

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 527

An Act to amend and reenact § 2.2-603 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1209, relating to agency directors; human resources training and succession planning.

[H 1555]

Approved March 16, 2017

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-603 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 12 of Title 2.2 a section numbered 2.2-1209 as follows:

§ 2.2-603. Authority of agency directors.

A. Notwithstanding any provision of law to the contrary, the agency director of each agency in the executive branch of state government shall have the power and duty to (i) supervise and manage the department or agency and (ii) prepare, approve, and submit to the Governor all requests for appropriations and to be responsible for all expenditures pursuant to appropriations.

B. The director of each agency in the executive branch of state government, except those that by law are appointed by their respective boards, shall not proscribe any agency employee from discussing the functions and policies of the agency, without prior approval from his supervisor or superior, with any person unless the information to be discussed is protected from disclosure by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or any other provision of state or federal law.

C. Subsection A shall not be construed to restrict any other specific or general powers and duties of executive branch boards granted by law.

D. This section shall not apply to those agency directors that are appointed by their respective boards or by the Board of Education. Directors appointed in this manner shall have the powers and duties assigned by law or by the board.

E. In addition to the requirements of subsection C of § 2.2-619, the director of each agency in any branch of state government shall, at the end of each fiscal year, report to (i) the Secretary of Finance and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance a listing and general description of any federal contract, grant, or money in excess of \$1,000,000 *\$1 million* for which the agency was eligible, whether or not the agency applied for, accepted, and received such contract, grant, or money, and, if not, the reasons therefore and the dollar amount and corresponding percentage of the agency's total annual budget that was supplied by funds from the federal government and (ii) the Chairmen of the House Committees on Appropriations and Finance, and the Senate Committee on Finance any amounts owed to the agency from any source that are more than six months delinquent, the length of such delinquencies, and the total of all such delinquent amounts in each six-month interval. Clause (i) shall not be required of public institutions of higher education.

F. Notwithstanding subsection D, the director of every agency and department in the executive branch of state government, including those appointed by their respective boards or the Board of Education, shall be responsible for securing the electronic data held by his agency or department and shall comply with the requirements of the Commonwealth's information technology security and risk-management program as set forth in § 2.2-2009.

G. The director of every department in the executive branch of state government shall report to the Chief Information Officer as described in § 2.2-2005, all known incidents that threaten the security of the Commonwealth's databases and data communications resulting in exposure of data protected by federal or state laws, or other incidents compromising the security of the Commonwealth's information technology systems with the potential to cause major disruption to normal agency activities. Such reports shall be made to the Chief Information Officer within 24 hours from when the department discovered or should have discovered their occurrence.

H. The director of every department in the executive branch of state government shall have the power and duty to comply with the provisions of § 2.2-1209.

§ 2.2-1209. Agency director human resource training and agency succession planning.

A. *The Department shall develop and administer training programs to familiarize the director of each agency in the executive branch of state government with state human resources policies, including general policies, compensation management, benefits administration, employee training, succession planning, and resources available at the Department. The Department shall offer such training programs at least twice per year.*

B. *The director of each agency in the executive branch of state government and the agency's chief human resource officer shall attend a training program offered pursuant to subsection A within six months after the appointment of the director. The agency's chief human resource officer shall provide*

subsequent training to the director on any distinct companion human resource policies of the agency that are germane to agency programs and operations. Thereafter, the director shall attend a training program offered pursuant to subsection A at least once every four years. The president of a public institution of higher education may send a designee.

C. The director of each agency in the executive branch of state government, other than an institution of higher education, shall include in the agency's annual strategic plan its key workforce planning issues. In addition, the director shall submit a succession plan for key personnel, executive positions, and employees nearing retirement to the Cabinet Secretary associated with the director's agency and the Department. The Department shall establish guidelines for the content of such workforce and succession plans. Each public institution of higher education shall prepare a succession plan for presentation to the board of visitors with a copy to the Department.