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# VIRGINIA STATE BUDGET

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2006 Special Session I

## Budget Bill - HB5012 (Introduced)

Bill Order » Office of Administration » Item 63

Compensation Board

Item 63	First Year - FY2005	Second Year - FY2006
<b>Administrative and Support Services (74900)</b>	<b>\$1,996,157</b>	<b>\$1,991,651</b>
General Management and Direction (74901)	\$1,996,157	\$1,991,651
Fund Sources:		
General	\$1,996,157	\$1,991,651

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Authority: Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. In determining the salary of any officer specified in Items 64, 65, 66, 69, 69.10, and 70 of this act, the Compensation Board shall use the most recent provisional population estimate from the United States Bureau of the Census or the Weldon Cooper Center for Public Service of the University of Virginia available when fixing the officer's annual budget and shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent remains in office.

2. In determining the salary of any officer specified in Items 64, 65, 66, 69, 69.10, and 70 of this act, nothing herein contained shall prevent the governing body of any county or city from supplementing the salary of such officer in such county or city for additional services not required by general law; provided, however, that any such supplemental salary shall be paid wholly by such county or city.

B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize and fund permanent positions for the locally elected constitutional officers, including the principal officer, at the following levels:

	FY 2005	FY 2006
Sheriffs	9,699	9,848
Block Grants	721	725
Commissioners of the Revenue	791	791
Treasurers	797	797
Directors of Finance	354	354
Commonwealth's Attorneys	916	988
Clerks of the Circuit Court	1,080	1,080
TOTAL	14,358	14,583

2. The Compensation Board is authorized to provide funding for 506 temporary positions the first year and 549 temporary positions the second year.

3. The Board is authorized to adjust the expenses and other allowances for such officers to maintain approved permanent and temporary manpower levels.

4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to § 17.1-290, Code of Virginia.

*5. In determining staffing needs of constitutional offices, the Compensation Board shall reduce the number of Commonwealth-funded positions which are no longer justified by the locality's population, constitutional office's workload or inmate crowding level. The Compensation Board shall reduce the constitutional office's position and funding level due to a change in population, workload or crowding level as soon as an incumbent vacates a Commonwealth-funded position for that office. The positions and associated funding made available by such reductions are to be distributed by the Compensation Board to constitutional offices whose population, workload or inmate crowding level indicates additional staffing is justified. Commonwealth-funded local law enforcement deputies are exempt from this reduction requirement. The effective date of the provisions of this paragraph shall be May 1, 2006.*

C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool services. No vehicle purchased or leased with public funds on or after July 1, 2002 shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

2. Reimbursement by the Compensation Board for the use of personal vehicles in the discharge of official duties shall be at a rate equal to that established in § 4-5.04 f 2. of this act. All such requests for reimbursement shall be accompanied by a certification that a publicly owned or leased vehicle was unavailable for use.

D.1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System.

2. The rate specified in paragraph D 1 shall exclude the cost of any early retirement program implemented by the Commonwealth.

3. Any employer paid contribution costs for rates exceeding those specified in paragraph D 1 shall be borne by the employer.

E. The Compensation Board is directed to examine the current level of crowding of inmates in local jails among the several localities and to reallocate or reduce temporary positions among local jails as may be required, consistent with the provisions of this act.

F. Any new positions established in Item 63 of this act shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board to fulfill the requirements of any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in accordance with the provisions of Item 64 of this act.

G. Any funds appropriated in this act for performance pay increases for designated deputies or employees of constitutional officers shall be allocated by the Compensation Board upon certification of the constitutional officer

that the performance pay plan for that office meets the minimum standards for such plans as set by the Compensation Board. Nothing herein, and nothing in any performance pay plan set by the Compensation Board or adopted by a constitutional officer, shall change the status of employees or deputies of constitutional officers from employees at will or create a property or contractual right to employment. Such deputies and employees shall continue to be employees at will who serve at the pleasure of the constitutional officers.

H. The Compensation Board shall apply the current fiscal stress factor, as determined by the Commission on Local Government, to any general fund amounts approved by the Board for the purchase, lease or lease purchase of equipment for constitutional officers. In the case of equipment requests from regional jail superintendents and regional special prosecutors, the highest stress factor of a member jurisdiction will be used.

I. The Compensation Board shall not approve or commit additional funds for the operational cost, including salaries, for any local or regional jail construction, renovation, or expansion project which was not approved for reimbursement by the State Board of Corrections prior to January 1, 1996, unless: (1) the Secretary of Administration certifies that such additional funding results in an actual cost savings to the Commonwealth or (2) an exception has been granted as provided for in Item 416 of this act.

J. Out of this appropriation \$118,110 the first year and \$118,110 the second year from the general fund is designated for executive management, lawful employment practices, and new deputy and jail management training for constitutional officers, their employees, and regional jail superintendents.

K. Any local or regional jail that receives funding from the Compensation Board shall report inmate populations to the Compensation Board, through the local inmate data system, no less frequently than weekly. Each local or regional jail that receives funding from the Compensation Board shall use the Virginia Crime Codes (VCC) in identifying and describing offenses for persons arrested and/or detained in local and regional jails in Virginia.

L.1. The Compensation Board shall provide the Chairmen of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board. Beginning with the collection of data for fiscal year 2002, such information is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates and investment/interest monies for inclusion in the report.

2. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report.

3. If any sheriff, superintendent, county administrator or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure. If the information is not provided within ten working days from that date, then the Chairman shall cause the information to be prepared from the books of the city, county, or regional jail and shall certify the cost thereof to the State Comptroller. The Comptroller shall issue his warrant on the state treasury for that amount, deducting the same from any funds that may be due the sheriff or regional jail from the Commonwealth.

M. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 64, 65, 66, 69, and 70 of this act, consistent with the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of paragraph F of this Item, any positions in the constitutional offices of the former city which are available for reallocation as a result of the transition shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is

situated, without regard to the Compensation Board's priority of need ranking for reallocated positions. The salary and fringe benefit costs for these positions shall be deducted from any amounts due the county, as provided in § 15.2-1302, Code of Virginia.

N. There is hereby reappropriated the unexpended Technology Trust Fund balance from amounts authorized in Item 63, paragraph N. of Chapter 1042 of the Acts of Assembly of 2003 that were provided for the redevelopment of the Compensation Board's reimbursement system (SNIP). Any funds reappropriated under this authority shall only be used to complete the redevelopment of the Compensation Board's reimbursement system.

O. Notwithstanding the provisions of § 15.2-1636.9 A, Code of Virginia, no appeal of any decision of the Compensation Board shall lie to any circuit court from the date of enactment of this act until July 1, 2006, at which time a circuit court may consider appeals for subsequent fiscal years. Nothing herein shall prevent a Constitutional Officer from appealing any decision of its local governing body; however, upon motion of either the Compensation Board or the Constitutional Officer, the action shall be dismissed with prejudice as to the Compensation Board.

P. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the Compensation Board shall provide no reimbursement for accumulated vacation time for employees of Constitutional Officers.

Q. The Compensation Board and the Auditor of Public Accounts shall develop options for a revised cost recovery methodology to recover all costs reimbursed by the Commonwealth, including capital costs, associated with housing federal inmates, District of Columbia inmates or inmates from other states. The Compensation Board shall submit options for a revised methodology and estimated recovery amounts by source to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than October 15, 2005.