



DHRM Policy Guidance

Standards of Conduct, Policy 1.60

Impact on Pay and Benefits: Suspension and Reinstatement

Pay and Benefits upon Suspension

Suspensions are without pay and may consequently impact certain benefits as noted:

General Provisions	Application
Performance increases	<ul style="list-style-type: none"> Performance increases for employees may be affected by the time on suspension in accordance with instructions issued by the Department of Human Resource Management.
Changes to the Next Leave Anniversary Date	<ul style="list-style-type: none"> Suspensions exceeding 14 calendar days shall affect an employee's Next Leave Anniversary Date for purposes of annual leave accrual. Refer to Policy 4.45, Leave Without Pay Conditional and Non-Conditional to determine the effect on the employee's Next Leave Anniversary Date.
Annual and "traditional" sick leave accrual	<p>An employee on suspension will not accrue annual or "traditional" sick leave, except that:</p> <ul style="list-style-type: none"> If a suspension extends into a second pay period, accrual of annual and sick leave shall resume in the second pay period unless the period of suspension exceeds 15 calendar days. For example, an employee's suspension is effective on June 12th and concludes on June 26th which extends into a second pay period. If a suspension extends into a third pay period, accrual of annual and sick leave shall resume in the third pay period unless the period of suspension exceeds 31 calendar days, and so on.
Virginia Sickness and Disability Program Benefits	<ul style="list-style-type: none"> Employees who are suspended may not access their VSDP benefits during the period of suspension.
Health Insurance and Life Insurance	<ul style="list-style-type: none"> A suspended employee's health insurance coverage continues until the end of the month in which the suspension began. There shall be no break in coverage if the employee is reinstated in time to work half of the workdays in the following month. The employee is responsible for paying their portion of the Health Insurance Premium owed for any portion(s) not paid via payroll deduction. If the length of the period of suspension results in a break in health insurance coverage, the suspended employee must be

General Provisions	Application
	<p>notified that they may retain their group insurance coverage for up to 12 months by paying the full monthly insurance premiums (both the employee's and state's contribution) in advance and in accordance with state guidelines.</p> <ul style="list-style-type: none"> ● Life insurance coverage may continue for up to 24 months, with the agency making the full contribution.

Pay and Benefits upon Reinstatement from Suspension or Termination

General Provisions	Application
<p>Reinstatement from Suspension</p>	<ul style="list-style-type: none"> ● If an agency reinstates a suspended employee with back pay for any period of the suspension, unless directed otherwise in the hearing officer's decision, health benefits must be made effective retroactive to the date of reinstatement and to the same plan in place prior to the suspension or reinstatement at the costs in effect during the affected time period. ● The agency shall make appropriate refund(s) to the employee for the State portion of any health insurance premiums that they paid to continue coverage during the suspension. ● If an agency reinstates a suspended employee without back pay, there shall be no reimbursement for any portion of health insurance premiums that the employee paid to continue coverage.
<p>Reinstatement from Termination</p>	<p>When an agency or a hearing officer reinstates an employee from termination the reinstatement may include:</p> <ul style="list-style-type: none"> ● A reduction in the employee's disciplinary record such that termination is not currently applicable (e.g., with the reduction of the discipline, the employee will have three Group I Written Notices or one Group II Written Notice); or ● Reinstatement of the employee with full back pay minus an appropriate disciplinary suspension; ● Credit the employee with annual and sick leave that the employee did not accrue during the period of discharge and/or suspension. Expired leave or leave that is not carried over into the new leave year on January 10th is not eligible for reinstatement. ● Reimbursements for health insurance premiums <ul style="list-style-type: none"> ○ If an agency reinstates a terminated employee with back pay, unless otherwise directed in the hearing officer's decision, health benefits must be effective retroactive to the date of termination. Employees must be reinstated to the health plan they were in at the time of separation and are also responsible for the employee portion of the health insurance premiums. ○ NOTE: Suspended and terminated employees may have purchased individual health insurance coverage or acquired coverage through a spouse's health benefits plan. Upon the order of reinstatement, agencies should

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	<p data-bbox="695 226 1430 430">inquire about such coverage when discussing back pay and benefits with these employees. If the hearing officer does not grant back benefits because the employee was enrolled in other coverage during the period of suspension or termination, the employee must provide proof of the other coverage.</p> <ul data-bbox="553 464 1382 632" style="list-style-type: none"> <li data-bbox="553 464 1382 632">● Full, partial, or no back pay. The award of back pay shall be offset by any interim earnings that the employee received during the period of separation, including unemployment compensation received from the Virginia Employment Commission. <p data-bbox="553 663 781 699">Interim Earnings</p> <p data-bbox="553 730 1406 863">The award of back pay shall be offset by any interim earnings that the employee received during the period of separation, including unemployment compensation received from the Virginia Employment Commission.</p>
	<p data-bbox="553 898 1138 934">Repayment of Health Insurance Premiums</p> <ul data-bbox="553 968 1414 1472" style="list-style-type: none"> <li data-bbox="553 968 1414 1136">● If a hearing officer orders reinstatement with back pay for any period of suspension or from termination the employee shall receive reimbursement for any health insurance premiums that they paid during the period that would have been paid by the agency. <li data-bbox="553 1167 1390 1304">● If a hearing officer orders reinstatement without back pay, the employee shall not receive reimbursement for any portion of the health insurance premiums that they paid during the separation. <li data-bbox="553 1335 1390 1472">● Hearing officers have the authority to exclude benefits for health insurance coverage if the employee was enrolled in other coverage during a period of suspension or termination.. The employee must provide proof of the other coverage.