

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.

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.

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.¹ ([§ 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/her 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.

¹ 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/appointees 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;
- 2.2-2817.1 – 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 the [Virginia Conflict of Interests & Ethics Advisory Council](#) website.

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:

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

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.

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.

Virginia Retirement System (VRS)

The [Code](#) requires the General Assembly to maintain a retirement system for state employees and employees of participating political subdivisions and school divisions. The Virginia Retirement System is an independent agency of the Commonwealth charged with:

- providing adequate benefits and pensions to members,
- encouraging stable employer contribution rates, and
- ensuring the overall soundness of the retirement system

The Budget Process

Virginia has a biennial budget system, which means it adopts a two-year budget.

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 biennial budget passed by the General Assembly is enacted into law effective on July 1 in even-numbered years, and on the date of passage in odd-numbered years. For more information on how the budget is adopted, please go to the [Virginia Department of Planning and Budget](#).

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 state government agencies develop and implement Strategic Plans for their agency and for relevant programs and service areas. Agencies also identify Performance Measures to track their performance on achieving their strategic plan objectives.

As part of the Virginia's commitment to transparency in government, details on these plans and measures are available on the [Department of Planning and Budget's website](#).

The Department of Planning and Budget's responsibilities related to strategic planning and performance measurement include:

- Development, coordination and implementation of a performance management system involving strategic planning, performance measurement, evaluation, and performance budgeting within state government.
- The Department shall ensure that information generated from these processes is useful for managing and improving the efficiency and effectiveness of state government operations, and is available to citizens and public officials.

The Department of Planning and Budget works with state agencies to develop and report on performance metrics linked to statewide goals through agency strategic plans and performance measures.

DPB's Planning, Evaluation, and Regulation division has primary responsibility for strategic planning and performance measurement.

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. The 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 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 Executive Branch Agency Heads

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

- Establishing and maintaining within their agencies methods of administration relating to 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](#));
- Assigning to the personnel officers or to other officers and employees of their agencies such personnel duties as they see fit;
- Establishing and maintaining 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
- Supplying the Governor with any information deemed necessary for the performance of duties in connection with the administration of the Virginia Personnel Act.
- Establishing and maintaining a comprehensive diversity, equity, and inclusion strategic plan in coordination with the Governor's Director of Diversity, Equity, and Inclusion (currently the Governor's Chief Diversity Officer) and fostering practices that promote diversity, equity, and opportunity. ([§ 2.2-602](#))
- Including in the agency's annual strategic plan its key workforce planning issues and submitting a succession plan for key personnel, executive positions, and employees nearing retirement to the Cabinet Secretary. Each public institution of higher education shall prepare a succession plan for presentation to the board of visitors with a copy to the Department. ([§ 2.2-1209](#))

- Executive Branch agency heads must complete human resource training provided by the Department of Human Resource Management within six months after the appointment of the director. Thereafter, such training must be completed once every four years. ([§ 2.2-1209](#))

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. Please refer to the Executive Leave Policy and the Executive Severance Policy located in the [Executive Resources](#) page on the DHRM website.

“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.

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.

