2006 Session

Budget Bill - SB29 (Introduced)

Item 4-7.01 (Not set out)

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b.1. Staffing patterns of the institutions of higher education reflect the objectives of restructuring, which include the reallocation of resources to instruction and to direct services for students. Recognizing the importance of graduate programs, community service and research, the staffing patterns should reflect the following highest priorities: (a) teaching faculty for the instruction of undergraduate students; (b) staff for direct services for students, including financial aid and counseling; and (c) staff to maintain and secure facilities and grounds. The institutions are encouraged to apply technology to the maximum extent practicable to reduce the need for staff positions.

2.a. The institutions of higher education shall submit information concerning salary and wage positions to the Director of the Department of Human Resource Management, as established in guidelines developed by the Directors of the Departments of Planning and Budget and Human Resource Management, in consultation with the Executive Director of the State Council of Higher Education for Virginia. Institutions shall report all required information monthly, not later than ten days after the end of the month, to the Department of Human Resource Management.

b) The information shall include, but not be limited to, the number of filled general fund and nongeneral fund positions in the educational and general, auxiliary, and sponsored research programs, as well as other pertinent information. Among faculty positions, institutions of higher education shall be required to report the number of full-time equivalent teaching and research positions, administrative positions, part-time faculty positions, and graduate teaching assistants filled within the educational and general program.

c) The data shall be used by the Director, Department of Planning and Budget, for recording employment in the state budget.

d) The State Council of Higher Education for Virginia shall monitor trends in the data and report any substantive findings pursuant to Item 165 B 2.

3. The Position Levels stipulated for the individual agencies within the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that Department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to program 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to program 46102, Social Security Disability Determination, at the Department of Rehabilitative Services are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director of the Department of Planning and Budget.

e. Positions assigned to agencies and institutions that provide services pertaining to public safety, public health, and public higher education shall be exempt from any administratively imposed hiring freeze. Such positions shall include, but are not limited to, law-enforcement officers, employees that provide direct services or patient care in the local Health Departments and the facilities of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Rehabilitative Services, licensing positions within the Department of Social Services, employees providing services to students at institutions of higher education, and employees involved in the coordination of higher education. Positions in the Department of Health that are involved in direct patient care, customer service, or support services at the local level (including physicians, nurses and nursing supervisors, and environmental health specialists), and positions that provide support services which

are essential to the safe and efficient operation of state facilities, shall also be exempt from any administrative hiring freeze. Positions in the Natural Resources and Public Safety Secretariats shall be exempt from any administrative hiring freeze. In addition, any position that is funded one hundred percent from federal funds, grant funds, contracts, enterprises, or auxiliary enterprises is also exempt from any administrative hiring freeze.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.