

Fiscal  
Year  
2011

A Manual for Constitutional Officers

# Policy Procedure

Sheriff

Regional Jail  
Superintendent

Commonwealth's  
Attorney

Clerk of  
the Circuit Court

Treasurer

Commissioner  
of the Revenue

Director of  
Finance

Compensation Board

## FY11 Policy &amp; Procedure Manual

*To Constitutional Officers of Virginia:*

*The Policy and Procedure Manual, Fiscal Year 2011, aligns Compensation Board policies, appropriate citations from the Code of Virginia, the 2010 Appropriation Act, and daily operational procedures. Topics are organized by alphabetical order. The purpose of this document is to assist you in understanding ways in which the Compensation Board can serve in helping you manage your offices.*

*Thank you for your support in the past; we look forward to working with you in the future.*

*Sincerely,*

*Frank Drew, Chairman*

*Walter J. Kucharski, Ex-Officio Member*

*Craig Burns, Ex-Officio Member*

### **Agency Strategic Plan**

The Compensation Board's Strategic Plan can be found at <http://www.scb.virginia.gov/docs/sp1.pdf>.

### **Agency Mission**

The Compensation Board's mission is to determine a reasonable budget for the participation of the Commonwealth toward the total cost of office operations for Constitutional Officers, and to assist those officers and their staff through automation, training, and other means, to improve efficiencies and to enhance the level of services provided to the citizens of Virginia.

# FY11 Policy & Procedure Manual

## **Agency Vision**

The Compensation Board envisions the agency as a respected leader and liaison to Constitutional Officers for state-supported functions and as an innovative service agency demonstrating the highest degree of competency and fairness to all of our customers.

## **Agency Values**

The Compensation Board values:

- Professionalism, both interpersonally and with respect to work products;
- Accuracy and timeliness;
- A high regard for ethics, honesty, and integrity;
- Trust and mutual respect;
- Competence and accountability;
- Courteous, friendly, and helpful service;
- Fairness;
- Creativity and innovation; and
- Frugality with respect to the expenditure of public funds.

## **Staff Mission**

The mission of the Compensation Board staff is to:

- Professionally implement the policies and decisions of the Compensation Board;
- Keep Board members informed of major issues affecting Constitutional Officers;
- Assist local governments in issues relating to Constitutional Officers; and
- Provide the highest quality service and assistance to the Constitutional Officers consistent with Board policy and the laws of Virginia.

The staff of the Compensation Board recognizes that Constitutional Officers are elected by the people of Virginia and that, ultimately, our actions and decisions are for the benefit of the people of Virginia; therefore, we value accuracy and timeliness, helpfulness and courtesy, respect for others, integrity, fairness, and frugality in the expenditure of public funds.

# FY11 Policy & Procedure Manual

## Layout of the Policy and Procedure Manual

Code of Virginia or  
2010 Appropriation Act

### Title

**Compensation Board Policy**

Procedure

The Code of Virginia citations contained within this document, as well as portions of the 2010 Appropriation Act, are referenced with section numbers. The legal language is directly quoted, although abbreviated for sake of brevity and space. For the whole body of law concerning the duties and responsibilities of Constitutional Officers and the Compensation Board, search the Virginia General Assembly web site by Code of Virginia section number or topic at <http://legis.state.va.us/Laws/CodeofVa.htm>.

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## Aid to Localities Funding Reductions

2010 Appropriations Act  
Item 473.10 (excerpt)

B. The Director of the Department of the Planning and Budget shall provide the chief operating officer of each city and county in the Commonwealth a list of certain state aid to local government programs along with an estimate of the general fund amount for each program. The savings apportionment will be equal to the percentage of the aggregate general fund amount for all of these state aid programs in each city and county totaling \$50,000,000 in each year.

C. Each city or county can choose to (1) take the total savings out of one program, (2) reduce multiple state aid programs on a proportional basis or by a specified percentage reduction, or (3) reimburse the Commonwealth in aggregate for their share of the savings.

### Compensation Board Policy

**Localities are required to choose how to achieve the Aid to Localities reductions identified by the Department of Planning and Budget. If a locality chooses to reduce Compensation Board reimbursements, payroll and expense reimbursements may be discontinued during the year once total authorized funds have been reimbursed.**

The 2010 Appropriation Act, Item 473.10, provides a funding reduction totaling \$60 million in each year that was approved by the 2008 General Assembly to create a reversion clearing account to achieve savings in funding provided for aid to localities programs, including Compensation Board funding for all constitutional officers, regional jails and finance directors. The Act requires that within 30 days of its enactment, Virginia's Department of Planning and Budget (DPB) is to provide an estimate of aid to localities funding for the upcoming year and provide a savings apportionment amount to each locality based upon a proportion of the aggregate total required to achieve the \$60 million. Each locality will have until August 30 to choose whether to achieve their savings from a single program, a percentage reduction in all state payments, or to reimburse the Commonwealth in lieu of reductions to the payments they receive.

When a locality chooses to achieve any portion of the required savings through reductions in reimbursement of Compensation Board funding for constitutional officer(s), authorized reimbursable balances in the Constitutional Officer Information Network (COIN) will be reduced by the designated amount. If reimbursement requests by constitutional officers during the fiscal year are not reflective of necessary savings, reimbursements for budgeted funds may reach total authorized funding levels prior to the end of the fiscal year, and reimbursements to the locality may be discontinued for the duration of the year to achieve the necessary savings.

To view current authorized balances in the COIN reimbursement processing system, select option 3, Reimbursement Processing, from the COIN main menu, and then select option 5, Reimbursable Balance.

# FY11 Policy & Procedure Manual

## Additional Allowances

### Compensation Board Policy

**Additional allowance items are not a part of the Constitutional Officers' approved budgets, but may be added as a budget and expense item when a reimbursement request is submitted in compliance with Compensation Board policy and approved by the Compensation Board.**

Additional allowances include:

- Compensation Board-sponsored training;
- Mileage for Compensation Board-sponsored training;
- Special Defense Counsel;
- Physical Exams;
- Guard Duty;
- Substitute Prosecutors; and
- Premium Recoveries.

Additional allowances are paid by the locality in advance. The expense should be requested for reimbursement to the locality in the Constitutional Officer Information Network (COIN) within sixty (60) days of the locality paying the expense.

Constitutional Officer association meetings, the Virginia Association of Local Elected Constitutional Officers (VALECO) Annual Meeting and the Local Government Officials' Conference (LGOC), are reimbursable from office expenses with a \$100 maximum reimbursement.

For more information, see the section entitled **Training offered by the Compensation Board, Office Expenses, Special Defense Counsel, and Retiree Health Credit** in this manual. For more information regarding **Physical Exams, Guard Duty, and Substitute Prosecutors** see those section in the officer-specific sections of this manual.

# FY11 Policy & Procedure Manual

## Appropriations

Code of Virginia  
§ 15.2-1636.8 (excerpt)

The Board shall fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office. Such budgets, in the aggregate, shall not contemplate state expenditures in excess of the appropriation available to the Board.

### Compensation Board Policy

**The General Assembly appropriates funds to the Compensation Board in order to support the annual budgets of Constitutional Officers. The Board uses staffing standards and other objective criteria as guides for setting appropriate budgets of Constitutional Officers.**

The 2010 Appropriation Act provides funding for the following items:

Item #	FY11		FY12	
	\$	%	\$	%
67.20 Sheriffs & Regional Jails				
GF	\$399,944,384	65.15%	\$387,442,626	64.19%
E-911 Special Revenue	\$8,000,000	1.30%	\$8,000,000	1.33%
67.30 Local and Regional Jail Inmate per diems	\$47,638,382	7.76%	\$49,888,871	8.26%
67.40 Directors of Finance	\$5,223,140	0.85%	\$5,223,140	0.87%
67.50 Commissioners of the Revenue	\$17,368,007	2.83%	\$17,368,007	2.88%
67.60 Commonwealth's Attorneys	\$63,603,896	10.36%	\$63,603,896	10.54%
67.70 Clerks of the Circuit Court				
GF	\$41,608,049	6.78%	\$41,608,049	6.89%
NGF	\$14,229,597	2.32%	\$14,229,597	2.36%
67.80 Treasurers	\$16,446,944	2.68%	\$16,446,944	2.72%
67.90 Administration	\$5,078,568	0.83%	\$5,078,568	0.84%
67.95 Management Savings	(\$5,270,419)	(0.86%)	(\$5,270,419)	(0.87%)
<b>TOTAL</b>				
<b>GF</b>	<b>\$591,640,951</b>	<b>96.38%</b>	<b>\$581,389,682</b>	<b>96.32%</b>
<b>NGF</b>	<b>\$14,229,597</b>	<b>2.32%</b>	<b>\$14,229,597</b>	<b>2.36%</b>
<b>Special Revenue</b>	<b>\$8,000,000</b>	<b>1.30%</b>	<b>\$8,000,000</b>	<b>1.33%</b>
<b>TOTAL</b>	<b>\$613,870,548</b>	<b>100%</b>	<b>\$603,619,279</b>	<b>100%</b>

GF = General Fund  
NGF = Non-General Fund

# FY11 Policy & Procedure Manual

## Blanket Surety Bond

### Compensation Board Policy

**The Compensation Board pays the premium for full coverage in the blanket surety bond program for all Constitutional Officers and recovers 50% of the cost from each year's first monthly payroll and expense reimbursement.**

#### Code of Virginia

##### § 2.2-1840 (excerpt)

The Division of Risk Management shall establish a program of blanket surety bonding for all state employees required by statute to be bonded, and for other agency employees handling funds or having access to funds whose function should be bonded. Local employees, including superintendents and jail officers of regional jail facilities and local constitutional officers shall be required to participate in the blanket surety bond program adopted by the Division of Risk Management through the Comptroller and the Compensation Board. The Division shall exclude clerks of the circuit court with respect to the moneys they hold insofar as coverage is provided for their faithful performance concerning those moneys.

##### § 15.2-1527 (excerpt)

Every treasurer or director of finance, sheriff, clerk of a circuit court, commissioner of the revenue, and other persons in the offices of constitutional officers required to give bond shall, at the time he qualifies, give such bond as is required. Bonds shall be provided through the state Department of the Treasury, Division of Risk Management.

The Division of Risk Management (DRM) protects Virginia's state government and other public entities from financial loss caused by legal liability, loss to property, and other hazards through the establishment and administration of specialized risk management plans authorized by statute and approved by the governor. From medical malpractice coverage for health care providers to property coverage for the state's historic resources and fine arts, DRM manages a diverse range of exposures for state government, constitutional officers, local governments, free clinics, and other public entities throughout Virginia.

DRM provides surety for the faithful performance of duty for those Constitutional Officers and Superintendents and officers of regional jail facilities required by statute to be bonded. Pursuant to § 2.2-1841, Code of Virginia, The Division shall establish a program of blanket surety bonding to provide surety for the faithful discharge of duty with respect to moneys held pursuant to §§ [8.01-582](#) and [8.01-600](#) by all general receivers and clerks. General receivers and clerks shall participate in the program. The Division's cost of obtaining and administering the blanket surety bond shall be paid from those moneys covered by the bond.

DRM will not be liable for or assume responsibility for any claims under the Blanket Surety Bond Program if the covered party fails to comply with the conditions of the plan established for Constitutional Officers. Consult with the Division regarding any questions about the plan or its provisions.

Division of Risk Management  
101 N. 14<sup>th</sup> Street  
Richmond, VA 23219  
(804) 225-2142  
<http://www.trsvirginia.gov/drm/drm.aspx>.

Language is included in the 2010 Appropriations Act, Item 67.90. requiring the recovery of one-half of the premiums paid by the Compensation Board to the Division of Risk Management on behalf of constitutional officers and their employees for the VARISK general liability insurance coverage and surety bond coverage. Such recoveries are to be based upon 50% of each local office's proportion of the total premium amounts paid for each constitutional officer group. Final locality recoveries can be found on the Compensation Board's website at <http://www.scb.virginia.gov/docs/budgetrecovery.pdf>.

In COIN, the Compensation Board recovers 50 percent of the local share of the premiums as a negative authorized entry to the Additional Allowances screen on the July (beginning of the new fiscal year) reimbursement request.

For more information regarding insurance for Constitutional Officers, see the section entitled **Liability Insurance**.

## FY11 Policy & Procedure Manual

### Budget Appeals: Constitutional Officers

#### Code of Virginia § 15.2-1636.9 (excerpt)

A. Any officer whose budget is affected by a decision of the Board under this article made for the fiscal year pursuant to and at the time designated by §§ [15.2-1636.7](#) and [15.2-1636.8](#) and no other, or any county or city affected thereby, or the Attorney General as representative of the Commonwealth, shall have the right to appeal from any such decision of the Board, within forty-five days from the date of such decision. Such appeal shall lie to the circuit court of the county or city wherein the officer making the appeal resides.

#### Compensation Board Policy

**Constitutional Officers may file an appeal of the budget set by the Compensation Board within 45 days of notification by the Board of said officers' budget for the upcoming fiscal year. Such appeal shall lie to the Circuit Court of the county or city wherein the officer making the appeal resides.**

Prior to filing an appeal, Constitutional Officers and local governing bodies are encouraged to submit an e-docket request for reconsideration of their budget by the Compensation Board.

Appeals must be filed in accordance with § 15.2-1636.9, [Code of Virginia](#).

### Budget Appeals: Local Government

#### Code of Virginia § 15.2-1636.8 (excerpt)

When the salaries, expenses and other allowances for the several counties and cities have been tentatively fixed by the Board they shall notify the governing body of each city and county of the amounts so fixed. Within thirty days thereafter, but not later, the governing body may file with the Compensation Board any objection it may have to such allowances so fixed. When such objection is filed the Board shall fix a time for a hearing on such objection, of which time the governing body as well as the officer affected shall have at least fifteen days' notice.

#### Compensation Board Policy

**Local governments may file with the Compensation Board any objection it may have to a fixed budget within 30 days of notification. When an objection is filed, the Board fixes a time for a budget objection hearing allowing at least 15 days notice.**

Prior to filing an appeal, Constitutional Officers and local governing bodies are encouraged to submit an e-docket request for reconsideration of their budget by the Compensation Board.

# FY11 Policy & Procedure Manual

## Budget Estimate and Final Budget

### Code of Virginia

#### § 15.2-1636.8 (excerpt)

The Board shall, no later than the 15<sup>th</sup> day following final adjournment of the General Assembly in each session, provide to such officers and the local governing body of each city and county an estimate of expenses and other allowances for the next fiscal year. The Board shall fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office on or before May 1 of each year.

#### § 15.2-2502

Notwithstanding any contrary provision of general law, the Compensation Board and Department of Taxation shall, no later than the fifteenth day following final adjournment of each regular session of the General Assembly, inform all localities and school divisions of the estimated amounts of all state moneys they will receive during the upcoming fiscal year and any other information that may be required for such localities and school divisions to be able to compute amounts of moneys they may collect.

### Compensation Board Policy

**No later than 15 days following the adjournment of the regular General Assembly session the Compensation Board will provide to each office an estimate of the Commonwealth's share of their upcoming fiscal year budget.**

**The Compensation Board annually approves budgets of Constitutional Officers at the April Board meeting. The upcoming fiscal year budget is made available to each office not later than May 1.**

**Dates are contingent upon the adjournment of the General Assembly as scheduled.**

In mid-March (for short sessions in odd-numbered years) or late March (for long sessions in even-numbered years), the Compensation Board provides budget estimates for each office to Constitutional Officers and local governing bodies. Budget estimates are located on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov>.

May 1 is the deadline for the Compensation Board to provide each officer a final budget approved for the upcoming fiscal year. FY10 approved budgets are located in the COIN Budget Request Sub-system or on the Compensation Board website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov>.

Dates are contingent upon the adjournment of the General Assembly as scheduled.

# FY11 Policy & Procedure Manual

## Budget Hearing

Code of Virginia  
§ 15.2-1636.8 (excerpt)

The Board shall, at meetings duly called by the chairman, carefully consider the questionnaires and written requests filed as required by § 15.2-1636.7 and consider the work involved in the discharge of the duties of the respective officers, the extent to which such duties are imposed by actions of the local governing body, the amount expended or proposed to be expended by each for clerks, deputies and other assistants, the efficiency with which the affairs of each such office are conducted, and such other matters as the Board may deem pertinent and material, including the number of local governments served if more than one, including the pay and compensation plan of each political subdivision, if it has one, and the locality's plans for adjustments of salaries and expenses for the ensuing fiscal year, as well as the plan of the Commonwealth for adjustment of state salaries and expenses for such year.

### Compensation Board Policy

**The Compensation Board holds annual budget hearings in April prior to setting final budgets. Each hearing is open to the public to discuss fiscal year budget priorities and policies. The actual date is contingent upon the adjournment of the General Assembly.**

Constitutional Officers, local governing bodies and the general public may attend hearings conducted by the Compensation Board to listen to a presentation regarding budget matters, priorities and policies for the coming year and to discuss concerns or issues regarding the upcoming fiscal year budgets.

Information presented at the budget hearings is provided on the Compensation Board's website under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov>.

Information regarding scheduling of the budget hearing is located on the Compensation Board website at [www.scb.virginia.gov](http://www.scb.virginia.gov) on the Calendar and Meetings tab. Click on the Training and Meeting Calendar.

## FY11 Policy &amp; Procedure Manual

## Budget Requests

## Compensation Board Policy

**The annual budget cycle begins in January when Constitutional Officers make fiscal year budget requests with appropriate certifications not later than February 1.**

Code of Virginia  
§ 15.2-1636.7 (excerpt)

Every officer, whether elected or appointed, shall file a written request for the expense of his office, stating the amount of salaries requested, and itemizing each expense for which allowance is sought, and every such officer shall concurrently file a copy of the request with the governing body of the county or city. Such requests shall be filed on or before February 1 preceding the beginning of the fiscal year for which such requests are made.

Each year from January 1 to February 1 Constitutional Officers submit upcoming fiscal year budget requests along with appropriate officer certifications using the COIN Budget Request sub-system. Instructions for COIN are located on the Compensation Board web site and include:

- Access to Virginia Informational Technologies Agency's (VITA) mainframe; Attachmate, ResQportal, and Supreme Court;
- COIN Logons;
- System availability hours;
- Contact information to report problems; and
- Step-by-step instructions to certify budget requests.

The COIN Budget Request User's Guide is located on the Compensation Board web site under the COIN tab at <http://www.scb.virginia.gov>.

## FY11 Policy &amp; Procedure Manual

## Budget Year-End Procedures

## Compensation Board Policy

**Constitutional Officers' budgeted funds that remain unspent do not carryover into the next fiscal year.**

The end of the fiscal year (June 30) is busy for both Constitutional Officers and staff of the Compensation Board. The Compensation Board sends correspondence on or about May 1 identifying important dates for fund transfers and processing payroll and expense reimbursement requests. Please keep the following matters in mind:

- The Compensation Board must receive all **Fund Transfer Requests** that require Board action no later than one week prior to the date of the May Compensation Board meeting in order to ensure processing before the end of the fiscal year.
- Turnover generated May through April must be used by the month of April prior to setting the May 1 budgets as the funds will not be available for use in May and June.
- Complete both the May and June payroll and expenditure requests by the deadlines in June.

Budgeted funds that remain unspent do not carryover into the next fiscal year. For an exception, see **Technology Trust Fund** in the officer-specific section for Circuit Court Clerks.

## FY11 Policy & Procedure Manual

### Cafeteria Plan

#### Compensation Board Policy

**Local governing bodies may offer Constitutional Officers the opportunity of making pre-tax deductions on their salaries for insurance premiums and dependent care contributions.**

Some local governments offer employees the opportunity to have insurance premiums or dependent care contributions deducted from their paycheck before taxes are taken out. Employees who have selected this option are participating in **Section 125** or a **Cafeteria Plan**. Because these deductions are made pre-tax, the employee's taxable salary is less than it would otherwise be.

When the gross salary paid by the locality is greater than the Compensation Board's budgeted salary, the locality-paid taxable salary may also be greater than the Compensation Board's budgeted salary. Under this circumstance, COIN will not calculate a separate taxable salary for this employee.

When the locality-paid salary and Compensation Board budgeted salary are the same, and the employee has pre-tax deductions, then the "taxable" salary must be reported in COIN. Enter the monthly premium deducted from the salary amount on Employee Information screen in the Permanent Personnel Processing Sub-system. The OASDI and taxable salary amount will be calculated on the Permanent Personnel screen. Please contact your locality's payroll office for current deduction premiums.

**Taxable Salary** - In COIN, once the monthly pre-tax premium is entered, the taxable salary is automatically calculated. It is the responsibility of the Constitutional Officer to change the taxable salary figures in the month that any change occurs. A change in the taxable salary is carried forward by COIN to the OASDI reimbursement.

Cafeteria Plan work sheets are located on the Compensation Board web site under the Policies and Procedures tab at <http://www.scb.virginia.gov>.

## FY11 Policy & Procedure Manual

### COIN

#### Compensation Board Policy

**COIN is the Compensation Board's automated budget, reimbursement, and personnel processing system for Constitutional Officers.**

COIN (Constitutional Officer Information Network) consists of three sub-systems: Budget Request, Reimbursement Processing and Personnel Processing.

The Users' Guide (organized by officer groups) for the COIN Budget Request sub-system is located on the Compensation Board web site at <http://www.scb.virginia.gov> under the COIN tab.

Instructions on how to access the COIN production region are located on the Compensation Board web site at <http://www.scb.virginia.gov> under the COIN tab.

### Compensation Board Meetings

#### Compensation Board Policy

**The Compensation Board usually meets on the fourth Wednesday of each month.**

Check the Compensation Board web site for a Board meeting calendar, located at <http://www.scb.virginia.gov> under the Calendar and Meetings tab.

To find information regarding Board actions at monthly meetings, minutes are found at <http://www.scb.virginia.gov> under the Calendar and Meetings tab.

For the Compensation Board member and staff directory, access <http://www.scb.virginia.gov> under the Board and Staff Directory tab.

### Constitutional Officers Email System

#### Compensation Board Policy

**Staff of the Compensation Board gives notice of important meetings, laws affecting Constitutional Officers, informational memos, surveys, and reports to offices located throughout the Commonwealth through an email database.**

It is important that Constitutional Officers maintain an up-to-date email address of the principal officer (and deputy or other staff member) in the Compensation Board's Constitutional Officers address database, which is located at <http://www.scb.virginia.gov> under the Restricted Access tab.

## FY11 Policy & Procedure Manual

### Code of Virginia § 19.2-332 (excerpt)

Whenever in a criminal case an officer or other person renders any service required by law for which no specific compensation is provided, the court shall allow therefor such sum as it deems reasonable, including mileage at a rate provided by law, and such allowance shall be paid out of the state treasury from the appropriation for criminal charges on the certificate of the court stating the nature of the service.

## Criminal Fund

### Compensation Board Policy

**The Compensation Board recognizes that Constitutional Officers may receive payment for services as expert witness, court appointed attorney, substitute prosecutor, and foreign language interpreter from a fund administered by the Virginia Supreme Court.**

For a chart of allowances for services rendered, see the Supreme Court of Virginia's website located at <http://www.courts.state.va.us/courtadmin/aoc/fiscal/chart.pdf>.

For more information regarding the Criminal Fund, contact:

Office of Executive Secretary  
Department of Fiscal Services  
Supreme Court of Virginia  
100 N. 19<sup>th</sup> Street  
Richmond, VA 23219  
(804) 786-6455

## Documentation / Record Retention

### Compensation Board Policy

**The Constitutional Officer is responsible for maintaining complete documentation of all personnel actions (including salary adjustments), reimbursement requests, and for maintaining job descriptions and performance evaluations for all employees.**

Certification of personnel actions and monthly reimbursement requests in COIN include a documentation requirement for Constitutional Officers. This documentation should be maintained by the Constitutional Officer or by the local governing body's human resource department, and in most cases does not need to be copied and/or submitted to the Compensation Board. COIN provides each locality access to on-line records for the current fiscal year and for historical records.

On-line processing of salary and expense reimbursements requires Constitutional Officers to maintain a complete and accurate record of expenses for local and audit purposes. It is advisable to develop a method for maintaining receipts, vouchers, and other documentation of your expenditures. Consult with the auditor of your local governing body for a record retention policy and audit schedule.

## FY11 Policy & Procedure Manual

### Electronic Certification Signature

#### Compensation Board Policy

**Constitutional Officers should complete their electronic certification signature for COIN reimbursement requests by the 10<sup>th</sup> of each month. Failure to certify by this date may result in reimbursement delays and lost interest accruals for your locality.**

Your electronic certification signature signifies your acceptance and compliance with applicable sections of the Code of Virginia, 2010 Appropriations Act, and Compensation Board policies referenced in this manual. Should you need to make changes to your reimbursement request after you have certified, please contact your Compensation Board Fiscal Technician for assistance.

See Appendix 2 for the Compensation Board Staff Directory for contact information or access the directory online at <http://www.scb.virginia.gov> under the Board and Staff Directory tab.

### Employee Performance Evaluation Plan

#### Compensation Board Policy

**Constitutional Officers must certify that their office has a plan that provides for written position descriptions and a minimum yearly review of performance for each employee.**

The employee performance evaluation plan for each employee should include a(n):

- Written position description;
- Written performance plan including job elements;
- Annual performance evaluation and review with employee; and
- Signature of employee and immediate supervisor.

Each time you initiate a pay practice in COIN you will be asked to certify compliance with Compensation Board policies, including annual employee performance evaluations and written position descriptions.

## FY11 Policy & Procedure Manual

### Equipment Funding

#### Compensation Board Policy

**In FY11, funding for equipment has not been provided for any Constitutional Officer or Regional Jail Supervisor. Clerks receive technology equipment and services funding through the Technology Trust Fund.**

Any funds shown as budgeted in COIN for equipment already reflect the Commonwealth's share determined by applying the fiscal stress factor for your locality to the total cost of the equipment.

There are three categories for equipment expenditures for Constitutional Officers (excluding Clerks) when funding is approved or transferred from another budget category:

**Category A:** Information technology equipment and digital cameras  
Sheriffs, Regional Jail Superintendents, Commonwealth's Attorneys, Treasurers, Directors of Finance, and Commissioners of the Revenue

**Category B:** Office equipment  
Commonwealth's Attorneys (includes video presentation equipment),  
Sheriffs, Regional Jail Superintendents, Treasurers, Directors of Finance, and  
Commissioners of the Revenue

**Category D:** Radio equipment  
Sheriffs with law enforcement responsibilities only

Another category "C: Furniture" is for the budget request process only, and no budget or expenditures are approved in this category for the current fiscal year.

Beginning in FY10, there is one category for equipment and services expenditures for automation and technology improvements in the Clerk's office through the Technology Trust Fund. Circuit Court Clerks may make a budget request for technology equipment and/or services annually in August.

For more information regarding additional funding, see the sections entitled **Additional Allowances, Fiscal Stress Factor, Fund Transfer Request, Office Expenses, and Professional Associations.**

## FY11 Policy & Procedure Manual

### Expenditures: Prior Approval

#### Code of Virginia § 15.2-827 (excerpt)

No money shall be drawn from the county treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of a legally enacted appropriation resolution, or legally enacted supplement thereto passed by the board. Accounts shall be kept for each item of appropriation made by the board. Each such account shall show in detail the appropriation made thereto, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance in the appropriation account, properly chargeable, sufficient to meet the obligation entailed by contract, agreement or order.

#### **Compensation Board Policy**

**The local governing body must approve expenditures of Constitutional Officers in an appropriation or supplement action prior to the money being spent.**

Unauthorized expenses or budget deficits are discouraged. Neither the local government nor the Compensation Board is under any legal obligation to increase their contribution to the operating budget of a Constitutional Officer, Finance Director or Regional Jail during the fiscal year. Overspending the approved budget may leave Officers personally liable for amounts unapproved by the local governing body. If expenditures are anticipated to be over and above the budget, seek approval of additional funds from the local governing body or the Compensation Board prior to committing those funds.

### Expenditures: Reimbursement

#### Code of Virginia § 15.2-1636.13 (excerpt)

A. The expenses and other allowances of office within the limits fixed by the Board shall be paid monthly on the submission of satisfactory evidence that such expenses and other allowances were actually incurred. All counties and cities shall pay the entire amount of such salaries, expenses, and other allowances and, upon notification to the Board, the Commonwealth shall reimburse all such counties and cities for the Commonwealth's proportionate share of such salaries, compensation, benefits under § 51.1-1387, and other expense allowances.

#### **Compensation Board Policy**

**The Compensation Board reimburses approved Constitutional Officers' expenditures to the Treasurer or Director of Finance for their respective locality.**

Monthly expenses in the Constitutional Officers' offices are paid through a reimbursement system. The Code of Virginia provides that the local governing body must first appropriate all funds for expenditure, the expense is incurred, the locality pays the expenditure and then reimbursement is requested from the Commonwealth, in that order. A Constitutional Officer may not receive reimbursement for budgeted funds before actually incurring the expense of those purchases.

Upon making a reimbursement request in COIN, the Constitutional Officer must certify that expenditures listed are those actually incurred in the conduct of official business of the Constitutional Officer for the month rendered and that invoices covering these expenditures have been submitted to the Board of Supervisors or their authorized agent for payment. The locality representative must also certify that expenditures have been verified and approved by the Board of Supervisors or authorized for payment.

# FY11 Policy & Procedure Manual

## Fair Labor Standards Act

### Compensation Board Policy

**The Compensation Board does not budget or reimburse for overtime pay. Constitutional Officers are responsible for compliance with all phases of the FLSA, such as overtime pay.**

Fair Labor Standards Act  
Title 29 U.S.C., Chapter 8,  
§ 207 (a) (1) (excerpt)

Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

Code of Virginia  
§ 9.1-701 (excerpt)

A. Employers shall pay fire protection *or law-enforcement* employees overtime compensation or leave, as under the Fair Labor Standards Act, 29 U.S.C. § 207 (o), at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. § 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A fire protection *or law-enforcement* employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the numbers of hours counted for other fire protection *or law-enforcement* employees working the same schedule who are paid on a salaried basis in that jurisdiction.

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, record keeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. Covered, non-exempt employees are entitled to a minimum wage of not less than \$7.25.

Constitutional Officers must either arrange with their local governing body to pay overtime to employees or the officer must implement an overtime leave policy consistent with FLSA. Overtime applies to employees who work more than 40 hours in a 7-day period and public safety officers who work in excess of 171 hours within a 28-day period. Unless specifically exempted, employees covered by this act must receive overtime pay at a rate of not less than one and one-half times the regular rate of pay for all hours in excess of 40 hours of work in a workweek. FLSA does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, as such.

The Code of Virginia, § 9.1-701, provides for the overtime compensation or leave, as under the Fair Labor Standards Act 29 U.S.C. § 207 (o), at a rate not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. § 207 (k) and the hours for which an employee receives hourly compensation. A law-enforcement employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the number of hours counted for other law-enforcement employees working the same schedule who are paid on a salaried basis in that jurisdiction.

FLSA applies on a workweek basis. An employee's workweek is a fixed and recurring period of 168 hours or seven consecutive 24-hour periods (excluding public safety officers). It need not coincide with the calendar week, but may begin on any day. Averaging hours over two or more weeks is not permitted. You are responsible for maintaining accurate records of hours worked by each non-exempt (hourly) employee for FLSA purposes. For more information regarding the FLSA go the website sponsored by U.S. Department of Labor / Wage and Hour Division located at <http://www.dol.gov/whd/regs/compliance/hrg.htm>.

U.S. Department of Labor  
Employment Standards Administration  
Wage and Hour Division  
(866) 4-USWAGE  
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

# FY11 Policy & Procedure Manual

Family Medical Leave Act  
29 U.S.C., 2654  
SEC. 102 (a) (1)

Subject to section 103, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period for one or more of the following: (A) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter. (B) Because of the placement of a son or daughter with the employee for adoption or foster care. (C) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition. (D) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

Code of Virginia  
§ 2.2-1201

Such personnel policies shall permit an employee, with the written approval of his agency head, to substitute (i) up to 33 percent of his accrued paid sick leave, (ii) up to 100 percent of any other paid leave, or (iii) any combination of accrued paid sick leave and any other paid leave for leave taken pursuant to the Family and Medical Leave Act of 1993 (29 U.S.C. § 2601 et seq.).

## Compensation Board Policy

**Constitutional Officers must grant eligible employees up to a total of 12 workweeks of unpaid leave during any 12-month period because of the employee's serious health condition of the serious health condition of an eligible family member.**

Under the Family Medical Leave Act (FMLA), leave may be taken for the:

- Birth and care of newborn child of the employee;
- Adoption or foster care placement of a child with the employee;
- Care for an immediate family member;
- Serious medical condition of the employee that impairs or prohibits work or
- Qualifying exigency of employee's spouse, son, daughter or parent is a covered military member on active duty of has been notified of an impending call or order to active duty.

Employees seeking to use FMLA leave are required to provide 30-day advance notice when the need is foreseeable and such notice is practicable. Constitutional Officers may require the employee to provide medical certification from a doctor and/or periodic reports regarding the employee's status and intent to return to work. Under some circumstances, employees may take FMLA leave in blocks of time or by reducing their normal weekly or daily work schedule. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave.

Group health insurance, including family coverage, for an employee on FMLA leave must be maintained on the same terms as if the employee continued to work. After FMLA leave is taken, the employer must restore to the employee her/his original job, or an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

The President signed into law a Final Rule under the FMLA effective on January 16, 2009, which expands military family leave entitlements. More information may be found at <http://www.dol.gov/whd/fmla/finalrule.htm>.

Please consult your city or county attorney to discuss application of FMLA to specific circumstances in your office. Call for more information regarding FMLA or access the website for the Department of Labor / Wage and Hour Division located at <http://www.dol.gov/whd/fmla/index.htm>. Also consult the Department of Human Resource Management for policy 4.20 located at [http://www.dhrm.virginia.gov/hrpolicy/policy/pol4\\_20FMLA.pdf](http://www.dhrm.virginia.gov/hrpolicy/policy/pol4_20FMLA.pdf).

U.S. Department of Labor  
Employment Standards Administration  
Wage and Hour Division  
(866) 4-USWAGE  
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

## FY11 Policy & Procedure Manual

2010 Appropriation Act, Item 76

H. The Compensation Board shall apply the current fiscal stress factor, as determined by the Commission on Local Government, to any general fund amounts approved by the Board for the purchase, lease or lease purchase of equipment for constitutional officers. In the case of equipment requests from regional jail superintendents and regional special prosecutors, the highest stress factor of a member jurisdiction will be used.

VFOIA, Code of Virginia § 2.2-3700 (excerpt)

The General Assembly ensures the people of the Commonwealth ready access to public records in the custody of a public body or its officers and employees, and free entry to meetings of public bodies wherein the business of the people is being conducted. Unless a public body or its officers or employees specifically elect to exercise an exemption provided by this chapter or any other statute, every meeting shall be open to the public and all public records shall be available for inspection and copying upon request.

### Fiscal Stress Factor

#### Compensation Board Policy

**The Compensation Board will reimburse approved equipment purchases at the maximum allowable cost multiplied by the locality's fiscal stress factor.**

**The fiscal stress factor is not applied to equipment purchased with funds from the Clerks Technology Trust Fund.**

Fiscal stress is an index composite of three variables that measures the economic strain of a locality's financial resources. The Compensation Board uses this index to establish the Commonwealth's share in the purchase of all equipment for Constitutional Officers, Regional Jail Superintendents, and drug prosecutors. Fiscal stress factors are determined for Regional Jail Superintendents or Drug Prosecutors by using the highest stress factor of the participating localities.

FY11 fiscal stress percentages can be found on the Compensation Board website under the Policies and Procedures tab at <http://www.scb.virginia.gov>.

For more information related to equipment purchases, see the sections entitled **Equipment Funding, Personal Computer & Laptop Purchase** and **Software Reimbursement**.

### Freedom of Information Act

#### Compensation Board Policy

**Constitutional Officers are considered "public bodies" under the Virginia Freedom of Information Act and unless explicitly exempted by other Code of Virginia sections, they have the obligation to disclose public records as outlined in the Act.**

All public bodies and their officers and employees shall make reasonable efforts to reach an agreement with someone requesting public records.

For more information regarding the rights of requestors and the responsibilities of the Compensation Board, go to <http://www.scb.virginia.gov/policy/cbfoia.pdf>.

Constitutional Officers outside the Richmond area may call toll free, (866) 448-4100 for more information. For those in the Richmond area contact:

Virginia FOI Advisory Council  
(804) 225-3056  
<http://dls.state.va.us/foiacouncil.htm>

# FY11 Policy & Procedure Manual

## Fringe Benefits

### Compensation Board Policy

**For all Constitutional Officers (excluding Circuit Court Clerks), the Compensation Board reimburses the same percentage for fringe benefits as it does for approved salaries. Clerks receive two-thirds for fringe benefits (compared to 100% for salaries).**

2010 Appropriation Act, Item 67.90

R. 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 and payable to the Virginia Retirement System.

2. The rate specified in paragraph R.1. shall exclude the cost of any early retirement program implemented by the Commonwealth.

3. Any employer paid contribution costs for rates exceeding those specified in paragraph R.1. shall be borne by the employer.

**Retirement** – The Compensation Board reimburses for retirement premiums paid into the Virginia Retirement System (VRS) or into a like local retirement system for Constitutional Officers and Compensation Board-funded staff. Reimbursements are paid for the employer-share of the rate only, at the lesser of the VRS retirement rate approved for the locality, or the state employee rate (cap rate). The cap rate for FY11 is 2.13%.

**Group Life Insurance** – The Compensation Board reimburses at a fixed rate of 0.28% for group life insurance offered by VRS to Constitutional Officers and their Compensation Board-funded staff.

**FICA / OASDI** - The Compensation Board reimburses localities for FICA (OASDI and HI) contributions at 7.65% of the taxable portion of the salary. FICA contributions for hourly wage employees are at 7.65%. The OASDI rate (6.2%) is calculated on the first \$106,800 of earnings in calendar year 2010. Beyond that dollar amount, only the HI portion (1.45%) of FICA taxes is applied to the taxable salary. The Compensation Board will change the deduction on the COIN system as those employees or officers' salaries reach the maximum salary for the calendar year.

Information on the Federal Insurance Contributions Act is located at <http://www.ssa.gov/mystatement/fica.htm>. For more information regarding fringe benefits reimbursement by the Compensation Board, see the officer-specific sections of this manual.

# FY11 Policy & Procedure Manual

## Fund Transfer Request

### Code of Virginia § 15.2-2506 (excerpt)

No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly or monthly appropriation for such contemplated expenditure by the governing body.

### Compensation Board Policy

**Due to current budget restrictions, Constitutional Officers may make fund transfer requests to use savings from one budget category in another budget category in limited cases and with prior Compensation Board approval.**

**Constitutional Officers may submit a fund transfer request through the COIN system for use of monies accumulated through vacancy savings as permitted by policy in some limited cases.**

**For action within the fiscal year, fund transfer requests must be submitted no later than one week prior to the May Compensation Board meeting. Any request for transfers should occur prior to the expenditure of funds. Neither the Compensation Board nor your local government is obligated to supplement your budget during the year.**

There are two kinds of fund transfer requests: base transfers and one-time transfers.

**Base Transfer Request** - Base transfers permanently move funds from one budget category to another. This includes the transfer of turnover to other budget categories, and the permanent transfer of funds between temporary salaries and office expenses, or from one of these categories to permanent salaries to provide salary increase(s) in accordance with Board policy and established pay practices.

**Note:** Due to budget restrictions, turnover savings may not be moved to other base budget categories. Turnover may be used to increase the salary of permanent employees only when moving to a classification in a higher pay band. Turnover not used by mid-April will not be carried over into the next fiscal year.

Base transfers from temporary salaries or office expenses to equipment are not allowed; however, a one-time transfer may be permitted.

**One-Time Transfer Request** - One-time transfers are fund transfers that do not permanently affect base funding of budget categories. This includes the transfer of vacancy savings to other budget categories, and the one-time transfer of funds between temporary salaries, office expenses, and equipment budget categories. One-time transfers to permanent salaries are not allowed. Funds may not be transferred from equipment to temporary office expenses.

For more information, see sections entitled **Turnover**, **Vacancy of Principal Officer**, **Vacancy Savings**, and **Vacant Staff Position**.

## FY11 Policy & Procedure Manual

### Grievance Procedure

#### Code of Virginia § 15.2-1507 A. (excerpt)

3. a. Unless otherwise provided by law, all nonprobationary local government permanent full-time and part-time employees are eligible to file grievances with the following exceptions: (1) Appointees of elected groups or individuals. 7.b. Notwithstanding the exceptions set forth in subdivision 3.a. above, local governments, at their sole discretion, may voluntarily include employees in any of the excepted categories within the coverage of their grievance procedures.

§ 15.2-1603 (excerpt)  
Any such deputy may be removed from office by his principal. The deputy may also be removed by the court as provided by § 24.2-230.

#### Compensation Board Policy

**The offices of Constitutional Officers are exempt from the Code of Virginia law that sets grievance procedures for local governments.**

Constitutional Officers may voluntarily agree to be covered by the locality's grievance procedures.

Constitutional Officers should consult legal counsel before voluntarily agreeing to be covered by the locality's grievance procedures.

### June Payroll Shift

#### Compensation Board Policy

**Since FY03, the reimbursement schedule has localities receiving reimbursement for the months of June through May in the months of July through June.**

As a result of the 2002 General Assembly, the Compensation Board's reimbursement schedule for fiscal year payroll and expenses permanently changed. The Compensation Board has always reimbursed expenditures one month in arrears. Prior to FY02 it included an accelerated schedule in June to reimburse both May and June expenditures prior to the end of the fiscal year. In FY02, June 2002 expenditures were reimbursed in the month July 2002 (beginning of FY03). FY03 reimbursements for June through May came during the months of July through June. The June payroll shift has not changed the budget cycle based on the fiscal year cycle, beginning July 1 and ending June 30. Expenditures in the month of June of each year (end of fiscal year) will be reimbursed out of budgeted funds available for the following fiscal year. The Constitutional Officer's budget cycle is based on the July 1 through June 30 fiscal year. However, expenditures are reimbursed one month in arrears. Reimbursement for the months of June through May occurs in the months of July through June.

# FY11 Policy & Procedure Manual

## Liability Insurance

### Compensation Board Policy

**The Compensation Board pays the full premium for liability insurance with VaRISK for all Constitutional Officers and deducts 50% of the cost from each year's first monthly payroll and expense reimbursement.**

### Code of Virginia

#### § 2.2-1839 (excerpt)

A. The Division of Risk Management shall establish one or more risk management plans to provide protection against liability imposed by law for damages and against incidental medical payments resulting from any claim made against any constitutional officer.

B. Participation in the risk management plan shall be voluntary and shall be approved by both the participant's respective governing body or the State Compensation Board in the case of constitutional officers. Upon such approval, the Division shall assume sole responsibility for plan management, compliance, or removal.

C. The Division shall provide for the legal defense of participating entities and shall reserve the right to settle or defend claims presented under the plan.

E. The Division shall set the premium and administrative cost to be paid to it for providing a risk management plan.

#### 2010 Appropriation Act Item 76

O. The Compensation Board is hereby authorized to deduct, from the first reimbursements made each year to localities out of the amounts in Items 69, 71, 72, 73, 74, and 75 of this act, an amount equal to fifty percent of each locality's share of the insurance premium paid by the Compensation Board on behalf of the constitutional offices, directors of finance, and regional jails.

The **Division of Risk Management (DRM)** protects Virginia's state government and other public entities from financial loss caused by legal liability, loss to property, and other hazards. DRM does this through the establishment and administration of specialized risk management plans authorized by statute and approved by the governor. From medical malpractice coverage for health care providers to property coverage for the state's historic resources and fine arts, DRM manages a diverse range of exposures for state government, constitutional officers, local governments, free clinics, and other public entities throughout Virginia.

**VaRISK**, a statutory risk management plan, is a comprehensive liability self-insurance plan uniquely suited for Virginia's sheriffs, clerks of the circuit court, commonwealth's attorneys, city and county treasurers, commissioners of revenue, and regional jails. The plan provides coverage for tort liability, law enforcement liability, public official liability, and medical malpractice, depending on the needs of the plan member. All constitutional officers and regional jails in the state are covered by VaRISK, with premiums paid by the Compensation Board.

DRM becomes involved in a claim against a Constitutional Officer or regional jail superintendant only upon the direct request from the Constitutional Officer, jail board or jail superintendant. DRM will not be liable for or assume responsibility for any claims under the VaRisk program if the covered party fails to comply with the conditions of the plan established for Constitutional Officers.

#### Division of Risk Management

James Monroe Building  
101 N. 14<sup>th</sup> Street  
Richmond, VA 23219  
(804) 225-2142

<http://www.trsvirginia.gov/drm/drm.aspx>.

Language is included in the 2010 Appropriations Act, Item 76, O. requiring the recovery of one-half of the premiums paid by the Compensation Board to DRM on behalf of Constitutional Officers and their employees for the VaRISK general liability insurance coverage and surety bond coverage. Such recoveries are to be based upon 50% of each local office's proportion of the total premium amounts paid for each constitutional officer group. Locality recoveries can be found on the Compensation Board's website at <http://www.scb.virginia.gov/docs/budgetrecovery.pdf>.

In COIN, the Compensation Board recovers 50 percent of the local share of the premiums as a negative authorized entry to the Additional Allowances screen on the July (beginning of the new fiscal year) reimbursement request.

For more information, see the section entitled **Blanket Surety Bond**.

## FY11 Policy &amp; Procedure Manual

## Medical / Hospitalization Insurance

Code of Virginia  
§ 15.2-1517

B. In the event a county or city elects to provide one or more group life, accident, and health insurance programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

**Compensation Board Policy**

**Local governing bodies may provide medical/hospitalization insurance to Constitutional Officers and employees. The Compensation Board will not reimburse local governing bodies for the cost of medical/hospitalization insurance.**

Contact the human resources department of your local county or city governing body for information regarding medical / hospitalization coverage.

## FY11 Policy & Procedure Manual

2010 Appropriations Act  
§ 4-5.04 (excerpt)

e. 2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle.

### Mileage Reimbursement Rate

#### Compensation Board Policy

**Reimbursement for the mileage to travel by personal vehicle to professional association meetings is set at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service and posted on the website of the Office of Fleet Management Services, Virginia Department of General Services.**

The Compensation Board currently reimburses mileage of personal vehicles to professional association meetings at a rate of 50 cents per mile with an accompanying certification that a government-owned vehicle was not available. Reimbursement for a locality-owned vehicle is 24.6 cents per mile. In addition, the Compensation Board reimburses parking (\$8 maximum) and toll expenses. Mileage reimbursement is included as a part of the maximum reimbursement amount of \$100 per professional association meeting reimbursable through the office expense budget, and not as a separate expense item.

Due to current budget restrictions, the Compensation Board will reimburse mileage for personal and government-owned vehicles at 24.6 cents per mile for Compensation Board-sponsored training events.

For more information regarding the types of professional meetings, see the section entitled **Professional Associations**.

The website of DGS Office of Fleet Management Services is located at <http://www.dgs.virginia.gov/fleet.aspx>.

## FY11 Policy & Procedure Manual

### Military Leave

#### Code of Virginia § 44-93 (excerpt)

A-B. All officers and employees of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States, National Guard, or naval militia shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty. There shall be no loss of regular employer pay during such leaves of absence except that paid leaves of absence shall not exceed 15 workdays per federal fiscal year. When relieved from such duty, they shall be restored to positions held by them when ordered to duty. If the office or position has been abolished they shall be reinstated in a position of like seniority, status and pay, unless to do so would be unreasonable. Any local government may pay such employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received.

#### Compensation Board Policy

**Compensation Board-funded staff positions may receive a leave of absence and the locality may be reimbursed for up to 15 days of military duty to include training duty in the armed services or organized reserve forces of the United States, National Guard, or naval militia.**

**The Compensation Board has no statutory authority to reimburse local governments for supplemental military pay to Constitutional Officers called up for active military duty.**

The Code of Virginia, § 44-93, allows for up to 15 workdays per fiscal year of paid leave for federally-funded military duty, to include training duty. These paid leaves of absence are the responsibility of the employer and are reimbursed by the Compensation Board.

In addition, any local government may also supplement federally-funded active military duty with all or any portion of the difference between regular pay and the military pay received by the employer during his/her absence. Local governments will not be reimbursed by the Compensation Board for any supplemental pay given to Constitutional Officers or staff on active military duty. Constitutional Officers and staff who are serving in the active military are coded in COIN as "Military Leave Status," thus effectively removing them from a reimbursable status for the duration of their active military service.

For more information, consult policy 4.50 of the Department of Human Resource Management located at [http://www.dhrm.virginia.gov/hrpolicy/web/pol4\\_50.html](http://www.dhrm.virginia.gov/hrpolicy/web/pol4_50.html).

For more information regarding paid leave for Constitutional Officers, see the sections entitled **Payment for Leave** and **Overtime Pay / Compensatory Time**.

# FY11 Policy & Procedure Manual

## Office Expenses

### Code of Virginia § 15.2-1639 (excerpt)

The governing body of each county and city shall, if there are offices in the courthouse available, provide offices for the treasurer, attorney for the Commonwealth, sheriff, and commissioner of the revenue. If such offices are not available, offices may be provided by the governing body elsewhere than the courthouse of the county or city.

### § 15.2-1636.15 (excerpt)

Whenever a county or city attorney for the Commonwealth, treasurer or commissioner of the revenue purchase items as listed in this section in conformity with and within the limits of allowances duly made and contained in the then current budget of any such officer under provisions of this article, the invoices therefor, shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly pay the county or city the state's proportionate part of the cost of such items.

### Compensation Board Policy

**Base budget office expense funds are limited in FY11 in all constitutional offices due to recent reductions in General Fund appropriations, with many offices electing to use available base budget office expense funding to meet those reductions. If funds are available in the office expense budget, office expenses incurred conducting business are reimbursable by the Compensation Board.**

**The Compensation Board does not reimburse for office space.**

The Code of Virginia, § 15.2-1636.15, allows for reimbursement of office expenses, such as:

- Office supplies;
- Postage;
- Association dues;
- Telephone service;
- Maintenance and repairs;
- Internet access; and
- Meetings / mileage.

Professional Association membership dues for the principal officer only are considered reimbursable under office expenses. Additional Compensation Board-reimbursed office expenses vary by office. Attendance at officer association meetings, VALECO and LGOC may be reimbursable out of an office expense budget up to \$100 per meeting.

To determine which expenses are reimbursable for your office and which ones are not, see the officer-specific section of this manual.

For more information related to office expense funding, see sections entitled **Additional Allowances, Fund Transfers, Professional Associations, and Software Reimbursement.**

## FY11 Policy &amp; Procedure Manual

## Overtime Pay / Compensatory Time

Code of Virginia  
§ 15.2-1605 (excerpt)

If any employee or deputy is required to work on any legal holiday, he shall receive, in lieu of the holiday, an equal amount of compensatory time with pay in the same calendar year in which such holiday occurs.

**Compensation Board Policy**

**The Compensation Board does not reimburse for compensatory time or overtime leave.**

Accrued compensatory time or overtime leave by employees can result in significant financial liability to the Constitutional Officer and/or the local governing body. Constitutional Officers and City Managers / County Administrators should monitor the accrued compensatory time or overtime leave balances of employees and take appropriate steps to ensure that excessive financial liability does not result when an employee departs.

For more information regarding paid leave, see sections entitled **Payment for Leave** and **Military Leave**.

# FY11 Policy & Procedure Manual

## Pay Bands

### Compensation Board Policy

**The Compensation Board follows pay policies that include pay bands. Constitutional Officers must use pay bands in making personnel salary decisions.**

**Ten pay bands** with corresponding minimum and maximum salaries are shown below.

		<i>July 1, 2010 to June 30, 2011</i>	
<b>Band</b>	<b>Role</b>	<b>Minimum</b>	<b>Maximum</b>
1	Administrative	\$19,856	\$37,371
2	Senior Administrative	\$23,723	\$45,666
3	Professional	\$28,234	\$52,973
4	Professional	\$28,362	\$58,322
5	Professional	\$31,778	\$54,576
6	Senior Professional	\$33,147	\$69,186
7	Senior Professional	\$33,885	\$76,172
8	Supervisory Management	\$44,058	\$116,345
9	Senior Professional	\$45,385	\$93,143
10	Supervisory Management	\$59,290	\$116,119

Sheriffs have a salary exception in Pay Band 3 for Medical, Treatment, and Classification personnel. Commonwealth's Attorneys have a salary exception in Pay Bands 2 and 9 for part-time personnel.

A detailed Pay Band crosswalk and staff salary scales for each office can be found on the Compensation Board web site under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov>.

For more information regarding pay practices, see sections entitled **Pay Factors**, **Pay Practices**, and **Personnel Changes and Actions**.

## FY11 Policy & Procedure Manual

### Pay Factors

#### Compensation Board Policy

**The Compensation Board follows pay policies that include pay factors. Constitutional Officers must consider these pay factors in making personnel salary decisions.**

Constitutional Officers are required to consider the following pay factors in making salary decisions:

- Budget implications;
- Duties and responsibilities;
- Knowledge, skills, and abilities;
- Work experience;
- Education;
- Current salary;
- Total compensation;
- Business need;
- Performance;
- Internal salary alignment;
- Market conditions; and
- Long-term implications.

Training, Licensure, and Certification of the employee are optional pay factors and may also be considered.

A matrix of pay factors and related pay practices is located on the Compensation Board web site under the COIN tab at <http://www.scb.virginia.gov>.

For more information regarding pay policies, see sections entitled **Pay Bands, Pay Practices**, and **Personnel Changes and Actions**.

## FY11 Policy & Procedure Manual

2010 Appropriation Act,  
Item 67.90

N. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the Compensation Board shall provide no reimbursement for accumulated vacation time for employees of Constitutional Officers.

Code of Virginia  
§ 15.2-1605 (excerpt)

B. Every city or county for which employees or deputies of constitutional officers work shall annually provide at least two weeks vacation with pay, at least seven days sick leave with pay, and such legal holidays as are provided for in § 2.2-3300. The county or city may provide that vacation or sick leave may be accumulated or shall terminate within a given period of time; however, such vacation may not be accumulated in excess of six weeks.

Code of Virginia  
§ 15.2-1636.8 (excerpt)

The Board shall, at meetings duly called by the chairman, carefully consider other such matters including the pay and compensation plan of each political subdivision, if it has one, and the locality's plan for adjustments of salaries and expenses for the ensuing fiscal year, as well as the plan of the Commonwealth for adjustment of state salaries and expenses for such year.

### Payment for Leave

#### Compensation Board Policy

**The Commonwealth of Virginia does not reimburse local governing bodies for the payment of annual leave, sick leave, or compensatory leave given to Constitutional Officers and staff.**

Every city or county governing body must provide to every employee or deputy of Constitutional Officers leave time for:

- At least 2 weeks paid annual leave (vacation);
- At least 7 days of paid sick leave;
- All Legal Holidays mandated in § 2.2-3300, Code of Virginia;
- Compensatory Time with pay (taken in the same calendar year) in lieu of working a legal holiday; and
- Military Leave.

Constitutional Officers must negotiate with the county or city on whether vacation or sick leave for staff may be accumulated from year to year or terminate within a given time period. Vacation time may not accumulate in excess of six weeks.

For more information regarding paid leave, see sections entitled **Military Leave** and **Overtime Pay / Compensatory Time**.

### Pay Practices: General

#### Compensation Board Policy

**The Compensation Board provides to Constitutional Officers compensation and classification tools (pay practices) that promote staff morale, retention, and pay equity as guided by the policies and practices of the Commonwealth's Department of Human Resources Management.**

Constitutional Officers may use pay practices to appropriately classify and pay positions in their offices. However, consideration of relevant pay factors and maintenance of appropriate supporting documentation is required.

A matrix of pay factors and pay practices can be accessed on the Compensation Board web site under the COIN tab at <http://www.scb.virginia.gov>.

For more information regarding pay policies, see sections entitled **Documentation/Record Retention, Pay Bands, Pay Factors, Pay Practices, and Personnel Changes and Actions**.

## FY11 Policy & Procedure Manual

### Pay Practices: Dismissal / Separation

#### Code of Virginia § 15.2-1604 (excerpt)

It shall be an unlawful employment practice for a constitutional officer to discriminate against any individual with respect to his compensation, terms, conditions or privileges of appointment or employment, because of such individual's race, color, religion, sex or national origin.

#### Compensation Board Policy

**Constitutional Officers must report dismissals of Compensation Board-funded permanent employees on the COIN "Personnel Processing Separation" screen.**

While employees of Constitutional Officers serve at the will or pleasure of the elected official, several state and federal laws and court decisions nonetheless apply to Constitutional Officers when making personnel decisions. The Constitutional Officer makes all hiring and firing decisions, but it is advisable that prior to dismissing an employee you seek advice from the city or county attorney. Additionally, the Division of Risk Management (DRM) administers a loss control program for the benefit of all Constitutional Officers. Contact DRM regarding any questions about services.

Division of Risk Management  
Department of the Treasury  
James Monroe Building  
101 N. 14<sup>th</sup> Street  
Richmond, VA 23219  
(804) 786-3152  
<http://www.trsvirginia.gov/drm/drm.asp>.

A matrix of pay factors and related pay practices is located on the Compensation Board web site at under the COIN tab at <http://www.scb.virginia.gov>.

For more information regarding hiring and firing decisions, see the section entitled **Vacant Staff Position**. For more information regarding pay policies, see sections entitled **Pay Bands**, **Pay Factors**, **Pay Practices**, and **Personnel Changes and Actions**.

## FY11 Policy & Procedure Manual

### Pay Practices: In-Band Adjustment

#### Compensation Board Policy

**The Compensation Board will not approve a salary increase for personnel unless it is tied to a specific pay practice and relevant pay factors have been considered.**

**All salary increases must be funded within your current budget unless otherwise approved by the Compensation Board.**

Pay practices falling into the in-band adjustment category include transfer, salary alignment (including additional or reduced duties), upward or downward class changes, and competitive offer.

**Transfer** is defined as a personnel action where an employee moves from one Compensation Board-funded position to another within the same pay band. The position number changes but the salary remains the same or increases up to 10 percent per fiscal year, but may not exceed the pay band maximum or the budget amount of the position being transferred to. Due to budget restrictions, the position being transferred to must be funded at a higher budgeted salary in order to perform this personnel action.

**Salary Alignment** (internal to office or due to alignment with a local pay plan) is defined as a personnel action in which both the pay band and the position number remain the same but the salary of the position may change in order to align it with other positions with similar characteristics within the office, or to align it with a local pay plan. The salary may remain the same or increase up to 10 percent per fiscal year, but may not exceed the pay band maximum.

Two types of salary adjustments, **Additional Duties** and **Reduced Duties**, are defined as personnel actions in which both the pay band and position number remain the same but a change of duties may have occurred. If additional duties are added the salary may remain the same or increase up to 10 percent per fiscal year, but may not exceed the pay band maximum. If duties are reduced, the salary may remain the same or decrease 10 percent per fiscal year, but may not go below the pay band minimum.

**Class Change-up** and **Class Change-Down** are defined as personnel actions in which both the pay band and position number remain the same but a specific class title may change within the band. In a class change-up the salary may remain the same or increase up to 10 percent per fiscal year, but may not exceed the pay band maximum. In a class change-down the salary may remain the same or decrease 10 percent per fiscal year, but may not go below the pay band minimum. The position may be filled or vacant.

**Competitive Offer** is an in-band adjustment in which the pay band and the position number remain the same. Latitude is given to match a documented outside offer, but the salary may not exceed the pay band maximum.

## FY11 Policy & Procedure Manual

### Pay Practices: In-Band Adjustment, continued

**Note: Due to budget restrictions, turnover funds may not be used to fund in-band salary increases.**

All personnel actions are made by completing the online CB-10 process in COIN.

A matrix of pay factors and related pay practices is located on the Compensation Board web site under the COIN tab at <http://www.scb.virginia.gov>.

For more information regarding pay policies, see sections entitled **Pay Bands, Pay Factors, Pay Practices, and Personnel Changes and Actions.**

## FY11 Policy & Procedure Manual

### Pay Practices: New Hire

#### Code of Virginia § 15.2-1604 (excerpt)

C. With regard to notices and advertisements: 1. Every constitutional officer shall, prior to hiring any employee, advertise such employment position in a newspaper having general circulation or a state or local government job placement service in such constitutional officer's locality except where the vacancy is to be used (i) as a placement opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill temporary positions, temporary employees being those employees hired to work on special projects that have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work. 2. No constitutional officer shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such constitutional officer indicating any preference, limitation, specification, or discrimination, based on sex or national origin, except that such notice or advertisement may indicate a preference, limitation, specification, or discrimination based on sex or national origin when sex or national origin is a bona fide occupational qualification for employment.

#### Compensation Board Policy

**The Compensation Board approves the salary of a new employee not previously employed in a Compensation Board-reimbursed position at not more than 15% above the employee's prior salary.**

New hires in the office of a Constitutional Officer receive up to a 15% raise above the prior salary, provided that:

- Funds are available in the officer's budget;
- Required pay factors are given due consideration in filling the vacant position; and
- Salary offered to the new hire does not exceed the maximum salary of the pay band.

Constitutional Officers should ensure that the Compensation Board has granted approval prior to offering a salary that does not meet these criteria. The Compensation Board must approve all salary offers in advance.

A matrix of pay factors and related pay practices is located on the Compensation Board web site under the COIN tab at <http://www.scb.virginia.gov>.

The 2008 General Assembly approved funding reductions associated with anticipated savings accrued through turnover and vacancies in the offices of Constitutional Officers. All constitutional officers, Directors of Finance and regional jails were subject to holding any Compensation Board funded position becoming vacant through attrition unfilled for a minimum of 90 days, effective July 1, 2008. In September 2008, the Governor removed the 90-day vacancy restriction and approved an across-the-board reduction. This action was also approved by the 2010 General Assembly for FY11. Currently, all Constitutional Officers are allowed to fill vacant positions as they deem necessary.

For more information regarding new hires, see the section entitled **Vacant Staff Position**. For more information regarding pay policies, see sections entitled **Pay Bands, Pay Factors, Pay Practices, and Personnel Changes and Actions**.

## FY11 Policy &amp; Procedure Manual

## Pay Practices: Out-of-Band Adjustment

**Compensation Board Policy**

**The Compensation Board will not approve a salary increase for personnel unless it is tied to a specific pay practice and relevant pay factors have been considered.**

**All salary increases must be funded within your current budget unless otherwise approved by the Compensation Board.**

Pay practices falling into the out-of-band adjustment category include promotion, demotion, and upward and downward role changes.

**Promotion** is defined as a personnel action that places an employee in a vacant position of a higher pay band. The position number changes and the salary may increase up to 15 percent or to the minimum of the higher pay band.

**Demotion** is defined as a personnel action that places an employee in a vacant position of a lower pay band. The position number changes and the salary may remain the same or decrease up to 10 percent. The salary may not fall below the new pay band minimum.

Two out-of-band adjustments, **Role Change-Up** and **Role Change-Down**, are defined as personnel actions in which the position number remains the same, but the pay band is higher or lower but cannot remain the same. For a role change-up the salary may increase up to 15 percent or to the minimum of the higher pay band. For a role change-down the salary may remain the same or decrease up to 10 percent. The salary may not go below the new pay band minimum. The position may be filled or vacant.

All personnel actions are made by completing the online CB-10 process in COIN.

A matrix of pay factors and related pay practices is located on the Compensation Board web site under the COIN tab at <http://www.scb.virginia.gov>.

For more information regarding pay policies, see sections entitled **Pay Bands, Pay Factors, Pay Practices, and Personnel Changes and Actions**.

# FY11 Policy & Procedure Manual

## Performance-Based Pay

2010 Appropriation Act Item 67.90 (excerpt)

G. Any funds appropriated in this act for performance pay increases for designated deputies or employees of constitutional officers shall be allocated by the Compensation Board upon certification of the constitutional officer that the performance pay plan for that office meets the minimum standards for such plans as set by the Compensation Board. Nothing herein shall change the status of employees or deputies of constitutional officers from employees at will or create a property or contractual right to employment. Such deputies and employees shall continue to be employees at will who serve at the pleasure of the constitutional officers.

### Compensation Board Policy

**The General Assembly has not funded performance-based salary increases for FY10.**

Pay for performance is a management tool that ties compensation to employee performance. Constitutional Officers are required to have an employee performance evaluation process.

A form to certify your office's employee performance evaluation plan is located on the Compensation Board website under the Publications and Forms tab at <http://www.scb.virginia.gov>.

2010 Appropriation Act Item 67.90

B. 1. Notwithstanding any other provision of law, the Compensation Board shall authorize and fund permanent positions for the locally elected constitutional officers, subject to appropriation by the General Assembly, including the principal officer, at the following levels:

### Compensation Board Policy

**In the 2010 session, the General Assembly authorized the Compensation Board to provide up to 16,102 permanent positions for FY11 and 16,102 permanent positions for FY12 in offices of Constitutional Officers.**

Office	FY11	FY12
Sheriffs	10,876	10,790
Partially-Funded Jail Medical, Treatment, and Classification and Records Positions	726	726
Commissioners of the Revenue	846	846
Treasurers	861	861
Directors of Finance	383	383
Commonwealth's Attorneys	1,266	1,266
Clerks of the Circuit Court	1,144	1,144
<b>TOTAL</b>	<b>16,102</b>	<b>16,102</b>

In FY11 and FY12, authorization is provided for up to 549 temporary positions each year.

## FY11 Policy & Procedure Manual

### Personal Computer and Laptop Purchase

#### Compensation Board Policy

**When funds are available, the Compensation Board will approve a reasonable request for personal computers and laptops provided the Constitutional Officer has included the request in his/her budget for that fiscal year.**

The minimum specifications for reimbursement of personal computers and laptops are:

	<b>Desktop Standard</b>	<b>Laptop Standard</b>
<i>Processor</i>	64x2 Duo Core with 512KBx2 L2 cache, AMD	1.2GHz, 2MB L2 cache 533 MHz FSB
<i>Memory</i>	2 GB	2GB
<i>Monitor</i>	15 WXGA	N/A
<i>Video</i>	Graphics Media Accelerator 950 (up to 224MB shared)	Graphics Media Accelerator 950 (up to 224MB shared)
<i>Hard Drive</i>	80 GB	40 GB
<i>OS</i>	Windows XP	Windows XP
<i>NIC</i>	Integrated 10/100/1000	Integrated 10/100
<i>CD / DVD Drive</i>	DVD/CDRW	DVD/CDRW
<i>Audio</i>	Integrated audio with external speakers	Integrated audio with external speakers
<i>Mouse</i>	USB Optical mouse	USB Optical mouse
<i>Keyboard</i>	USB keyboard	N/A
<i>Wireless</i>	N/A	Internal Bluetooth option
<i>Other</i>	N/A	Carrying Case

The Compensation Board will consider a **waiver of minimum specifications** for modems, tape backups, etc., for personal computers to be used in a network environment.

## FY11 Policy & Procedure Manual

### Personnel Changes and Actions

#### Compensation Board Policy

**The Compensation Board must approve all personnel actions and salary adjustment requests by Constitutional Officers.**

Constitutional Officers must use COIN to report all personnel actions the month in which the change occurs and prior to the first working day of the month of the personnel change. Personnel actions that follow Compensation Board policy automatically update to COIN upon entry by the Constitutional Officer or designated staff member. COIN offers a complete history of personnel actions, and turnover/vacancy savings associated with personnel changes when applicable. Personnel changes that require Board action must be entered by the Constitutional Officer or designated staff member after Board approval. However, the Compensation Board staff must first update the COIN screens to allow the transaction to be processed. County and city administrators are encouraged to view the personnel history or the reimbursement screens in COIN for current salary and turnover/vacancy savings information.

A matrix of personnel actions associated with pay practices and pay factors is located on the Compensation Board website under the COIN tab at <http://www.scb.virginia.gov>.

For more information regarding pay policies, see sections entitled **Pay Bands**, **Pay Factors**, and **Pay Practices**.

### Population Estimate

#### Compensation Board Policy

**The Compensation Board uses population estimates of counties and cities when determining the salaries of Constitutional Officers and when determining the allocation of positions in Sheriffs' offices for law enforcement.**

Population estimates come from the Weldon Cooper Center for Public Service, University of Virginia, located at <http://www.coopercenter.org/demographics/>, or the United States Bureau of the Census, located at <http://www.census.gov/>.

2010 Appropriation Act  
Item 67.90 (excerpt)

A (1). In determining the salary of any officer the Compensation Board shall use the greater of the most recent actual United States census count or the most recent provisional population estimate from the United States Bureau of the Census or the Weldon Cooper Center for Public Service of the University of Virginia.

Item 67.20 (excerpt)

I. The annual allocation of law enforcement positions to local sheriff's offices shall be based upon the most recent final population estimate for the locality.

## FY11 Policy & Procedure Manual

### Position Reallocation

#### Compensation Board Policy

**Based upon the Compensation Board's staffing standards, a position shall remain vacant in any office in which the number of FTE positions exceed the positions due by one or more positions.**

The reallocation policy can be applied to all offices of Constitutional Officers; however, the position reallocation policy for Sheriffs and Regional Jail Superintendents applies to law enforcement and court services deputies only.

Standard annual processes provides that on May 1 of each year, the Compensation Board will notify Constitutional Officers of FTE positions that exceed the Compensation Board's staffing standards by one or more positions. Before July 1, the officer is given the opportunity to present the Board with a unique situation impacting the office for the Board to reconsider application of the policy for the upcoming fiscal year. Due to budget reductions implemented in FY11, notification of application of the position reallocation policy in an office is delayed until August 1, 2010, with the officer's opportunity for request for reconsideration extended until September 1, 2010.

When a vacancy occurs, the Officer notifies the Compensation Board through a personnel action in COIN. If the Board does not accept the Officer's argument of a "unique situation," the Officer has the option of not filling the position that becomes vacant or not filling another position of a lower grade. Regardless, the Officer's budget is not reduced in the fiscal year in which the vacancy occurs. If the position remains vacant for the remainder of the fiscal year and the most recent workload data submitted in February does not support a need for the position, the Compensation Board will abolish the position(s) in the next fiscal year's budget (effective July 1). The position is reallocated in priority order, according to Compensation Board staffing standards, to the office having the greatest need.

Vacancy savings associated with the Reallocation Policy may be transferred to another Compensation Board reimbursable category on a monthly basis for use during the fiscal year. If it is determined, based on the recent workload data in May, that this position will not be reallocated, the officer may fill the position for the remainder of the fiscal year if such funds have not been transferred for May and June.

No one should consider the offices in excess to be "overstaffed." Instead, based upon a fixed number of duties, these offices have Compensation Board-reimbursed positions in excess of other offices having the same duties.

For more information regarding vacant positions and position allocations, see sections entitled **Fund Transfer Request**, **Staffing Standards**, **Vacancy Savings**, and **Vacant Staff Position**.

## FY11 Policy & Procedure Manual

### Professional Associations

#### Compensation Board Policy

**The Compensation Board does not provide additional funding for attendance at professional associations' annual meetings, VALECO and LGOC; however, reimbursement for attendance of these meetings may be requested from existing office expense budgets.**

**Reimbursement is limited to staff in Compensation Board-funded permanent positions. In order to receive reimbursement, the request must be filed within 60 days of the conclusion of the meeting or conference and may only be claimed after the conclusion of the scheduled meeting.**

Reimbursement for attendance at professional meetings is approved as an **Office Expense** in COIN. One attendee (officer or official designee) is permitted per meeting or conference for a maximum reimbursement of \$100. Reimbursable meetings or conferences include:

- VALECO "Virginia Association of Local Elected Constitutional Officers" Annual Meeting;
- LGOC "Local Government Officials' Conference";
- VCCA "Virginia Court Clerks Association" Annual Meeting;
- VACA "Virginia Association of Commonwealth's Attorneys" Annual Meeting;
- VSA "Virginia Sheriffs' Association" Annual Meeting;
- TAV "Treasurers' Association of Virginia" Annual Meeting;
- CRAV "Commissioners of the Revenue Association of Virginia" Annual Meeting; and
- VARJ "Virginia Association of Regional Jails" Annual Meeting.

For more information regarding mileage reimbursement for professional association meetings, see the section entitled **Mileage Reimbursement Rate**. For more information regarding training, see the section entitled **Training Offered by Compensation Board**.

# FY11 Policy & Procedure Manual

## Retiree Health Care Credit

### Compensation Board Policy

**The Compensation Board pays the cost of participation in the retiree health insurance credit program for all eligible Constitutional Officers and their employees, and recovers 100% of the cost from each year's first monthly payroll and expense reimbursement.**

### Code of Virginia

#### § 51.1-1403 (excerpt)

A. A local officer, as defined in § 51.1-124.3, general registrar, employee of a general registrar, or an employee of a local social services board, retired under the Virginia Retirement System who rendered at least 15 years of total creditable service under the System shall receive a health insurance credit to his monthly retirement allowance, which shall be applied to reduce the retired member's health insurance premium cost. The amount of each monthly health insurance credit payable under this section shall be \$1.50 for each full year of the retired member's creditable service, not to exceed a maximum monthly credit of \$45; however, each former member whose retirement was for disability shall receive a monthly health insurance credit of \$45.

### 2010 Appropriation Act Item 67.90

Q. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation Board is hereby authorized to deduct, from the first reimbursements made each year to localities out of the amounts in Items 67.20, 67.40, 67.40, 67.60, 67.70, and 67.80 of this act, an amount equal to each locality's retiree health premium paid by the Compensation Board on behalf of the constitutional officers, directors of finance, and regional jails.

The Virginia Retirement System's health insurance credit provides eligible participants with a reimbursement to assist with the cost of health insurance premiums. The cost of participation in this program for Constitutional Officers and their Compensation Board funded employees is paid annually on their behalf by the Compensation Board directly to the Virginia Retirement System (VRS). Eligible participants receive the credit as an adjustment to their monthly retirement benefit.

The credit is a dollar amount set by the General Assembly for each year of service. The credit ends upon death of the eligible participant and cannot exceed the amount of a participant's individual health insurance premium.

Additional information regarding eligibility, qualifying health plans, and applying for the health insurance credit can be found on the VRS website at <http://www.varetire.org/Retirees/Insurance/HealthInsCredit/Index.asp> or by contacting VRS at:

Virginia Retirement System  
P. O. Box 2500  
Richmond, VA 23218-2500  
(888) 827-3847

Language is included in the 2010 Appropriations Act, Item 67.90, Q. requiring the recovery of the premium paid by the Compensation Board to the Virginia Retirement System on behalf of constitutional officers and their employees for the retiree health care credit. The recovery is to be based upon each local office's proportion of VRS participating salaries in each constitutional officer group. Final locality recovery amounts can be found on the Compensation Board's website at <http://www.scb.virginia.gov/docs/budgetrecovery.pdf>.

In COIN, the Compensation Board recovers 100 percent of the local share of the premium as a negative authorized entry to the Additional Allowances screen in the July (beginning of the new fiscal year) reimbursement request.

## FY11 Policy & Procedure Manual

### 60-Day Reimbursement Policy

#### Compensation Board Policy

**The Compensation Board has a 60-day deadline for a locality or jail authority that seeks reimbursements for salary and/or benefits resulting from personnel actions. A request for reimbursement from personnel actions must be dated not more than 60 days after a "Change of Personnel Status" request in COIN.**

The Compensation Board will date delinquent reimbursements (denied because of failure to meet the 60-day requirement) on the first day of the month in which the Board receives notification of changes in personnel.

### Salary Increase

#### Compensation Board Policy

**The 2010 General Assembly did not approve salary increases for FY11.**

A history of salary increases can be found on the Compensation Board web site under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov>.

### Salary of Principal Officer

#### Compensation Board Policy

**Salaries for Constitutional Officers are established by the General Assembly according to population group and/or duties. The salaries are set forth in the Appropriation Act.**

**There is no reduction in salary by reason of a decline in population while the Constitutional Officer remains in office.**

2010 Appropriation Act  
Items 67.20, 67.40, 67.50,  
67.60, 67.70, and 67.80

The annual salary of elected or appointed county or city (officer) of the Commonwealth shall be as hereinafter prescribed.

The Appropriation Act sets salary levels for Constitutional Officers:

Item 67.20	Sheriff
Item 67.40	Director of Finance
Item 67.50	Commissioner of the Revenue
Item 67.60	Commonwealth's Attorney
Item 67.70	Clerk of the Circuit Court
Item 67.80	Treasurer

The criteria used for setting a salary for a Constitutional Officer are population (all officers) and duties (Sheriffs only). Specific salaries are listed in the officer-specific sections in this manual.

## FY11 Policy & Procedure Manual

### Salary Restoration

#### Compensation Board Policy

**The Compensation Board does not approve salary restoration requests that exceed the salary of the position prior to budget reductions.**

As funds become available through turnover or base budget transfers a Constitutional Officer may request a partial or full salary restoration for any position currently funded below the entry level of the pay band for the classification. Unfunded positions may be restored if sufficient funds are available through turnover or base budget transfers to fully fund the salary at the minimum salary of the pay band. Use the Personnel Processing sub-system in COIN to restore salaries of a position.

For more information regarding salaries, see sections entitled **Fund Transfer Request, Personnel Changes and Actions, Turnover, and Vacancy Savings.**

# FY11 Policy & Procedure Manual

## Salary Standard

### Code of Virginia

#### § 15.2-2507 (excerpt)

Every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board.

#### § 15.2-1636.13 (excerpt)

The salaries fixed in accordance with this article shall be paid in equal monthly installments. The expenses and other allowances shall be paid monthly on the submission of satisfactory evidence that such expenses and other allowances were actually incurred. All counties and cities shall pay the entire amount of such salaries, expenses and other allowances and the Commonwealth shall reimburse all such counties and cities for the Commonwealth's proportionate share.

#### § 15.2-1609.2

F. The salary of any deputy sheriff shall not exceed ninety percent of the salary of the sheriff by whom he is employed.

#### § 15.2-1627.1 (excerpt)

B. Each assistant attorney for the Commonwealth authorized by law, if his services shall be deemed necessary by the Compensation Board, shall receive an annual salary which shall not exceed ninety percent of the salary received by the attorney for the Commonwealth of his county or city.

### Compensation Board Policy

**Local governing bodies that support Constitutional Officers may not set the salaries, expenses and other allowances less than that established by the Compensation Board.**

**Local governing bodies pay the salaries, expenses, and other allowances of Constitutional Officers and staff. The Compensation Board reimburses on a monthly basis the Commonwealth's proportionate share.**

**In the event a county or city fails to make timely payment of salaries, expenses, or other allowances fixed in accordance with the Code of Virginia, the Compensation Board will withhold all reimbursements for the office or offices affected until the salaries, expenses, and other allowances have been paid.**

Local governing bodies may, if necessary, delay payment of salaries, expenses, and other allowances to Constitutional Officers if they have made an appeal pursuant to §§ 15.2-1636.8 or 15.2-1636.9, Code of Virginia, which specifies that any officer whose budget is affected by a budget decision from the Compensation Board has the right to appeal within 45 days from the date of the decision. The appeal lies to the circuit court of the county or city wherein the officer making the appeal resides. The deadline for appeals by local governing bodies is 30 days.

As stipulated in the Code of Virginia, §§ 15.2-1609.2F and 15.2-1627.1B, the Compensation Board-paid salary of deputy sheriffs and assistant attorneys may not exceed 90 percent of the officer's Compensation Board-paid salary. The Compensation Board-paid salaries for deputies of all other Constitutional Officers follow this standard by policy.

For more information regarding salaries set by the Compensation Board, see sections entitled **Budget Appeals** and **Budget Hearing**.

## FY11 Policy & Procedure Manual

2010 Appropriation Act  
Item 67.90 (excerpt)

A. 2. Nothing herein contained shall prevent the governing body of any county or city from supplementing the salary of such officer in such county or city for additional services not required by general law; provided, however, that any such supplemental salary shall be paid wholly by such county or city.

### Salary Supplement

#### Compensation Board Policy

**Local governing bodies may provide salary supplements to Constitutional Officers and staff.**

Sheriffs and Commonwealth's Attorneys: The salary of staff may not exceed 90 percent of the officer's salary, regardless of the funding source.

All other Constitutional Officers: The salary of staff may not exceed 90 percent of the Compensation Board-paid salary.

### Software Reimbursement

#### Compensation Board Policy

**Compensation Board reimbursement for the purchase of commercially available "off the shelf" software is allowable from office expense funds.**

The Compensation Board will reimburse for computer software upon the following conditions.

- Software that comes with or is installed on a new PC or server is reimbursable as part of the total package price when funding for the inclusive cost of the equipment has been approved by the Compensation Board.
- Commercially available "off the shelf" software is reimbursable from available funds in the office expense budget category.
- Funds are available in the officer's budget.
- Funds are available at the time of the request.
- Software must be used for legitimate business purposes.

For more information regarding software / equipment, see sections entitled **Equipment Funding, Fiscal Stress Factor, Office Expenses, and Personal Computer and Laptop Purchase.**

## FY11 Policy & Procedure Manual

### Special Defense Counsel

#### Code of Virginia § 15.2-1606 (excerpt)

In the event that any Constitutional Officer (or deputy or assistant) is made defendant in any civil action arising out of the performance of his official duties and does not have legal defense provided under the insurance coverage of his office, such officer (or deputy or assistant) may make application to the respective circuit court to assign counsel for his defense. If the court makes such orders, reimbursement of any expenses incurred in the defense of such charges may be allowed by the court. Such legal fees and expenses shall be paid from the treasury of the county or city, and reimbursement shall be made from the Compensation Board in the proportions set out in § 15.2-1636.14.

#### § 15.2-1711 (excerpt)

If any law enforcement officer is investigated, arrested or indicted or otherwise prosecuted on any criminal charge arising out of any act committed in the discharge of his official duties, and no charges are brought, the charge is subsequently dismissed or upon trial he is found not guilty, then upon certification by the presiding officer of the governing body, the Compensation Board shall pay to the locality two-thirds of the amount so certified.

#### Compensation Board Policy

**The Compensation Board may reimburse legal fees and expenses of Constitutional Officers, deputies, and assistants not covered by the Division of Risk Management if they are made defendant in CIVIL actions arising from performance of official duties.**

**The Compensation Board may reimburse the local governing body for costs related to a law enforcement officer made defendant in CRIMINAL actions arising from performance of official duties if found not guilty or charges are dropped.**

Reimbursement related to a civil action is 50 percent of total costs for Treasurers and Commissioners of the Revenue and 100 percent of total costs for Commonwealth's Attorneys, Sheriffs, and Clerks of the Circuit Court. Reimbursement for legal fees related to criminal actions is two-thirds of total costs for law enforcement officers.

For reimbursement, the Constitutional Officer must send the Compensation Board a copy of the court order appointing the attorney, the reason for needing special counsel, and an itemized list of expenses including miles traveled and hours worked.

Reimbursement must be requested no later than the month following the payment by the locality.

# FY11 Policy & Procedure Manual

## Staffing Standards

2010 Appropriation Act  
Item 67.90 (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 to fulfill the requirements of any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in accordance with the provisions of Item 69 of this act.

M. In the event of the transition of a city to town status pursuant to § 15.2-4100, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 67.20, 67.40, 67.50, 67.60, 67.70, and 67.80 of this act. Any positions in the constitutional offices of the former city which are available for reallocation as a result of the transition shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is situated, without regard to the Compensation Board's priority of need ranking for relocated positions. The salary and fringe benefit costs for these positions shall be deducted from any amounts due the county, as provided in § 15.2-1302.

### Compensation Board Policy

**Any new positions allocated for Constitutional Officers by the General Assembly are allocated to individual offices in accordance with workload-based staffing standards.**

**Based upon recommendations of Constitutional Officer associations, the Compensation Board has approved workload-based staffing standards for the allocation of new positions for all officer groups.**

Any new positions allocated for Constitutional Officers by the General Assembly are allocated to individual offices in accordance with workload-based staffing standards.

Constitutional Officer Associations have appointed audit committees to verify the accuracy of workload data submitted. They include the:

- Treasurers' Associations of Virginia (TAV);
- Virginia Court Clerks' Association (VCCA);
- Virginia Sheriffs' Association (VSA); and
- Commissioners of the Revenue Association of Virginia (CRAV).

**Transition from a City to a Town Exception** - The Compensation Board uses staffing standards to reallocate positions made available through the transition of a city to a town. Positions are first reallocated to the county in which the reverted city resides. Remaining positions are reallocated in priority of need ranking order to other localities.

Staffing standards are located on the Compensation Board web site under the Constitutional Officers Budgets and Salaries tab at <http://www.scb.virginia.gov>.

See officer-specific sections of this manual for current workload-based staffing standards.

# FY11 Policy & Procedure Manual

## Temporary (Hourly-Wage) Employees

### Compensation Board Policy

**The Compensation Board sets the salaries for hourly wage (temporary) employees at the same level as approved in the previous fiscal year (as adjusted through any base budget transfers during the fiscal year) unless base amounts have been reduced to meet budget reductions for FY11.**

## Training Offered by Compensation Board

### Compensation Board Policy

**The Compensation Board provides additional allowance funding for attendance at Compensation Board-sponsored training events.**

**Reimbursement is limited to staff in Compensation Board-funded permanent positions. In order to receive reimbursement, the request must be filed within 60 days of the conclusion of the meeting or conference and may only be claimed after the conclusion of the scheduled meeting.**

2010 Appropriation Act  
Item 67.90

J. Out of this appropriation [funding] from the general fund is designated for executive management, lawful employment practices, and new deputy and jail management training for constitutional officers, their employees, and regional jail superintendents.

In FY10, reimbursement has been approved as an **Additional Allowance** for Compensation Board-sponsored training or conferences. Reimbursement coding for training and conferences is as follows:

NOT	New Officer Training;
LAW	Lawful Employment Practices;
JMT	Managing Jail Risk;
LAC	LIDS Committee;
LUC	Annual LIDS Conference;
LIDS	Monthly LIDS Training;
COIN	COIN Monthly Training;
COIN	COIN Personnel, Reimbursement, and Budget Request sub-systems for new officers; and
COIN	COIN annual Budget Training.

Note: Not all conferences and training events are conducted each year.

Due to current budget restrictions, the Compensation Board will reimburse mileage for personal and government-owned vehicles at 24.6 cents per mile for Compensation Board-sponsored training events. In addition, the Compensation Board will reimburse parking and tolls (not to exceed \$8 for parking).

Requests for reimbursement may only be made after the locality has reimbursed the officer and/or employee for the expenses incurred for these trainings or conferences.

For more information regarding training, see the sections entitled **Mileage Reimbursement Rate** and **Professional Associations**.

## FY11 Policy & Procedure Manual

### Turnover

#### Compensation Board Policy

**Turnover funds may be used for limited personnel actions. Constitutional Officers may not make a base budget fund transfer request in COIN to use savings from turnover in other budget categories.**

Permanent salary savings accumulate when a vacant position is filled at a salary less than the budgeted salary. These savings may be used to provide salary increases in accordance with Board policy and established **Pay Practices**, but must be used prior to mid-April and the setting of the budget for a subsequent fiscal year.

Due to budget restrictions, the following use of turnover funds are in effect:

- No transfers of turnover funds, either one-time or in the base, to the Temporary or Office Expense categories of your budget.
- Restricted use of turnover funds for salary actions:
  1. Turnover funds may be used for salary increases in accordance with Compensation Board salary policy for New Hires and for Promotions/Upward Role Changes;
  2. Turnover funds may not be used for salary increases for In-Band Adjustment, which include Transfers, Internal Salary Adjustments or Upward Class Change within the pay band (exception: an internal salary adjustment may use turnover funds only for the purpose of restoring a salary to the entry level of the pay band that is below the entry level due to previous budget reductions – this is not applicable for Sheriffs/Regional Jails); and
  3. Base transfers of office expense or temporary funds for the purposes of providing salary increases in accordance with Compensation Board salary policy are subject to Compensation Board review and approval at a monthly board meeting per current policy.

For more information, see sections entitled **Fund Transfer Request** and **Vacancy Savings**.

## FY11 Policy & Procedure Manual

### Vacancy of Principal Officer

#### Code of Virginia § 24.2-228.1 (excerpt)

A-C. A vacancy in any elected constitutional office shall be filled by special election. The governing body of the county or city in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy. No election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

The highest ranking deputy officer shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

#### Compensation Board Policy

**Within 15 days of the occurrence of the vacancy of any elected Constitutional Officer, the governing body must petition the circuit court to issue a writ of election unless a general election is scheduled within 60 days.**

**During the period the vacancy exists the highest-ranking deputy assumes the duties of the principal officer. Until an election is held and a new officer is sworn in, the deputy position is not considered vacant and neither turnover nor vacancy savings will accrue.**

The Code of Virginia, § 24.2-228.1, has specific guidelines to deal with a vacancy in the principal officer position.

The personnel action must be completed to move the deputy into the officer's position in order for the deputy to receive the appropriate Compensation Board salary.

For more information regarding vacancies, see sections entitled **Vacancy Savings** and **Vacant Staff Position**.

## FY11 Policy & Procedure Manual

### Vacancy Savings

#### Compensation Board Policy

**Constitutional Officers may make Fund Transfer Requests in COIN to use vacancy savings in other budget categories.**

Vacancy savings are defined as funds accrued during a period in which a position remains unfilled. Vacancy savings are one-time savings that may be transferred to another budget category for use within the current fiscal year only.

Constitutional Officers may request fund transfers from vacancy savings in the following situations:

- An annual salary amount for a year long vacancy may be considered as a one-time transfer. Deadline for this request is July 1 prior to the fiscal year in which the vacancy will be maintained.
- Salary funds approved for the year for positions held vacant under the Position Reallocation policy may be transferred.
- Vacancy savings accrued in positions held vacant due to a U.S. military reserve call-up may be transferred.
- Vacancy savings accrued in positions held vacant due to personnel actions such as separations, leave without pay, etc., may be transferred.
- Transfers of vacancy savings to temporary funds or office expenses up to \$10,000 may be approved monthly by a Compensation Board fiscal technician.
- Transfers of vacancy savings to temporary funds or office expenses of more than \$10,000 requires Compensation Board approval and should accompany a docket request.

Submit a Fund Transfer Request in the COIN system to use vacancy savings in another budgeted category when the docket request is submitted for Compensation Board approval. Upon approval of the request by the Board, Compensation Board staff will make the fund transfer in COIN.

For more information regarding vacancies, see sections entitled **Fund Transfer Request, Position Reallocation, Vacancy of Principal Officer, and Vacant Staff Position.**

## FY11 Policy & Procedure Manual

### Vacant Staff Position

#### Code of Virginia § 15.2-1604 (excerpt)

A-C. Every constitutional officer shall, prior to hiring any employee, advertise such employment position in a newspaper having general circulation or a state or local government job placement service in such constitutional officer's locality, except where the vacancy is to be used (i) as a placement opportunity for appointees or employees affected by layoff, (ii) as a transfer opportunity or demotion for an incumbent, (iii) to fill positions that have been advertised within the past 120 days, (iv) to fill positions to be filled by appointees or employees returning from leave with or without pay, (v) to fill temporary positions, temporary employees being those employees hired to work on special projects that have durations of three months or less, or (vi) to fill policy-making positions, confidential or personal staff positions, or special, sensitive law-enforcement positions normally regarded as undercover work.

It shall be an unlawful employment practice for a constitutional officer to fail or refuse to appoint or hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of appointment or employment, because of such individual's race, color, religion, sex or national origin, unless in those instances where sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular office.

#### Compensation Board Policy

**Prior to hiring any employee Constitutional Officers must advertise vacant positions in a newspaper of general circulation or use a state or local government job placement service, with exception (see § 15.2-1604 C.).**

**Constitutional Officers cannot refuse to hire any individual because of his/her race, color, religion, sex or national origin unless sex or national origin is a bona fide occupational qualification.**

If funding is available in the current budget and after the selection process has been completed, the Officer must offer at least the minimum salary of the pay band of the vacant position and may provide up to a 15 percent increase over the candidate's current or most recent salary.

It is the responsibility of the Compensation Board to set the level of state contribution toward salaries of all permanent staff of Constitutional Officers. In order to carry out this task, the Board requires that you concur with the online certification statement regarding your budget, supporting documentation and the factors considered in establishing the starting salary.

For more information regarding vacancies, see sections entitled **Fund Transfer Request, Pay Practices, Position Reallocation, Vacancy of Principal Officer, and Vacancy Savings.**

## FY11 Policy & Procedure Manual

### Workers' Compensation Program

Code of Virginia  
§ 2.2-2821 (excerpt)

B. The Workers' Compensation Insurance Program shall be established through a program of self-insurance, purchased insurance or a combination of self-insurance and purchased insurance that is determined to be the most cost effective on a statewide basis and will be of less cost to the Commonwealth than the aggregate of individual agency policies.

#### Compensation Board Policy

**If a Constitutional Officer or employee receives workers' compensation while remaining on the Compensation Board payroll the local governing body must return that portion of salary to the Compensation Board.**

The Virginia Department of Human Resource Management offers an insurance plan for worker loss in the work place. Access the Office of Workers' Compensation website located at <http://www.covwc.com/> for more information regarding how to report an accident, doctors and pharmacy networks, compensation payroll codes, registration and accident forms, loss control programs, and a staff phone directory

Office of Workers' Compensation  
Department of Resource Management  
(804) 786-4128

Constitutional Officers and employees in Compensation Board-funded positions cannot receive workers' compensation payroll checks in addition to reimbursement for salary provided by the Commonwealth. The local governing body may either forward to the Compensation Board the original workers' compensation benefit checks or send a check drawn from the locality for the total amount the employee received. Permanent payroll expenditure amounts will be reduced by this credit.

Information regarding Workers' Compensation benefits is located on the Department of Human Resource Management's web site in the *Human Resource Policy Manual*, Policy 4.60 at [http://www.dhrm.virginia.gov/hrpolicy/policy/pol4\\_60WorkersComp.pdf](http://www.dhrm.virginia.gov/hrpolicy/policy/pol4_60WorkersComp.pdf).

## FY11 Policy & Procedure Manual

### Appendix 1: FY11 Compensation Board Reimbursement Percentages

	SHERIFFS	REGIONAL JAILS	COMMONWEALTH'S ATTORNEYS	DRUG PROSECUTORS
OFFICERS SALARY	100% of amount set out in the Appropriation Act	N/A	100% of amount set out in the Appropriation Act	N/A
EMPLOYEES SALARIES	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount
MEDICAL/RECORDS/TREATMENT SALARIES	66.66% of Compensation Board approved amount	66.66% of Compensation Board approved amount	N/A	N/A
PART-TIME (HOURLY WAGE) SALARIES	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount
OFFICE EXPENSE	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount
OFFICE EQUIPMENT	100% of Compensation Board approved amount. (fiscal stress factor is applied to all requests prior to approval)	100% of Compensation Board approved amount. (fiscal stress factor is applied to all requests prior to approval) <b>(Note 1)</b>	100% of Compensation Board approved amount. (fiscal stress factor is applied to all requests prior to approval)	100% of Compensation Board approved amount. (fiscal stress factor is applied to all requests prior to approval) <b>(Note 1)</b>
APPROVED CONFERENCE AND MEETING EXPENSE	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount	100% of Compensation Board approved amount
VRS RETIREMENT ON SALARIES OF OFFICERS & PERMANENT EMPLOYEES	Employers share based on locality rate, not to exceed 2.13%.	Employers share based on locality rate, not to exceed 2.13%. <b>(Note 2)</b>	Employers share based on locality rate, not to exceed 2.13%.	Employers share based on locality rate, not to exceed 2.13%. <b>(Note 2)</b>
FICA ON SALARIES OF OFFICERS & PERMANENT EMPLOYEES	7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.	7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.	7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.	7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.
VRS GROUP LIFE INSURANCE ON SALARIES OF OFFICERS & PERMANENT EMPLOYEES	0.28% of salary payable by Compensation Board	0.28% of salary payable by Compensation Board	0.28% of salary payable by Compensation Board	0.28% of salary payable by Compensation Board
FICA ON PART-TIME (HOURLY WAGE) EMPLOYEES	7.65% of wages payable by the Compensation Board	7.65% of wages payable by the Compensation Board	7.65% of wages payable by the Compensation Board	7.65% of wages payable by the Compensation Board

**Note 1** - The highest fiscal stress factor of a member jurisdiction will be applied to equipment requests from Regional Jails and Drug Prosecutors.

**Note 2** - The VRS rate of the locality acting as fiscal agent will be used when applied to salaries payable by the Compensation Board for Regional Jails and Drug Prosecutors, unless a separate rate is established for the regional jail authority.

# FY11 Policy & Procedure Manual

## Appendix 1: FY11 Compensation Board Reimbursement Percentages, continued

	<b>CIRCUIT COURT CLERKS (Note 4)</b>	<b>TREASURERS &amp; DIRECTORS OF FINANCE (Note 3)</b>	<b>COMMISSIONERS OF THE REVENUE</b>
OFFICERS SALARY	100% of the amount set out in the Appropriation Act	50% of the 1980 amount, and 100% of all state funded increases thereafter	50% of the 1980 amount, and 100% of all state funded increases thereafter
EMPLOYEES SALARIES	100% of Compensation Board approved amount	50% of Compensation Board approved amount	50% of Compensation Board approved amount
MEDICAL/RECORDS/ TREATMENT SALARIES	N/A	N/A	N/A
PART-TIME (HOURLY WAGE) SALARIES	100% of Compensation Board approved amount	50% of Compensation Board approved amount	50% of Compensation Board approved amount
OFFICE EXPENSE	100% of Compensation Board approved amount	50% of Compensation Board approved amount	50% of Compensation Board approved amount
OFFICE EQUIPMENT	100% of Compensation Board approved amount	33.33% of Compensation Board approved amount (fiscal stress factor is applied to all requests prior to approval)	33.33% of Compensation Board approved amount (fiscal stress factor is applied to all requests prior to approval)
APPROVED CONFERENCE AND MEETING EXPENSE	100% of Compensation Board approved amount	50% of Compensation Board approved amount	50% of Compensation Board approved amount
VRS RETIREMENT ON SALARIES OF OFFICERS & PERMANENT EMPLOYEES	2/3 of Employers share based on locality rate, not to exceed 2.13%.	Employers share based on locality rate, not to exceed 2.13%.	Employers share based on locality rate, not to exceed 2.13%.
FICA ON SALARIES OF OFFICERS & PERMANENT EMPLOYEES	2/3 of 7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.	7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.	7.65% of salary payable by Compensation Board up to \$106,800, and 1.45% of salary above \$106,800.
VRS GROUP LIFE INSURANCE ON SALARIES OF OFFICERS & PERMANENT EMPLOYEES	2/3 of 0.28% of salary payable by Compensation Board	0.28% of salary payable by Compensation Board	0.28% of salary payable by Compensation Board
FICA ON PART-TIME (HOURLY WAGE) EMPLOYEES	2/3 of 7.65% of wages payable by the Compensation Board	7.65% of wages payable by the Compensation Board	7.65% of wages payable by the Compensation Board

**Note 3** - City Treasurers who neither collect nor disburse local taxes or revenues are reimbursed 100% for approved budgeted expenditures (to include equipment at the stressed cost): Lynchburg, and Richmond City. City Treasurers who disburse local revenues but do not collect the same are reimbursed in the proportion of one-third by the city and two thirds by the Commonwealth (one-third by the Commonwealth for equipment at the stressed cost): Williamsburg and Danville. ([Code of Virginia, § 15.2-1636.14](#))

**Note 4** - Prince William Circuit Court Clerk is reimbursed at one-third of approved fringe benefit rates on salaries paid by the Compensation Board.

# FY11 Policy & Procedure Manual

## Appendix 2: Compensation Board Staff Directory

Automated Telephone Service: (804) 786-0786  
Office FAX: (804) 371-0235

	Title / Role	Phone
Frank Drew	Chairman	(804) 786-0786
W.J. Kucharski	Ex-Officio Member	(804) 225-3350
Craig Burns	Ex-Officio Member	(804) 786-3587

Compensation Board Staff	(804)	Title / Role	E-mail @scb.virginia.gov
Oliver Bradshaw	225-3479	External Audit Supervisor	oliver.bradshaw
Rick Burkett	225-3303	External Auditor - LIDS	rick.burkett
Kari Bullock	371-4299	LIDS Analyst	kari.bullock
Lisa Carson	225-3443	Senior Policy Analyst	lisa.carson
Paige Christy	225-3442	Senior Fiscal Technician-Clerks & Commonwealth's Attorneys	paige.christy
Robyn de Socio	225-3439	Executive Secretary	robyn.desocio
Bill Fussell	225-3475	Senior Fiscal Technician-Treasurers, Commissioners of the Revenue, and Directors of Finance	william.fussell
Craig Giegerich	225-3437	Systems Engineer	craig.giegerich
Linda Gutshall	225-3428	Fiscal Officer	linda.gutshall
Regina Hill	225-3435	Senior Fiscal Technician-County Sheriffs	regina.hill
Vacant	225-3463	Senior Fiscal Technician-City Sheriffs & Regional Jail Superintendents	
Vacant	225-3414	Assistant Executive Secretary	
Vacant	225-3407	External Auditor-Jail Cost Reporting	
Charlotte Luck	225-3366	Senior Budget Analyst	charlotte.luck
Kathryn Monday	225-3351	Application Programmer/Analyst Expert	kathryn.monday
Melanie Morrison	225-3336	Systems Engineer	melanie.morrison
Dan Munson	225-3333	Assistant Director - Information Technology	dan.munson
Vacant	225-3223	Training and Development Coordinator	
Charlene Rollins	225-3321	Customer Services Manager	charlene.rollins
Anne Wilmoth	225-3307	Chief Information Officer	anne.wilmoth
Vacant	225-3308	Administrative Assistant	

# FY11 Policy & Procedure Manual

## Appendix 3: Request for Information

Phone Help Topics	Staff	(804) 786-0786
Accounts Payable	Linda Gutshall	225-3428
Audit - General Operations	Robyn de Socio	225-3439
Audit - LIDS / Jail Cost Review	Oliver Bradshaw Rick Burkett	225-3479 225-3303
Budgets for Constitutional Officers	Charlotte Luck	225-3366
COIN Budgeting & Reimbursement	Charlene Rollins	225-3321
COIN – General Information	Paige Christy Anne Wilmoth Dan Munson Charlene Rollins	225-3442 225-3307 225-3333 225-3321
COIN System	Dan Munson	225-3333
Customer Service Survey & Report	Charlene Rollins	225-3223
DNA Sampling Information	Anne Wilmoth Craig Giegerich	225-3307 225-3437
Emergency Medical requests for State-Responsible Inmates	Anne Wilmoth Kari Bullock	225-3307 371-4299
Fines & Fees Report	Lisa Carson	225-3443
FOIA requests	Robyn de Socio	225-3439
Jail Cost Report	Oliver Bradshaw	225-3479
Legislative Tracking	Robyn de Socio	225-3439
LIDS - General Information	Kari Bullock Anne Wilmoth	371-4299 225-3307
Passwords for COIN / LIDS / Firewall Logons	Kari Bullock Paige Christy Bill Fussell Regina Hill Melanie Morrison Charlene Rollins Anne Wilmoth	371-4299 225-3442 225-3475 225-3435 225-3336 225-3321 225-3307
Policy and Procedure Manual	Lisa Carson	225-3443
Social Security for Jail Bounty Payments	Kari Bullock Anne Wilmoth	371-4299 225-3307
Technical Assistance and Customer Service	All Officers Sheriffs (City and Regional Jails) Sheriffs (County) Clerks and Commonwealth's Attorneys Treasurers, Commissioners of Revenue, and Directors of Finance	Charlene Rollins Regina Hill Vacant Paige Curtis Bill Fussell
Technology Trust Fund (TTF)	Lisa Carson	225-3443
Training / Registration	Charlene Rollins	225-3321

# FY11 Policy & Procedure Manual

## Appendix 4: Compensation Board Frequently-Used Code of Virginia Cites

§ 2.2-203	Assignment of Compensation Board to purview of Secretary of Administration; changeable via Executive Order.
§ 2.2-806	Deposit schedule for Treasurers and Clerks.
§ 2.2-1204	Health insurance plans by local governments must cover Constitutional Officers and their employees.
§ 2.2-1839 § 2.2-1840	Liability and Blanket Bond insurance for Constitutional Officers from the Department of Risk Management.
§ 2.2-2821	Worker's Compensation insurance plan.
§ 2.2-2905	Constitutional Officers and employees exempt from grievance procedure.
§ 2.2-3110	Conflict of interest, employment of spouse and salary maximum for member of immediate family.
§ 2.2-3300	Legal holidays.
§ 2.2-3700	FOIA – Freedom of Information Act.
§ 15.2-1517	If group life, accident or health insurance is provided to employees of local government, such coverage must be provided to Constitutional Officers.
§ 15.2-1525	Residency requirements for Constitutional Officers and employees.
§ 15.2-1534	Prohibition against dual office holding by Constitutional Officer and exceptions. Provides for sharing of part-time assistant Commonwealth's Attorneys between jurisdictions with consent of Compensation Board.
§ 15.2-1602	Process for two or more localities to share Constitutional Officers.
§ 15.2-1603	Appointment of deputies; their powers; how removed.
§ 15.2-1604	Constitutional Officers required to advertise vacant positions; civil penalty for violation.
§ 15.2-1605	Vacation, sick leave and comp time leave for employees of Constitutional Officers and method of payment.
§ 15.2-1605.1 § 15.2-1605.2	Locality may provide salary supplements to all Constitutional Officers and employees from local funds.
§ 15.2-1606	Civil defense of Constitutional Officers and employees when insurance coverage not provided; proportion to be paid by Compensation Board.
§ 15.2-1607	Providing legal fees and expenses for sheriffs and deputies.

## FY11 Policy & Procedure Manual

### Appendix 4: Compensation Board Frequently-Used Code of Virginia Cites, continued

§ 15.2-1609.1	Ratio of Sheriffs' deputies to population set at 1:1500. Locality may provide additional deputies at locality expense.
§ 15.2-1609.3	No charge by Sheriff for serving any "public order". Sheriff must deposit all fees by the 10 <sup>th</sup> of each month. Commonwealth gets all fees which exceed those allocated in FY94.
§ 15.2-1610	Standard uniforms and markings for Sheriffs.
§ 15.2-1613	Uniforms and equipment for Sheriffs and deputies to be provided by locality.
§ 15.2-1629 § 15.2-1631	Process for part-time Commonwealth's Attorney in a city / county to become full-time.
§ 15.2-1630	Attorneys for the Commonwealth for cities; no additional compensation for substituting for or assisting any other attorney for the Commonwealth or assistant.
§ 15.2-1636.7	Constitutional Officers make budget requests to the Compensation Board on or before February 1 prior to beginning of fiscal year.
§ 15.2-1636.8	Compensation Board responsible for providing a "fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office".
§ 15.2-1636.8	Provisions for the local government to file an "objection" to the Compensation Board's budget for a Constitutional Officer.
§ 15.2-1636.9	Provisions for the Constitutional Officer to file a budget appeal.
§ 15.2-1636.13	Localities required to pay expenses of Constitutional Officers and Compensation Board shall reimburse its proportionate share monthly.
§ 15.2-1636.14	Compensation Board reimbursement percentages for Treasurers and Commissioners of the Revenue and office expense items subject to reimbursement.
§ 15.2-1636.15	Compensation Board reimburses for office expenses of Constitutional Officers.
§ 15.2-1636.16	Compensation Board may amend Constitutional Officer budgets as "circumstances require"; however, Compensation Board may not increase a Constitutional Officer's budget if increase is payable from local funds without concurrence of the governing body.
§ 15.2-1638	A locality to provide office space for Constitutional Officers.
§ 15.2-1638 § 15.2-1639	Locality to provide suitable office space for Constitutional Officers.
§ 15.2-1656	Governing body to pay for supplies and equipment in Clerks' offices.
§ 15.2-1705	Minimum qualifications for deputy sheriffs and jail officers; includes requirement for a physical.

# FY11 Policy & Procedure Manual

## Appendix 4: Compensation Board Frequently-Used Code of Virginia Cites, continued

§ 15.2-1706	Deputy sheriffs and jail officers must meet minimum DCJS training requirements.
§ 15.2-1711	Legal fees paid for Sheriff or Deputy in a criminal proceeding when not charged, charge is dismissed or found not guilty; 2/3's reimbursed by Compensation Board.
§ 15.2-2502	Compensation Board annually provides budget estimates to Constitutional Officers no later than fifteen days following the adjournment of the regular session of the General Assembly.
§ 15.2-2506	All funds to be expended by a Constitutional Officer must first be appropriated by the governing body.
§ 15.2-2507	Locality must appropriate funds for Constitutional Officers not less than the amounts approved by the Compensation Board.
§ 16.1-345 § 37.1-67.3 § 37.1-71	Civil commitment process and Sheriffs' transport duties.
§ 17.1-276	Fee allowed for providing remote access to certain records.
§ 17.1-279	Technology Trust Fund; fees to be collected, services and equipment that may be reimbursed by the Compensation Board.
§ 17.1-283 § 17.1-284 § 17.1-285	Clerks' Fee Reports and determination of excess fee status.
§ 17.1-288	Compensation Board does not reimburse expenses for Clerks in Richmond and Newport News Cities.
§ 17.1-292	Applicability; definitions.
§ 17.1-293	Posting and availability of certain information on the Internet; prohibitions.
§ 17.1-294	Secure remote access to land records.
§ 19.2-155	Substitute prosecutors.
§ 19.2-156	Prolonged absence of Commonwealth's Attorney.
§ 19.2-297.1	Sentence of person twice previously convicted of certain violent felonies.
§ 19.2-310.2	Blood, saliva or tissue sample required for DNA analysis upon conviction of a felony; fee.
§ 19.2-332	Criminal Fund for Constitutional Officers to receive compensation for services.
§ 19.2-349	Fines and Fees: Clerks and Commonwealth's Attorneys.
§ 24.2-228.1	Election to fill a vacancy in a constitutional office.

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## Appendix 4: Compensation Board Frequently-Used Code of Virginia Cites, continued

§ 24.2-233	Procedure to remove a Constitutional Officer from office.
§ 44-93	Military Leave for Constitutional Officers and staff.
§ 51.1-137	Proportion of VRS rates reimbursed by Compensation Board; includes reimbursement of fringes for Clerks based upon amount Commonwealth shares in excess fees
§ 51.1-706	Compensation Board to reimburse 1/3 of Clerks FICA and employer paid retirement contribution.
§ 51.1-806	Retirement rate to be reimbursed by Compensation Board for Constitutional Officers and employees if locality is not in VRS.
§ 51.1-1403	Health insurance credit for retired Constitutional Officers, employees and local social services employees.
§ 53.1-20	Commitment of convicted persons to custody of Director.
§ 53.1-20.1	Compensation of local jails for cost of incarceration.
§ 53.1-83.1	How state appropriations for operating costs of local correctional facilities determined.
§ 53.1-84	State funds available to local correctional facilities for operating costs.
§ 53.1-85	Time and manner of payment for certain costs incurred by local correctional facilities.
§ 53.1-91	Sheriff to collect reasonable costs for holding inmates from other jurisdictions; "reasonable costs" defined.
§ 53.1-93 § 53.1-94 § 19.2-328	Sheriffs employment of guards for court-ordered safekeeping of prisoner; Compensation Board may reimburse at minimum hourly rate of deputy sheriff.
§ 53.1-115.1	Superintendents of regional jails and regional jail-farms to make monthly reports to Compensation Board.
§ 53.1-120	Role of Sheriffs and judges in court security matters; Compensation Board to resolve differences. Fee may be assessed by locality for court security.
§ 53.1-121	Sheriff to make monthly reports to Compensation Board; failure to send report.
§ 53.1-131	Provision for release of prisoners from confinement for employment, educational or other rehabilitative programs; escape; penalty; dispositions of earnings.
§ 53.1-131.1	Provisions for sentencing of person to nonconsecutive days in jail; payment to defray costs; penalty.
§ 53.1-131.2	Assignment to a home/electronic incarceration program; payment to defray costs; escape; penalty.
§ 58.1-3106	Conditions under which the salary of a Commissioner of the Revenue may be withheld.