2012 Special Session I

Budget Bill - HB1300 (Chapter 2)

Item 4-6.01

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown.

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Chief of Staff	$152,818	$160,459	$160,459
Secretary of Administration	$152,793	$152,793	$152,793
Secretary of Agriculture and Forestry	$152,793	$152,793	$152,793
Secretary of Commerce and Trade	$152,793	$160,433	$160,433
Secretary of the Commonwealth	$152,793	$152,793	$152,793
Secretary of Education	$152,793	$152,793	$152,793
Secretary of Finance	$152,793	$160,433	$160,433
Secretary of Health and Human Resources	$152,793	$152,793	$152,793
Secretary of Natural Resources	$152,793	$152,793	$152,793

Secretary of Public Safety	$152,793	$160,433	$160,433
Secretary of Technology	$152,793	$152,793	$152,793
Secretary of Transportation	$152,793	$160,433	$160,433

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable

ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Library Board, and the Virginia College Savings Plan Board may supplement the salary of the Director of each museum, the Librarian of Virginia, and the Director of the Virginia College Savings Plan Board from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level I Range	**$136,806 - $191,906**	**$136,806 - $191,906**	**$136,806 - $191,906**
Midpoint	**$164,356**	**$164,356**	**$164,356**
Chief Information Officer, Virginia Information Technologies Agency	$150,000	$157,500	$157,500
Commissioner, Department of Motor Vehicles	$143,449	$143,449	$143,449
Commissioner, Department of Social Services	$140,000	$147,000	$147,000
Commissioner, Department of Behavioral Health and Developmental Services	$182,545	$191,672	$191,672
Commonwealth Transportation Commissioner	$189,000	$198,450	$198,450
Director, Department of Corrections	$147,321	$147,321	$147,321
Director, Department of Environmental Quality	$150,218	$157,729	$157,729
Director, Department of Medical Assistance Services	$185,000	$185,000	$185,000
Director, Department of Planning and Budget	$150,000	$157,500	$157,500
State Health Commissioner	$191,906	$191,906	$191,906
State Tax Commissioner	$136,806	$143,646	$143,646
Superintendent of Public Instruction	$167,111	$175,467	$175,467
Superintendent of State	$145,787	$153,076	$153,076

Police

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
	MsoNormal	MsoNormal	MsoNormal
Level II Range	**$96,659 - $152,821**	**$96,659 - $152,821**	**$96,659 - $152,821**
Midpoint	**$123,210**	**$123,210**	**$123,210**
Alcoholic Beverage Control Commissioner	$120,000	$126,000	$126,000
Alcoholic Beverage Control Commissioner	$122,000	$122,000	$122,000
Chairman, Alcoholic Beverage Control Board	$124,741	$130,978	$130,978
Commissioner, Department of Agriculture and Consumer Services	$120,000	$120,000	$120,000
Commissioner, Department of Veterans Services	$120,000	$120,000	$120,000
Commissioner, Virginia Employment Commission	$122,000	$128,100	$128,100
Executive Director, Department of Game and Inland Fisheries	$124,740	$130,977	$130,977
Commissioner, Marine Resources Commission	$109,900	$115,395	$115,395
Director, Department of Business Assistance	$96,000	$96,000	$96,000
Director, Department of Forensic Science	$146,640	$153,972	$153,972
Director, Department of General Services	$141,231	$148,293	$148,293
Director, Department of Mines, Minerals and Energy	$118,941	$124,888	$124,888
Director, Department of Human Resource Management	$137,955	$137,955	$137,955
Director, Department of Juvenile Justice	$115,000	$120,750	$120,750
Director, Department of Rail and Public Transportation	$125,840	$132,132	$132,132
Executive Director, DMV Dealer Board	$109,948	$115,445	$115,445
Executive Director, Virginia Port Authority	$137,186	$137,186	$137,186

State Comptroller	$133,972	$140,671	$140,671
State Treasurer	$149,761	$157,249	$157,249
	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level III Range	**$84,054- $132,890**	**$84,054- $132,890**	**$84,054- $132,890**
Midpoint	**$108,472**	**$108,472**	**$108,472**
Adjutant General	$132,890	$132,890	$132,890
Chairman, Virginia Parole Board	$125,107	$125,107	$125,107
Commissioner, Department of Labor and Industry	$105,000	$110,250	$110,250
Commissioner, Department of Rehabilitative Services	$130,815	$130,815	$130,815
Coordinator, Department of Emergency Management	$114,650	$120,383	$120,383
Director, Department of Aviation	$127,937	$127,937	$127,937
Director, Department of Conservation and Recreation	$128,000	$134,400	$134,400
Director, Department of Criminal Justice Services	$108,000	$113,400	$113,400
Director, Department of Employment Dispute Resolution	$106,436	$111,758	$111,758
Director, Department of Health Professions	$120,121	$126,127	$126,127
Director, Department of Historic Resources	$105,189	$105,189	$105,189
Director, Department of Housing and Community Development	$118,414	$124,335	$124,335
Director, Department of Professional and Occupational Regulation	$112,000	$112,000	$112,000
Director, The Science Museum of Virginia	$122,635	$128,767	$128,767
Director, Virginia Museum of Fine Arts	$127,358	$133,726	$133,726
Director, Virginia Museum of Natural History	$105,000	$110,250	$110,250
Executive Director, Jamestown-Yorktown Foundation	$121,848	$127,940	$127,940

Executive Secretary, Virginia Racing Commission	$102,503	$102,503	$102,503
Librarian of Virginia	$132,890	$139,535	$139,535
State Forester, Department of Forestry	$96,660	$101,493	$101,493
Superintendent, Department of Correctional Education	$128,873	$128,873	$128,873
	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level IV Range	**$73,090 - $109,309**	**$73,090 - $109,309**	**$73,090 - $109,309**
Midpoint	**$91,200**	**$91,200**	**$91,200**
Administrator, Commonwealth's Attorneys' Services Council	$93,537	$98,214	$98,214
Commissioner, Department for the Aging	$109,309	$109,309	$109,309
Commissioner, Virginia Department for the Blind and Vision Impaired	$104,500	$109,725	$109,725
Director, Department of Minority Business Enterprise	$101,130	$106,186	$106,186
Executive Director, Board of Accountancy	$98,114	$103,020	$103,020
Executive Director, Frontier Culture Museum of Virginia	$101,085	$106,139	$106,139
Human Rights Director, Human Rights Council	$73,090	$76,745	$76,745
Secretary, State Board of Elections	$104,000	$104,000	$104,000
	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Level V Range	**$20,288 - $84,365**	**$20,288 - $84,365**	**$20,288 - $84,365**
Midpoint	**$52,327**	**$52,327**	**$52,327**
Director, Gunston Hall	$82,072	$86,176	$86,176
Director, Virginia Department for the Deaf and Hard-of-Hearing	$84,365	$88,583	$88,583
Executive Director, Department of Fire Programs	$83,200	$87,360	$87,360
Executive Director, Towing	$75,712	$79,498	$79,498

and Recovery Operators			
Executive Director, Virginia Commission for the Arts	$82,174	$86,283	$86,283
Chairman of Board Chairman, Compensation Board	$20,288	$20,288	$20,288

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
Independent Range	**$121,758 - $162,240**	**$121,758 - $162,240**	**$121,758 - $162,240**
Midpoint	**$141,999**	**$141,999**	**$141,999**
Director, State Lottery Department	$135,923	$142,719	$142,719
Executive Director, Virginia Office for Protection and Advocacy	$121,758	$121,758	$121,758
Director, Virginia Retirement System	$162,240	$170,352	$170,352
Chief Executive Officer, Virginia College Savings Plan	$162,240	$170,352	$170,352

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education may annually supplement the salary of its president from private gifts, endowment funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors should be guided by criteria which provide a reasonable limit on the total additional income of a president. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report

approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to $17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2010 to June 24, 2011	**June 25, 2011 to November 24, 2011**	**November 25, 2011 to June 30, 2012**
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	$162,240	$170,352	$170,352
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			
Director, State Council of Higher Education for Virginia	$160,000	$160,000	$160,000
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER			
Director, Southern Virginia Higher Education Center	$118,976	$124,925	$124,925
SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER			
Director, Southwest Virginia Higher Education Center	$122,122	$122,122	$122,122
VIRGINIA COMMUNITY COLLEGE SYSTEM			
Chancellor of Community Colleges	$167,243	$167,243	$167,243
SENIOR COLLEGE PRESIDENTS' SALARIES			
Chancellor, University of Virginia's College at Wise	$127,221	$127,221	$127,221
President, Christopher Newport University	$130,805	$130,805	$130,805
President, The College of William and Mary in Virginia	$157,249	$157,249	$157,249
President, George Mason University	$148,307	$148,307	$148,307
President, James Madison University	$145,889	$153,183	$153,183

President, Longwood University	$140,121	$147,127	$147,127
President, Norfolk State University	$143,627	$143, 627	$143, 627
President, Old Dominion University	$157,883	$165,777	$165,777
President, Radford University	$143,624	$150,805	$150,805
President, Richard Bland College	$123,048	$129,200	$129,200
President, University of Mary Washington	$140,447	$140,447	$140,447
President, University of Virginia	$176,104	$176,104	$176,104
President, Virginia Commonwealth University	$176,113	$176,113	$176,113
President, Virginia Polytechnic Institute and State University	$176,113	$184,919	$184,919
President, Virginia State University	$143,624	$143,624	$143,624
Superintendent, Virginia Military Institute	$142,297	$142,297	$142,297

e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

3. Notwithstanding §§ 40.1-29 and 2.2-804, Code of Virginia, agencies are authorized to seek compromise and settlement of erroneous payroll overpayments with the approval of the Attorney General pursuant to, and consistent with, § 2.2-514, Code of Virginia and as approved by the Governor or his designee. If so approved, agencies are authorized to use payroll deductions to recover the compromise and settlement of erroneous payroll overpayments made to state employees. Such overpayments may include, but are not limited to, excess wage or salary payments, erroneous refunds, and under-withheld payroll deductions for retirement, health and other benefit programs. Payroll deductions made pursuant to this section are limited to 25 percent of disposable earnings as defined in Code § 34-29(d).

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201.12, Code of Virginia, the costs for such awards shall be paid from any operating funds

appropriated to the affected agencies.

i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.

j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1.a) Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

b) Notwithstanding any other provision of law, state employees will be paid on July 2, 2012, for the work period June 10 to June 24, 2012.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23-9.2:3.1 B and the cash payment offered under such compensation plans pursuant to § 23-9.2:3.1 D, Code of Virginia. Notwithstanding the limitations in § 23-9.2:3.1 D, the total cost in any fiscal year for any such compensation plan ,

shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed $5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.