

PUBLIC PRIVATE EMPLOYEE INTERCHANGE

Application: This policy applies to all salaried employees in the Executive Branch of state government.

POLICY

It is the policy of the Commonwealth to permit the interchange of salaried employees between and among private sector businesses, corporations, and industries; departments and agencies of the federal government; and agencies of this or any other state or any of their political subdivisions.

AUTHORITY

The Director of the Department of Human Resource Management (DHRM) is responsible for the official interpretation of this policy pursuant to the authority provided § 2.2-1201 of the Code of Virginia.

The Virginia Personnel Act, Code of Virginia § 2.2-2900 *et. seq.* specifies that agency heads shall be the appointing authorities of their respective agencies and shall establish methods of personnel administration within their agencies.

Agencies may supplement this policy to accommodate specific business needs. Supplemental policies must be consistent with the provisions of DHRM policy and must be communicated to all agency employees.

Questions regarding application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services. The Department of Human Resource Management reserves the right to revise or eliminate this policy as necessary.

RELATED POLICIES

Policy 1.40 – Performance Planning and Evaluation

Policy 3.05 – Compensation

Policy 4.10 – Annual Leave

Policy 4.55 – Sick Leave

Policy 4.57 – Virginia Sickness and Disability Program

PURPOSE OF INTERCHANGE OF EMPLOYEES

- A** The interchange of covered employees with other employers is intended to:
- 1 assist the Commonwealth in its mission to provide necessary services to the public in the most efficient and economical manner possible;
 - 2 expose the Commonwealth to the leading-edge operational and managerial techniques of the private sector or other governmental entities so that these techniques may be explored and eventually adopted by the state entities;
 - 3 provide a unique developmental opportunity for the Commonwealth's entire work force; and
 - 4 afford general involvement and understanding of the workers of the private sector to public sector employees.
- B** The detailing of public sector and local government employees to state agencies should provide these employees:
- 1 unique developmental opportunities;
 - 2 greater understanding of state government and the governmental processes;
 - 3 opportunities to establish themselves as leaders in public-private initiatives; and
 - 4 the ability to achieve greater involvement in state government and to deal more effectively with governmental agencies, policies and personnel.

CONDITIONS OF COVERED EMPLOYEES' INTERCHANGES

The sections below address conditions of employment for covered employees participating in interchanges. This list is not meant to be all-inclusive. Accordingly, questions on employee status not covered in this section should be addressed to the Director of the Department of Human Resource Management.

A Participation is voluntary

No employee shall be required to participate in an interchange program without his or her consent.

B Length of assignment

- 1 The period of time for which an employee may be assigned to another employer will be agreed upon by the employee, the employee's agency and the receiving party, but normally should not be for a period of less than two weeks.
- 2 The agency head, or his or her designee, has final authority for approving the length of an assignment.

NOTE: The period of interchange shall not exceed two years; however, the agency, with the consent of the receiving party, may extend the period of interchange for not more than two additional years.

C Position and maximum employment level (MEL)

The employee's position in his or her agency will remain unchanged during the period of interchange.

- 1 An agency may use an acting assignment or wage employment to fill the employee's position during the period of interchange. The agency's Maximum Employment Level (MEL) will remain unchanged during the period.

- 2 If a state employee is detailed to another state agency, the receiving agency's MEL will not be increased during the period.

D Salary unchanged

- 1 An employee normally shall receive his or her regular salary during the period of the interchange. Under no circumstances will an employee's salary be increased as a result of the interchange, unless the position is located in Northern Virginia where the Northern Virginia Expanded salary range could apply.
- 2 If necessary, arrangements for the transfer of salary funds will be established between the agency and receiving party.

E Salary increases continued

- 1 Employees will be entitled to performance increases allowed by state policy, as well as any salary structure adjustments which might be granted by the General Assembly.
- 2 If an assignment is for more than six months of a performance cycle the receiving party will be asked to provide an interim Performance Evaluation on the employee and submit this evaluation to the agency's Human Resource Office.

F Other benefits continued

- 1 Health insurance
An employee's health insurance coverage will continue with the state making its contributions.
- 2 Life insurance
Life insurance coverage will continue for the period of interchange with the state making its contributions.
- 3 Sick and annual leave
An employee will continue to earn sick and annual leave as if he or she were employed by his or her own agency. Employees must submit leave slips to their agencies' Human Resource Office for processing sick and annual leave taken.
- 4 VSDP Sick Leave and Family and Personal Leave
An employee participating in VSDP will continue to receive the VSDP leave allotment on January 10 of each year. Employees must submit leave slips to their agencies' Human Resource Office for processing sick and family and personal leave taken.
- 5 Retirement
Retirement contributions will be continued during an employee's period of interchange and he or she will continue to accrue service toward retirement during the period.
- 6 Service credit
Periods of interchange will count towards service credit for the purposes of seniority for layoffs, towards annual leave accrual rates, VSDP months of service, and towards five years' service for the purpose of paying sick leave balances upon termination.

G Miscellaneous conditions of employment

- 1 Except as provided below, employees detailed to other employers are expected to observe the conditions of employment that apply to state service. Any exceptions

must be requested from the Director of the Department of Human Resource Management.

- 2 An employee will observe the holiday schedule of the receiving party. No adjustment will be made upon an employee's return to his or her agency for holidays not observed.
- 3 Reimbursement for relocation and/or travel expenses, if determined necessary, will be established between the agency and receiving party.
- 4 For purposes of office closings, an employee will be subject to the inclement weather/emergency provisions provided by the receiving party.

H Reinstatement

An employee will be returned to his or her agency and position upon the expiration of the interchange.

I Injuries

An employee who suffers injuries compensable under the state's workers' compensation program will receive the workers' compensation benefits provided by the Commonwealth. If the employee is no longer able to work for the receiving party, he or she will be returned to his or her agency.

J Deaths

The beneficiary(ies) of an employee who dies as a result of personal injuries arising out of and in the course of work for the receiving party shall receive only those benefits regularly provided to classified employees.

NOTE: For purposes of sections I and J above, the receiving party shall be held harmless for injuries or deaths which may occur during an interchange.

K Termination of interchange agreements

The agency and receiving party should include provisions for terminating an interchange agreement to include provisions for who can initiate the termination (i.e., employee, agency, and receiving party) and the length of notice required.

OTHER EMPLOYEES WORKING FOR STATE AGENCIES

The sections below address conditions of employment for persons assigned to Executive Branch agencies.

A All working conditions to be negotiated

Employees who are sent to work for state agencies shall have their working conditions, to include establishment of work schedules, holidays, vacations, sick time, etc., agreed upon between the sending party and the state agency.

B Assignment without regard to recruitment/selection laws or regulations

The detail of employees to state agencies will be treated as contractual and, consequently, persons may be assigned to state positions without regard to recruitment laws and personnel policies, except that state agencies may not discriminate against persons based on race, color, religion, sex, age, national origin, disability, or political affiliation

GLOSSARY

Detail - Assigned to an employer.

Interchange - The temporary assignment of employees between and among employers.

Receiving Party - The employer to whom the covered employee is detailed.