligibility of occupational groups, including public safety occupations, for enhanced retirement benefits as part of its 2008 report, *Review of State Employee Total Compensation*. The report included criteria that could be used to evaluate whether occupations should receive enhanced retirement benefits.

---

**TABLE 1**  
**Public safety occupations referred to JLARC for review by the Senate Finance and Appropriations and House Appropriations committees**

<b>Occupations</b>	<b>Estimated number of positions</b>
Virginia State Police 911 dispatcher	140
Department of Conservation and Recreation law enforcement ranger	100
Department of Motor Vehicle law enforcement officer	60
Department of Corrections special investigator	29
Office of the Attorney General Medicaid Fraud Control Unit investigator	6
Local 911 dispatcher <sup>a</sup>	1,000
Local juvenile detention specialist <sup>a</sup>	825
Local animal control officer <sup>a</sup>	490
Part-time local law enforcement and state correctional officer	n./a.

SOURCE: Number of positions based on JLARC analysis of JLARC’s survey of state and local public safety occupations and fiscal impact statements from the 2022 and 2023 General Assembly sessions.

NOTE: Legislation referred to JLARC (HB 2292, 2023) addressed school resource officers (SROs), but SROs are employed by local police or sheriff’s departments and are already eligible to receive enhanced benefits.

<sup>a</sup> Number of positions is an estimate.

## **Enhanced retirement benefits allow employees with a high level of public safety responsibility and physical and psychological demands to retire early**

The federal government has a **mandatory retirement age** of 57 (or as soon as 20 years of service have been completed after age 57) for most law enforcement personnel who receive enhanced retirement benefits.

In Virginia, the mandatory retirement age for members of the State Police Officers’ Retirement System and local employees receiving enhanced benefits is 70. There is not a mandatory retirement age for members participating in the Virginia Law Officers Retirement System.

This study did not review the appropriateness of mandatory retirement ages.

The primary purpose of enhanced retirement benefits is to allow certain public safety employees to retire earlier because they have a high level of responsibility to protect the public, and the physical and psychological demands of their jobs make them more difficult to perform as employees age. The ability of these employees to perform their job not only affects public safety, but also that of their fellow officers. According to the Congressional Research Service (CRS), enhanced retirement benefits are provided for certain federal law enforcement officers because the

duties of law enforcement personnel place unique physical and psychological demands on individuals employed in those positions. Because physical and mental health decline with age, Congress deemed it necessary to maintain a youthful workforce to ensure the quality of law enforcement services.

CRS noted that enhanced retirement benefits “are not intended as compensation for the stress and hazard of the duties that federal law enforcement personnel perform.” (See Appendix C for list of federal occupations that receive enhanced benefits.)

Virginia does not have an official or statutory policy for when enhanced retirement benefits should be provided for public safety officials, nor were any policies identified that have been developed nationally across states. However, Virginia has generally recognized the primary rationale for providing enhanced retirement benefits to certain public safety occupations is that the physical and psychological demands of the job

make their job responsibilities more difficult to perform as individuals age. (See Appendix D for a list of states that provide enhanced retirement benefits for select occupations.)

Virginia’s enhanced retirement benefits are more generous than retirement benefits for general state and local employees in three ways (Table 2). First, employees with enhanced benefits can retire earlier and with less public service than non-public safety employees. Enhanced benefits allow employees to retire with an unreduced benefit at age 50 with 25 years of service or at age 60 with five years of service (though retiring with fewer years of service reduces a retiree’s monthly benefit). By comparison, a non-public safety employee in Plan 1 must have 30 years of service to retire at age 50, or must be 65 to retire with just five years of service. (All state and local non-public safety employees hired on or after January 1, 2014 are members of the hybrid retirement plan, which requires members to meet the Social Security retirement age plus five years of service, or have their age and service equal at least 90, to receive an unreduced benefit.)

**TABLE 2**  
**Enhanced benefit plans offer more generous retirement benefits than the State Employees defined benefit plans**

Plan element	State Employees & Teachers plans (Plan 1) <sup>2</sup>	Defined benefit component of hybrid plan <sup>3</sup>	Enhanced benefit plans <sup>1</sup>		
			State police officers (SPORS)	Virginia law officers (VaLORS)	Political subdivision enhanced benefits
Retirement eligibility age & years of service (unreduced benefit)	Age 50 & 30 years or Age 65 & 5 years	Social Security retirement age & 5 years or Age + service = 90	Age 50 & 25 years or Age 60 & 5 years	Age 50 & 25 years or Age 60 & 5 years	Age 50 & 25 years or Age 60 & 5 years
Multiplier for benefit amount	1.7%	1.0%	1.85%	2.0% <sup>4</sup>	1.7% or 1.85% <sup>5</sup>
Eligibility for hazardous duty supplement	No	No	Yes <sup>6</sup>	No <sup>7</sup>	Yes <sup>6</sup>

SOURCE: JLARC staff review of VRS materials and the Code of Virginia.

<sup>1</sup> Employees in enhanced benefit plans are not eligible to participate in the hybrid retirement plan.

<sup>2</sup> Plan 2 is for employees hired between July 1, 2010 and December 31, 2013 (or for those hired before July 1, 2010 who had less than 5 years of service as of January 1, 2013). The unreduced retirement age is Social Security retirement age with at least five years of service, or when age and service equal 90. The retirement multiplier is 1.65% on service credit earned, purchased, or granted on or after January 1, 2013. A 1.7% multiplier is applied to service earned, purchased, or granted before January 1, 2013.

<sup>3</sup> The defined benefit component of the hybrid plan is provided in conjunction with a defined contribution component.

<sup>4</sup> For members hired before July 1, 2001, the multiplier is 1.7% if they elected to receive a hazardous duty supplement.

<sup>5</sup> Multiplier is 1.85% for sheriffs, sheriffs’ deputies, and regional jail superintendents. For local first responders (law enforcement officers, firefighters, or emergency medical technicians), multiplier is 1.7% or 1.85% depending on the local employer’s election.

<sup>6</sup> Eligibility for the supplement requires at least 20 years of eligible hazardous duty service credit.

<sup>7</sup> VaLORS participants receive a supplement if they were hired before July 1, 2001 and chose a 1.7% multiplier or were a VaLORS participant before July 1, 1974.

Second, compared with retirement benefits for general state or local employees, enhanced retirement benefits generally have a higher multiplier, which results in a higher monthly pension benefit during retirement. For example, if a public safety employee in the Virginia Law Officers Retirement System (VaLORS) has an average final compensation of \$75,000 with 30 years of service, the 2 percent multiplier in the VaLORS plan results in an additional \$560 in monthly benefits compared with a multiplier of 1.7 percent for general state or local employee benefits.

Third, some state and local public safety employees eligible for enhanced retirement benefits receive a hazardous duty supplement, which is added to their monthly retirement benefit. The monthly supplement begins at retirement and continues until normal retirement age under Social Security (which is 67 for individuals born in 1960 or later), or until age 65 for eligible VaLORS members. For the FY23–24 biennium, the supplement is \$1,407 per month, or \$16,884 annually. The supplement increases every two years based on federal Social Security cost of living increases.

Enhanced retirement benefits are currently provided to 16 state and local public safety occupations (Table 3). Nearly 7,500 employees in state public safety positions are members of VaLORS. Nearly three-quarters of VaLORS members are correctional

**TABLE 3**  
**Several state and local public safety occupations receive enhanced retirement benefits**

<b>Enhanced benefit retirement plans</b>	<b>Eligible public safety occupations</b>	<b>Active plan members</b>
Virginia Law Officers' Retirement System (VaLORS)	Department of Corrections correctional officers	5,502
	Department of Corrections probation officers	911
	Campus police officers	565
	Department of Wildlife Resources conservation police officers	158
	Department of Juvenile Justice correctional officers	134
	Virginia Alcoholic Beverage Control Authority special agents	96
	Virginia Marine Resources Commission police officers	68
	Capitol police officers	55
	Virginia State Police commercial vehicle enforcement officers	4
	Virginia Cannabis Control Authority special agents	0
	<b>Total</b>	<b>7,493</b>
State Police Officers' Retirement System (SPORS)	Virginia State Police troopers and investigators	<b>1,875</b>
Political subdivisions providing enhanced benefits	Firefighters*	8,829
	Sheriffs and deputy sheriffs	7,766
	Law enforcement officers*	7,762
	Jail superintendents and sworn officers of regional jails *	2,557
	Emergency medical technicians*	783
	<b>Total</b>	<b>27,697</b>

SOURCE: JLARC staff analysis of the Code of Virginia, information from VRS, and the VRS 2022 Popular Annual Financial Report.

\* If political subdivision has elected to provide enhanced retirement benefits.

officers at adult detention centers. The State Police Officers’ Retirement System (SPORS) covers approximately 1,900 troopers and special investigators with Virginia State Police.

Nearly 28,000 local public safety employees are estimated to receive enhanced benefits provided by political subdivisions. Generally, political subdivisions are required to provide sheriffs, deputy sheriffs, and regional jail superintendents with enhanced benefits comparable to SPORS benefits. Statute gives political subdivisions the option to provide enhanced benefits to firefighters, police officers, and emergency medical technicians.

## JLARC staff developed criteria and guidelines to assess the public safety responsibility and physical and psychological demands of occupations

JLARC staff assessed the level of public safety responsibility and the physical and psychological demands of occupations using nine criteria (Table 4). Collectively, these

**TABLE 4**  
**JLARC staff used nine criteria to assess the public safety responsibility levels and physical and psychological demands of state and local occupations**

	<b>Criteria</b>	<b>Description</b>
<b>Public safety responsibility guideline</b>	Obligation to maintain public safety	Employee is responsible for enforcing criminal laws in the Commonwealth. <sup>1</sup>
	Responsibility for emergency first response	Employee is responsible for responding to medical, fire, hazardous material, or other emergencies that threaten human life and safety
	Impact on safety of others	Employee’s job performance regularly affects the safety of members of the public and other employees
<b>Demand guideline</b>	Workers’ compensation claims	Elevated workers’ compensation claims experience for job-related injuries and diseases
	Personal assaults	Elevated risk for being assaulted with or without a weapon <sup>2</sup>
	Motor vehicle accidents	Elevated risk for motor vehicle-related accidents while in or outside a vehicle <sup>3</sup>
	Fire-related incidents	Elevated risk for injuries from suppressing structural or wildfires or setting and managing controlled burns
	Other job-related accidents & chronic conditions	Elevated risk for (1) other exposure to job-related demands such as lifting heavy objects, moving over hazardous terrain, or working alone in the field and (2) developing chronic conditions (e.g., chronic pain, cardiovascular disease)
	Mental health impacts	Elevated risk for negative mental health effects (e.g., anxiety, depression, PTSD) due to involvement in traumatic incidents

SOURCE: JLARC analysis.

<sup>1</sup> Criterion was not applied to occupations that have a purely public safety role and do not have a responsibility to enforce laws, such as 911 dispatchers.

<sup>2</sup> Weapons include guns, knives, blunt instruments, and self-made weapons.

<sup>3</sup> Includes accidents involving boats or aircraft.

criteria comprise two guidelines that policymakers can use to determine whether it is appropriate for a given public safety occupation to be eligible for enhanced retirement benefits:

- the level of public safety responsibility of employees in the occupation and
- the physical and psychological demands of the occupation.

### **Guideline 1 for enhanced benefits: Public safety employees should have a high level of responsibility for ensuring the safety of others**

Public safety occupations receiving enhanced retirement benefits should have a high level of responsibility for ensuring the safety of others through their law enforcement role, emergency response role, or both. Public safety occupations with law enforcement responsibilities, such as local and state police, have an impact on the public's safety by maintaining order and arresting individuals accused of committing crimes. In general, law enforcement officers responsible for enforcing all criminal laws of the Commonwealth have a higher level of public safety responsibility than officers focused on enforcing those criminal laws related to their agency.

Occupations responsible for responding to calls for emergency assistance have a direct impact on the safety of individuals in danger. Public safety occupations that are responsible for responding to all emergency calls in the community generally have a higher level of responsibility than occupations responsible for ensuring the safety of only those individuals in a particular facility because they affect the well-being of a larger number of individuals. Occupations responding to calls for emergency assistance on a regular basis have a higher level of public safety responsibility.

Some public safety occupations have a direct impact on public safety and other officers or employees through their law enforcement and emergency response roles, while others affect public safety more indirectly. With respect to enhanced retirement benefits, occupations that routinely have a direct impact on the safety of the public and other officers have a higher level of public safety responsibility than occupations that do not directly impact the safety of others on a regular basis.

### **Guideline 2 for enhanced benefits: Public safety employees should have physically and psychologically demanding jobs that are more difficult to perform as they age**

Public safety occupations that are eligible to receive enhanced retirement benefits should face physical and psychological demands that make it more difficult for aging employees to effectively perform their duties. The extent to which the demand is physical, psychological, or both, varies by occupation. For occupations that have elevated demand, enhanced retirement benefits help employees retire before this demand affects their ability to ensure the safety of the public and other officers.

JLARC staff used six criteria as proxies for the demand of public safety occupations (Table 4). The criteria are based on workers' compensation claims of occupations and

---

The criteria and guidelines were adapted and updated from the 2008 report, *Review of State Employee Total Compensation*. The updated criteria and guidelines were reviewed by and reflect input from staff from VRS, the Department of Human Resource Management, and the Department of Criminal Justice Services.

---

the job-related risks employees in these occupations may experience during their career. (Job-related risk criteria were identified through a survey of and interviews with employees in these occupations.) For example, an elevated risk of personal assault is common for many public safety occupations, particularly those responsible for maintaining order within a facility, such as correctional officers. There is also a higher risk of motor vehicle accidents for occupations that involve a substantial amount of driving, such as local police and deputy sheriffs and Virginia State Police troopers. The criteria include a broad range of other risks that can increase a job's level of demand and become problematic as individuals age, such as lifting heavy objects, physically subduing animals, moving over difficult terrain, and performing strenuous activities for hours without a break.

The demand criteria reflect two primary changes to the criteria JLARC staff developed in 2008. First, JLARC staff added a criterion that explicitly accounts for the psychological demand of working in a public safety occupation. Compared to 15 years ago, there is broader social awareness of mental health and the potential consequences of mental health conditions. In addition, there is a substantial amount of academic literature describing the mental health effects of working in a public safety occupation. Employees in many public safety occupations are routinely exposed to traumatic incidents, including deaths, life-threatening injuries, and violence. These exposures have been associated with an increased risk for developing future mental health conditions, such as post-traumatic stress disorder, depression, anxiety, and substance abuse disorders.

Second, JLARC staff added a criterion that measures the demand of a public safety occupation through workers' compensation claims filed by employees (sidebar). This criterion measures physical and psychological demand based on incidents that have actually occurred, not just perceived risks. The workers' compensation criterion is based on the rate of workers' compensation claims that receive benefits and the amount of benefits paid for those claims. A public safety occupation with a relatively high level of demand and risk would be expected to have relatively high rates of paid workers' compensation claims. Riskier occupations would also be expected to have a higher amount of workers' compensation benefits paid per claim because employees in these occupations are likely to have more serious job-related injuries and diseases, which generally result in more benefits paid for medical costs and lost wages. For most public safety occupations, the workers' compensation claims rates are substantially higher (in some cases, three to four times higher or more) than those of non-public safety state employees. As a result, workers' compensation insurance rates for public entities in Virginia can be 50 times higher for firefighters, police, and deputy sheriffs compared with general employees. For example, many localities in Virginia pay a rate of \$3.28 per \$100 of payroll for police officers and deputy sheriffs, compared with \$0.07 per \$100 of payroll for general office employees.

---

**Virginia's workers' compensation system** provides certain guaranteed benefits for job-related injuries and diseases that are deemed compensable. If a worker's injury or disease is found to be compensable, they can receive coverage for medical costs, lost wages, and vocational rehabilitation benefits.

---

**TABLE 5**  
**Relative levels of public safety responsibility and physical and psychological demands for state and local public safety occupations in Virginia**

<b>Public safety occupation</b>	<b>Level of public safety responsibility</b>	<b>Level of demand</b>	<b>Currently eligible for enhanced benefits</b>
Virginia State Police trooper	●●●●	●●●●	✓
Local police officer	●●●●	●●●●	✓
Virginia State Police special investigator	●●●●	●●●●	✓
Campus police officer	●●●●	●●●●	✓
Deputy sheriff <sup>1</sup>	●●●○	●●●●	✓
Department of Wildlife Resources conservation police officer	●●●○	●●●●	✓
Capitol police officer	●●●●	●●○○	✓
Department of Juvenile Justice correctional officer	●●○○	●●●○	✓
Virginia Marine Resources Commission police officer	●●●○	●●○○	✓
Department of Corrections correctional officer	●●○○	●●○○	✓
Department of Corrections probation officer	●●○○	●●○○	✓
Alcoholic Beverage Control Authority special investigator	●●○○	●●○○	✓
Fort Barfoot fire & rescue staff	●●●●	●●●●	
Department of Conservation & Recreation law enforcement ranger	●●●○	●●●●	
Department of Emergency Management hazardous materials officer	●●●●	●●●○	
Local animal control officer	●●●○	●●●○	
Department of Forestry forest warden	●●●○	●●●○	
Department of Emergency Management search and rescue officer	●●●●	●●○○	
Local 911 dispatcher	●●●●	●○○○	
Virginia State Police 911 dispatcher	●●●●	●○○○	
Local juvenile detention specialist	●●○○	●●●○	
Department of Corrections special investigator	●●○○	●●●○	
Department of Motor Vehicle law enforcement officer	●●○○	●●○○	
Department of Juvenile Justice probation officer	●●○○	●○○○	
Department of Juvenile Justice special investigator	●●○○	●○○○	
Virginia State Lottery special investigator	●○○○	●○○○	
Office of the State Inspector General special investigator	●○○○	●○○○	
Office of the Attorney General Medicaid Fraud Control investigator	NA	NA	

**Legend of relative occupational responsibility or demand**

- High level of responsibility or demand
- Moderate level of responsibility or demand
- Low level of responsibility or demand
- Minimal level of responsibility or demand

■ Occupation requested for review by the Senate Finance and Appropriations and House Appropriations committees.

SOURCE: JLARC staff.

NOTE: JLARC was also requested to review School Resource Officers (SROs). However, SROs are required to be a local police officer or deputy sheriff so are already eligible to receive enhanced retirement benefits. (Localities must elect to provide enhanced benefits for local police officers.)

<sup>1</sup> The law enforcement responsibilities of deputy sheriffs vary depending on whether their locality has a police department. In localities without police departments, deputy sheriffs may have more responsibility for patrols in the community.

## Relative responsibility and demand levels of public safety occupations

JLARC staff assessed the relative responsibility and demand levels of 28 state and local public safety occupations in Virginia using the criteria for each guideline (Table 5). JLARC staff assessed all *state* public safety occupations with law enforcement or emergency response duties—both those that are currently eligible for enhanced retirement benefits and those that are not. JLARC staff assessed the *local* public safety occupations that were referred to JLARC by the Senate Finance and Appropriations and House Appropriations committees for review. The staff also included several local public safety occupations that are already eligible for enhanced retirement benefits. The purpose of including occupations that are already eligible for enhanced benefits was to better understand the relative public safety responsibility and demand levels of occupations that are not currently eligible for these benefits. JLARC staff relied primarily on an analysis of workers' compensation claims data and a survey of public safety occupations (sidebar) to assess the level of responsibility and demand of each occupation.

The public safety responsibility and demand levels of the 28 public safety occupations in Table 5 are relative to each other and based on a comparison of each occupation to all others included in the review. The public safety occupations differ substantially in their responsibility and demand levels. Several public safety occupations face relatively high levels of public safety responsibility and demand, including some that are not currently eligible for enhanced retirement benefits. In some cases, these occupations face a higher level of demand and responsibility than occupations that are currently receiving enhanced benefits. Several other public safety occupations have relatively low or minimal responsibility and demand levels compared with other public safety occupations. Although these occupations have relatively low or minimal responsibility and demand rankings, they still have important responsibilities for maintaining the public's safety.

### Fort Barfoot fire and rescue staff have a high level of public safety responsibility and demand compared with other public safety occupations

Fire and rescue staff at Fort Barfoot are responsible for providing fire and emergency response for the Fort Barfoot military base near Blackstone, Virginia. Similar to a local fire department, fire and rescue staff at Fort Barfoot respond to numerous types of emergencies on the base, including structural fires and wildfires, car accidents, and medical emergencies involving state and federal troops stationed at the base. Fire and rescue staff are also responsible for conducting controlled burns in and around the base to reduce the risk of wildfires. There are currently 20 fire and rescue staff assigned to Fort Barfoot.

Fort Barfoot fire and rescue staff have a high level of public safety responsibility compared with other public safety occupations (Table 5), based on the JLARC survey.

---

JLARC staff surveyed directors of 28 state and local public safety occupations in Virginia to gather information about the responsibilities and risks of the occupations. JLARC received a survey response from every state and local occupation evaluated. For the local occupations, JLARC staff sent surveys to directors in each of the relevant localities. JLARC received 211 survey responses and had a response rate of 42 percent from the localities. Appendix B provides more information about the survey, including the response rate for each occupation surveyed.

---

---

The Fort Barfoot military base (formerly Fort Pickett) is owned by the state and used by Virginia National Guard and U.S. military troops for training, including live-fire exercises, as well as staging prior to their deployment. The fort includes approximately 41,000 acres of land and barracks to support more than 5,000 military personnel.

---

Their actions have a high impact on other staff and troops at the base, and they frequently respond to calls for emergency assistance compared with other occupations reviewed by JLARC staff.

Fort Barfoot fire and rescue staff face a high level of demand compared with other public safety occupations, including some currently receiving enhanced retirement benefits (Table 5). Fire and rescue staff are at high risk for responding to fire-related incidents and experiencing other work-related demands, such as being exposed to harmful chemicals and working on hazardous terrain, based on survey data collected from staff. Fire and rescue staff are at moderate risk for motor vehicle accidents.

Compared with local fire departments, Fort Barfoot fire and rescue staff face additional demands unique to working on a military base. For example, staff must conduct regular controlled burns because of an elevated risk of wildfires from the use of live rounds during training exercises. At times, fire and rescue staff also encounter unexploded ordinance from live-fire training exercises conducted in previous years.

---

Many of Virginia's animal welfare laws are intended to ensure the humane treatment of animals. Examples include laws that make it illegal to deprive an animal of food, drink, shelter, or emergency veterinary treatment; abandon or dump an animal; tether an animal during extreme temperatures; or promote the fighting of animals for sport or gain.

---

The Code of Virginia allows localities to designate their animal control officers as law enforcement officers with full law enforcement authority, including the ability to enforce all criminal laws of the Commonwealth. In these localities, the animal control function may be provided by local police or sheriff's departments. Many of these officers are already eligible to receive enhanced retirement benefits.

---

### **Animal control officers have a moderate level of public safety responsibility and face a moderate level of demand compared with other public safety occupations**

Animal control officers are employed by localities and are responsible for enforcing state and local laws related to animals, including laws for the protection of animals (sidebar). Animal control officers respond to a broad range of calls involving domestic and wild animals that are in danger or that pose a danger to the public. In some cases, officers seize neglected, abused, or dangerous dogs, cats, and other animals and transport them to the locality's animal shelter. Animal control officers may work with local police or deputy sheriffs when responding to domestic disturbances, conducting welfare checks, or executing arrest or search warrants at residences known to have aggressive animals. Animal control officers may also assist with caring for or euthanizing animals in their locality's shelter, particularly in smaller localities that do not have separate shelter staff. There are an estimated 490 animal control officers around the state, including some police officers and deputy sheriffs who work as animal control officers.

Local animal control officers have a moderate level of public safety responsibility compared with other public safety occupations. These officers have a moderate potential to directly affect the safety of fellow officers and the public, and they respond to calls for emergency assistance with moderate frequency, based on JLARC survey data collected from local animal control offices. Animal control officers are designated as law enforcement officers in statute, but in some localities they are empowered to enforce only laws related to animals (rather than all criminal laws in the Commonwealth) and lack certain law enforcement authority, such as issuing a summons or executing an arrest warrant (sidebar).

Local animal control officers face a moderate level of demand compared with other public safety occupations (Table 5). Animal control officers have one of the highest

rates of paid workers' compensation claims among public safety occupations, with approximately 17 percent of officers having a paid claim each year. In comparison, an average of 1.7 percent of non-public safety state employees file a workers' compensation claim annually. However, the amount of benefits paid per claim for animal control officers is minimal (median of \$290) compared with other public safety occupations. Many injuries to animal control officers occur when restraining large or violent animals that are being seized. Animal control officers encounter violent and threatening individuals more frequently than many other occupations. For example, during interviews with JLARC staff, animal control officers emphasized the risk of a physical altercation with the owner of an animal being seized. Animal control officers are at relatively lower risk for motor vehicle accidents, with a low rate of vehicle-related workers' compensation claims compared with other occupations.

### **DCR law enforcement rangers have a moderate level of public safety responsibility and face a high level of demand compared with other public safety occupations**

Law enforcement rangers with the state Department of Conservation and Recreation (DCR) are responsible for enforcing all criminal laws of the Commonwealth, with a focus on enforcing criminal laws in and around the 41 state parks and 66 natural area preserves in Virginia. Common law enforcement activities for DCR rangers include conducting foot patrols and traffic stops, responding to domestic assaults, investigating reports of suspicious persons, responding to calls for medical assistance involving physical or mental health emergencies, and conducting search and rescue operations. DCR rangers are also responsible for enforcing laws involving violations of state park rules and regulations, including those related to payment of entrance fees, parking violations, and restrictions on excessive noise and alcohol consumption on DCR property. DCR law enforcement rangers also have substantial non-law enforcement duties that primarily involve maintaining park facilities and conducting interpretive programs for the public. DCR currently has approximately 100 law enforcement rangers assigned to its state parks and natural area preserves.

---

**DCR law enforcement rangers** report using an "educational policing" approach of informing a park patron of a rule violation rather than simply issuing a fine and focus on verbally de-escalating confrontations to avoid arrests, so an individual can continue to enjoy their park visit.

---

DCR law enforcement rangers have a moderate level of public safety responsibility compared with other public safety occupations (Table 5). They are defined as law enforcement officers in the Code of Virginia and have law enforcement authority comparable to Virginia State Police troopers, local police officers, and deputy sheriffs. Compared with other public safety occupations, there is a moderate potential for rangers' job performance to directly affect the safety of other officers and the public, based on the JLARC survey. For example, rangers regularly interact with the public at state parks and natural area preserves. DCR rangers also respond to calls for emergency assistance with moderate frequency compared with other public safety occupations.

DCR law enforcement rangers face a high level of demand compared with other public safety occupations, including some occupations that currently receive enhanced retirement benefits (Table 5). DCR rangers encounter violent and threatening individuals more frequently than many other public safety occupations, based on JLARC survey

data. During interviews with JLARC staff, rangers emphasized the risk associated with responding to incidents or confronting an individual alone and without immediate backup available. Rangers also encounter other job-related demands such as walking over hazardous terrain or moving heavy objects, based on survey data. DCR rangers have a moderate rate of paid workers' compensation claims (approximately 6 percent of rangers file paid claims each year) and a high amount of benefits paid per claim (median of \$1,230).

### **911 dispatchers have a high level of public safety responsibility and face a high level of psychological demand, but a low level of physical demand compared with other public safety occupations**

State and local 911 dispatchers take emergency calls from the public and dispatch first responders to incidents. Local 911 dispatchers receive a broad range of emergency calls, including medical emergencies, shootings, robberies, domestic violence, fires, motor vehicle accidents, suicides, and suspicious person reports. Virginia State Police (VSP) dispatchers receive calls from the public to VSP's #77 number and calls transferred from local 911 dispatch centers if VSP troopers are needed, such as responding to motor vehicle accidents on interstate highways and providing back-up for local law enforcement. State and local 911 dispatchers also routinely receive non-emergency calls that are not appropriate for 911, such as complaints about barking dogs and rants about the police or other national issues.

When receiving a call, 911 dispatchers try to obtain as much information as possible from the caller so emergency responders can respond appropriately to the scene. During the call, dispatchers may try to calm the caller and provide guidance on administering first aid. These 911 dispatchers stay on the call until they verify first responders have arrived on the scene, which can take as long as 30 or more minutes. Dispatchers may also be involved in coordinating emergency responses by multiple entities, such as local police and fire departments from multiple jurisdictions. There are 124 local 911 dispatch centers around the state, with an estimated 1,000 911 dispatchers. VSP has seven 911 dispatch centers around the state with a total of 140 dispatchers, including 30 part-time dispatchers.

State and local 911 dispatchers have a high level of public safety responsibility compared with other public safety occupations (Table 5). Dispatchers are often the first public safety employees responding to an emergency. The actions of dispatchers have a high potential to directly affect the safety of 911 callers and other first responders. The safety of 911 callers and other first responders depends heavily on dispatchers collecting information about an emergency and accurately relaying it to police officers, deputy sheriffs, firefighters, and EMTs.

The overall demand that state and local 911 dispatchers face is minimal compared with other public safety occupations because they do not face many of the physical risks common to these other occupations, such as direct encounters with violent or threatening individuals, motor vehicle accidents, and fire-related incidents. As a result, 911 dispatchers have a low overall rate of paid workers' compensation claims compared

with other public safety occupations, with approximately 1 percent or less of VSP or local dispatchers filing paid claims each year.

The psychological demand facing state and local 911 dispatchers is high compared with other public safety occupations, and dispatchers are at relatively high risk for negative mental health effects. Dispatchers are regularly exposed to traumatic incidents over the phone, such as domestic violence or individuals in crisis, according to the JLARC survey of public safety occupations and JLARC staff interviews. As a result, they have moderate to high rates of mental health-related workers' compensation claims.

### **Local juvenile detention specialists have a low level of public safety responsibility and face a moderate level of demand compared with other public safety occupations**

Local juvenile detention specialists are responsible for maintaining order and supervising juvenile residents within the 24 local and regional juvenile detention facilities in Virginia. Local and regional facilities are owned and operated by localities and regional commissions. The facilities provide housing, educational services, and rehabilitative programming for two types of juveniles:

- youth being detained temporarily while they await a court hearing for an alleged offense. To be detained temporarily, juvenile court staff must find probable cause that the youth committed the offense and that the youth is a threat to themselves or public safety.
- youth found guilty of an offense through the juvenile court system and sentenced to incarceration at a local or regional facility.

Youth in juvenile detention facilities may have been charged with or found guilty of violent offenses, or have mental health and behavioral issues. For example, staff with one detention facility said approximately half of their residents have a mental health diagnosis or take mental health medications.

Juvenile detention specialists supervise residents in their classrooms, living pods, and common areas as well as whenever residents move from one part of the facility to another. Juvenile detention specialists are not armed and generally cannot use handcuffs or other devices to physically restrain violent or threatening residents. Detention specialists are trained to use verbal de-escalation practices before physically restraining a resident. Detention specialists also transport residents to and from outside medical appointments, as required by statute. There are approximately 825 juvenile detention specialists working in Virginia's 24 local and regional detention facilities.

Compared with other public safety occupations, local juvenile detention specialists have a low level of public safety responsibility, based on JLARC survey data collected from local juvenile detention centers. Their responsibilities are largely limited to maintaining order within juvenile detention facilities and ensuring the safety of the residents. Unlike some other public safety occupations, juvenile detention specialists are

---

JLARC's 2021 report, *Virginia's Juvenile Justice System*, found that 80 percent of youth in Virginia's juvenile justice system were male, and two-thirds were between 16 and 20 years old.

---

not responsible for enforcing criminal laws or responding to emergencies in the broader community. There is a relatively low potential for the actions of juvenile detention specialists to directly affect the safety of other detention specialists or members of the public, and detention specialists report responding to calls for emergency assistance within their facility at a moderate frequency.

Local juvenile detention specialists face a moderate level of demand compared with other public safety occupations. The risk for workplace injuries is high, with approximately 13 percent of local detention specialists filing at least one paid workers' compensation claim each year. This rate is comparable to the claims rate for local police officers and deputy sheriffs. Local detention specialists are at high risk for encountering violent or threatening youth detained at a facility. Detention specialists interviewed by JLARC staff recounted injuries sustained during assaults, and paid workers' compensation claims filed by detention specialists commonly involve altercations with residents. Juvenile detention specialists are at a lower risk for other hazards such as motor vehicle accidents, fires, and mental health impacts.

### **DOC special investigators have a low level of public safety responsibility and face a moderate level of demand compared with other public safety occupations**

DOC special investigators conduct a broad range of investigations related to DOC operations. Their investigations are focused primarily on the state's 39 adult correctional facilities and their inmates and staff. The most common types of investigations focus on

- efforts to smuggle drugs and other contraband, such as cell phones and weapons, into DOC facilities;
- assaults, including sexual and aggravated assaults;
- inmate deaths, including drug overdoses, suicides, and homicides; and
- allegations of inappropriate relationships between facility staff and inmates.

DOC investigations frequently involve allegations of gang and drug activity, and in recent years the department's special investigations unit has created a drug task force to combat the spread of drugs within state correctional facilities. DOC investigations often require special investigators to interview prisoners and staff in correctional facilities. DOC has 29 special investigators (including managers and supervisors) responsible for conducting investigations.

DOC special investigators have a low level of public safety responsibility compared with other public safety occupations (Table 5). Special investigators have a low potential to directly affect the safety of other officers and the public, and their responsibility for responding to calls for emergency assistance is minimal, based on JLARC survey results. Special investigators are designated as law enforcement officers under the Code of Virginia, but they are responsible for enforcing DOC-related laws and policies rather than the broader criminal laws of the Commonwealth.

The overall demand facing DOC special investigators is moderate compared with other public safety occupations (Table 5). Special investigators have a moderate rate of paid workers' compensation claims, but a high median amount paid per claim. They are at a low risk for personal assaults, and are at moderate risk for some other physical demands.

### **DMV law enforcement officers have a relatively low level of public safety responsibility and demand compared with other public safety occupations**

Law enforcement officers with the Department of Motor Vehicles (DMV) are responsible for enforcing laws related to DMV operations. DMV enforcement officers conduct investigations and carry out enforcement activities related to

- use of fraudulent information to obtain a motor vehicle title, driver's license, or other identification cards;
- violation of tax and fee payment laws, including violations of fuels tax laws;
- violation of laws related to motor carriers (e.g., buses, trucks, limousines) in Virginia, such as transporting passengers without valid operating authority or insurance;
- illegal sale of salvage vehicles or parts, often related to stolen parts; and
- motor vehicle dealer and consumer fraud, such as odometer fraud.

Examples of enforcement activities include conducting traffic checks of commercial and diesel vehicles (sidebar), seizing vehicle tags and license plates that have been obtained illegally or are being used by unauthorized motor carriers, obtaining and executing arrest warrants for misdemeanors and felonies, and obtaining and executing search warrants. DMV has approximately 60 law enforcement officers responsible for conducting investigations and enforcing DMV-related laws.

DMV law enforcement officers have a low level of public safety responsibility compared with other public safety occupations (Table 5). Their actions directly affect the safety of other officers and the public with less frequency than other occupations, and their responsibility for responding to calls for emergency assistance is relatively low, according to the JLARC survey of public safety occupations. DMV officers are defined in statute as law enforcement officers and have the authority to enforce all criminal laws of the Commonwealth, but their enforcement responsibilities are focused on DMV-related laws rather than the broader criminal laws.

DMV law enforcement officers face a low level of demand compared with other public safety occupations (Table 5). DMV officers have a relatively low rate of paid workers' compensation claims, with slightly less than 2 percent of officers filing claims each year—about the same as the average claims rate for all *non*-public safety state employees. Officers are at low risk for personal assaults and minimal risk for encountering fire-related incidents.

---

DMV law enforcement officers **conduct traffic checks** of commercial vehicles at permanent and mobile weigh stations around the state. During the checks, DMV officers may weigh vehicles to ensure they do not exceed weight limits, verify license and registration information, look for the use of dyed (untaxed) diesel fuel, and conduct infrared brake checks to identify faulty brake systems. DMV officers can issue citations and fines for any violations, including making arrests for criminal violations.

---

## **It is premature to assess the responsibility and physical and psychological demands of OAG Medicaid Fraud Control Unit investigators**

---

Medicaid provider fraud occurs when a business or nonprofit intentionally provides false information when billing Medicaid. Fraud can take many forms, such as billing for services never provided or for medications or equipment not intended to be paid for through Medicaid funds.

---

The risk and responsibility levels of Medicaid Fraud Control Unit (MFCU) investigators with the Office of the Attorney General (OAG) cannot be assessed at this time. The state's MFCU primarily investigates cases involving Medicaid provider fraud for prosecution and litigation (sidebar), with a relatively small number of cases involving elder abuse. Before July 1, 2023, MFCU did not employ investigators with law enforcement authority and relied on other entities (often the inspector general's office with the federal Department of Health and Human Services) to perform the most dangerous parts of its investigations, such as executing search warrants and making arrests. Legislation passed by the 2023 General Assembly (HB 1452) allows OAG to appoint up to 30 investigators with law enforcement authority, and MFCU is now beginning to conduct all aspects of its investigations. MFCU has six investigators with law enforcement authority as of August 2023, and staff anticipate the number will increase to 25 over the next five years. Because MFCU is only just beginning to conduct all aspects of its investigations, it is too soon to assess the extent of their investigators' public safety responsibilities in practice or the demand levels they face.

## **Some public safety occupations facing similar responsibility and demand levels receive different levels of enhanced benefits**

---

The hazardous duty supplement is intended to make early retirement financially feasible for eligible employees. The supplement begins when an eligible employee retires. For SPORS members, the supplement ends when they reach the normal retirement age (typically 65 or 67) and become eligible for Social Security and Medicare benefits. For VaLORS members that receive a supplement, the supplement ends at age 65.

---

Among public safety occupations currently eligible for enhanced retirement benefits, some occupations face similar public safety responsibility and demand levels but receive different levels of benefits. This results from differences in benefit levels among the State Police Officers Retirement System (SPORS), Virginia Law Officers Retirement System (VaLORS), and enhanced benefits provided by political subdivisions. Most notably, SPORS and localities providing enhanced benefits are statutorily required to provide a hazardous duty supplement (sidebar) whereas VaLORS is not required to provide the supplement for most members. (Only members hired prior to July 1, 2001 are eligible to receive the supplement.) The hazardous duty supplement was approximately \$17,000 annually in 2023.

For example, campus police officers and local police officers both have high levels of public safety and law enforcement responsibility and face high levels of demand. However, the vast majority of campus police officers do not receive the hazardous duty supplement because they are members of the VaLORS retirement plan (and were hired on or after July 1, 2001). In contrast, local police officers receive the hazardous duty supplement if their locality chooses to provide enhanced retirement benefits generally, and nearly all localities with police departments have elected to provide enhanced benefits.

Similarly, conservation police officers with the Department of Wildlife Resources and deputy sheriffs both have moderate levels of public safety responsibility and face high levels of demand. Conservation officers are members of VaLORS and generally are

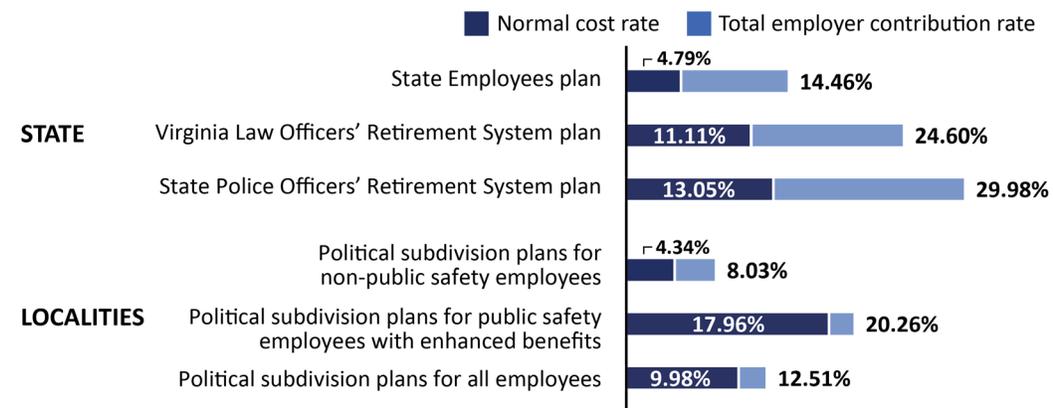
not eligible for the hazardous duty supplement, while all localities are required to provide deputy sheriffs with enhanced benefits that include the supplement.

While this review did not assess the appropriate level or adequacy of enhanced benefits for public safety occupations, staff in some occupations expressed concern that disparities in benefit levels make it difficult to compete with employers that provide a higher benefit. For example, some campus police departments reported difficulty recruiting and retaining officers because candidates prefer employment with surrounding localities that provide the hazardous duty supplement. Providing a 1.85 percent multiplier *with* a hazardous duty supplement for all VaLORS members, rather than the 2.0 percent multiplier *without* a supplement that most VaLORS members currently receive, would result in additional costs for the state.

## Cost of enhanced retirement benefits for additional state and local public safety occupations

The cost of enhanced retirement benefits for state agencies and political subdivisions is generally substantially higher than standard retirement benefits. Based on employer contribution rates approved by the General Assembly for the FY23–FY24 biennium, state agencies pay normal cost contribution rates (sidebar) for public safety employees that are more than double that of employees in the State Employees plan (Figure 1). Among political subdivisions, the average normal cost rate for public safety employees is more than triple that of the average rate for non-public safety employees. As a result, providing enhanced retirement benefits for additional public safety occupations will increase the overall amount state agencies and political subdivisions must pay to fund retirement benefits.

**Figure 1**  
Employer contribution rates for state and local retirement plans (FY23-24)



SOURCE: JLARC analysis of information from the 2023 Appropriation Act and VRS.

NOTE: Employer contribution rate is a percentage of total payroll. Contribution rates for political subdivision plans are averages across all political subdivisions.

---

**Employer contribution rates** are calculated as a percentage of an employer's total payroll. Localities that provide enhanced retirement benefits pay a single, blended rate based on their mix of employees receiving enhanced and standard retirement benefits.

The **normal cost contribution rate** is the percentage of total covered payroll that, when added to investment income, is needed to pay for the cost of projected benefits allocated to the plan year.

The **total contribution rate** reflects the normal contribution rate plus the cost to pay off any unfunded actuarial accrued liability plus an estimate of the defined contribution portion of the hybrid plan if applicable.

---

---

The **unfunded actuarial accrued liability** of a retirement plan is the amount by which the liability for benefits accrued to date exceeds the value of plan assets.

---

The **funded ratio** of a retirement plan is the ratio of (1) the value of plan assets to (2) the accrued liability of the plan at a point in time.

---

Political subdivisions can choose an **enhanced benefit multiplier** of 1.7 or 1.85 percent for public safety occupations eligible to receive enhanced benefits. The multiplier is applied to a retiree's average final compensation when determining their basic retirement benefit. A larger multiplier results in a larger monthly benefit.

---

The **change in retirement costs** is the estimated impact on the agency's budget. Estimates are provided for the first year, but the costs will be ongoing and will change annually.

---

The **change in employer contribution rate** is the increase or decrease in the contribution rate all agencies would pay as a percentage of their payroll.

---

Providing enhanced retirement benefits for additional public safety occupations may also increase the unfunded actuarial accrued liability (UAAL) of a retirement plan and decrease its funded ratio (sidebars), particularly if coverage is retroactive so that employees receive credit for their prior service. The UAAL may increase because expanding eligibility for enhanced benefits increases a plan's future benefit obligations, and increased employer contributions or investment earnings have not yet offset these additional obligations. If the UAAL increases, the funded ratio of the plan will likely decrease because the actuarial value of plan assets has not changed.

To estimate the cost to the state and localities of providing enhanced benefits for additional public safety occupations, JLARC staff requested that the VRS actuary model the change in employer contribution rates, UAAL, and funded ratio for these occupations. The actuary provided a single cost estimate for each of the state occupations referred to JLARC for review. For the *local* public safety occupations, the actuary provided cost estimates for a representative subset of eight localities that differed in their population size, geographic region, and enhanced benefit multiplier (sidebar). Consistent with recent practice, the actuary assumed that enhanced benefits would be provided to the *state* occupations 'prospectively' for future years of service. The actuary assumed that these benefits would be provided to the *local* occupations 'retroactively', meaning that prior years of service would count toward the enhanced retirement benefits.

The VRS actuary's estimates are based on the actuarial valuations of the state and local retirement plans as of June 30, 2022 and the employees in each additional public safety occupation as of July 2023. The actual cost of providing enhanced retirement benefits in the future would differ from these estimates, as the actuarial valuations of the plans change in future years. This is particularly true for small state agencies or political subdivisions. If the state provides enhanced retirement benefits for any additional state public safety occupations, updated cost estimates will be needed to accurately determine the fiscal impact. Similarly, if the General Assembly acts to permit political subdivisions to provide enhanced benefits for any additional local public safety occupations, VRS requires an actuarial assessment of the fiscal impact on a locality before it can elect to provide enhanced benefits.

### **Providing enhanced benefits for additional public safety occupations would increase state retirement costs**

The estimated cost of providing enhanced benefits to additional state public safety occupations varies by occupation and agency (Table 6). Annual costs (first-year) are estimated to be highest for extending enhanced retirement benefits to DMV law enforcement officers (\$1.5 million) and lowest for OAG Medicaid fraud investigators (\$57,000). Costs are driven primarily by the number of employees that would receive the enhanced benefits as well as other factors, such as employee compensation levels. The magnitude of the impact on agencies' budgets as a percentage depends on these

factors as well as the size of each agency's overall retirement costs. The estimated percentage increase in agency retirement costs the first year is highest for DCR law enforcement rangers (21 percent) and lowest for DOC special investigators (1 percent).

**TABLE 6**  
**Estimated first-year annual cost of providing enhanced retirement benefits to additional state public safety occupations**

<b>Agency (occupation)</b>	<b>First-year agency cost increase (in thousands)</b>	<b>Total agency retirement cost (FY22) (in thousands)</b>	<b>% increase in agency retirement cost</b>
DMV (law enforcement officers)	\$1,520	\$14,199	10.7%
State Police (911 dispatchers)	995	43,031	2.3
DOC (special investigators)	814	69,285	1.2
DCR (law enforcement rangers)	807	3,891	20.7
DMA (Fort Barfoot fire and rescue staff)	85	2,276	3.7
OAG (Medicaid fraud investigators)	57	1,663	3.4
<b>Total for all occupations</b>	<b>\$2,250</b>	<b>\$134,344</b>	<b>1.7%</b>

SOURCE: JLARC analysis of information from the VRS actuary.

NOTE: Cost estimates are based on the FY22 VRS valuation. Cost estimates assume that enhanced benefits are provided prospectively, and that prospective members will serve five years in the position to become eligible for the VaLORS benefit. Costs for individual occupations cannot be added because of the interaction of plan provisions and assumptions.

If the state provided enhanced retirement benefits for additional state public safety occupations, employees in these occupations would move from the State Employees retirement plan into the VaLORS plan. This would affect the actuarial status of VaLORS, depending on the characteristics of employees in the occupation, such as salary, age, and years of service. The overall contribution rate required for all employers that pay into VaLORS could change, as well as the plan's UAAL and funded ratio. Adding DMV law enforcement officers and DOC special investigators would have the largest estimated impacts on VaLORS, in terms of increasing the employer contribution rate and UAAL and decreasing the plan's funded status (Table 7). However, these impacts still would be small.

Moving employees into VaLORS is expected to have a minimal impact on the State Employees plan, because it is much larger than VaLORS. The number of active members in VaLORS is only about 10 percent of the number in the State Employees plan. There could be a minimal increase in the employer contribution rate for the State Employees plan because the total payroll over which to spread the cost of the plan's UAAL would be smaller. However, the UAAL would also decrease because future salary increases would no longer be assumed for these employees in the state plan.

**TABLE 7**  
**Impact on VaLORS of providing enhanced retirement benefits to additional state public safety occupations**

As of June 2022

Employer contribution rate: 21.90%

Unfunded actuarial accrued liability: \$718M

Funded status: 71%

<b>Agency (occupation)</b>	<b>Change in employer contribution rate</b>	<b>Change in unfunded actuarial accrued liability (in thousands)</b>	<b>Change in funded status</b>
DMV (law enforcement officers)	0.06%	\$509	(0.01%)
State Police (911 dispatchers)	--	38	--
DOC (special investigators)	0.05	582	(0.02)
DCR (law enforcement rangers)	(0.04)	43	--
DMA (Fort Barfoot fire and rescue staff)	--	--	--
OAG (Medicaid fraud investigators)	--	--	--
<b>Total for all occupations</b>	<b>0.05%</b>	<b>\$1,172</b>	<b>-0.03%</b>

SOURCE: JLARC analysis of information from the VRS actuary.

NOTE: Estimates are based on the FY22 VRS valuation. Estimates assume that enhanced benefits are provided prospectively, and that prospective members will serve five years in the position to become eligible for the VaLORS benefit. '--' indicates the estimated change is zero.

The cost impact to state agencies could be reduced if public safety employees were required to share the increased cost of adding occupations to VaLORS. Some states require employees receiving enhanced retirement benefits to pay a higher contribution rate than employees in the regular state employee plan (although some states also subsidize the higher enhanced benefit rate for employees). If employees were required to cover half of the additional normal cost of adding the new occupations to VaLORS, state agencies' costs would be substantially less. For example, if the VaLORS employee contribution rate increased 0.06 percentage points to reflect the addition of DCR law enforcement rangers, DCR's costs would decrease from approximately \$807,000 in the first year to \$581,000 (Table 8).

To minimize the administrative complexity of the VaLORS plan, the state would likely need to require all VaLORS employees—including those currently receiving enhanced benefits—to pay the higher employee contribution rate. This change would result in employer contribution rates actually decreasing, even if new occupations were added to the plan.

**TABLE 8**

**Change in contribution rates and estimated employer costs if public safety employees share in increased costs of enhanced benefits**

VaLORS employee contribution rate: 5.00%

VaLORS employer contribution rate: 21.90%

(As of June 2022)

<b>Agency</b>	<b>Change in VaLORS contribution rates</b>		<b>First-year cost increase</b>
	<b>Employee rate</b>	<b>Employer rate</b>	<b>(in thousands)</b>
DMV (law enforcement officers)	0.09%	(0.03)%	\$1,181
State Police (911 dispatchers)	0.08	(0.08)	693
DOC (special investigators)	0.05	--	626
DCR (law enforcement rangers)	0.06	(0.10)	581
DMA (Fort Barfoot fire and rescue staff)	0.01	(0.01)	48
OAG (Medicaid fraud investigators)	0.01	(0.01)	19
<b>Total for all occupations</b>	<b>0.27%</b>	<b>(0.22)%</b>	<b>\$1,201</b>

SOURCE: JLARC analysis of information from the VRS actuary.

NOTE: Estimates are based on the FY22 VRS valuation. Estimates assume that enhanced benefits are provided prospectively, and that prospective members will serve five years in the position to become eligible for the VaLORS benefit. Costs for individual occupations cannot be added because of the interaction of plan provisions and assumptions. '--' indicates the estimated change is zero.

**Providing enhanced benefits for additional local public safety occupations would increase local retirement costs by varying amounts**

The VRS actuary estimated costs of providing enhanced benefits to additional local public safety occupations in eight localities of varying size and region. The estimated cost of providing enhanced retirement benefits varies substantially depending on several factors. Occupations with more employees tend to increase costs more, and the required rate increase tends to be less in larger localities. The cost impact would also vary based on the characteristics of the locality and its retirement plan, including

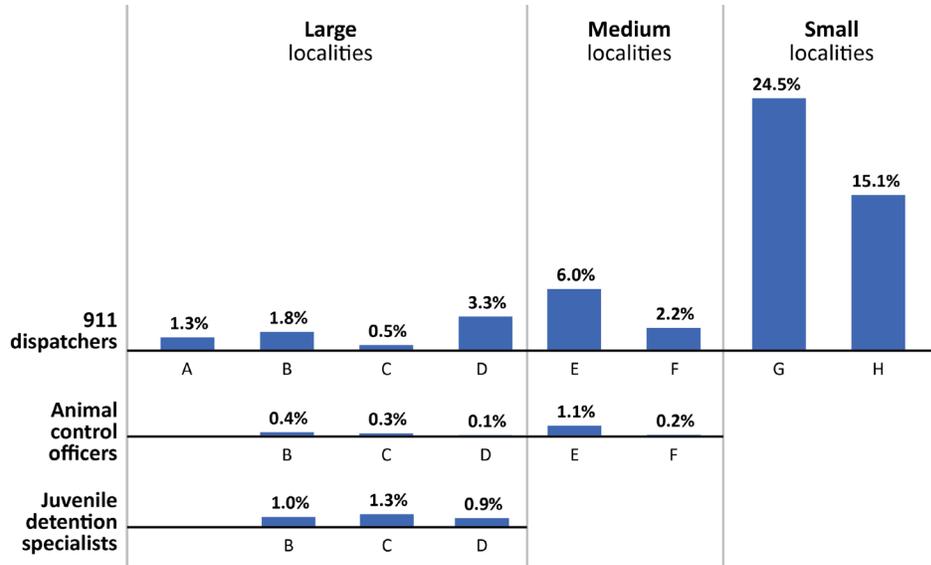
- employee demographics, such as age and years of service;
- current multiplier for enhanced benefits (1.70 or 1.85 percent);
- plan size (e.g., total liabilities, assets, active and retired members);
- total employee payroll; and
- plan funded ratio.

For most occupations and most localities, the estimated percentage increase in annual retirement costs in the first year is less than 2 percent (Figure 2). However, there are some variations. The estimated annual cost of providing enhanced benefits for 911 dispatchers the first year is higher because localities generally have more dispatchers than juvenile detention specialists or animal control officers. For example, one large locality reported having 106 dispatchers, 42 juvenile detention specialists, and seven animal control officers as of July 2023. For this locality, the increased annual cost of

providing enhanced benefits the first year would be an estimated \$1.6 million for dispatchers, compared with \$430,000 for juvenile detention specialists and \$66,000 for animal control officers.

In some cases, localities that elect to provide enhanced benefits for an additional local public safety occupation would need to make an additional lump-sum contribution to their retirement plan to meet the VRS requirement to maintain at least a 75 percent funded ratio. This was the case for one small locality in the illustrative group, which would need to make an additional lump-sum contribution of approximately \$300,000.

**Figure 2**  
**Estimated first-year annual increase in retirement costs of providing enhanced retirement benefits to 911 dispatchers, animal control officers, and juvenile detention specialists in selected localities**



SOURCE: JLARC analysis of information from the VRS actuary.

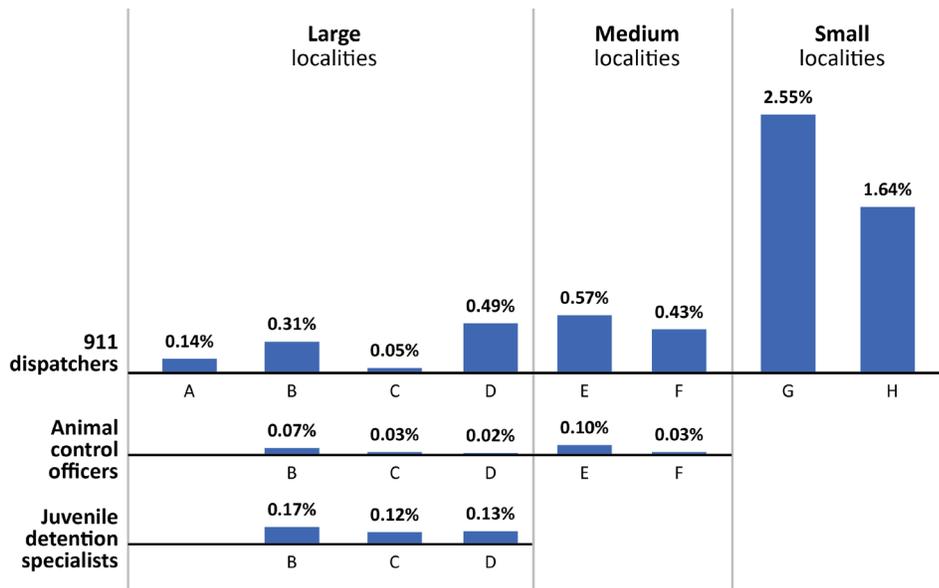
NOTE: Locality size is based on 2022 population data. Cost estimates assume that (1) enhanced benefits are provided at each locality's current multiplier of 1.70 percent or 1.85 percent, (2) enhanced benefits are provided retroactively based on employees' prior years of service, (3) a hazardous duty supplement is provided, and (4) the unfunded actuarial accrued liability resulting from the plan change is amortized over 10 years. Medium-size localities included in the subset did not employ juvenile detention specialists. Small-size localities included in the subset did not employ animal control officers or juvenile detention specialists.

The estimated increase in employer contribution rates the first year enhanced benefits are provided is less than 0.5 percentage points for nearly all occupations and localities in the group of eight localities (Figure 3). The exception is 911 dispatchers in small localities. (The employer contribution rates do not reflect the one-time lump sum payment to maintain the 75 percent funded status.) The increase in required employer contribution rates is generally higher for 911 dispatchers and small localities.

Providing enhanced retirement benefits to additional occupations would affect the overall health of localities' retirement plans, but the impacts are fairly small. In most

cases, the estimated decrease in the funded ratio is 0.5 percentage points or less. Similar to the increase in employer costs, the estimated decrease in funded ratio tends to be larger if enhanced benefits were provided for 911 dispatchers compared with the other occupations reviewed.

**Figure 3**  
**Estimated percentage point increase in employer contribution rate of providing enhanced retirement benefits to 911 dispatchers, animal control officers, and juvenile detention specialists in selected localities**



SOURCE: JLARC analysis of information from the VRS actuary.

NOTE: Locality size is based on 2022 population data. Cost estimates assume that (1) enhanced benefits are provided at each locality's current multiplier of 1.70 percent or 1.85 percent, (2) enhanced benefits are provided retroactively based on employees' prior years of service, (3) a hazardous duty supplement is provided, and (4) the unfunded actuarial accrued liability resulting from the plan change is amortized over 10 years. Medium-size localities included in the subset did not employ juvenile detention specialists. Small-size localities included in the subset did not employ animal control officers or juvenile detention specialists.



## Appendix A: Study resolution

---

### Eligibility of public safety occupations for enhanced retirement benefits

Authorized by the Commission on November 7, 2022

WHEREAS, the state includes certain public safety employees in either the Virginia Law Officers Retirement System (VaLORS) or the State Police Officers Retirement System (SPORS), and some local governments include certain public safety employees in the local Law Enforcement Officers Retirement System (LEOS), to facilitate earlier retirement due to the risks and responsibilities of performing their job; and

WHEREAS, in 2008 JLARC conducted a Review of State Employee Total Compensation, which provided guidelines for job risks and responsibilities to consider when determining whether occupations should be eligible for enhanced retirement plan membership; and

WHEREAS, since the 2008 JLARC review, legislation frequently has been submitted requesting the inclusion of additional occupational groups in the VaLORS and LEOS retirement systems; and

WHEREAS, the Senate Finance and Appropriations Committee and House Appropriations Committee sent a letter to the JLARC Director on August 23, 2022, requesting that JLARC evaluate specific occupations for which legislation has been recently submitted as well as existing occupations for their eligibility for enhanced retirement benefits provided under VaLORS or LEOS; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission that staff be directed to review the eligibility of public safety occupations for enhanced retirement benefits. In conducting its study staff shall (i) review the 2008 occupation risk and responsibility guidelines developed by JLARC for assessing eligibility for enhancement retirement plan membership to determine whether any modifications or updates to the guidelines are appropriate; (ii) assess existing state occupations covered through enhanced benefit plans against the guidelines; (iii) determine whether it would be appropriate to extend enhanced retirement benefits to additional state and local public safety occupations, particularly those requested for review by the Senate Finance and Appropriations Committee and the House Appropriates Committee; and (iv) estimate the cost of extending enhanced retirement benefits to additional state and local public safety employees with the assistance of the Virginia Retirement System actuary.

JLARC shall make recommendations as necessary and review other issues as warranted.

All agencies of the Commonwealth, including the Virginia Retirement System, the Virginia Workers' Compensation Commission, the Department of Human Resource Management, the Virginia State Police, Department of Juvenile Justice, the Department of Corrections, the Department of Motor

Vehicles, the Department of Conservation and Recreation, and Virginia local governments shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information in the possession of agencies pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to its statutory authority.

## Appendix B: Research activities and methods

---

Key research activities performed by JLARC staff for this study included:

- interviews with state and local public safety employees and other state agency staff;
- survey of state and local public safety occupations;
- analysis of workers' compensation claims data;
- synthesis of information from interviews, survey responses, and data analyses to rate the responsibility and demand levels of state and local public safety occupations;
- review of enhanced retirement benefits provided in other states; and
- review of other documents and research literature.

### Structured interviews

JLARC staff conducted 14 structured interviews with employees in state and local public safety occupations. Staff interviewed employees in all public safety occupations referred to JLARC for review by the Senate Finance and Appropriations and House Appropriations committees, and some occupations that are already eligible for enhanced retirement benefits. The purpose of these interviews was to understand the primary risks facing each occupation, their primary responsibilities, and the rationale for enhanced benefits. JLARC staff conducted interviews with employees in the following occupations:

- law enforcement rangers with the Department of Conservation and Recreation,
- law enforcement officers with the Department of Motor Vehicles,
- special investigators with the Department of Corrections (DOC),
- investigators with the Medicaid Fraud Control Unit in the Office of the Attorney General,
- special investigators with the Department of Juvenile Justice,
- forest wardens with the Department of Forestry,
- fire and rescue staff at Fort Barfoot,
- hazardous materials and search and rescue officers with the Virginia Department of Emergency Management (VDEM),
- juvenile detention specialists with the Chesterfield Juvenile Detention Home,
- animal control officers in Chesterfield and Dinwiddie counties, and
- 911 dispatchers with Chesterfield County, Northampton County, and Virginia State Police (VSP).

JLARC staff also conducted structured interviews with staff from the Virginia Retirement System (VRS), the Department of Human Resource Management (DHRM), and the Department of Criminal Justice Services (DCJS). Interviews with VRS staff were used primarily to discuss the purpose of enhanced retirement benefits, the cost to the state and localities of providing them, and potential alternatives to enhanced benefits that could address recruitment and retention challenges in public safety occupations. The primary purpose of the interviews with DHRM staff was to learn about the workers' compensation data maintained by the agency for state employees, as well as the state's policy

for providing retirement benefits to part-time employees. The purpose of the interview with DCJS was to learn about how law enforcement staff are defined, and DCJS's training and certification requirements.

### **Survey of state and local public safety occupations**

JLARC staff administered an electronic survey of the 29 public safety occupations included in its review. (JLARC staff included school security officers in its survey of public safety occupations.) The survey was sent to the managers overseeing each of these occupations to gather structured information about the risks facing a typical employee in each occupation as well as their primary responsibilities. For most state public safety occupations, JLARC staff sent one survey to the manager or director overseeing the agency's public safety employees. JLARC staff sent multiple surveys to managers and directors in four state public safety occupations because their employees work in multiple institutions or regions throughout the state:

- chief of police at each of the state's 15 public higher education institutions to gather information about campus police officers,
- superintendent or warden at each of DOC's 39 correctional facilities to gather information about DOC correctional officers,
- probation manager in each of DOC's 42 probation regions to gather information about DOC probation officers, and
- commander of each of VSP's seven regions to gather information about VSP troopers.

JLARC staff also sent surveys to managers and directors in every locality for the six *local* public safety occupations included in the review: (Localities that were not reported to employ the particular local public safety occupation did not receive a survey.)

- the lead animal control officer in each locality to gather information about animal control officers;
- the chief of emergency communications in each public safety answering point to gather information about 911 dispatchers;
- the director of each local and regional juvenile detention facility to gather information about juvenile detention specialists;
- the lead school security officer in each of the 56 school divisions that employ them to gather information about school security officers;
- the chief of police in each of the 47 localities that have police departments to gather information about local police officers; and
- the sheriff in each locality to gather information about sheriff's deputies.

In total, JLARC staff sent 628 surveys to managers and directors in state and local public safety occupations. For state occupations, JLARC staff sent 122 surveys to the managers and directors of 23 state occupations. Survey responses were received for every occupation. JLARC staff received 80 completed surveys for an overall response rate of 66 percent (Table B-1). For local occupations, JLARC staff sent 506 surveys to managers and directors in each locality that employs the occupation. JLARC staff received 211 completed surveys for an overall response rate of 42 percent.

**TABLE B-1**  
**Response rate by occupation for JLARC staff survey of state and local public safety occupations**

<b>Public safety occupation</b>	<b>Survey(s) received</b>	<b>Survey(s) sent</b>	<b>Response rate</b>
<b><i>State occupations</i></b>			
Alcoholic Beverage Control Authority special investigator	1	1	100%
Campus police officer	7	15	47
Capitol police officer	1	1	100
Department of Conservation & Recreation law enforcement ranger	1	1	100
Department of Juvenile Justice correctional officer	1	1	100
Department of Juvenile Justice probation officer	1	1	100
Department of Juvenile Justice special investigator	1	1	100
Department of Motor Vehicles law enforcement officer	1	1	100
Department of Corrections correctional officer	18	39	46
Department of Corrections probation officer	31	42	74
Department of Corrections special investigator	1	1	100
Department of Forestry forest warden	1	1	100
Department of Wildlife Resources conservation police officer	1	1	100
Fort Barfoot fire & rescue staff	1	1	100
Office of the Attorney General Medicaid Fraud Control Unit investigator	1	1	100
Office of the State Inspector General special investigator	1	1	100
State Police 911 dispatcher	1	1	100
Virginia State Police special investigator	1	1	100
Virginia State Police trooper	5	7	71
Virginia State Lottery special investigator	1	1	100
Virginia Marine Resource Commission police officer	1	1	100
Department of Emergency Management hazardous materials officer	1	1	100
Department of Emergency Management search and rescue officer	1	1	100
<b><i>Subtotal</i></b>	<b>80</b>	<b>122</b>	<b>66</b>
<b><i>Local occupations</i></b>			
Local animal control officer	48	132	36
Local 911 dispatcher	86	124	69
Local juvenile detention specialist	19	24	79
Local police officer	13	47	28
School security officer	7	56	13
Sheriff's deputy	38	123	31
<b><i>Subtotal</i></b>	<b>211</b>	<b>506</b>	<b>42</b>
<b>TOTAL</b>	<b>291</b>	<b>628</b>	<b>46%</b>

SOURCE: JLARC staff.

The survey was designed to collect information about the types and extent of risks facing each public safety occupation. The survey covered six types of risks facing public safety occupations:

- personal assaults with or without a weapon
- motor vehicle accidents
- fire-related incidents

- other job-related risks, such as being exposed to a blood-borne pathogen, physically subduing an animal, working alone in the field, and developing chronic health conditions such as cardiovascular disease
- adverse impacts on mental health and wellness

For each type of risk, survey questions were designed to gather information about how often a typical employee was exposed to the risk in the last 12 months.

The survey also gathered information about the responsibilities of public safety occupations. Survey questions asked about their obligations to maintain public safety, how often each occupation responded to calls for emergency assistance, and how often their job performance impacted the safety of a coworker, fellow officer, or member of the public.

### **Analysis of workers' compensation claims data**

JLARC staff collected claims-level data on workers' compensation claims filed by employees in state and local public safety occupations included in the review. Staff collected data on claims filed by employees in *state* public safety occupations during the FY18–22 period from DHRM. Staffing data from DHRM was then used to calculate annual rates of workers' compensation claims on a per-FTE basis for this five-year period. JLARC staff also analyzed data on workers' compensation claims by state employees in *non*-public safety occupations. The purpose of this analysis was to determine how the risk level of public safety occupations compared to *non*-public safety occupations.

For claims filed by employees in *local* public safety occupations, staff collected data on claims filed during the FY18–22 period from VAcorp, which provides workers' compensation insurance for most localities in Virginia, except for those that have self-insured workers' compensation plans. To supplement data from VAcorp, JLARC staff collected claims-level data from a subset of large localities that have self-insured plans:

- Chesapeake City
- Chesterfield County
- Hampton City
- Henrico County
- Loudoun County
- Newport News
- Norfolk City
- Virginia Beach City

JLARC staff also collected staffing data for local public safety occupations from VAcorp and the subset of large localities. Because staffing data from VAcorp was limited to FY19–22, JLARC staff calculated workers' compensation claims rates per 100 FTEs for these four fiscal years only.

For each public safety occupation included in the review, JLARC staff used the workers' compensation data to calculate the (1) annual rate of total paid claims per 100 FTEs, (2) annual rates of motor vehicle and mental health-related claims per 100 FTEs, and (3) median amount of total benefits paid to date per claim, including benefits paid for medical costs, lost wages, and vocational rehabilitation.

In three cases, JLARC staff combined similar occupations and calculated a single set of claims rates and median benefit amounts because the data did not distinguish between the occupations. JLARC staff did this for:

- VSP troopers and special investigators
- local police officers and sheriff's deputies
- VDEM hazardous materials officers and search and rescue officers

### **Rating the responsibility levels and physical and psychological demands of public safety occupations**

JLARC staff developed six criteria to assess the physical and psychological demands of public safety occupations and three criteria to assess the responsibility levels of occupations. Staff developed the criteria from those used to assess public safety occupations' eligibility for enhanced retirement benefits in the 2008 JLARC report, *Review of State Employee Total Compensation*. JLARC staff revised these criteria with input from VRS, DHRM, and DCJS staff and based on the availability of workers' compensation claims data.

JLARC staff relied primarily on analyses of workers' compensation claims data and their survey of public safety occupations to assess the demand and responsibility levels of occupations. Risk-related criteria were used to approximate the physical and psychological demands. Workers' compensation claims data were used for three risk criteria: workers' compensation claims, motor vehicle accidents, and mental health impacts (Table B-2). The remaining risk criteria were assessed solely through JLARC's survey of public safety occupations. For each measure used to assess a given risk criterion, JLARC staff sorted the distribution of values into quartiles and assigned a score based on the occupation's quartile ranking (e.g., score of 4 for a value at or above the 75<sup>th</sup> quartile, score of 3 for a value below the 75<sup>th</sup> quartile but at or above the median, etc.). For each risk criterion, JLARC staff then calculated the average score across the measures to determine the overall score of an occupation, with each criterion having an equal weight.

In calculating an occupation's overall score for each criterion that included workers' compensation claims data (such as motor vehicle accidents), JLARC staff assigned a weight of 75 percent to the measures based on claims data. For these criteria, measures based on survey data were assigned a weight of 25 percent. JLARC staff assigned a higher weight to measures using workers' compensation claims data because the data provides a more objective measure of occupational risk than information collected through the JLARC survey, which is inherently subjective and, for many occupations, based on the perspective of one respondent. When calculating the overall average level of demand score for each occupation, however, all six criteria were weighted equally.

A similar approach was used to rate public safety occupations on their level of responsibility. JLARC staff used three criteria to assess the level of responsibility based on information from the JLARC survey of public safety occupations:

TABLE B-2

## Physical and psychological demand criteria and data sources for JLARC assessment of public safety occupations

Criteria	Measure	Data source	
		Workers' compensation data	JLARC survey
Workers' compensation claims	Annual average rate of paid workers' compensation claims per 100 FTEs	✓	
	Median amount of benefits per paid claim	✓	
	Percentage of employees missing work due to work-related injury		✓
Personal assaults	Frequency of encountering, verbally subduing, and physically subduing someone with or without a weapon		✓
	Percentage of employees assaulted with or without a weapon		✓
Motor vehicle accidents <sup>1</sup>	Annual average rate of vehicle-related workers' compensation claims per 100 FTEs	✓	
	Frequency of working alongside a road		✓
	Percentage of time spent in a vehicle		✓
	Percentage of employees injured in motor vehicle accidents		✓
Fire-related incidents	Frequency of responding to structural fires or wildfires		✓
	Frequency of conducting controlled burns		✓
	Percentage of employees involved in fires		✓
Other job-related accidents and chronic conditions	Frequency of exposure to blood borne pathogens and other communicable diseases		✓
	Frequency of using power tools and heavy equipment		✓
	Frequency of physically subduing an animal		✓
	Frequency of traveling over hazardous terrain		✓
	Frequency of working alone in the field		✓
	Frequency of approaching private property alone and uninvited		✓
	Frequency of moving or lifting heavy objects		✓
Mental health impacts	Annual average rate of mental health related workers' compensation claims per 100 FTEs	✓	
	Frequency of being verbally abused or threatened		✓
	Frequency of being exposed to traumatic incidents (e.g., deaths, serious injuries, violence)		✓
	Percentage of employees seeking mental health treatment		✓

SOURCE: JLARC staff.

<sup>1</sup> Motor vehicle accidents included accidents involving boats and aircraft.

- obligation to maintain public safety, as measured by responsibility for enforcing criminal laws, responding to emergencies, or maintaining order within a facility;
- responsibility for emergency first response, as measured by the frequency of an occupation's responses to medical, fire, or other emergencies; and

- impact on the safety of others, as measured by the frequency of employees' job performance affecting the safety of (1) other public safety employees and (2) members of the public.

Occupations that only have a public safety responsibility and not a law enforcement responsibility, such as 911 dispatchers, were not rated on the first criterion.

The assessment of occupations' obligation to maintain public safety was also supplemented by JLARC staff's review of the Code of Virginia. Staff conducted this review to determine the types of laws that state and local law enforcement occupations are authorized to enforce.

JLARC staff generally strictly adhered to the rating methodology adopted for the study. However, several deviations were made after careful consideration by staff. Local police, campus police, and capitol police were rated as having a high level of public safety responsibility even though their rating came just under the rating score for high (3.3 versus 3.4). This is because these occupations were conservative in how they rated themselves on criteria related to public safety responsibility. Based on JLARC staff's understanding of these occupations and their responsibilities in the Code of Virginia, they should be rated as having a high level of public safety responsibility. JLARC staff also increased sheriff's deputies rating for their impact on the safety of others. Sheriff's deputies had conservatively rated themselves such that they would have had a negligible impact on the safety of others which is not accurate given their public safety responsibilities.

### **Enhanced retirement benefits in other states**

JLARC staff reviewed other states' practices for providing enhanced retirement benefits to public safety occupations. Staff analyzed information compiled by staff with the National Association of State Retirement Administrators on which public safety occupations receive enhanced benefits in other states. To supplement this information, JLARC staff contacted a subset of states to better understand (1) any specific approach or defined criteria used to determine which occupations should receive enhanced benefits, and (2) whether members receiving enhanced benefits are required to pay a higher contribution rate and, if so, the rationale for requiring a higher rate. JLARC staff received information from six states:

- Maine
- Montana
- Nevada
- South Dakota
- Wisconsin
- Wyoming

### **Review of documents and research literature**

JLARC staff reviewed a variety of documents to inform its research. These documents included:

- legislation and fiscal impact statements for the public safety occupations referred to JLARC by the Senate Finance and Appropriations and House Appropriations committees;

- sections of the Code of Virginia related to public safety occupations and state and local retirement plans;
- VRS member handbooks for the state's individual retirement plans; and
- VRS annual reports.

JLARC staff also conducted reviews of the available research literature on the physical and mental health risks associated with several public safety occupations, including 911 dispatchers, police officers, and other first responders.

## **Appendix C: Enhanced retirement benefits for federal public safety occupations**

---

The federal government provides enhanced benefits to federal law enforcement officers and certain other occupations. The primary purpose of federal enhanced retirement benefits is to help maintain a young and vigorous federal law enforcement workforce by encouraging entry at a young age, continuous service, and early retirement. Enhanced retirement benefits allow officers to retire at an earlier age with fewer years of service than a regular civilian federal employee.

In general, federal law enforcement personnel are subject to a mandatory retirement age and a maximum entry age. The mandatory retirement age is generally 57, or as soon as 20 years of service have been completed after age 57. Agency heads may exempt officers from this requirement up to age 60 if they determine it is in the public interest to do so. The maximum age of entry into a law enforcement occupation is typically age 37. This is intended to ensure the employee is eligible to receive full retirement benefits upon reaching the mandatory retirement age.

### **Eligibility for federal enhanced retirement benefits**

Enhanced benefits are provided to occupations that are defined as law enforcement officers by the federal government. There are two federal definitions for law enforcement officers, depending on when the employee was hired (either before or after 1984). The two definitions are similar: both define a law enforcement officer as an employee whose primary duties are “the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the United States.” However, the definition for employees hired after 1984 also adds employees whose primary duties are “the protection of officials of the United States against threats to personal safety,” and indicates job duties must be “so rigorous that employment should be limited to young and physically vigorous individuals.”

Most occupations that receive enhanced retirement benefits from the federal government are law enforcement occupations that meet these definitions, but some other occupations are also eligible for enhanced benefits, including air traffic controllers and federal firefighters (Table C-1). There are two primary ways that federal occupations can become eligible for enhanced benefits:

- **Administratively:** The employing agency determines that the occupation’s duties meet the statutory definition of a law enforcement officer and submits their evaluation to the Office of Personnel Management (OPM). (OPM can overturn the agency’s decision, but rarely does so.)
- **Legislatively:** Legislation directing the occupation be eligible for enhanced benefits can be enacted by Congress. This is the primary way that non-law enforcement occupations, such as air traffic controllers, have received enhanced benefits.

**TABLE C-1**  
**Examples of federal occupations receiving enhanced retirement benefits**

Air traffic controllers	IRS special agents
Border Patrol agents	Nuclear materials couriers
Bureau of Prisons Correction Institute staff	U.S. Marshals
Customs and Border Protection Officers	U.S. Park Police
Drug Enforcement Agency (DEA) special agents	U.S. Park Rangers
Federal Bureau of Investigation (FBI) special agents	U.S. Secret Service Special Agents
Federal air marshals	U.S. Secret Service Officers Uniformed Division
Firefighters	U.S. Capitol Police
Immigration enforcement agents and detention/ deportation officers	U.S. Supreme Court Police

SOURCE: *Retirement Benefits for Federal Law Enforcement Personnel*, Congressional Research Service, September 5, 2017.

NOTE: Table does not include all occupations currently eligible for federal enhanced retirement benefits.

Some federal occupations with law enforcement responsibilities—including Internal Revenue Service employees who primarily collect delinquent taxes, U.S. Postal Inspection Service employees, and Department of Veterans Affairs police officers—do not meet the federal definition of law enforcement and are therefore not eligible for enhanced retirement benefits. However, legislation was introduced in early 2023 to expand the number of law enforcement occupations eligible for these benefits.

### **Contribution rates for law enforcement occupations receiving enhanced benefits**

Federal employees who receive enhanced retirement benefits contribute more to their own benefits than regular civilian federal employees. Employee contribution rates for federal employees (including law enforcement officers) vary depending on when the employee was hired. Law enforcement officers hired before 1984 contribute 7.5 percent of their pay (compared to 7 percent for regular federal employees), and those hired after 1984 contribute between 1.3 percent and 4.9 percent depending on their hire date (compared to between 0.8 and 4.4 percent for regular federal employees).

## Appendix D: Enhanced retirement benefits in other states

---

Other states provide enhanced retirement benefits to public safety occupations to varying degrees. To assist with JLARC's review of enhanced benefits for public safety occupations, staff with the National Association of State Retirement Administrators compiled information about enhanced benefits for selected public safety occupations in other states. Nearly half of other states provide enhanced benefits for state park rangers and juvenile detention specialists (Table D-1). Smaller numbers of states provide enhanced benefits to animal control officers and 911 dispatchers. Similar to Virginia, other states typically provide enhanced benefits through a higher multiplier and an earlier retirement age with fewer years of service required.

Other states rarely use defined criteria to determine when enhanced retirement benefits are appropriate for a public safety occupation. Based on a JLARC staff review of selected other states, eligibility for enhanced benefits in other states is most commonly outlined in statute, which simply lists the occupations eligible for these benefits. However, some states use a more defined process for determining which occupations should receive enhanced benefits. In Wisconsin, statute outlines the job duties that public safety employees must have to be eligible for enhanced retirement benefits:

- active law enforcement or active fire suppression or prevention;
- frequent exposure to a high degree of danger or peril; and
- a high degree of physical conditioning.

Wisconsin statute also lists the public safety occupations that can receive enhanced benefits, but each employer is responsible for determining which of their public safety employees in these occupations meet the job duty criteria.

In South Dakota, occupations can apply to the South Dakota Retirement System Board of Trustees to be designated as a public safety occupation eligible for enhanced retirement benefits. An occupation must meet three criteria:

- The primary duties (at least 50 percent) of full-time employees are to protect life and property, and they receive intensive and specialized training to carry out those duties.
- The duties are hazardous to the employee, are physically demanding, and directly subject the employee to risk of injury or death.
- The capacity to effectively perform these duties declines with advancing age, and this results in increased risk to both the employee and the public and justifies an earlier normal retirement age.

If these criteria are met, the South Dakota Retirement System will support legislation that amends statute to provide enhanced retirement benefits for the occupation.

**TABLE D-1**  
**Eligibility of selected public safety occupations for enhanced retirement benefits in other states**

<b>State</b>	<b>State park rangers</b>	<b>Juvenile detention specialists</b>	<b>911 dispatchers</b>	<b>Animal control officers</b>
Alaska				
Arkansas				
California				
Colorado	✓	✓		
Connecticut	✓	✓	✓	✓
Hawaii	✓	✓	✓	✓
Idaho	✓	✓	✓	
Illinois	✓	✓		
Indiana	✓			
Kansas				
Kentucky	✓	✓		
Louisiana	✓	✓		
Maine	✓	✓	✓	✓
Maryland		✓		
Michigan	✓			
Minnesota	✓			
Mississippi				
Missouri			✓	
Montana	✓	✓	✓	✓
Nevada		✓	✓	✓
New Hampshire	✓			
New Jersey	✓	✓	✓	✓
New Mexico	✓			
North Carolina	✓	✓	✓	✓
North Dakota				
Ohio	✓			
Oklahoma				
Oregon		✓	✓	
Rhode Island				
South Carolina		✓		
South Dakota	✓	✓		
Tennessee				
Texas				
Utah	✓	✓	✓	✓
Vermont	✓	✓	✓	✓
Washington		✓		
West Virginia	✓	✓	✓	✓
Wisconsin	✓	✓	✓	✓
Wyoming	✓	✓	✓	
<b>Totals</b>	<b>23</b>	<b>22</b>	<b>15</b>	<b>11</b>

SOURCE: National Association of State Retirement Administrators.

NOTE: Based on information from 39 states. No information was available for Alabama, Arizona, Delaware, Florida, Georgia, Iowa, Massachusetts, Nebraska, New York, or Pennsylvania. States that do not provide enhanced retirement benefits to any of the occupations listed in this table may still provide enhanced benefits to other public safety occupations.

Some states require employees in enhanced retirement benefit plans to contribute more for their retirement benefits than is required of employees in the regular state retirement plan. The primary purpose of charging a higher contribution rate is to help offset the higher costs of enhanced retirement benefits. A higher contribution rate also helps distribute some of the risk of the plan between employers and employees.

Based on information compiled by NASRA staff, at least 18 states require employees who receive enhanced benefits to contribute more toward their retirement benefits than regular state employees. In these states, employees in enhanced benefit plans are required to contribute from one percent to nine percent more for their benefits than regular state employees. Some of these states indicated they subsidize the higher contribution rate for employees receiving enhanced benefits, which in effect makes the contribution rate the same as, or lower than, for regular state employees.

## **Appendix E: Agency responses**

---

As part of an extensive validation process, the state agencies and other entities that are subject to a JLARC assessment are given the opportunity to comment on an exposure draft of the report. JLARC staff sent an exposure draft of this report to the Virginia Retirement System (VRS), the Virginia Department of Human Resource Management (DHRM), and the Virginia Department of Criminal Justice Services.

Appropriate corrections resulting from technical and substantive comments are incorporated in this version of the report. This appendix includes response letters from VRS and DHRM.



P.O. Box 2500, Richmond, VA 23218-2500  
Toll-free: 888-827-3847  
Website: [varetire.org](http://varetire.org)  
Email: [vrs@varetire.org](mailto:vrs@varetire.org)

Patricia S. Bishop  
*Director*

October 6, 2023

Mr. Hal E. Greer  
Director  
Joint Legislative Audit and Review Commission  
919 East Main Street, Suite 2101  
Richmond, Virginia 23219

Dear Mr. Greer:

Thank you for the opportunity to review the exposure draft of the JLARC report, *Eligibility of Public Safety Occupations for Enhanced Retirement Benefits*. My staff and I appreciate the considerable amount of time and research that has gone into producing this report, and we believe that stakeholders will find it informative and thoughtfully drafted. Having this report will be of great assistance to members of the General Assembly as they consider a range of public safety benefit options and the associated costs. We also appreciate the professionalism of the JLARC staff.

As addressed in the JLARC report, the issue of whether any benefit enhancements are made prospectively or retroactively has a major impact on the future ongoing costs of the increased benefits. While mindful of the hazardous nature of these positions, as a fiduciary of the VRS Trust Fund, VRS must focus on the potential negative impact of benefit enhancements on the funded status of the various plans. While prospective application is less costly, if the General Assembly decides to approve retroactive application of these provisions, it could lead to increased unfunded liabilities in the retirement plans. If benefits are increased with retroactive application by expanding eligibility categories to increase the number of covered employees eligible for enhanced benefits, or if the benefit itself is increased, actuarial best practice indicates the cost of the benefit enhancement must be prefunded to minimize negative effects on the funded status of the plans.

Another issue to be aware of when adding members to hazardous duty plans or coverage is that many of the members who will be moved to hazardous duty coverage may currently be in the Hybrid Retirement Plan. If these members become eligible for hazardous duty coverage, they will no longer participate in the Hybrid Retirement Plan, and will have the higher multiplier applied to all prior service. This means that these members will receive the higher multiplier on all prior hazardous duty service but will also be allowed to keep the defined contribution balance accumulated in the hybrid plan prior to the change. This will provide these members with a benefit that is essentially higher than other Plan 1 or Plan 2 members. Prospective coverage will avoid this.

We would also like to take this opportunity to note that numerous legislative reports have found that enhanced benefits for public safety employees are predicated on the recognition that these positions are stressful and dangerous, and not as well suited to older employees.<sup>1</sup> Providing enhanced benefits and earlier retirement thresholds in acknowledgement of these duties, while at the same time encouraging these employees to return to work after retirement, represent conflicting goals. VRS remains concerned with the expansion of return-to-work exceptions due to the potential for changes in retirement patterns, meaning providing an incentive to leave earlier than anticipated and begin receiving benefits earlier than anticipated. This can lead to increased unfunded liabilities and higher employer contribution rates.

We would again like to express our appreciation for the opportunity to comment on the exposure draft. The report will serve as a valuable resource for policymakers as they review these important issues and consider the future cost impacts.

Sincerely,



Patricia S. Bishop  
Director

---

<sup>1</sup> See, e.g. [RD48 \(Published 2012\) – Joint Legislative Audit and Review Commission, Review of Retirement Benefits for State and Local Government Employees - December 2011 \(virginia.gov\)](#):

The purpose of providing enhanced retirement benefits to employees covered by the SPORS and VaLORS is to allow those employees to retire earlier due to the risks they encounter and the duties associated with performing the tasks on behalf of the State. Allowing these employees to retire early reduces the risk of serious injury to the employee, their colleagues, and the public. This allows State agencies to better serve the public and achieve their missions and goals while simultaneously reducing their liability for workers' compensation injury claims or other financial reparations.



JANET L. LAWSON  
DIRECTOR

**COMMONWEALTH OF VIRGINIA**  
*Department Of Human Resource Management*

James Monroe Building  
101 N. 14<sup>th</sup> Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219  
Tel: (804) 225-2131  
(TTY) 711

October 4, 2023

Hal E. Greer  
Director  
Joint Legislative Audit and Review Commission  
919 East Main Street, Suite 2101  
Richmond, VA 23219

Dear Mr. Greer,

Thank you for providing the draft JLARC report and briefing slides of the *Eligibility of Public Safety Occupations for Enhanced Retirement Benefits* for our review. Our review is complete, and we have no corrections or edits to your use of the data we provided.

We appreciate the opportunity to assist you with this review, and remain available to provide further assistance as needed.

Best regards,

A handwritten signature in cursive script that reads "Janet L. Lawson".

Janet L. Lawson  
Director





[JLARC.VIRGINIA.GOV](http://JLARC.VIRGINIA.GOV)

919 East Main Street Suite 2101 Richmond, VA 23219