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Tennessee Park Rangers Association
1140 Red Clay Park Road SW
tpra.net

Dear Legislator's,

The Tennessee Park Rangers Association requests your consideration in amending TCA: 8-36-205 Mandatory Retirement Age-Exceptions, to include the commissioned law enforcement officers of the Department of Environment and Conservation. The Association has attached a Public Safety Officer Benefits Summary for your review and consideration.

The Tennessee Park Rangers Association understands that with the current budget concerns facing the state of Tennessee that any proposed legislation that contains any type of fiscal note will be securitized to determine if this legislation is in the best interest of the citizens of the state of Tennessee. It is the belief of the Tennessee Park Rangers Association that in the desire of the legislator's of the state of Tennessee to apply all laws fairly, that due consideration of this request should be granted.

The Tennessee Park Rangers Association in its desire to make this amendment to TCA: 8-36-205, for the benefit of its members and all the commissioned officers of the Department of Environment and Conservation, does not want the implementation of this amendment to place an undue burden on the operational budget of the Department of Environment and Conservation. All consideration should be given to providing the additional funding necessary for the implementation of the amendment by the appropriation of additional funds into the Department of Environment and Conservations budget to cover the fiscal note associated with this amendment.

Representatives from the Tennessee Park Rangers Association will make themselves available to discuss this request in detail, and provide any additional information that you feel is necessary to clarify any questions that you may have concerning this request. The Tennessee Park Rangers Association thanks you in advance for your time and consideration in this matter.

Sincerely,

Michael Robertson
Legislative Committee
Tennessee Park Rangers Association.

Proudly Serving Tennessee State Parks Since 1974.

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Public Safety Officer Benefits Summary:

Public Safety Officer Benefits are provided under in 29 U.S.C.A. 623(j), known as the “public safety officer exception” but titled “Employment as a firefighter law enforcement officer”. This exception applies only to firefighters and law enforcement officer’s as defined within 29 U.S.C.A. 630 (j) and (k) respectively. The code defines a “firefighter” as:

“(A)n employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position.”

A “law enforcement officer” is defined as:

“(A)n employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this subsection, “detention” includes the duties of employees assigned to guard individuals incarcerated in any penal institution.”

Under current state legislation the following commissioned members of these state departments, who are engaged in law enforcement activities on a day to day basis, have a mandatory retirement age, and receive additional retirement benefits due to the mandatory retirement age requirement.

Tennessee Highway Patrol
Tennessee Bureau of Investigation
Tennessee Wildlife Officers
Alcoholic Beverage Commission
Tennessee Law Enforcement Training Academy

Below is a summary of the TCA’s which establish which members of the Tennessee Consolidated Retirement System (TCRS), will have required mandatory retirement, and the benefits that they are eligible to receive.

TCA: 8-36-205. Mandatory retirement age – Exceptions:

- (a) There shall not be a mandatory age requirement for any member of the Tennessee consolidated retirement system, except the following:
 - (1) Members who are employed as state police officers, wildlife officers or commissioned members of the alcoholic beverage commission and who are engaged in law enforcement activities on a day-to-day basis, or who have been transferred from law enforcement activities to a supervisory or administrative position within the same department or agency for which they served as state, police officers, wildlife officers or commissioned members of the alcoholic beverage commission; provided, that the mandatory retirement of those members does not violate the Age Discrimination in Employment Act, compiled in 29 U.S.C. etc.

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TCA: 8-36-201. Eligibility for retirement – Dispensation of benefits.

(a) Group 1.

(2) Any member in Group 1 who has creditable service in a Group 1 position covered by the mandatory retirement provisions of TCA: 8-36-205 shall be eligible for service retirement upon attainment of fifty-five (55) years of age and upon completion of twenty-five (25) years of creditable service; provided, that the service rendered while the member was in a Group 1 position covered by the mandatory retirement provisions shall be independent of all other creditable service for the purpose of calculation the member's retirement benefits under TCA: 8-36-206. This subdivision (a) (2) shall be optional for political subdivision participating under chapter 35 of this title.

TCA: 8-36-211. Supplemental bridge benefit.

(a) Any Group 1 member who retires on a service retirement allowance with creditable service in a Group 1 position covered by the mandatory retirement provisions of TCA: 8-36-205 (a)(1) shall receive, in addition to that members' service retirement allowance, a supplement bridge calculated as follows: (remainder of TCA not included)

Tennessee State Park Rangers are commissioned officers of the state of Tennessee, per TCA: 11-3-107 (b), who is responsible for the day to day safety of the public which use our Tennessee State Parks.

TCA: 11-3-107. Parks and recreation division employees – Commissioned law enforcement officers:

(b) Employees of the division of parks and recreation, when properly trained and qualified, may be commissioned by the commissioner of environment and conservation as law enforcement officers. When so commissioned, they shall have all of the police powers necessary to enforce all state laws, rules and regulations, within the state parks, state forests, state natural area, all other state-owned areas under the jurisdiction of the division, and all recreational areas which are administered or managed by the division under lease, easement or other agreement with any public or private owner of the property. The commissioned employees of the division shall have all police powers necessary to apprehend and arrest any person within the state. For any violation of state law or rule or regulation of the division committed on any state park or other area described above. They shall enforce the laws, rules and regulations and maintain order, for the protection of state property and the public welfare. They shall have the right to carry firearms or other arms while on duty as commissioned law enforcement officers of the division. It is the responsibility of the division to assure that law enforcement duties are pursued with the utmost awareness and care and not to the detriment of the primary responsibilities of rangers and managers, which are to provide for visitor information and education, to manage and maintain park resources and personnel and to conduct recreation programs.

Although as stated in TCA: 11-3-107 (b), law enforcement is not the primary responsibilities of Park Rangers and Park Managers, they are expected to respond and address all law enforcement issues to ensure the safety of the public which use our Tennessee State Parks on a day to day basis. The Tennessee Park Ranger Association feel that Park Rangers and Park Managers meet the requirement as established in TCA: 8-36-205, section (a)(1), which illegible law enforcement office are defined as "who are engaged in law enforcement activities on a day-to-day basis." Therefore the Tennessee Park Rangers Association ask your assistance in passing this proposed legislation that would provide the commissioned employees of TDEC, Division of State Parks, the same benefits which other commissioned officers of the State of Tennessee receive.

The Tennessee Park Ranger Association solicits your support to amend TCA: 8-36-205 (a) (1) to include "commissioned members of the department of environment and conservation". Attached you will find an example of the proposed legislation to amend TCA: 8-36-205 (a) (1) for your review and consideration

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AN ACT to amend Tennessee Code Annotated, Section 8-36-205 (a)(1) relative to group 1 members of the Tennessee Consolidated Retirement System who serve in a position covered by mandatory retirement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-36-205 (a) (1), is amended by inserting the following between the words “wildlife officers” and words “or commissioned members”:

, commissioned members of the department of environment and conservation.

SECTION 2. The provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 3. This act shall take effect July 1, 20??, the public welfare requiring it.