

### **Audience:**

SPORS, VaLORS, and Political Subdivision Employees Eligible for Enhanced Hazardous Duty Coverage

### **General**

#### **Q. Are hazardous duty benefits the same for all employers?**

Not necessarily. Although many employers offer the same benefits, benefits can vary by employer. Employees should understand that hazardous duty benefits may change when accepting a position with a different employer.

#### **Q. How do employees know what hazardous duty benefits their employer offers?**

Benefits may vary by employer, such as eligibility for the hazardous duty supplement and the retirement multiplier. Employees should check with their employer to determine which hazardous duty benefits they are eligible for (if any).

Employers can use myVRS Navigator to view the specific benefits their organization offers. The employer would select Organization from the main menu, then select the Plan Name link in the Organization Plan Summary panel. Once on the Org Plan Maintenance screen, the employer would select the Benefits tab to view the benefits information.

### **Retirement Eligibility**

#### **Q. When can employees in hazardous duty positions retire?**

Members in State Police Officers' Retirement System (SPORS) and Virginia Law Officers' Retirement System (VaLORS) covered positions, as well as political subdivision employees in eligible positions for enhanced hazardous duty coverage, may retire with an unreduced retirement benefit when they are at least age 50 and have at least 25 years of creditable service or when they are at least age 60 and have at least 5 years of creditable service. They may retire with a reduced retirement benefit at age 50 with at least 5 years of creditable service.

In order to retire with hazardous duty benefits, the member must accumulate at least 5 years of creditable service or a combination of service as a member in the VaLORS, SPORS, or while covered under enhanced benefits for political subdivision employees in hazardous duty positions.

However, if a SPORS member, a VaLORS member or a member eligible for enhanced hazardous duty coverage was in service on June 30<sup>th</sup> and July 1<sup>st</sup> 2002, the 5 years of creditable service can be from one or all of the hazardous duty plans, but may also include regular VRS coverage, as well as service in the Judicial Retirement System (JRS).

#### **Q. Is there a mandatory retirement age?**

Members covered under SPORS must retire within 60 days of reaching age 70. Political subdivision employees who are eligible for enhanced hazardous duty coverage must also retire within 60 days of reaching age 70, or they may be reassigned to a position that is not reported for hazardous duty benefits or they may move to a VaLORS covered position. Political subdivision employees eligible for enhanced hazardous duty coverage, e.g. elected officials (such as sheriffs), as well as regional jail or jail farm superintendents and individuals appointed by the governor, are exempt from this requirement. For those members who change

positions, retirement benefits will be determined based on the retirement plan that is specific to the new position. For example: If a state police officer covered under SPORS Plan 2 transfers to a non-hazardous duty position with the Department of State Police, they will be covered under VRS Plan 2.

VaLORS members do not have a mandatory retirement age.

## Hazardous Duty Supplement

### Q. What is the hazardous duty supplement?

The hazardous duty supplement is a dollar amount added to a member's monthly retirement payment for a specified period of time.

### Q. Who's eligible for the hazardous duty supplement?

The following members who meet the criteria outlined below may be eligible for the hazardous duty supplement:

- Members who are covered by SPORS who have 20 years or more of eligible hazardous duty service;
- VaLORS members in a VaLORS-covered position before July 1, 2001, who did not elect the 2.0% multiplier. VaLORS covered members hired or rehired on or after July 1, 2001 are not eligible for the supplement and will have a 2.0% multiplier, and who have 20 years or more of eligible hazardous duty service;
- Political subdivision employees in hazardous duty positions with an employer who has elected to offer the benefit, and who have 20 years or more of eligible hazardous duty service.

Under the *Code of Virginia*, sheriffs, regional jail superintendents and officers, and jail farm superintendents and officers, are eligible for the hazardous duty supplement. Deputy sheriffs are also eligible under the *Code of Virginia*, however, if the employer provides a comparable benefit, the employer may elect not to provide supplement eligibility under VRS.

Eligible members must be credited with at least 20 years of eligible hazardous duty creditable service when employed in a position covered under VaLORS, SPORS, in a hazardous duty covered position with a political subdivision providing enhanced benefits or when the employee was in a hazardous duty position with a VRS participating employer prior to leaving a SPORS, VaLORS or hazardous duty position with a political subdivision offering the enhanced benefits.

Eligible members who are retiring from SPORS, VaLORS, or a position with a political subdivision covered under enhanced hazardous duty benefits with a membership date prior to July 1, 1974, and who are retiring on an immediate annuity from their SPORS, VaLORS or hazardous duty position with a political subdivision that has elected to provide enhanced benefits, are also eligible for the hazardous duty supplement. However, VaLORS members with a 2.0% multiplier are not eligible for the supplement, regardless of the number of years of hazardous duty creditable service.

### Q. Are all employees covered under VaLORS eligible for the hazardous duty supplement?

VaLORS members who were hired or rehired on or after July 1, 2001 are not eligible. VaLORS members hired before July 1, 2001, who elected to have their service retirement benefit calculated with a higher multiplier are not eligible.

### **Q. How long is the hazardous duty supplement paid?**

The hazardous duty supplement begins when the member retires and is paid until age 65 for eligible VaLORS-covered members, or normal Social Security retirement age for SPORS members and political subdivision employees who are eligible for enhanced hazardous duty benefits.

**Note:** Beneficiaries and survivors are not eligible for the supplement.

### **Q. Is the supplement paid if a member takes disability retirement?**

No. The supplement isn't paid to disability retirees.

### **Q. What forms are required to be completed in order to receive the hazardous duty supplement?**

The Certification of Hazardous Duty form (VRS-77) must be completed to certify service in a hazardous duty position with a VRS-participating political subdivision and for members covered under VaLORS at some point during their career.

### **Q. Does the purchase of prior service count towards the 20-year requirement for the hazardous duty supplement?**

Only certain types of purchased prior service count towards the 20-year requirement for the hazardous duty supplement:

- Prior service credit for refunded SPORS, VaLORS or enhanced hazardous duty service with a political subdivision or eligible periods of leave while covered under enhanced hazardous duty benefits, SPORS or VaLORS; or
- Ported service if the period of time ported to VRS represents service as a sworn law enforcement officer comparably hazardous to that of a state police officer, firefighter, emergency medical technician (EMT) or deputy sheriff; or
- Non-covered service, eligible periods of leave and refund periods representing service with a VRS participating employer in a hazardous duty position as a sworn law enforcement officer comparably hazardous to that of a state police officer, firefighter, EMT or deputy sheriff provided the employee is later covered under SPORS, VaLORS or enhanced hazardous duty benefits with a political subdivision.

Other types of prior service, such as active-duty military service or hazardous duty service with a non-VRS-participating employer, do not count towards eligibility for the supplement.

In addition, the purchase of prior service counts towards the 20-year requirement for the hazardous duty supplement if ALL of the following criteria are met:

- The member was employed in a hazardous duty position by a political subdivision of the Commonwealth that was a non-VRS-participating employer at the time the service was rendered; AND
- The member was not eligible to port their service from the non-VRS-covered employer to a VRS-covered employer under the terms of a portability agreement; AND
- Subsequent to the time that the member's service was rendered and prior to the member's retirement date, the non-VRS-participating employer elected to join VRS and the member was not employed by the non-VRS-participating employer on the date the election became effective; AND
- The non-VRS-participating employer certifies that the member served in a hazardous duty position; AND
- The member's retirement date is on or after May 1, 2024.

Refer to the member handbook for more information about purchasing eligible prior service credit.

### Service Retirement Benefit Multipliers

**Q. What multiplier is used to calculate the service retirement benefit of a SPORS member?**

A 1.85% multiplier is used to calculate a SPORS member's service retirement benefit.

**Q. What multiplier is used to calculate the service retirement benefit of a VaLORS member?**

VaLORS members who were hired or rehired on or after July 1, 2001 will have their service retirement benefit calculated with a 2.0% multiplier and are not eligible for the hazardous duty supplement. VaLORS members in service on June 30 and July 1, 2001 had to decide to retain the 1.7% service retirement multiplier and eligibility for the hazardous duty supplement or opt for the higher 2.0% multiplier with no hazardous duty supplement. If they didn't elect the 2.0% multiplier, they automatically retained the 1.7% multiplier.

**Q. How is a service retirement benefit calculated for a VaLORS member covered with the 2.0% multiplier who also has non-hazardous service?**

When a VaLORS member retires with both non-hazardous service and 2.0% VaLORS service, the benefit is calculated using the 2.0% multiplier for all hazardous service and the 1.7% multiplier for the non-hazardous (VRS or JRS) service.

**Example:** Wanda was hired into her VaLORS-covered position in 2008, after spending 15 years in a VRS-covered position. When she retired in 2018, her 10 years of VaLORS service was calculated with the 2.0% multiplier and her 15 years of VRS service was calculated with a 1.7% multiplier.

**Q. What multiplier is used to calculate the service retirement benefit of a political subdivision employee with enhanced hazardous duty benefits?**

A political subdivision may elect to provide its employees eligible for enhanced hazardous duty coverage a service retirement multiplier of 1.85%. If the employer has not made this election, the multiplier is 1.7%.

**Q. Can the multiplier for the sheriff of a locality be different than the multiplier for deputy sheriffs?**

Yes. Sheriffs receive a 1.85% multiplier. The deputy sheriffs receive a 1.7% multiplier unless the locality has elected to provide the 1.85%.

### Special Circumstances for Leaving and Returning to Hazardous Duty Positions or Transferring Between Hazardous Duty Positions

**Note:** See [Hazardous Duty Transfers](#).

**Q. What happens to a member's eligibility for the hazardous duty supplement if they transfer to a non-hazardous duty position?**

If a member has met the requirement of being credited with at least 20 years of hazardous duty prior to assuming their non-hazardous position and they have not yet reached the age at which payments would end (age 65 for eligible VaLORS-covered employees and normal Social Security retirement age for employees covered by SPORS or political subdivision employees eligible for enhanced hazardous duty coverage), the member will receive a hazardous duty supplement in addition to a retirement benefit when they retire from their VRS or JRS position.

**Example:** John was a state trooper for 23 years when he decided to take a new position with the Department of Education. When he retires from the Department of Education, he will receive the hazardous duty supplement, provided he has not yet reached his normal Social Security retirement age.

**Q. If a member was in a VaLORS-covered position prior to July 1, 2001, and did not elect the 2% multiplier, what happens if they leave their position and return to a VaLORS-covered position in the future?**

If a member leaves a VaLORS-covered position and then returns on or after July 1, 2001, the election that they made prior to July 1, 2001, to retain eligibility for the 1.7% multiplier with the hazardous duty supplement will no longer be valid. The *Code of Virginia* states that if a member is hired or rehired in a VaLORS-covered position on or after July 1, 2001, the multiplier in their service retirement calculation will be 2.0% for hazardous duty service and 1.7% for non-hazardous duty service.

**Example:** Lorna was serving in a VaLORS-covered position in early 2001 and did not elect for the 2% multiplier and instead retained her 1.7% multiplier and eligibility for the hazardous duty supplement. She left her position in 2003 for a position with her local school division. She returned to a VaLORS-covered position in 2005. Since she was rehired after July 1, 2001, her retirement benefit will be calculated with a 2.0% multiplier, and she will not be eligible for the hazardous duty supplement.

**Q. What happens if a member moves from a SPORS-covered position or a position with a political subdivision that is eligible for enhanced hazardous duty coverage to a VaLORS-covered position?**

If a member moves to a VaLORS-covered position on or after July 1, 2001 and retires under VaLORS provisions, the multiplier used in their service retirement calculation will be 2.0% on their eligible hazardous duty service and 1.7% on their non-hazardous duty service, and they will not be eligible for the hazardous duty supplement.

**Example:** Frank, a deputy sheriff with 20 years of hazardous service as of 2014, has decided to take a VaLORS-covered position. He will no longer be eligible for the hazardous duty supplement. His service retirement benefit will be calculated with the higher 2.0% multiplier applied toward his hazardous duty service and 1.7% applied to his non-hazardous duty service.

**Q. What happens if a member transfers from a VaLORS-covered position to one that is covered by SPORS?**

If a member moves from a VaLORS-covered position to one covered by SPORS and retires under SPORS provisions, the multiplier used in their service retirement calculation will be 1.85% and service rendered in their VaLORS positions will count towards the 20-year eligibility requirement for the hazardous duty supplement.

**Example:** Juan left his VaLORS-covered position for a state trooper position, covered under SPORS. If he retires from his SPORS-covered position, his service retirement multiplier will be 1.85%, and he will be eligible for the hazardous duty supplement. His service rendered in a VaLORS-covered position will count towards the 20-year requirement for the supplement.

**Q. What happens if a member moves from a VaLORS-covered position to a position with a political subdivision that is eligible for enhanced hazardous duty coverage?**

If a member moves from a VaLORS-covered position to a position with a political subdivision that provides enhanced hazardous duty coverage and retires from that employer, the multiplier used in their service retirement calculation will be either 1.85% or 1.7%, depending on the employer's election. Service rendered in

the VaLORS position will count towards the 20-year eligibility requirement for the hazardous duty supplement. The employer must have elected to provide the hazardous duty supplement to eligible employees.

**Example:** Janice was serving in a VaLORS-covered position when she decided to take a sheriff's deputy position in her county. Her county has elected to provide its employees in hazardous duty positions with a 1.85% multiplier and a hazardous duty supplement. When she retires, her retirement benefit will be calculated with a multiplier of 1.85%, and she will be eligible for the supplement. The service rendered in her VaLORS position would count towards meeting the 20-year eligibility requirement for the supplement.

**Q. When a member moves from a VaLORS covered position covered with the 2.0% multiplier and no supplement to a position as a state police officer or a hazardous duty position with a political subdivision providing the supplement, how is the former 2.0% service treated?**

The multiplier applied will be 1.85% unless the position is with an employer that has not elected the 1.85% multiplier, in which case the multiplier applied to the service will be 1.7%. This service will now count toward eligibility for the supplement.

**Q. If a member left a position that became covered under VaLORS prior to October 1, 1999 when VaLORS was created, will that service count toward the supplement?**

If the member retires from a SPORS or hazardous duty covered position, the service will be counted toward the hazardous duty supplement.

**Q. If a member is a retired law-enforcement officer and is subsequently employed by a local school division as a school security officer, is the member eligible to continue receiving a service retirement allowance?**

A member who is a retired law-enforcement officer may continue to receive service retirement allowance during a subsequent period of employment by a local school division as a school security officer, so long as the member has a bona fide break in service between retirement from the sworn officers position and re-employment as a school security officer, did not retire early under an Early Retirement Incentive Program (ERIP), did not retire under an early retirement program, did not retire with an enhanced retirement benefit under the Workforce Transition Act of 1995 or Transitional Benefits Program and there was no pre-arranged commitment, either verbal or written with the school division before the retirement date.

**Q. If a member of SPORS or VaLORS is employed as a school bus driver in a local school division with a critical shortage, is the member eligible to continue receiving a service retirement allowance?**

Members of SPORS and VaLORS are not eligible to continue receiving a service retirement allowance if employed as a school bus driver in a local school division with a critical shortage.