

Virginia Retirement System 2016 Fiscal Impact Statement

1. Bill Number: SB 353

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Deeds

3. Committee: Finance

4. Title: Virginia Law Officers' Retirement System; conservation officers.

5. Summary: Adds conservation officers of the Department of Conservation and Recreation (DCR) as members of the Virginia Law Officers' Retirement System. Conservation officers would accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service earned on or after July 1, 2016.

6. Budget Amendment Necessary: Yes. VRS implementation costs are estimated at approximately \$33,500. Similar legislation has been proposed for certain members of the Department of Motor Vehicles which would require similar programming to implement. If these bills were to be enacted (HB299, SB353 & SB617), VRS implementation costs would likely be less than the sum of individual implementation costs provided for each bill.

The Department of Conservation and Recreation would require a budget amendment of \$381,600 for FY 2017 and 2018 to cover the additional employer cost for the increased contribution rate for VaLORS associated with moving conservation officers from the State plan to the VaLORS plan, as shown in Exhibit 1 below. The difference in plan rates between the State plan and VaLORS is 7.75% of payroll for FY 2017 and FY 2018.

Exhibit 1

Conservation Officers - Department of Conservation and Recreation

Plan	Number of Conservation Officers	Expected Payroll	Retirement Contribution Rates *		Expected Employer Contributions	
			FY 2017	FY 2018	FY 2017	FY 2018
As Member of State Plan	103	\$ 4,923,900	14.46%	14.46%	\$ 712,000	\$ 712,000
As Member of VaLORS Plan	103	\$ 4,923,900	22.21%	22.21%	\$ 1,093,600	\$ 1,093,600
Additional Funds Needed					\$ 381,600	\$ 381,600

* Employer contribution rates are based on Governor's proposed budget.

7. Fiscal Impact Estimates: In addition to the direct agency costs (effective July 1, 2016) that DCR would incur for moving these members to the VaLORS retirement plan, which are discussed above, DCR would also share in the expected future cost increases to the VaLORS plan normal cost that would be created with the inclusion of the conservation officers. The proposed addition of the conservation officers in the VaLORS plan is expected to increase the cost of the VaLORS plan by 0.19% of payroll. The increase in cost is due to the

change in demographics associated with the 103 conservation officers. On average, the conservation officers are two years older than current members in the VaLORS plan. Conservation officers also have a higher average salary than current VaLORS members, \$48,900 versus \$37,460. These changes cause the normal cost rate for the whole VaLORS plan to increase by the stated 0.19%. Similarly, we expect a decrease in the State plan normal cost rate of approximately 0.01% of payroll due to the conservation officers moving out of the State plan and into VaLORS. The net change in annual costs for both plans would be an estimated \$270,000 per year.

Currently, conservation officers are 100% funded by the general fund. When developing the expected change in costs to the State and VaLORS plans shown below, we assumed conservation officers would continue to be totally funded by the general fund. Currently the VaLORS plan is 91.45% funded by general funds; if this bill were enacted, 91.57% of the VaLORS plan would become funded by general funds. Exhibit 2 below shows the expected impacts on the State and VaLORS plans.

Exhibit 2

	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
State - General Fund	\$ (167,000)	\$ (167,000)	\$ (167,000)	\$ (167,000)	\$ (167,000)	\$ (167,000)
SPORS - General Fund	-	-	-	-	-	-
VaLORS - General Fund	606,000	606,000	606,000	606,000	606,000	606,000
JRS - General Fund	-	-	-	-	-	-
Teacher - General Fund	-	-	-	-	-	-
TOTAL General Fund	\$ 439,000	\$ 439,000	\$ 439,000	\$ 439,000	\$ 439,000	\$ 439,000
State - Non-General Funds	\$ (225,000)	\$ (225,000)	\$ (225,000)	\$ (225,000)	\$ (225,000)	\$ (225,000)
SPORS - Non-General Funds	-	-	-	-	-	-
VaLORS - Non-General Funds	56,000	56,000	56,000	56,000	56,000	56,000
TOTAL - Non-General Funds	\$ (169,000)	\$ (169,000)	\$ (169,000)	\$ (169,000)	\$ (169,000)	\$ (169,000)
Teacher - Local Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Political Subdivisions - Local Funds	-	-	-	-	-	-
TOTAL Local Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand Totals	\$ 270,000	\$ 270,000	\$ 270,000	\$ 270,000	\$ 270,000	\$ 270,000

Estimated projections based on employee data and valuation results as of June 30, 2015 and assume a level population throughout projection period.

Payroll projections are assumed to remain level throughout projection period.

- 8. Fiscal Implications:** As of June 30, 2015, the funded status of the VaLORS plan stood at 60.6%. As this bill applies benefits prospectively, it would not increase the unfunded liability of the plan. As of June 30, 2015, there were 95 conservation officers who would be affected by SB 353. In addition, we identified 8 additional conservation officers who were hired after June 30, 2015 who would be covered under this legislation.
- 9. Specific Agency or Political Subdivisions Affected:** VRS, the Department of Conservation and Recreation, and any conservation officers of the Department of Conservation and

Recreation commissioned pursuant to § 10.1-115. In addition, all employers that have VaLORS-covered employees would be impacted by the increased contribution rate.

10. Technical Amendment Necessary: Yes. On line 36, a new line should begin after “Virginia Law Officers’ Retirement System.” The new line 37 should be bold as follows: **§ 51.1-212. (Effective July 1, 2018) Definitions.** Also note that the edits on line 22 are not repeated on line 45.

11. Other Comments: SB 353 would add any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115 to the definition of “employee” for purposes of membership in the Virginia Law Officers’ Retirement System (Chapter 2.1 of Title 51.1, §§ 51.1-211, et seq.). In order to be commissioned under § 10.1-115, an individual must be at least 21 years of age and have graduated from high school or obtained an equivalent diploma. The individuals must be recommended by the Director of the Department of Conservation and Recreation and approved by the Governor prior to being commissioned by the Secretary of the Commonwealth.

The bill does not transfer all of the members’ prior VRS service into VaLORS. Only creditable service earned on or after July 1, 2016, may be used to accrue VaLORS retirement benefits for this proposed group of members. As a result, the member would not immediately vest to the VaLORS hazardous duty provisions.

This bill also provides that no conservation officer who becomes a member of VaLORS under this provision will be eligible to retire under VaLORS unless the officer has five or more years of creditable service as a member of VaLORS, as a member of the State Police Officers’ Retirement System (SPORS) or as a local employee covered by enhanced hazardous duty benefits under § 51.1-138.

The enactment clause provides that any person who becomes a member of VaLORS pursuant to this provision will be eligible only for those VaLORS retirement benefits that are provided to employees who commence employment or reemployment on or after July 1, 2016. This means that any officer who becomes eligible for VaLORS coverage under this provision will be eligible for the 2% multiplier for hazardous duty service and will not be eligible for the 1.7% multiplier and the supplement provided in § 51.1-217(B).

Under current law, any conservation officer without prior VRS service who is hired on or after January 1, 2014, will be covered by the Hybrid Retirement Program. If this bill were to pass, these members, as well as any conservation officers hired on or after the effective date of this legislation, would go into VaLORS and not be covered by the Hybrid Retirement Program.

In 1999, the General Assembly and Governor approved the establishment of VaLORS to provide benefits generally equivalent to state police officers to certain other law enforcement and corrections positions. There have been numerous bills introduced since that time to allow additional groups to become eligible to participate in VaLORS that have not been enacted.

In its 2008 report, *Review of State Employee Total Compensation*, <http://jlarc.virginia.gov/reports/Rpt378.pdf>, the Joint Legislative Audit and Review Commission (JLARC) developed an assessment of several occupational groups, including special and regular conservation officers with the Department of Conservation and Recreation, and rated these groups based on level of risk and responsibility (See Appendix D, Pages 156-57). In addition, JLARC developed a set of guidelines that could be used in conjunction with its risk and responsibility assessment to ascertain if a given occupation merits consideration for inclusion in enhanced benefits.

This bill is similar to HB 299. HB 299 does not include the technical amendments on lines 22-24 and 46-47. Note that in SB 353 the strikeout on line 22 is not repeated on line 45.

Date: 01-18-2016

Document: SB353.DOC/VRS