

Human Resources Training for Agency Directors



Virginia Department of Human Resource Management

August 2022



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WELCOME!

Agenda

- ▶ Welcome – Secretary Lyn McDermid
- ▶ Authority and Responsibility
- ▶ Key Federal and State Laws
- ▶ Human Resources Policies
- ▶ Workforce and Succession Planning
- ▶ DHRM Resources

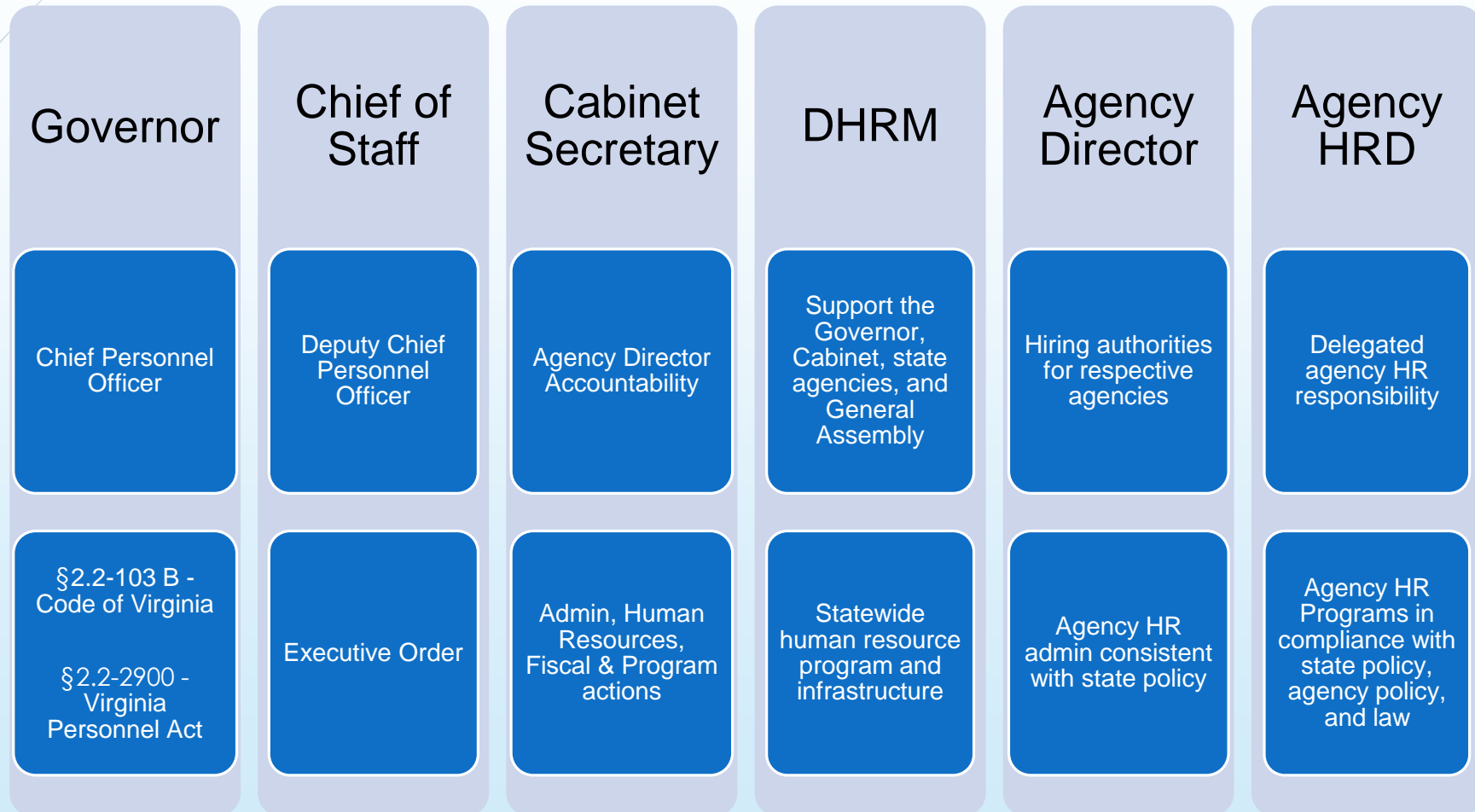
Virginia Department of Human Resource Management (DHRM)

- ▶ Central Human Resource agency for the Commonwealth of Virginia
 - ▶ We make people our business, strive to be a recognized leader and trusted partner in bringing forth innovative practices to attract, develop, engage and retain the Commonwealth's workforce.
- ▶ Mission Services

HR Business Consultation	State Employee Compensation
Human Resource Policy	Workers Compensation
Health Insurance Benefits and Wellness Programs	EEO and Diversity, Inclusion and Opportunity
Talent Acquisition and Retention	Employment Dispute Resolution
Workforce Planning, Analytics, and Central Government Reporting	Employee Learning and Development



Authority and Responsibility



Key Federal and State Laws

Key Federal and State Laws

- ▶ Title VII of the Civil Rights Act of 1964
- ▶ Americans with Disabilities Act (ADA)
- ▶ Age Discrimination in Employment Act (ADEA)
- ▶ Family and Medical Leave Act (FMLA)
- ▶ Fair Labor Standards Act (FLSA)
- ▶ Virginia Overtime Wage Act
- ▶ Virginia Personnel Act
- ▶ Virginia Human Rights Act
- ▶ Virginia Freedom of Information Act (FOIA)

Title VII of the Civil Rights Act of 1964

- ▶ Prohibits employment discrimination based on race, color, religion, sex or national origin
- ▶ Protects job applicants and employees and covers all terms and conditions of employment including hiring, promotion, demotion, compensation, and termination.



Americans with Disabilities Act

- ▶ Prohibits employment discrimination against qualified persons with disabilities
- ▶ Persons with disabilities is defined as an individual who:
 - ▶ Has a physical or mental impairment that substantially limits one or more major life activities;
 - ▶ Has a record of such impairment; or
 - ▶ Is regarded as having such an impairment.
- ▶ Requires employers to provide reasonable accommodations to qualified individuals with a disability who can perform the essential functions of their job unless taking such action would pose an undue hardship on the Agency's business operations

Americans with Disabilities Act (continued)

- ▶ Examples of Reasonable Accommodations
 - ▶ Leave to obtain treatment for medical treatment
 - ▶ Adjusting employee's schedule to allow for rest breaks
 - ▶ Adjusting desk to allow for an employee's wheelchair
 - ▶ Assistive technology
- ▶ Examples of Accommodation Requests that may be unreasonable
 - ▶ Eliminating essential job functions
 - ▶ Indefinite Leave

Other Key Federal Laws

- ▶ Age Discrimination in Employment Act of 1967
 - ▶ Prohibits age based discrimination against any persons 40 or older
- ▶ Family Medical Leave Act
 - ▶ Provides eligible employees with 12 or 26 workweeks of unpaid leave in a 12 month period
- ▶ Fair Labor Standards Act
 - ▶ Requires employers to pay overtime to non-exempt employees who work over 40 hours in a week
- ▶ Virginia Overtime Wage Act

Virginia Personnel Act § 2.2-2900

- ▶ Establishes Personnel Administration Policies
- ▶ Governor – Chief Personnel Officer
- ▶ Policies administered by the Department of Human Resource Management (DHRM)
- ▶ Prohibits employment discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, sexual orientation, gender identity or military status
- ▶ Employees covered by the Act
 - ▶ Classified (Full-time, Quasi Full-time and Part-time)
 - ▶ Restricted

Virginia Human Rights Act

- ▶ Safeguard **all individuals within the Commonwealth** from unlawful discrimination because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in places of public accommodation, including educational institutions and in real estate transactions;
- ▶ Safeguard **all employees of the Commonwealth** from unlawful discrimination in employment because of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, disability, or military status;
- ▶ Preserve the public safety, health, and general welfare;
- ▶ Further the interests, rights, and privileges of individuals within the Commonwealth; and
- ▶ Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

Virginia Freedom of Information Act

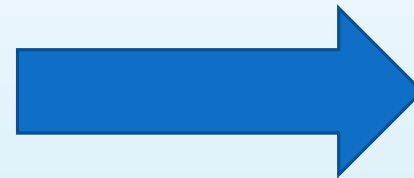
- ▶ Mandatory disclosure law established in the Code of Virginia
- ▶ Promotes an increased awareness by the public of governmental activities
- ▶ Requires the law to be interpreted liberally, in favor of access
- ▶ Any exclusion allowing public records to be withheld must be interpreted narrowly
- ▶ Each agency has at least one employee designated as the FOIA officer

Human Resources Policies

Human Resources Policy Development

General Assembly passes
law and signed by
Governor

Governor issues an
Executive Order



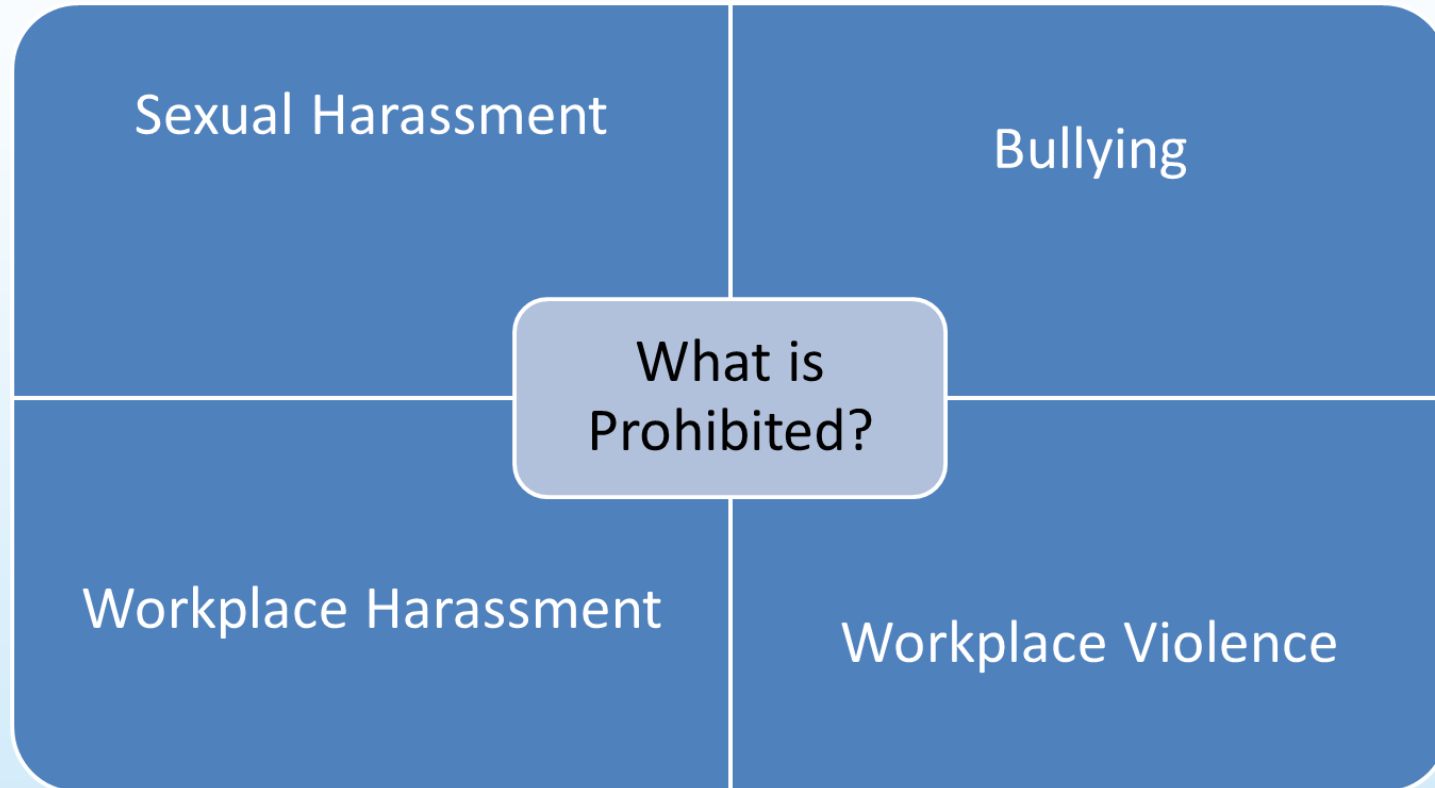
DHRM develops,
promulgates,
interprets and
ensures compliance
of policies



Standards of Conduct

- ▶ It is the policy of the Commonwealth to promote the well-being of its employees by maintaining high standards of work performance and professional conduct with an overall emphasis on diversity, equity and inclusion that promotes equitable treatment of all employees.
- ▶ This policy outlines the conduct standards for all employees and the disciplinary process to address unacceptable behavior, conduct, and related employment problems in the workplace or outside the workplace when conduct impacts an employee's ability to do their job and/or influences the agency's overall effectiveness.
- ▶ Classified Employees, non-probationary, have rights to a grievance procedure.

Civility in the Workplace



Civility in the Workplace – Agency Responsibility

- ▶ Establish and communicate reporting procedures.
- ▶ Take immediate action to eliminate any hostile work environment, threats or violent behavior and prevent retaliation towards reporting party or any participant in an investigation.
- ▶ Investigate all complaints in a neutral and timely manner
- ▶ Provide annual training on the Civility in the Workplace policy.
- ▶ Provide supportive services to employees.

Hiring & Interviews

Interview Question	Permissible	Non-Permissible
Race		✓
Color		✓
National Origin		✓
Religion		✓
Age		✓
Knowledge, Skills, Abilities	May ask job-related questions to assess KSAs	
Disability	Ability to perform job duties	Disability status
Gender	Days and hours available to work	Marital status, number of children, child care arrangements, pregnancy status or plans, sexual orientation, gender identity, gender expression
Political Affiliation	Ability to support policies and programs	Political party affiliation
Veteran's Status	Military service, service period, rank at discharge, training, experience	Type of discharge



Types of Employment

Classified
Employees

Wage Employees

Faculty

University
Employees

Gubernatorial
Appointees

Contingent
Workers



Employee Compensation

Statewide Salary Adjustments

- DHRM: communicate authorizations, publish salary structures, issue agency instructions, implement adjustments
- Agency: confirm employees' tenure & performance eligibility, validate

Agency Salary Administration Plans (ASAP)

- DHRM: policy requirement, reference for agency compensation activities
- Agency: Maintain and update plans to serve as foundation for managing employee pay equitably and consistently across the agency

Pay Actions

- DHRM: define pay factors & parameters, provide guidance & support with pay action tools, conduct review of agency action for compliance
- Agency: administer adjustments within limits & funding, fully document actions, using internal pay action worksheets

Policy Exceptions

- DHRM: review agency documentation & requests, consider statewide impact or precedence, communicate decisions
- Agency: submit documentation for exceeding criteria normally applied by policy and ASAP

Employee Benefits

Paid time Off,
Parental Leave
& Holidays

Health Benefits

Retirement

Deferred
Compensation
& Cash Match

Long & Short-
Term Disability

Group Life
Insurance

Flexible
Spending
Accounts

Employee
Assistance
Program

Wellness

Voluntary
Long-Term
Care

Optional Life
Insurance

Educational
Assistance

Emergency Closings

TYPES OF EMERGENCIES	IMPACTED AREA	AUTHORITY	PROCESS
Major Weather Event Emergency Declarations More than one agency impacted	Richmond Metro (administrative agencies)	Governor	DHRM: <ul style="list-style-type: none">• Monitor & consult with VDEM, VDOT, VSP• Recommendation to SOA & COS• Notification to Cabinet, Agency Directors, HR Directors, media, local/private partners• Post to DHRM website

Emergency Closings

TYPES OF EMERGENCIES	IMPACTED AREA	AUTHORITY	PROCESS
<p>Major Weather Event</p> <p>Emergency Declarations</p> <p>More than one agency impacted</p>	Regional/Outside Richmond Metro Area	<p>Agency Directors outside Richmond Metro</p> <p>College & University Presidents for their institutions</p>	Agencies outside Richmond Metro Area and Institutions of Higher Education monitor local conditions and communicate decisions to their employees.
Localized: Utility failures, fire, forced evacuations.	Single Agency or Co-located Agencies	Agency Director or DGS	Agency or DGS advise Cabinet Secretary, COS, & DHRM and communicate closing to employees.

Workforce and Succession Planning

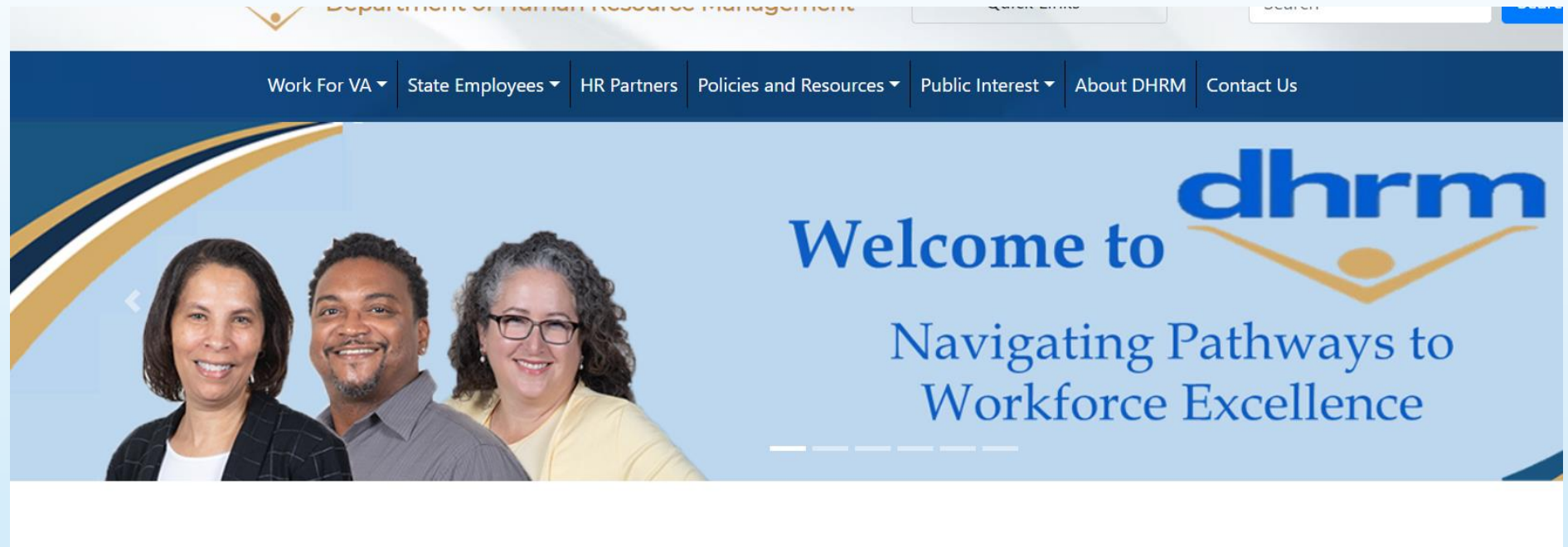
Succession Planning

- ▶ [§ 2.2-1209 Code of Virginia](#) requires Agency Heads to engage in workforce planning to ensure service continuity and quality of Virginia's citizens
 - ▶ Include key workforce planning issues with strategic planning process – key personnel, executive positions and employees nearing retirement
- ▶ Submit succession plan by September 30 each year to Cabinet Secretary, Board of Visitors, and DHRM Workforce Planning Mailbox: dhrm.wfp@dhrm.virginia.gov

DHRM Resources

DHRM Resources

www.dhrm.virginia.gov



DHRM Resources

DHRM Function	Services
Health Benefits	Health Benefits Plans <ul style="list-style-type: none">• Design• Administration• Vendor Management
Workforce Engagement	Compliance Investigations Awareness/Training Commonwealth of Virginia Campaign (CVC) CommonHealth Employee Engagement
Workers' Compensation	Claims Support Return to Work Support Training

DHRM Resources

DHRM Function	Services
Employment Dispute Resolution	<ul style="list-style-type: none">• Grievance Procedure• Hearings• Advice Line• Mediation & Conflict Coaching• Training
Human Resources Consulting	<ul style="list-style-type: none">• Policy Development & Compliance• Compensation Management• Human Resources Information Systems Support• Workforce Planning• Workforce Development• Shared Service Center

Learning and Development



 **COVLC**

Commonwealth of Virginia Learning Center

Welcome to the COVLC

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THANK YOU!