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HOUSE BILL NO. 340

Offered January 9, 2002

Prefiled January 7, 2002

A BILL to amend and reenact § 2.2-1201 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2903.1, relating to state employees called to active military service.

Patrons—Albo, Black, Janis and Lingamfelter

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1201 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 2.2-2903.1 as follows:

§ 2.2-1201. Duties of Department.

The Department shall have the following duties:

1. Make recommendations to the Governor regarding the establishment and maintenance of a classification plan for the service of the Commonwealth, and recommend necessary amendments thereto.

2. Make recommendations to the Governor regarding the establishment and administration of a compensation plan for all employees, and recommend necessary amendments thereto.

3. Design and maintain a personnel information system that shall support the operational needs of the Department and of state agencies, and that shall provide for the management information needs of the Governor, his secretaries, and the General Assembly. The system shall provide at a minimum a roster of all employees in the service of the Commonwealth, in which there shall be set forth as to each employee, the employing agency, the class title, pay, status and such other data as may be deemed desirable to produce significant facts pertaining to personnel administration.

4. Establish and direct a program of employee-management relations designed to improve communications between employees and agencies of the Commonwealth.

5. Establish and administer a system of performance evaluation for all employees in the service of the Commonwealth, based on the quality of service rendered, related where practicable to specific standards of performance. In no event shall workers' compensation leave affect the total number of hours credited during a performance cycle for purposes of calculating incentive increases in salary based on such performance evaluations.

6. Establish and administer a system of recruitment designed to attract high quality employees to the service of the Commonwealth. In administering this system, applicants shall be rated on the basis of relative merit and classified in accordance with their suitability for the various classes of positions in the service of the Commonwealth, and a record thereof shall be maintained in the open register.

7. Design and utilize an application form which shall include, but not be limited to, information on prior volunteer work performed by the applicant.

8. Establish and administer a comprehensive and integrated program of employee training and management development.

9. Establish and administer a program of evaluation of the effectiveness of performance of the personnel activities of the agencies of the Commonwealth.

10. Establish and administer a program to ensure equal employment opportunity to applicants for state employment and to state employees in all incidents of employment.

11. Establish and administer regulations relating to disciplinary actions; however, no disciplinary action shall include the suspension without pay for more than ten days of any state employee who is under investigation without a hearing conducted either by a level of supervision above the employee's immediate supervisor or by his agency head.

12. Adopt and implement a program of meritorious service awards to employees who propose procedures or ideas that are adopted and that will result in eliminating or reducing state expenditures or improving operations, provided such proposals are placed in effect.

13. Develop state personnel policies and, after approval by the Governor, disseminate and interpret state personnel policies and procedures to all agencies. 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.). On and after December 1, 1999, such personnel policy shall include an

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59 acceptable use policy for the international network of computer systems commonly known as the
60 Internet. At a minimum, the Department's acceptable use policy shall contain provisions that (ia) prohibit
61 use by state employees of the Commonwealth's computer equipment and communications services for
62 sending, receiving, viewing, or downloading illegal material via the Internet and (ib) establish strict
63 disciplinary measures for violation of the acceptable use policy. An agency head may supplement the
64 Department's acceptable use policy with such other terms, conditions, and requirements as he deems
65 appropriate. *Such policies shall also provide procedures for the computation of supplemental payments*
66 *to state employees called to active military service as provided by § 2.2-2903.1.* The Director of the
67 Department shall have the final authority to establish and interpret personnel policies and procedures and
68 shall have the authority to ensure full compliance with such policies. However, unless specifically
69 authorized by law, the Director of the Department shall have no authority with respect to the state
70 grievance procedures.

71 14. Ascertain and publish on an annual basis, by agency, the number of employees in the service of
72 the Commonwealth, including permanent full-time and part-time employees, those employed on a
73 temporary or contractual basis, and constitutional officers and their employees whose salaries are funded
74 by the Commonwealth. The publication shall contain the net gain or loss to the agency in personnel
75 from the previous fiscal year and the net gains and losses in personnel for each agency for a three-year
76 period.

77 15. Submit a report to the General Assembly on or before September 30 of each year showing the
78 number of employees who voluntarily and involuntarily terminated their employment with each
79 department, agency or institution in the previous fiscal year.

80 16. Administer the workers' compensation insurance plan for state employees in accordance with
81 § 2.2-2821.

82 § 2.2-2903.1. *State employees ordered to active military service.*

83 A. *As used in this section, unless the context requires a different meaning:*

84 "Active military duty" means federally funded military duty as (i) a member of the armed forces of
85 the United States on active duty pursuant to Title 10 U.S.C. or (ii) a member of the Virginia National
86 Guard on active duty pursuant to either Title 10 or Title 32 U.S.C.

87 "State employee" means any person who is regularly employed full time on either a salaried or wage
88 basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and
89 whose compensation is payable, no more often than biweekly, in whole or in part, by the
90 Commonwealth or any department, institution, or agency thereof.

91 B. *For any state employee who has been ordered to active military service in the armed forces of the*
92 *United States or in the organized reserve forces of any of the armed services of the United States or of*
93 *the Virginia National Guard, the Commonwealth shall supplement his military pay in an amount equal*
94 *to the difference between his military pay and allowances and the amount such individual would have*
95 *earned as a state employee during such period of military service. The Department of Human Resource*
96 *Management shall develop personnel policies providing for the computation of such payments.*