

Regional Jail Superintendent

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Additional Positions

Compensation Board Policy

No additional positions for the staffing of regional jail facilities were funded by the 2009 General Assembly.

For more information regarding positions in regional jails, see sections entitled **Emergency Correctional Officers, Jail Construction and Expansion, LIDS Technician Position, Medical, Treatment, Records, and Inmate Classification Positions, and Staffing Standards.**

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Emergency Correctional Officers

2009 Appropriation Act Item 69

E. Consistent with the provisions of paragraph B of Item 76, the Board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the Board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding in accordance with the Board's staffing standards for alternatives to incarceration programs or court services within the sheriff's office or among other jails in the Commonwealth.

Compensation Board Policy

The Compensation Board allocates additional jail officers in situations of jail overcrowding (as approved by the General Assembly). When overcrowding is reduced the Compensation Board reallocates such officers to another local or regional jail facility.

In FY09 and FY10, the Compensation Board is authorized to allocate emergency positions in Sheriff's offices and regional jails up to the following levels, subject to available funding:

	FY09	FY10
Temporary Positions	549	549

All Emergency Correctional Officer (EC-7) positions included in the Regional Jail Superintendents' current budget were allocated to meet needs due to overcrowded conditions in regional jails. All EC-7 positions are allocated on a year-by-year basis. If overcrowding is reduced or eliminated in the jail, the EC-7 positions will be removed from the budget of the following fiscal year. If funding is not available to the Compensation Board for emergency positions in future fiscal years or if regional or local jails are not due additional positions based upon Compensation Board staffing standards, the EC-7 positions will be abolished.

For more information regarding positions in regional jails, see sections entitled **Additional Positions, LIDS Technician Position, and Medical, Treatment, Records, and Inmate Classification Positions.**

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Emergency Medical Expenses

2009 Appropriation Act
Item 70

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

Code of Virginia
§ 53.1-133.01

Any sheriff or superintendent may establish a medical treatment program for prisoners in which prisoners participate and pay towards a portion of the costs thereof. The Board of Corrections shall develop a model plan and promulgate regulations for such program, and shall provide assistance, if requested, to the sheriff or superintendent in the implementation of a program.

Compensation Board Policy

The Compensation Board reimburses emergency medical expenses for state responsible inmates, not to exceed \$377,010 per year statewide.

The Compensation Board receives an appropriation from the general fund held in reserve for unbudgeted medical expenses incurred by local and regional correctional facilities in the care of state responsible inmates that are overdue for transfer to the Department of Corrections. A Regional Jail Superintendent may submit a request for reimbursement to the Compensation Board using a CB Form-20 no later than November 1 for expenses incurred in the months May through October and no later than May 1 for months November through April.

The CB Form-20 is located on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html> and includes certification of both the payment by the locality or jail authority and the facility having implemented the Department of Corrections' Model Plan for Jail Prisoner Medical Treatment Programs.

For additional information regarding emergency medical expenses, call the Compensation Board at (804) 786-0786.

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Equipment Funding

Compensation Board Policy

The Compensation Board reimburses the local governing body 100% of the amount it approves in equipment funding, multiplied by the fiscal stress factor.

Fiscal stress factors are calculated for Regional Jail Superintendents and Drug Prosecutors based on the highest stress factor for the participating localities.

The Compensation Board has not approved funding in FY10 for LIVESCAN equipment, but will consider requests during monthly board meetings when the following materials are provided in advance:

- 1 A letter is needed from the Regional Jail Superintendent stating he/she understands that:
 - Funds must be expended and requested for reimbursement no later than the May payroll and expense reimbursement request; and
 - The Compensation Board will not be responsible for any additional operating costs, maintenance cost, or personnel needed to operate the equipment.

- 2 A letter is needed from the County Administrator or Jail Authority Chairman stating he/she concurs with the equipment request from the Regional Jail Superintendent and understands that:
 - Funds must be expended and requested for reimbursement no later than the May payroll and expense reimbursement request; and
 - The Compensation Board will not be responsible for any additional operating costs, maintenance cost, or personnel needed to operate the equipment.

- 3 A letter is needed from Captain Thomas Turner, Virginia State Police, stating that:
 - All Virginia State Police requirements have been met.

For Virginia State Police requirements, phone Barry Armstrong at (804) 674-6729, or by email at barry.armstrong@vsp.virginia.gov.

No funding is provided in FY10 for other equipment purchases. In years that equipment funding is approved, it is provided as a one-time funding approval and must be expended prior to request for reimbursement no later than the May reimbursement period.

Amounts approved will not be available for reimbursement in the June reimbursement period or in a subsequent fiscal year.

For more information regarding reimbursement of equipment for regional jails, see **Equipment Requests** in the Sheriff's section and **Equipment Funding** and **Fiscal Stress Factor** in the general section of this manual.

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Federal Funding for Personnel

Compensation Board Policy

Compensation Board reimbursements for sworn personnel in Regional Jails include federal grant funds that must be accepted, properly accounted for, and reported on by localities and/or regional jail authorities on a quarterly basis.

2009 Appropriation Act
Item 475.50 (excerpt)

B.15. The appropriation in this item includes an amount estimated at \$23.3 million the second year from federal funds to be distributed to the Compensation Board for Sheriff's Offices from the Byrne Justice Assistance Grant cited in paragraph B.1. above.

Item 395 (excerpt)

N. The Board of Criminal Justice Services shall allocate \$23,300,000 to offset reductions to sheriffs' offices and local and regional jails contained in Item 69 of this act, contingent upon and only to the extent such funds shall be made available to the Commonwealth by the Edward Byrne Memorial Justice Assistance Grant program, pursuant to the American Recovery and Reinvestment Act of 2009, and consistent with the requirements and provisions of that act.

Budget reductions to Regional Jails initially proposed for FY10 to the 2009 General Assembly were restored using \$23.3 million of federal stimulus funds through the American Recovery and Reinvestment Act passed by Congress in February, 2009. Appropriation Act language in Items 395 and 475.50 specifies that the distribution of \$23.3 million from Virginia's allocation of the Edward Byrne Memorial Justice Assistance Grant program is to restore reductions for Sheriffs' offices and local and regional jails operating budgets (to the extent such funds are made available as part of the federal economic stimulus legislation).

Budget approvals by the Compensation Board for FY10 in Regional Jails are contingent upon agreement by localities and regional jail authorities to accept, properly account for, and report on the use of these federal funds as required by federal regulations. It is anticipated that receipt of these federal funds will subject localities and/or regional authorities to review by federal auditors.

Information regarding the distribution of these funds is located on the Compensation Board's website under the Constitutional Officers Budgets and Salaries tab, in the document entitled "FY10 Recovery-Byrne JAG Funding Distribution for Sheriffs' Offices/Regional Jails", or at <http://www.scb.virginia.gov/docs/fy10jagdistribution.pdf>

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Federal Overhead Recovery

2009 Appropriation Act Item 70 (excerpt)

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day costs provided by the Commonwealth, excluding payments otherwise provided for in this item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth. 2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates.

Compensation Board Policy

The Compensation Board recovers from the locality the state-funded costs associated with housing federal inmates, District of Columbia inmates, or contract inmates from other states.

In order to recover the personnel costs associated with housing federal, District of Columbia, and out-of-state contract inmates, the Compensation Board uses a cost-recovery methodology based on the average daily population (ADP) of federal and out-of-state prisoners. On a jail-by-jail basis, the Compensation Board multiplies the jail's current inmate days for this population by the proportion of the jail's per inmate day funds provided by the Commonwealth (as noted in the most recent Jail Cost Report, or, if the jail is not included in the most recent report, the statewide average of per inmate day funds provided by the Commonwealth).

Federal Overhead Recovery is calculated in LIDS and is automatically deducted from the subsequent quarterly per diem payment. The Jail Certification Summary screen will indicate the amount owed to the Compensation Board. When the recovery amount owed to the Compensation Board exceeds the per diem payments owed to the jail, the jail must submit payment to the Compensation Board for the difference.

In addition, the Compensation Board is required to withhold per diem payments for any facility that houses federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the DOC Director certifies to the chairman of the Compensation Board that the:

- Beds used for federal inmates are not needed for state or local inmates;
- Operational capacity of the jail was built under contract with the federal government;
- Jail received a federal grant for a portion of capital costs; or
- Jail has applied for participation in the DOC Contract Bed Program and has sufficient number of beds needed by DOC at that facility in any given fiscal year.

Federal Overhead Recovery does not apply to local or regional jails where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.

For more information regarding per diem payments, see the section entitled **Per Diem Payments**.

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2009 Appropriation Act,
Item 76

D. 1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System.

2. The rate specified (above) shall exclude the cost of any early retirement program implemented by the Commonwealth.

3. Any employer paid contribution costs for rates exceeding those specified (above) shall be borne by the employer.

Fringe Benefits

Compensation Board Policy

The Compensation Board reimburses local governing bodies for fringe benefits for regional jails and their Compensation Board-funded staff at the same percentage it reimburses approved salary amounts.

The Compensation Board reimburses for fringe benefits based on approved salary amounts reimbursed. The rates for FY10 are:

- Virginia Retirement System (VRS) retirement contributions at the locality's employer share contribution rate, or 6.26%, whichever is less;
- FICA at 7.65% of the taxable portion of the salary for permanent positions and hourly wage employees; and
- VRS Group Life Insurance at 0.27%.

In the 2009 General Assembly, HB2065 was approved, requiring localities participating in the Virginia Retirement System and participating in a regional jail to provide enhanced retirement benefits, like those provided to State Police officers, for sworn officers in regional jails beginning July 1, 2009. Regional Jail Superintendents will receive the same benefits provided to Sheriffs. Increases in local or jail authority retirement premium rates resulting from this provision are funded by the Compensation Board up to the maximum contribution rate of 6.26%.

For more detailed information regarding benefits of Constitutional Officers, see the section entitled **Fringe Benefits** in the general section of this manual.

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Jail Construction and Expansion

2009 Appropriation Act Item 388 (excerpt)

A. From July 1, 2008 to June 30, 2010, except in the circumstances listed below, the Board of Corrections shall not approve or commit additional funds for the state share of the cost of construction, enlargement, or renovation of a local or regional jail facility:
4. New jails, jail renovations, or jail expansions by the following localities or authorities:

Compensation Board Policy

The 2009 General Assembly approved funding and positions for the following new jail construction projects scheduled to be completed in FY10.

The 2009 Appropriation Act includes positions and funding for the opening of jail construction projects to be completed in FY10 as follows:

- 38 positions for phase 2 of the Rappahannock Regional Jail expansion, effective July 1, 2009;
- 135 positions for phase 2 of the Riverside Regional Jail expansion, effective September 1, 2009;
- 16 positions for an expansion of the Blue Ridge Regional Jail, effective November 1, 2009;
- 77 positions for an expansion of the Loudoun County Jail, effective November 15, 2009; and
- 142 positions for an expansion of the New River Valley Regional Jail, effective December 1, 2009.

Funding for positions is contingent upon certification of additional capacity by the Department of Corrections and the actual opening date of the capacity for intake of inmates.

The 2009 General Assembly granted further exemptions to the moratorium on jail construction for continued planning for local and regional jail facilities, as follows:

- The Meherrin River Regional Jail Authority;
- Warren, Page, Rappahannock, and Shenandoah Counties in order to proceed in planning for a regional jail facility;
- Rockbridge Regional Jail Authority in order to proceed in planning for an expansion;
- City of Roanoke to explore the feasibility of joining the Western Virginia Regional Jail Authority as part of the planning process or expanding its existing jail;
- Patrick County in order to proceed to planning for a replacement jail;
- Charlotte County in order to proceed to planning for a replacement jail;
- City of Richmond in order to proceed in planning for the replacement of the existing jail and the development of associated community corrections services (see Item 388 for more details);
- City of Virginia Beach for a minimum security work release center that will be planned as a multi-use facility (see Item 388 for more details);
- City of Chesapeake in order to proceed in planning for an expansion of its existing jail; and
- Virginia Peninsula Regional Jail Authority in order to proceed in planning for an expansion of the regional jail.

For more information regarding the allocation of positions for new or expanded jail capacity, see the section entitled Additional Positions.

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Jail Contract Bed Program

2009 Appropriation Act Item 70 (excerpt)

I.1. Local or regional jails receiving funds from the Compensation Board shall give priority to the housing of inmates in order of local-responsible, state-responsible, and state contract inmates. Within the limits of funds appropriated in this Item, local and regional jails shall enter into agreements with the Director, Department of Corrections, to house state-responsible offenders and effect transfers of convicted state felons between and among local and regional jails.

2. Such agreements shall be entered into for a period of one year, subject only to the limitations of available funding, with a minimum percentage of bedspace guaranteed by the local or regional jail and shall take precedence over contracts for housing federal prisoners, within the limits of bedspace availability as defined pursuant to standards of the Board of Corrections, except in any case where a federal agency has contributed a share of the capital cost of the facility in return for a guarantee of a proportional number of beds.

3. Pursuant to such jail contract bed agreements, the Compensation Board is authorized to reimburse localities an amount not to exceed \$14 per state felon day, which shall be in addition to any such amounts otherwise authorized by this Act. Any such funds received by the localities as a result of this provision shall be used for the maintenance and operation of the local or regional facility.

Compensation Board Policy

The Compensation Board reimburses for state contract prisoners at \$14 per state felon day in addition to amounts reimbursed in the standard quarterly per diem payments, not to exceed 500 beds statewide.

Regional jails receiving funds from the Compensation Board shall give priority to the housing of inmates in the following order: local responsible, state responsible and state contract inmates.

Contract Bed agreements for state contract prisoners are subject to:

- A one year renewable time period;
- Available funding;
- Priority of local-responsible first, then state-responsible prisoners, and finally, state contract prisoners; and
- Bed space guaranteed by the Code of Virginia and standards of the Board of Corrections, except where a federal agency has contributed a share of the capital cost of the facility in return for a guarantee of a proportional number of beds.

Funding is appropriated for local and regional jails to enter into agreements with the Director of Department of Corrections (DOC) to house state-responsible offenders and to effect transfers of convicted state felons between and among local and regional jails. The Jail Contract Bed Program allows for the contracting of up to 500 beds statewide.

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Jail Cost Report

2009 Appropriation Act Item 76 (excerpt)

L. 1. The Compensation Board shall provide the Chairman of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board. Information provided to the Compensation Board is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, and any other fees collected from inmates and investment / interest monies for inclusion in the report. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report. If any sheriff, superintendent, county administrator or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure.

Compensation Board Policy

The Compensation Board prepares an annual Jail Cost Report that details the expenditures and revenues of every local and regional jail and jail farm that receives funding from the Commonwealth.

As condition of receiving funds from the Compensation Board, Regional Jail Superintendents, Sheriffs, County Administrators or City Managers must provide to the Compensation Board, in a timely manner, information necessary so that the Compensation Board may prepare a complete and accurate accounting of jail revenues and expenditures. The Compensation Board requires the following information to complete the annual Jail Cost Report:

Inmate-Housed Days	#	Number of days in all categories of physical confinement
Federal / Out-of-State Average Daily Population (ADP)	#	Sum of Federal Inmate Days + Contract (out-of-state) Inmate Days + Private Transport Inmate Days
LIDS Average Daily Population (ADP)	#	Number of Inmate-Housed Days divided by the number of days in the test period
Operational Capacity	#	Number determined by the Department of Corrections (DOC)
Operating Capacity	%	Percentage determined by dividing the LIDS ADP by the DOC Operational Capacity
Operating Capacity (state-responsible)	%	Percentage determined by dividing the LIDS ADP (minus Federal / Out-of-State ADP) by the DOC Operational Capacity
LIDS Inmate-Responsible Days	#	Number of days in all categories of confinement supervised by jail personnel (i.e., including home electronic monitoring)
Expenses per Inmate Day	\$	Dollar amount of all allowable expenditures divided by Inmate-Responsible days
Expenditures (personal services)	\$	Dollar amount total of salaries, wages, and benefits of personnel
Revenue (Commonwealth-funded)	\$	Dollar amount total of grants, salaries, inmate per diems, Federal Overhead Recovery, vehicle expense reimbursements and other revenue from Commonwealth
Total Expenditures	\$	Dollar amount total of Operating Expenses plus capital accounts (long term and debt service)
Total Revenue	\$	Dollar amount total of Commonwealth-funded, federal per diems, local and non-jurisdictional funds, out-of-state, work release, etc.

Electronic copies of the annual Jail Cost Report are located on the Compensation Board web site at <http://www.scb.virginia.gov> under Publications and Forms.

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Jail Operating Costs

Code of Virginia
§ 53.1-84 (excerpt)

The Compensation Board shall apportion moneys for the purpose of financial assistance for the confinement of persons in local facilities. The county or city receiving such funds on behalf of a regional facility shall pay therefrom the operating costs of its local adult correctional facilities and programs.

Compensation Board Policy

The Compensation Board provides financial assistance to regional jails to offset the expense of housing prisoners.

The specific purpose of the per diem payments provided by the Compensation Board is to offset the expenses of housing prisoners.

For more information regarding financial assistance to regional jails, see the section entitled **Per Diem Payments**.

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LIDS: Reporting of Prisoners

Code of Virginia § 53.1-115.1

The superintendent of every regional jail and every regional jail-farm shall report each day to the Compensation Board, giving the record of each prisoner received during the preceding day in an electronic format approved by the Compensation Board, stating whether the offense for each prisoner is for violation of state law or of a city or town ordinance. The computer-generated report shall be authenticated by both the superintendent and chairman of the regional jail-farm board. Either person who authenticates such report and willfully falsifies the information contained in such report is guilty of a Class 1 misdemeanor. If any superintendent fails to send such report, the Compensation Board shall notify the superintendent of such failure. If the superintendent fails to make the report within ten days, then the Compensation Board shall cause the report to be prepared from the books of the superintendent and shall certify the cost thereof to the Comptroller. The Comptroller shall issue his warrant on the Treasurer for that amount, deducting the same from any funds that may be due the superintendent by the Commonwealth.

Compensation Board Policy

The Compensation Board manages LIDS as a basic jail management package so that Regional Jail Superintendents can report inmate populations to receive quarterly inmate per diem payments.

A Regional Jail Superintendent must report daily to the Compensation Board details of each prisoner confined in jail.

The Code of Virginia, § 53.1-121, mandates that a Regional Jail Superintendent make a daily prisoner report to the Compensation Board. A Regional Jail Superintendent reports prisoner data either online through the Local Inmate Data System (LIDS) or batch uploads from their jail management system to LIDS. The Regional Jail Superintendent has a grace period of ten days following the deadline to submit the prisoner data, but if in that period the Compensation Board receives no report the Regional Jail Superintendent will be contacted and the jail is placed on the Exceptions List of the Tuesday Report for correctional facilities found late in reporting information to LIDS. The Tuesday Report is located on the Compensation Board web site under the LIDS tab at <http://www.scb.virginia.gov/lids.html>. The Tuesday Report is updated twice monthly with current inmate population data. The report includes:

- Operational capacity;
- Juveniles and female and male adults;
- Prisoners held for another locality;
- Un-sentenced prisoners;
- Prisoners sentenced and awaiting trial for violation of local ordinance, misdemeanor, or felony;
- Local ordinance, misdemeanor, and felony sentences;
- Local and state responsible felons with less than one-year sentences, less than two-year sentences and greater than two-year sentences;
- State responsible prisoners: held by agreement, jail contract bed, and work release;
- Federal prisoners, contract inmates, and private transport inmates;
- State and local responsible prisoners: total population, female, and male; and
- Total number of prisoners.

Providing false information to the Compensation Board regarding prisoner data is considered a Class 1 misdemeanor.

For more information regarding LIDS, see the Compensation Board web site under the LIDS tab at <http://www.scb.virginia.gov/lids.html>.

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LIDS Technician Position

Compensation Board Policy

The Compensation Board has approved 1 LIDS Technician position in each regional jail.

The Local Inmate Data System (LIDS) remains a useful resource for statewide decision-making regarding inmate populations in regional jails. The LIDS technician position may be established as a sworn CT-2. This officer will:

- Ensure complete and timely data submissions into LIDS;
- Certify the accuracy and integrity of LIDS data submissions;
- Ensure accurate per diem payments from the Compensation Board to regional jail authorities; and
- Remain knowledgeable of legislative and policy changes that affect LIDS.

The Regional Jail Superintendent sets the selection process for the LIDS Technician position. The Regional Jail Superintendent also determines the minimum length of service required by applicants. The minimum criteria of a LIDS position are:

1. Job description and performance evaluation plan of the officer must specifically reference LIDS duties, acceptable performance measures, and training of other LIDS users in the facility.
2. Attendance of Compensation Board LIDS training in the 12 months prior to appointment or 45 days after appointment.
3. Attendance of Compensation Board LIDS training not less than every 24 months after initial training.
4. Employee Performance Evaluation Plan currently in effect that meets the minimum criteria established by the Compensation Board for such plans.

The Regional Jail Superintendent may reduce the salary of the LIDS technician if he/she does not attend training at least every 24 months, fails to submit timely and accurate reports or if the jail receives a less than satisfactory LIDS audit.

Regional Jail Superintendents who do not wish to establish the LIDS Technician as a sworn jail officer may request the position be established as a non-sworn LIDS Technician position (LT2). This position must meet the same criteria specified above, and is funded in the same pay band as a sworn LIDS Technician.

Note: Due to budgetary constraints, the LIDS user's conference has been delayed and may impact the ability of some LIDS technicians to meet the 24-month training requirement. For LIDS technicians not meeting the requirement due to the conference postponement, the Compensation Board will grant an automatic extension until the date of the next LIDS conference unless the jail receives an unsatisfactory LIDS audit.

Submit a CB Form 20-LT, Request for the Establishment of LIDS Technician Position, to the Compensation Board. The CB Form 20-LT can be found on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html>.

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Master Jail Officer Program

2009 Appropriation Act Item 69

G. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Master Deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meets the minimum criteria set forth by the Compensation Board. The Compensation Board shall allow for one grade 9 Master Deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office. Each sheriff who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans. Such election shall be made by July 1 for an effective date of participation the following July 1. Funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriff's offices electing participation after January 1, 1997, subject to appropriation by the General Assembly.

Compensation Board Policy

The Compensation Board allows up to 20% of Grades 7 and 8 jail officers to be re-classified to Grade 9 for regional Jails that certified participation in the Master Jail Officer Program on or before January 1, 1997, or for which funding has been made available by subsequent General Assembly sessions.

Master Jail Officer positions may not exceed a ratio of 1:5 Grades 7 and 8 jail officer positions.

Career Development Plans for Master Jail Officer positions must meet minimum criteria established by the Compensation Board. The criteria is located on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html>.

The certification form for the Master Jail Officer Program, CB Form 10-MD, which allows for selection to or removal from the program, is located on the Compensation Board web site under the Publications and Forms tab at <http://www.scb.virginia.gov/reports.html>.

Any Regional Jail Superintendent who did not certify on or before January 1, 1997 may certify prior to the beginning of a new fiscal year on July 1 the expectation that the program will begin in his/her office the following July 1. However, funding for participation in the program and salary increases for Master Jail Officer classifications in Regional Jails for offices certifying participation after January 1, 1997 is contingent upon approval by the General Assembly. No additional funding is included in FY10 for the additional regional jail facilities that certified their Master Jail Officer programs to the Compensation prior to July 1, 2007.

A spreadsheet that shows the variance between authorized and filled Master Jail Officer positions at the beginning of FY09 for funded offices is located on the Compensation Board website under the Policies and Procedures tab at <http://www.scb.virginia.gov/policies.html>.

In each Regional Jail Superintendent's office, the Appropriation Act allows for a 1:5 ratio between Grade 9 Master Jail Officers and Grades 7 and 8 Officers. As Grades 7 and 8 positions in your office decrease through in-band and out-of-band adjustments, the number of Master Jail Officer positions may decrease accordingly. The Compensation Board will adjust your office positions through attrition, based on an annual review of Grades 7 and 8 positions, conducted in May of each year, to be effective the following July 1. Any office in excess of the 1:5 ratio will not be allowed to fill Master Jail Officer positions as they become vacant until the office has restored the correct ratio.

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Medical, Treatment, Records, and Inmate Classification Positions

2009 Appropriation Act Item 69

F. Two-thirds of the salaries set by the Compensation Board of medical, treatment and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.

Compensation Board Policy

The Compensation Board reimburses at two-thirds the approved salaries for medical, treatment, records, and inmate classification positions for regional jails.

In COIN, these positions in a regional jail are coded as RPCLS (regional jail partially-funded classification), RPMED (regional jail partially-funded medical), RPREC (regional jail partially-funded records), or RPTRT (regional jail partially-funded treatment). The salary displayed in COIN is the Compensation Board's two-thirds contribution. The local governing body / jail authority is required to provide a one-third salary match. Total compensation for these positions cannot be less than the Compensation Board approved salary minimum. The Compensation Board also funds the two-thirds proportional share of fringe benefits for these positions.

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Office and Vehicle Expenses

Compensation Board Policy

The Compensation Board reimburses 100% of the budgeted amount for office expenses for regional jails.

Code of Virginia

§ 15.2-1615.1 (excerpt)

Whenever a sheriff purchases office furniture, office equipment, stationery, office supplies, telephone or telegraph service, postage, or repairs to office furniture and equipment in conformity and within the limits of allowances duly made and contained in the then current budget of any such sheriff, the invoices shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly reimburse the cost of such items on submission to the Compensation Board of duplicate invoices. This procedure shall also apply to the payment of the premiums on the official bonds of sheriffs, their deputies and employees, to the premiums on burglary and other insurance, and for any physical examinations.

2009 Appropriation Act Item 76

C. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool Services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

Base budgets for office expenses are set at the same level as approved in the previous fiscal year (as adjusted through any base budget transfer requests during the fiscal year).

Offices that have base funding for office and vehicle expenses have these funds as a result of an approved base budget transfer from another category within their existing budget in a prior year.

The Compensation Board reimburses for:

- Office supplies;
- Postage;
- Telephone service;
- Maintenance and repairs to office furniture and equipment;
- Internet access costs (line charges, ISP monthly fee or locality service charge); and
- Gasoline, tires, and batteries for vehicles.

The Compensation Board does not reimburse for:

- Name tags, desk signs, business cards;
- Telephone equipment and installation and cameras;
- Chair mats;
- Custom software;
- Calculator maintenance contracts;
- Subscription fees to periodicals, newspapers, or the Code of Virginia;
- Notary Public seal, fees, or application;
- Taxes;
- Audit services; and
- Weapons and ammunition.

If you have any questions regarding whether an expense is reimbursable, call the Compensation Board prior to the expenditure.

For more information regarding office expenses, see sections entitled **Equipment Funding**, **Physical Exams**, and **Professional Associations**. See also **Office Expenses** in the general section of this manual.

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Per Diem Payments

2009 Appropriation Act Item 70 (excerpts)

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2009, and June 1, 2010, may be reallocated among localities on a pro rata basis according to such deficiency.

B. 2. Local responsible inmate - (a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) 12 months or less or (ii) less than one year.

3. State responsible inmate - any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than 2 years.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined in § 53.1-1, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

Compensation Board Policy

Jail inmate per diem rates remain unchanged for those arrested on a state warrant and housed in a regional jail. In FY10, the total available appropriation to the Compensation Board for regional jail per diems is \$23,720,881.

Compensation Board per diem payments for local responsible inmates are:

- \$8 per day; or
- \$22 per day at jail farms (not operated under control of the Sheriff).

Compensation Board-paid per diem payments for state responsible inmates are:

- \$8 per day for awaiting trial on additional felony charges;
- \$8 per day for inmates held at the request of the locality;
- \$8 per day (for up to 60 days) with all pending charges adjudicated;
- \$14 per day (61 or more days) with all pending charges adjudicated; and
- \$28 per day for inmates held in the Contract Bed Program with the Department of Corrections.

The payment cycle for per diem payments is quarterly as follows:

- 1st payment for the months of March, April, and May is made in July
- 2nd payment for the months of June, July, and August is made in October
- 3rd payment for the months of September, October, and November is made in January
- 4th payment for the months of December, January, and February is made in April

Localities may continue to use per diem payments to operate alternative punishment or alternative to incarceration programs. These programs are not intended for persons in community service or probation. The Compensation Board will not reimburse per diem for programs not approved by the Department of Corrections or the Department of Criminal Justice Services.

Language added to the 2006 Appropriation Act requires the use of actual inmate population figures for the first quarter of each fiscal year when projecting growth in per diem funding needs.

For more information regarding per diem payments, see section entitled **Federal Overhead Recovery**.

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Code of Virginia

§ 15.2-1615.1 (excerpt)

This procedure shall also apply to the payment of the premiums on the official bonds of sheriffs, their deputies and employees, to the premiums on burglary and other insurance, and for any physical examinations.

Physical Exams

Compensation Board Policy

The Compensation Board reimburses as an additional allowance the cost of physical exams for newly-hired Regional Jail Superintendent's officers, as required by the Code of Virginia.

The maximum reimbursement is \$100 per physical exam for newly-hired jail officers in full-time Compensation Board-funded positions.

For more information, see the section entitled **Additional Allowances** in the general section of this manual.

Professional Associations

Compensation Board Policy

Reimbursement for attendance at non-Compensation Board-sponsored training events, professional association meetings, or membership dues will not be provided as additional allowances, but are reimbursed through available office expense funds.

The Compensation Board reimburses for Virginia Association for Regional Jails (VARJ).

Only one Compensation Board-funded permanent employee per office may receive a maximum reimbursement of \$100 for VARJ. This reimbursement is contingent upon the office having the available funds, and includes any mileage expenses.

For more information regarding reimbursable office expenses, see sections entitled **Office and Vehicle Expenses** and **Physical Exams**. See also the sections entitled **Office Expenses** and **Professional Associations** in the general section of this manual.

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Salary

Compensation Board Policy

The Compensation Board reimburses 100% of the approved salaries of Regional Jail Superintendents and their Compensation Board-funded staff.

The annual salaries of Regional Jail Superintendents and their staff are set by the Compensation Board. The Compensation Board sets a budget for the salary of the Regional Jail Superintendent at the mid-point of the highest ranking officer pay band (supervisory/management role). Whether the class is established as a SUP12, 13, or 14 will depend on the combined locality populations of the participating jurisdictions. Establishment of the actual salary within the band would be set based upon current Compensation Board salary policies and availability of funds at the time the position is “filled” upon opening of the facility. The Compensation Board does not approve the establishment of a Superintendent position in advance of the projected opening date of the regional jail. This is not a matter of Compensation Board policy, but of General Assembly action. The General Assembly approves a set amount of funding and positions, including the Regional Jail Superintendent, with funding to begin on the projected opening date of the facility. The only time that “early” funding of a position may be provided is if the actual opening date of the facility is later than the funded date, and provisions may be made for funding up to 45 days prior to the actual opening date.

Salary scales for Compensation Board-funded employees in Regional Jails are located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov/budgets.html>.

Officers receive upgrades from grade 7 to grade 8 upon the one-year anniversary of date of hire into the regional jail officer position.

A history of salary increases approved by the General Assembly is located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov/budgets.html>.

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Staffing Standards

2009 Appropriation Act Item 76 (excerpt)

F. Any new positions established shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board.

2009 Appropriation Act Item 69 (excerpt)

E. Consistent with the provisions of paragraph B of Item 76, the Board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio or unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails the Compensation Board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity, subject to appropriation by the General Assembly.

Compensation Board Policy

The Compensation Board uses staffing standards and a staffing methodology for allocating new positions in regional jails.

In determining the allocation of additional positions, the Compensation Board considers the following criteria:

1. The position (or positions) must be requested by the Superintendent as part of the Compensation Board's annual budget process.
2. The positions requested must perform only statutorily prescribed duties for a regional jail.
3. The regional jail must have a personal computer, be connected to the city/county system, or have such systems scheduled for installation within 12 months.
4. Funds and positions must be appropriated by the General Assembly.
5. The Compensation Board will use the staffing methodology and workload criteria developed by the Virginia Sheriff's Association (VSA) to determine the appropriate level of Compensation Board-funded staff support for each office requesting additional positions.
6. The Compensation Board shall determine the number of additional positions to be allocated to any one office based upon criteria 1-5, inclusive, and additional positions shall be allocated in the order of percentage of need, where offices with the highest percentage of need will receive positions first. The percentage of need is determined by calculating the percentage that the number of additional positions needed is to the total number of current positions.
7. The Compensation Board uses U.S. Census data found at <http://www.census.gov/> or data provided by the Weldon Cooper Center for Public Service, University of Virginia, located at <http://www.coopercenter.org/demographics/>.

The methodology used to determine appropriate staffing levels in each Regional Jail was developed by the VSA and adopted by the Compensation Board.

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Staffing Standards, continued

Administrative, support, or clerical positions are allocated at not less than:

- One (1) position per 100 inmates of average daily population in a jail; and
- One (1) position minimum per regional jail office.

Additional jail officers for new jail construction or expanded jail capacity are allocated based on the Department of Corrections (DOC) staffing study recommendation, and a maximum ratio of one (1) jail officer for every three beds of operating capacity (or the request of the Regional Jail Superintendent, whichever is less). The DOC determines operational capacity. No additional jail officers shall be provided to a regional jail in which staffing exceeds the ratio of 1:3 unless the jail is deemed overcrowded. Overcrowding, for staffing purposes only, is defined as when the annual average daily population exceeds the operational capacity. In a jail experiencing overcrowding, the Compensation Board, upon the request of the Regional Jail Superintendent, may allocate one (1) additional jail officer for every five average daily prisoners above operational capacity.

When additional jail officers are requested for a jail that has renovated an existing facility, the DOC prepares a comprehensive analysis of staffing requirements for the jail, exclusive of federal prisoners, District of Columbia inmates, and contract inmates from other states.

When funded, additional jail officers to staff **alternative incarceration programs** operated by regional jails are allocated using a ratio of not more than one (1) position for every 16 inmates participating in programs approved by the Department of Corrections.

In jails where **food service** is not contracted, the number of **cooks** is fixed at a minimum of:

- One (1) cook position in a jail with an operating capacity of 30 to 49 inmates;
- Two (2) cook positions in a jail with an operating capacity of 50 to 89 inmates;
- Three (3) cook positions in a jail with an operating capacity of 90 to 299 inmates;
- Four (4) cook positions in a jail with an operating capacity of 300 to 499 inmates;
- Five (5) cook positions in a jail with an operating capacity of 500 inmates or more.

Medical, classification, or treatment positions are allocated at a ratio of one (1) position per 25 inmates, based on the annual average daily population (ADP).

Staffing standards for regional jails are located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov/budgets.html>.

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Temporary (Hourly-Wage) Employees

Compensation Board Policy

The Compensation Board reimburses 100% of the budgeted amount for salaries for temporary (hourly-wage) employees of regional jails.

Base budgets for temporary (hourly-wage) employee salaries are set at the same level as approved in the previous fiscal year (as adjusted through any base budget transfer requests during the fiscal year).