

*Commonwealth of Virginia*

# **Handbook for At-Will Appointees**



**Department of Human Resource Management**

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## INTRODUCTION

Congratulations on your appointment to a vital position overseeing multiple agencies or leading or providing support to the leadership of one of the agencies of the Commonwealth of Virginia. The position to which you have been appointed is key to the achievement of the Governor's goals for the Commonwealth. In addition, such an appointment is one of public trust, and it is incumbent upon you to ensure that the business of your office or agency is carried out in a manner that is worthy of such trust.

This handbook is intended to provide information about the environment within which state government operates and key relationships within state government that will assist you in your leadership role. The information is basic and not all-inclusive. Links are provided to allow more in-depth review of each topic included and to allow you to explore related materials.

## NOTICE

**This handbook is not an employment contract, nor is it an invitation to contract. Nothing in this handbook is intended to create or imply any contract rights.**

**Discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity or expression, age, veteran status, political affiliation, or against otherwise qualified persons with disabilities is prohibited in all aspects of employment with the Commonwealth of Virginia.**

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## ORGANIZATION OF STATE GOVERNMENT

### **Branches of Government**

Agencies of the Commonwealth are organized into three Branches:

- Executive, ([Executive Branch](#)),
- Legislative, ([Legislative Branch](#)), and
- Judicial ([Judicial Branch](#)).

Several agencies, which are not included within these Branches, are referred to as “Independent Agencies”.

### **The Governor’s Cabinet**

In 1972, the Governor established a network of [Secretariats](#) in the Executive Branch to form a “Cabinet” to assist him with the management of the increasingly complex operations of state government. Each Secretary is responsible for providing overall supervision and direction to the agencies, which report to him or her. By law Cabinet Secretaries also have the power to resolve conflicts among their agencies, to direct preparation of their budgets, and to hold agency heads accountable for agency performance. Cabinet members serve at the pleasure of the Governor.

### **Organizational Chart**

An [organizational chart](#) showing the relationship of the Branches and agencies within each branch is updated each year to reflect any changes occurring as a result of the legislative process.

## LAWS, REGULATIONS AND ORDERS

### **The Constitution of Virginia**

The [Constitution of Virginia](#) established Virginia’s bicameral legislature and the General Assembly’s chief responsibilities, which are to:

- represent citizens in the formulation of public policy,
- enact laws of the Commonwealth,
- approve the budget,
- levy taxes,
- elect judges, and
- confirm appointments by the Governor.

The Constitution also establishes the manner by which the heads of state agencies are chosen. The Governor appoints the administrative head of most Executive Branch agencies; however, some Executive Branch agencies are overseen by boards or commissions, which appoint the agency head. Each administrative agency head the Governor appoints:

- is subject to confirmation by the General Assembly;
- is expected to have the required professional qualifications; and

- serves at the pleasure of the Governor.<sup>1</sup> ([§ 2.2-106](#))

### **The Code of Virginia**

The [Code of Virginia](#) (*Code*) is a series of laws that establish, among other things, the legal framework within which state government operates. Information about several key laws that impact the conduct of state business follows.

The *Code* designates the Governor as the Chief Personnel Officer of the Executive Branch ([§2.2-103](#)) and conveys upon him the authority to:

- establish and maintain a classification plan for employees of the Commonwealth;
- establish and administer a compensation plan for all employees;
- adopt necessary rules for the administration of Chapter 29, the Virginia Personnel Act; and
- appoint persons to carry out these duties.

### **The Virginia Administrative Code**

The [Administrative Code](#) sets forth regulations that apply to the conduct of business by state agencies. Several of the laws that apply to the operation and administration of state government will be addressed in subsequent sections of this manual.

### **Executive Orders**

Additionally, each Governor issues [Executive Orders](#) (EO) that cover a number of topics and situations, and may or may not impact the operation of state government. A number of these Executive Orders remain in effect beyond the Administration in which they are issued.

## **THE LEGISLATIVE PROCESS**

Each year, the legislature meets to consider proposals for new laws or changes to existing ones. The [duration of legislative sessions](#) is prescribed by the Constitution of Virginia and during the legislative sessions state agencies often track legislation that could impact operations or the environment within which it conducts business.

The [Virginia General Assembly](#) website contains information regarding legislation (bills and other proposals) that are introduced for consideration during each session. Additionally, the website provides insight into the legislative process and the process by which [legislation is introduced and progresses](#) through the General Assembly to become law.

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<sup>1</sup> Individuals appointed by the Governor as a Cabinet member, Agency Head, Chief Deputy Director, Confidential Assistant, Policy Assistant, or Staff of the Governor's or Cabinet Offices.

## KEY LAWS

Several existing statutes impact the way agencies operate and establish certain requirements. Although this list is not all-inclusive, it includes several key laws of which agency heads should be aware:

### **Virginia Public Records Act**

The purpose of the [Virginia Public Records Act](#) is to establish a uniform process to manage and preserve the public records of all public officers and employees.

### **Administration of Government - General Provisions**

The [Administration of Government](#) section outlines a number of various provisions that apply to the administration of state government that are not addressed elsewhere. Although there are a number of such provisions, some that should be noted are listed below:

- 2.2-2804 - Selective Service compliance;
- 2.2-2812 - Employment of personnel;
- 22.2817.1- State agencies to establish alternate work schedule and telecommuting policy; and
- 2.2-2827 - Restrictions on state employee access to information.

### **State and Local Government Conflict of Interests Act**

The [State and Local Government Conflict of Interests Act](#) defines and prohibits inappropriate relationships that may be considered conflicts of interest related to the position an individual holds with state (or local) government. The statute also requires certain employees to disclose their economic interests. Additional information can be found at [Virginia Conflict of Interests & Ethics Advisory Council](#).

### **Workforce Transition Act of 1995**

The [Workforce Transition Act](#) provides certain transitional severance benefits to eligible state employees who are involuntarily separated from their employment with the Commonwealth.

### **Virginia Freedom of Information Act**

The [Virginia Freedom of Information Act](#) ensures that the people of the Commonwealth have 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.

### **Government Data Collection and Dissemination Practices Act**

The [Government Data Collection and Dissemination Practices Act](#) safeguards the personal privacy of state employees and other individuals by establishing procedures to govern information systems containing personal information.

### **Virginia Register Act**

The [Virginia Register Act](#) addresses “the need for public availability of information respecting the regulations of state agencies,” and articulates the Commonwealth’s policy “to encourage, facilitate, and assist agencies in developing regulations that will inform the public of the requirements, policies, and procedures of the administrative authorities of the State.”

### **Virginia Administrative Dispute Resolution Act**

The [Virginia Administrative Dispute Resolution Act](#) requires each state agency to “adopt a written policy that addresses the use of dispute resolution proceedings within the agency and for the agency’s program and operations.”

### **Virginia Public Procurement Act**

The [Virginia Public Procurement Act](#) enunciates “the public policies pertaining to governmental procurement from nongovernmental sources, to include governmental procurement that may or may not result in monetary consideration for either party.” This chapter applies “whether the consideration is monetary or nonmonetary and regardless of whether the public body, the contractor, or some third party is providing the consideration” and ensures openness in the award of state contracts.

## **KEY CENTRAL AGENCIES**

Several agencies have responsibility for overarching (central) functions within state government and, as such, establish standards and regulations that apply to other agencies.

### **Department of Accounts (DOA)**

The [Code](#) specifies the role and responsibilities of DOA. In general, the Department of Accounts is responsible for:

- providing a unified financial accounting and control system for state funds;
- developing a comprehensive system of checks and balances throughout state agencies entrusted with the collection, receiving and disbursing state revenues; and
- maintaining a central accounting system for all state agencies and institutions.

DOA publishes travel regulations that pertain to travel on state business. These [Travel Regulations](#) can be accessed through DOA’s website, which also contains information about the Small Purchase Charge Card (SPCC) Program.



### **Department of General Services (DGS)**

The Code (§ 2.2-1100 -1181) states that the Department of General Services' responsibilities are to provide "services primarily for the support of other state agencies in carrying out their programs", which include:

- providing for [statewide purchasing](#), and promulgating rules and regulations governing the Virginia Public Procurement Act;
- overseeing statewide real property, including acquisition, lease, sale and other activities;
- providing for [building code](#) compliance and inspection of construction on any state owned property;
- maintaining and operating the Virginia State Capitol and most facilities at the Virginia Seat of Government;
- managing a [statewide fleet](#) of passenger vehicles;
- operating [consolidated laboratory services](#), including statewide public health, environment, and other related laboratory analyses;
- operating a statewide warehouse and distribution center for food and selected commodities utilized by state and local government agencies, as well as emergency operations response;
- managing State and Federal Surplus Property programs; and
- providing printing and graphic communications services.

### **Department of Human Resource Management (DHRM)**

By Code (§ 2.2-1200 – 1208), the Department of Human Resource Management is the central state agency responsible for administering, developing, and overseeing the state's human resource management system. Areas include:

- classification and compensation;
- equal employment opportunity;
- employment dispute resolution;
- workforce planning;
- health benefits and long term care insurance;
- human resource policy;
- the statewide personnel management information system;
- statewide job posting site;
- employee training and development, including career development;
- workers' compensation and safety;
- performance management;
- employee communications;
- shared services center;
- program evaluation;
- employee assistance program;
- the annual workplace giving campaign.

DHRM administers the [Virginia Personnel Act](#), which ensures that the Commonwealth retains a system of personnel administration based on merit principles and objective methods of appointment, promotion, transfer, layoff, removal, discipline, and other aspects of state employment.

Office of Equity, Diversity, and Inclusion (OEDI) (Within DHRM)

The Office of Equity, Diversity, and Inclusion (OEDI) is responsible for:

- enforcing the Governor's [Executive Order #1](#) and Equal Employment Opportunity law and policy which prohibit discrimination against state government employees and applicants for state government employment (and retaliation against complainants or those involved in related investigations);
- providing training and consultation regarding equal employment opportunity law, methods for increasing organizational diversity, and best practices for embedding inclusion in the organizational culture.

Office of Employment Dispute Resolution (OEDR) (Within DHRM)

The Office of Employment Dispute Resolution is responsible for:

- administering the [State Grievance Procedure](#) which provides a formal process through which eligible employees can resolve work-related disputes.
- assisting state employees in resolving problems, concerns, and grievances; and
- making recommendations on the improvement of management-employee relations in state government.

OEDR also administers the [State's Mediation Program](#). This program allows employees to resolve work-related issues or problems outside the formal grievance process.

**Department of Planning and Budget (DPB)**

The [Code](#) specifically directs DPB to:

- develop and direct an integrated policy analysis, planning, and budgeting process within state government;
- review and approve all sub-state district systems boundaries established or proposed for establishment by state agencies;
- formulate an executive budget;
- conduct policy analysis and program evaluation for the Governor;
- review the activities of state government focusing on budget requirements in the context of the goals and objectives determined by the Governor and the General Assembly and monitor the progress of agencies in achieving goals and objectives;
- operate a system of budgetary execution to ensure that agency activities are conducted within fund limitations provided in the appropriation act and in accordance with gubernatorial and legislative intent;
- develop and operate a system of standardized management reports of program and financial performance;
- coordinate statistical data;
- assess the impact of federal funds on state government, as well as solicitations, applications, and awards for federal financial aid programs on behalf of state agencies;
- review and verify the accuracy of agency estimates of receipts from donations, gifts,

- or other non-general fund revenue;
- develop, coordinate and implement a performance management system involving strategic planning, performance measurement, evaluation, and performance budgeting within state government; and
- develop, implement, and manage an Internet-based information technology system to ensure that citizens have access to performance information.

### **Virginia Information Technologies Agency (VITA)**

The creation of VITA in 2003 ([§§ 2.2-2005 – 2032](#)), initiated a consolidation of information technology (IT) services for Executive Branch agencies within the Commonwealth. VITA's responsibilities fall into three primary categories:

- Operation of the IT infrastructure, including all related personnel, for the executive branch agencies declared by the legislature to be “in-scope” to VITA;
- Governance of IT investments, in support of the duties and responsibilities of the Information Technology Investment Board and the Chief Information Officer of the Commonwealth; and
- Procurement of technology for VITA and on behalf of other state agencies and institutions of higher education.

VITA provides technology services and solutions to support its customer state agencies and to address their business needs reliably, consistently, and cost-effectively. VITA's website contains information regarding VITA's IT processes and its responsibilities for supporting agency IT needs.

The [Secretary of the Commonwealth](#) is appointed by the Governor and serves as his “ex officio Secretary.” Additional responsibilities of the Secretary of the Commonwealth are articulated by the *Code* ([§ 2.2-401](#)) and include:

- researching qualified individuals for gubernatorial appointments;
- verifying for foreign governments that a Virginia official is in good standing;
- commissioning Notaries Public throughout the Commonwealth;
- serving as “keeper of the seals of the Commonwealth;”
- offering registration services for organizations interested in protecting their organizational identity in Virginia; (This service parallels what the State Corporation Committee does with business and corporate entities.)
- receiving and reviewing disclosure statements required by the State and Local Government Conflict of Interests Act filed by specific Virginia governmental officers and employees;<sup>2</sup>
- registering lobbyists;
- receiving for the Governor petitions for the restoration of rights and pardons;
- reviewing requests for extradition by Virginia and receiving extradition requests from other states;

<sup>2</sup> A disclosure of financial interests is required when the individual assumes the office or employment and annually on or before January 15. Information pertaining to real estate, business interests, gifts, liabilities, directorships, and other matters is subject to disclosure depending on the office or employment of the occupant. These disclosure statements are available for review by the public.

- serving as service processor when the party, party's attorney, or party's agent are in litigation and are seeking service on non-residents, post office boxes, and people who cannot be located by a sheriff or private processor;
- reporting annually on "(a) the boards of visitors of all public institutions, and other boards appointed by the Governor; (b) all commissions issued under appointments made by the Governor, except commissions to notaries public; (c) all departments, boards, councils, commissions, and other collegial bodies created in the executive branch of state government; and (d) such other matters as the Governor requires;" and,
- annually revising the Virginia State Government Organizational Chart.

### **The Commonwealth Calendar**

[The Commonwealth Calendar](#) displays public meetings of Virginia government entities. For regulatory meetings and information, also, see the [Virginia Regulatory Town Hall](#) site.

## **THE BUDGET PROCESS**

Virginia has a biennial budget system, which means it adopts a two-year budget. The biennial budget is enacted into law in even-numbered years, and amendments to it are enacted in odd-numbered years.

The Code ([§ 2.2-103](#)) establishes the Governor as the Chief Planning and Budget Officer. However, as seen from the responsibilities assigned to it, the Department of Planning and Budget (DPB) plays a significant role in coordinating the development of the Commonwealth's budget. Virginia's current performance management system is comprised of four, linked processes: strategic planning, performance measurement, program evaluation, and performance budgeting. The [budget process](#) takes many months and involves many participants.

### **Virginia Biennial Budget**

The 2016 – 2018 biennium began on July 1, 2016. The original budget for the two-year period was adopted by the 2016 General Assembly, signed by the Governor, and became law as Chapter 780, [2016 Virginia Acts of Assembly](#).

### **Appropriation Act**

During each Legislative Session, the General Assembly considers the Governor's proposed budget, any changes that are recommended, and many other requests for the appropriation of state funds. Through the legislative process, the General Assembly determines what funds will be appropriated to which programs or requestors, including state agencies. Their determinations, when approved by the General Assembly and signed by the Governor, are recorded as the Appropriation Act, which is the state's budget (legal authority for state agencies to obligate state funds).

## AGENCY PERFORMANCE

### Virginia Performs

Virginia Performs, a signature initiative of the now defunct [Council on Virginia's Future](#), is a performance leadership and accountability system within state government. It begins with a vision for Virginia's future: Responsible economic growth, an enviable quality of life, good government, and a well-educated citizenry prepared to lead successful lives and to be engaged in shaping the future of the Commonwealth. While the Council no longer exists, the system now is managed by the Department of Planning & Budget and continues to provide relevant analytics for the citizens of the Commonwealth.

Virginia Performs aligns specific state agency outcomes with larger statewide goals.

- Quality-of-life measures (societal indicators) answer the question, "How is Virginia doing?" on broad issues such as obesity, land preservation, and educational attainment.
- Key objectives and measures help us see whether we are getting results on our highest priorities -- for example, obesity in adults, acres of land preserved, and graduation rates.
- Finally, a range of other metrics helps us gauge whether state programs and services are producing the desired results and whether agency operations are well managed.

Seven long-term goals further define this vision by outlining specific outcomes:

- Be a national leader in the preservation and enhancement of our economy. ([Economy](#))
- Elevate the levels of educational preparedness and attainment of our citizens. ([Education](#))
- Inspire and support Virginians toward healthy lives and strong and resilient families. ([Health and Family](#))
- Protect, conserve and wisely develop our natural, cultural and historic resources. ([Natural, Historic and Cultural Resources](#))
- Protect the public's safety and security, ensure a fair & effective system of justice, and provide a prepared response to emergencies & disasters of all kinds. ([Public Safety](#))
- Ensure Virginia has a transportation system that is safe, allows the easy movement of people and goods, enhances the economy, and improves our quality of life. ([Transportation](#))
- Be recognized as the best-managed state in the nation. ([Government and Citizens](#))

## CHECKS AND BALANCES

### **The Office of the State Inspector General ([OSIG](#))**

The Office of the State Inspector General investigates complaints alleging fraud, waste, abuse, or corruption by a state agency or non-state agency or the officers and employees thereof; examines the management and operation of state agencies; provides a record exemption under the Freedom of Information Act for certain investigative/audit documents of the Office; and has responsibility for tobacco indemnification and revitalization.

The OSIG administers the [State Fraud, Waste, and Abuse Hotline](#) which provides state employees and other citizens with an opportunity to anonymously report instances of fraud, waste, and abuse that may be occurring in the Commonwealth. OSIG also administers the [Fraud and Abuse Whistle Blower Protection Act](#).

### **The Auditor of Public Accounts ([APA](#))**

The Auditor of Public Accounts is part of the legislative branch of Virginia government. APA promotes sound financial management and accountability for public funds by auditing agencies of the Executive and Judicial Branches of state government. Because APA reports through the Joint Legislative Audit and Review Commission (JLARC) of the General Assembly, it is independent from the subjects of its audits. As a result of their audits and analyses, APA provides accurate and objective information and unbiased recommendations on financial management issues to the General Assembly and other decision-makers.

### **The Joint Legislative Audit and Review Commission ([JLARC](#))**

JLARC is authorized to complete its studies and reviews pursuant to several sections of the *Code of Virginia*, which also provide for periodic review and evaluation of selected topics from among all seven program functions of State government and for an annual report on State spending. Report findings and recommendations are submitted to the agencies concerned, the Governor, and the General Assembly.

## HUMAN RESOURCE RESPONSIBILITIES OF AGENCY HEADS

The *Code* ([§ 2.2-602](#)) upon agency heads, as appointing authorities within their respective agencies, certain human resource duties. These duties include:

- “shall establish and maintain within their agencies methods of administration relating to the establishment and maintenance of personnel standards on a merit basis that are approved by the Governor for the proper and efficient enforcement of the Virginia Personnel Act ([§§ 2.2-2900 - 2905](#)),
- “may assign to the personnel officers or to other officers and employees of their agencies such personnel duties as they see fit;”
- “shall establish and maintain rosters of their employees that shall set forth, as to each employee, the class title, pay and status and such other data as they may deem desirable to produce significant facts pertaining to personnel administration;” and
- “shall supply the Governor with any information he deems necessary for the performance of his duties in connection with the administration of the Virginia Personnel Act.”

### Emergency Closings

From time to time, portions of the state experience inclement weather, rendering roadways hazardous, or other emergency situations requiring state buildings or agencies to close. The Department of Human Resource Management (DHRM) has established a policy ([Policy 1.35, Emergency Closing](#)), which provides details regarding where the authority and responsibility rest for making such decisions. The Policy also establishes an agency’s authority to require specified employees to report in emergency situations to ensure that its critical operations continue unaffected, and the policy describes the treatment of other employees during such situations.

## BENEFITS AND POLICY FRAMEWORK

### “Classified” State Employees

The Commonwealth employs individuals in various employment relationships, which carry with them different employment terms and conditions. These different types or statuses of state employment are described in DHRM’s Policy 2.20, [Types of Employment](#). Most employees of Executive Branch agencies are considered “classified” employees and are covered by the Virginia Personnel Act, which means the [policies](#) and programs established by [DHRM](#) apply to them. DHRM’s [Employee Handbook](#) provides concise information about classified employee’s benefits and conditions of employment. As with this Handbook, the Employee Handbook provides links for more detailed information.



### “At-Will” Appointees

The terms and conditions of “at-will” employment differ from those of other state employees who are hired through a competitive process. The Office of the Governor establishes benefits and conditions of employment for appointees. The Executive Leave Policy is located in Appendix A, and the Executive Severance Policy is located in Appendix B of this Handbook.

Because “at-will” employees often have ties to political parties, questions periodically arise regarding their appropriate behavior with regard to political activities. Some related guidance is found in Appendix C of this document.

All employees deserve feedback regarding their contributions to the organization and information on their supervisors’ view of their performance; therefore, the Agency Head Performance Review process was established. Agency heads’ performance will be evaluated by the appropriate Cabinet Secretary annually in September or October using the form that is found in Appendix D. Agency heads also may be asked to use this form to provide input regarding their performance to their Cabinet Secretary.

“At-Will” employees receive retirement benefits through the Virginia Retirement System (VRS); however, one of the plan options ([Optional Retirement Plan for Political Appointees](#)) available to them is not available to classified state employees. More information about this option can be accessed through the [Virginia Retirement System](#) website.



*Commonwealth of Virginia*  
*Office of the Governor*

**EXECUTIVE LEAVE POLICY  
FOR AT-WILL EMPLOYEES**

This policy is intended to establish uniformity and guidance regarding all-purpose leave for Gubernatorial Appointees ("At-wills").

**I. EMPLOYEES TO WHOM POLICY APPLIES**

The following policy applies to all "At-will" employees who do not participate in the accrual leave system. "At-will" employees are defined as follows:

Employees of the Governor's and Cabinet Offices  
Agency Head  
Chief Deputy (Agency)  
Confidential Assistant  
Policy Assistant

**II. LEAVE POLICY**

All "At-will" employees shall receive 30 days of all purpose leave on January 13<sup>th</sup> of each calendar year, to be used by January 12<sup>th</sup>, of the following year. The days shall be non-accruing, and will be prorated for "at-will" employees hired after March 31 of a particular calendar year. The 30 days of all purpose leave shall be prorated as follows:

| <b>Hire Date</b>  | <b>Days</b> |
|-------------------|-------------|
| Jan 1 - March 31  | 30          |
| April 1 - June 30 | 23          |
| July 1 - Sept 31  | 16          |
| Oct 1 - Nov 30    | 6           |
| Dec 1 - Dec 31    | 0           |

"At-will" employees enrolled in the Virginia Retirement System (VRS) program and the Virginia Sickness and Disability (VSDP) program shall also receive family/personal and sick leave hours pursuant to §51.1-1100 of the Code of Virginia.

In part, the VSDP provides additional leave hours to eligible "At-will" employees as follows:

| <b>Months of Service</b> | <b>Type of Leave</b> | <b>Hours</b> |
|--------------------------|----------------------|--------------|
| Fewer than 120           | Family/Personal      | 32           |
| 120 or more              | Family/Personal      | 40           |
| Fewer than 60            | Sick                 | 64           |
| 60 to 120                | Sick                 | 72           |
| 120 or more              | Sick                 | 80           |

### III. CERTIFICATION OF USE

It is imperative that each "At-will" employee obtain, in advance, proper approval from their supervisor before using any leave. In addition, "At-will" employees must maintain accurate records regarding the number of days used within the allotted time period. All "At-will" employees must certify, in writing, that their established leave limit was not exceeded during the allotted time period. The employees should maintain a leave calendar to attach to the certification letter. The certification letter must be maintained by the agency's Human Resource Office, and should be available for review by the Auditor of Public Accounts.

### IV. LEAVE TRANSFER

If an "At-will" employee transfers to a different "At-will" position, in a different agency, and has a leave balance, the balance shall transfer to the new agency. A letter certifying that the balance is accurate should be included with official transfer documents.

If an "At-will" employee transfers to a classified position, and has a leave balance, the balance cannot transfer. (See section VI - Leave Payout)

Generally, employees transferring from classified positions to "At-will" positions will not be allowed to transfer leave balances. Some situations will generate requests for exceptions. Any exception shall be directed to the Chief of Staff. The Chief of Staff is the only person who can approve exceptions.

## **V. LEAVE CARRYOVER**

"At-will" employees participating in the executive leave program will not be allowed to carry over leave that is not used during the allotted time period (the designated leave year, based on date of hire).

## **VI. LEAVE PAYOUT**

"At-will" employees participating in the executive leave program, who separate from state government service, voluntarily or involuntarily, shall be paid for their documented unused leave balance up to a maximum of 15 days (120 hours). "At-will" employees will not be compensated for unused leave after December 31, 2021.

"At-will" employees participating in the executive leave program, who transfer to classified positions, shall be paid for their unused leave balance up to a maximum of 15 days (120 hours).

"At-will" employees participating in the accrual leave system shall be paid for their unused leave balances in accordance with established governing policy.

"At-will" employees participating in the executive leave program, who are terminated for performance or misconduct reasons could forfeit their payout for unused leave.

## **VII. MEDICAL LEAVE**

Continuation of salary during medical leave beyond the appointee's available balance is subject to verification of the appointee's condition by the treating physician(s), and the approval of the Chief of Staff. "At-will" employees enrolled in the Optional Retirement Program (ORP) and participants in the Executive Leave Program are NOT eligible to participate in the Virginia Sickness & Disability Program (VSDP), and thus do not have long-term or short-term disability benefits.

## **VIII. TERM**

This policy shall be in effect beginning January 13, 2018, and ending on January 12, 2022, unless otherwise amended or rescinded.

## **IX. POLICY EXCEPTIONS**

Requests for exceptions to this policy must be directed to the Chief of Staff. Only the Chief of Staff can approve exceptions to this policy.

(Form) ELP -001

**EXECUTIVE LEAVE POLICY  
CERTIFICATION OF RECEIPT**

I acknowledge that I have been briefed and given a copy of the executive leave policy, and I understand that it is my responsibility to read and abide by this policy.

|                       |             |       |
|-----------------------|-------------|-------|
| _____                 | _____       | _____ |
| (Name - Please Print) | (Signature) | Date  |

\_\_\_\_\_

\_\_\_\_\_

|                          |             |       |
|--------------------------|-------------|-------|
| _____                    | _____       | _____ |
| (Human Resource Officer) | (Signature) | Date  |

*Commonwealth of Virginia*  
*Office of the Governor*

**EXECUTIVE SEVERANCE POLICY**

This policy is intended to establish uniformity and guidance regarding severance payments to Gubernatorial Appointees ("At-wills").

**I. EMPLOYEES TO WHOM POLICY APPLIES**

The following policy applies to all "At-will" employees involuntarily separated from state government. "At-will" employees are defined as follows:

Employees of the Governor's and Cabinet Offices  
Agency Head  
Chief Deputy (Agency)  
Confidential Assistant  
Policy Assistant

**II. SEVERANCE POLICY**

All "At-will" employees will be eligible to receive transitional severance benefits conferred under Title 2.2, Chapter 32 of the Code of Virginia, the Workforce Transition Act (WTA) of 1995.

**III. TRANSITIONAL SEVERANCE PAYMENTS**

The maximum severance payment allowed under provisions of the WTA is 36 weeks of salary. Payments will be based on weekly salary amounts (annual salary divided by 52), and distributed in two-week increments on the normal payroll schedule.

The WTA allows for transitional severance payments to be made to employees based on their years of service as indicated in the following table.

| <b>Years of Service</b> | <b>Transitional Severance Benefit</b>                            |
|-------------------------|------------------------------------------------------------------|
| 2 years or less         | 4 weeks of salary                                                |
| 3-9 years               | 4 weeks of salary plus an additional week for every year over 2  |
| 10-14 years             | 12 weeks of salary plus 2 additional weeks for every year over 9 |
| 15 years or more        | 2 weeks of salary per year not to exceed 36 weeks of salary      |

#### **IV. TRANSITIONAL HEALTH CARE BENEFITS**

"At-will" employees receiving severance payments, and who are involuntarily separated from state government will be eligible to continue their health care coverage with the state for a period of one year after their date of separation. If an employee elects to continue coverage with the state, he or she must continue with the same coverage they had prior to separating from the state. The employee and employer will continue contributing to total premium at the same rate as before the separation.

#### **V. TRANSITIONAL LIFE INSURANCE BENEFITS**

"At-will" employees receiving severance payments will continue to be covered by the state provided life insurance policy for a period of one year after the date of separation.

#### **VI. ENHANCED RETIREMENT BENEFITS**

Eligible "At-will" employees will be allowed to apply the value of the severance payments, and portions of the state-paid life and health premiums to their age, years of service, or a combination of both to enhance their retirement benefit.

This benefit is only available to employees who are at least 50 years old and vested members of VRS, SPORS, or VaLORS.

VRS should be contacted to discuss the details of this option.

**VII. UNEMPLOYMENT BENEFITS**

Some "At-will" employees may be eligible to receive unemployment compensation. However, if an employee receives unemployment compensation and transitional severance payments, simultaneously, the severance payments will be reduced by the amount of the unemployment compensation. At the end of the employee's transitional severance payments, the employee will receive a lump sum payment equal to the amount of the reductions for unemployment compensation.

VEC should be contacted to discuss the details of this option.

**VIII. OTHER TRANSITIONAL BENEFITS**

There may be other benefits available to "At-will" employees who are involuntarily separated from state government. It is incumbent upon each "At-will" employee to meet with their Human Resource office to discuss all benefits that may be available relative to involuntary separation.

**IX. NOTICE OF RECEIPT**

All "At-will" employees must acknowledge receipt of this policy by signing form ESP-001.

The signed form shall become a part of the employee's permanent personnel record.

(Form) ESP-001

**EXECUTIVE SEVERANCE POLICY  
CERTIFICATE OF RECEIPT**

I acknowledge that I have been informed of the severance options available to me under Title 2.2, Chapter 32 of the Code of Virginia, the Workforce Transition Act of 1995.

The following topics were discussed with me:

- \_\_\_ Transitional Severance Payments
- \_\_\_ Transitional Health Care Coverage
- \_\_\_ Transitional Life Insurance Coverage
- \_\_\_ Enhanced Retirement
- \_\_\_ Unemployment Compensation
- \_\_\_ Other Benefits

|                                |                      |               |
|--------------------------------|----------------------|---------------|
| _____<br>(Name - Please Print) | _____<br>(Signature) | _____<br>Date |
|--------------------------------|----------------------|---------------|

|                                   |                      |               |
|-----------------------------------|----------------------|---------------|
| _____                             |                      |               |
| _____                             |                      |               |
| _____<br>(Human Resource Officer) | _____<br>(Signature) | _____<br>Date |



## **POLITICAL ACTIVITIES BY AT-WILL STATE EMPLOYEES**

Governor Ralph Northam is strongly committed to ensuring that state time and resources are properly used in furtherance of the business of the Commonwealth and not spent on political activities (that is, activities that support or oppose a political party, a candidate for elective office, or a ballot question). It is important that Cabinet-level and agency level at-will appointees of the Governor abide by laws and policies requiring separation of state business and any political activity.

The following guidelines shall apply to actions by such at-will state employees appointed by the Governor:

- \* While on state time, no employee may engage in any political activity.
- \* No state resources (funds, vehicles, computers, state e-mail accounts, equipment, etc.) may be used for political purposes.
- \* No employee may be forced to engage in any political activity as a condition of employment.
- \* No employee shall be rewarded or discriminated against in any way for participating or not participating in any political activities.

If you wish to participate in a political activity during regular work hours, you must use personal leave. While there is a bright line against engaging in political activities on state time or with state resources, you may (with certain minimal restrictions described below) engage in political activities outside of regular work hours or when you are on leave.

- \* Employees may work on campaigns, donate money, attend campaign events (including fundraisers), place a sign in the yard, put a bumper sticker on the car, and engage in other political activities.
- \* Employees may belong to and hold office in political committees and organizations.
- \* Employees may express their opinions as private citizens (so long as it is clear that the opinions are not given in any official capacity as a state employee)
- \* Employees are encouraged to vote.
- \* When engaging in permissible political activities, employees may not allow their official title or association with the administration to be used in the promotion of events, candidates, or parties.

Before engaging in activities other than voting, however, please consider the following: If you plan to become visibly involved in a campaign (host a fundraiser, attend a press conference, etc.), you must notify the Chief of Staff or Deputy Chief of Staff in advance of the activity.

State executive branch employees who are principally employed in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency may be covered by the federal Hatch Act. ([Hatch Act](#)). State employees whose salaries are funded 100% by federal funds are covered by the Hatch Act may not be candidates for office in a partisan election. However, they may actively campaign for candidates for public office in partisan and nonpartisan elections and may contribute money to political organizations and attend political fundraising functions. State employees whose positions are only partially funded by federal funds may be candidates for elective office in partisan elections. Such employees are still subject to the Virginia Conflict of Interests Act. ([VA Conflict of Interests Act](#))

As always, using common sense and your best judgment is important. Something that is permissible may not be a wise use of time if you are working against someone politically in a manner that adversely affects the ability to accomplish a governing priority. Similarly, it is important that you consider whether engaging in a political activity or how you engage in that activity will reflect negatively on the Governor.

Clark Mercer, Chief of Staff

Governor Ralph Northam

***Office of the Governor***  
**Agency Head Performance Review**

**INSTRUCTIONS:** (This form will expand automatically. You do not need to be limited by the size of the boxes.)

| <b>PART I – Employee Information</b>                                                                                                                                                                                                                                                                                            |                    |                       |                            |                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|----------------------------|---------------------------------------|
| <b>Employee Name</b>                                                                                                                                                                                                                                                                                                            | <b>Agency</b>      | <b>Title</b>          |                            |                                       |
| <b>Salary<br/>Current</b>                                                                                                                                                                                                                                                                                                       | <b>Employee ID</b> | <b>Effective Date</b> | <b>Position<br/>Number</b> | <b>Cabinet Member/<br/>Supervisor</b> |
| <b>PART II – Job Performance &amp; Considerations</b>                                                                                                                                                                                                                                                                           |                    |                       |                            |                                       |
| <b>Brief Description of Meritorious Job Performance</b><br>Describe what the agency head accomplished specifically referencing their support of performance management and/or other key initiatives and accomplishments.                                                                                                        |                    |                       |                            |                                       |
|                                                                                                                                                                                                                                                                                                                                 |                    |                       |                            |                                       |
| <b>General Assessment of Agency Management Performance</b><br>Review current “overall” management performance across the three categories of Human Resource Management, Government Procurement & Financial Management. You should note any deviations from the standards set in the management scorecard and/or audit problems. |                    |                       |                            |                                       |
|                                                                                                                                                                                                                                                                                                                                 |                    |                       |                            |                                       |
| <b>Recommendations or Suggestions for Improvement</b>                                                                                                                                                                                                                                                                           |                    |                       |                            |                                       |
|                                                                                                                                                                                                                                                                                                                                 |                    |                       |                            |                                       |
| <b>PART III – Signatures</b>                                                                                                                                                                                                                                                                                                    |                    |                       |                            |                                       |
| Cabinet Secretary/Supervisor                                                                                                                                                                                                                                                                                                    |                    |                       | Date:                      |                                       |
| Chief of Staff                                                                                                                                                                                                                                                                                                                  |                    |                       | Date:                      |                                       |
| Governor                                                                                                                                                                                                                                                                                                                        |                    |                       | Date:                      |                                       |