



# Virginia Department of Corrections

## Human Resources

### Operating Procedure 102.1

#### *Personnel Actions Relating to Positions*

##### **Authority:**

Directive 102, *Talent Acquisition and Records*

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Operating Procedure 102.1, October 1, 2020

**Access:** ☐ Restricted ☒ Public ☐ Inmate

##### **ACA/PREA Standards:**

5-ACI-1B-16, 5-ACI-1C-03, 5-ACI-1C-04,  
5-ACI-1C-13; 4-ACRS-2A-06, 4-ACRS-7D-27;  
4-APPFS-3A-10; 2-CO-1C-06, 2-CO-1C-16

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## REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

*The content owner reviewed this operating procedure in August 2024 and determined that no changes are needed.*

## COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Classification of Position** - The allocation of a position, based on assigned duties and responsibilities, to the appropriate class, role, and career group within the job organization structure defined by the Department of Human Resource Management (DHRM).

**Classified Position** - Salaried position assigned to an occupational family and career group based on duties and responsibilities, and to a role code based on the compensable factors of complexity, results, and accountability.

**Discontinuance of Position** - The removal of a position from an Organizational Unit by abolishment or transfer.

**Establishment of Position** - The creation of a new position within an Organizational Unit.

**Exempt Employee** - An employee who is not covered by the overtime provisions of the Fair Labor Standards Act, generally includes salaried executive, administrative, professional, and information technology employees.

**Non-exempt Employee** - An employee covered by the overtime provisions of the *Fair Labor Standards Act* including wage employees, unless specifically ruled as exempt (such as physicians and dentists) and employees covered by the Law Enforcement Exemption.

**Organization Chart** - The official written record of position reporting relationships.

**Position Data Elements** - All the accompanying position information, such as source of funds, location, and position status that is maintained in the Cardinal - Human Capital Management system.

**Restricted Position** - A classified position with at least 10% of its funding from non-continuous or non-recurring funding sources, such as grants, contracts, or capital outlay projects.

**Slotting** - An assignment or confirmation of a job that exists in the DOC and is appropriately placed in the Commonwealth's job organization structure established by DHRM. This review confirms all aspects of the job required by DHRM policy, i.e., occupational family, career group, role and the DOC, i.e., sub-band, job title, FLSA exemption status to administer personnel and payroll actions related to the job.

**Temporary Transfer of Position** - Moving a position or incumbent from one Organizational Unit to another for a period not to exceed 90 calendar days.

**Wage Position** - A position where the incumbent is paid for hours worked and not a fixed salary. Wage positions are also referred to as hourly or P-14 positions.

**Work Period** - Any established, regularly recurring period of work and rest for which an employee is scheduled and based upon which overtime compensation may be earned; the work period for non-security, non-exempt employees is seven days (also defined as work week). The work period for Corrections Officers and P&P Officers will be 28 days unless an exception is approved.

## PURPOSE

This operating procedure ensures the Department of Corrections (DOC) complies with requirements of Department of Human Resource Management (DHRM) protocols to establish, classify, transfer, and discontinue positions within a job organization structure.

## PROCEDURE

- I. Establishment of Classified, Restricted, and Wage Positions (5-ACI-1B-16; 4-ACRS-7D-27)
  - A. The Director of Human Resources will be responsible for the establishment and allocation of all positions.
  - B. The Organizational Unit Head should review, at least annually, the staffing requirements for all categories of personnel to ensure that inmates/probationers/parolees have access to staff, programs, and services. (5-ACI-1C-03; 4-APPFS-3A-10; 2-CO-1C-06)
  - C. The Organizational Unit Head uses a formula to determine the number of staff needed for essential positions. The formula considers, at a minimum, holidays, regular days off, annual leave, and average sick leave. (5-ACI-1C-04)
  - D. The Organizational Unit Head will request new positions through the chain of command.
    1. Each position request will consist of a completed *Position Request* (P-5) 102\_F1, *Employee Work Profile* (EWP) 145\_F2, or *Employee Work Profile (EWP) Supervisory* 145\_F2a and any additional documentation that supports the proposed action. An organizational chart must be included with a new position request.
    2. Regional administrative approval through the Regional Operations Chief or their designee is required for all changes to positions in the field. Organizational Unit Head approval is required for changes to positions at Headquarters.
    3. All P-5 requests and approvals must be forwarded electronically to the Compensation Position Request mailbox (compposreq@vadoc.virginia.gov).
    4. The Compensation Manager reviews and approves the request before they are routed through the approval process.
    5. The Budget Office in consultation with the Chief Financial Officer will confirm funding for new positions.
    6. The Director of Human Resources in consultation with the Chief of Corrections Operations, appropriate Deputy Director, or other member of the Director's staff must review and approve all P-5 requests.
    7. Once the Director of Human Resources makes the final written approval for a position request, the position will be established in accordance with DOC's approved maximum employment level guidelines as established within State budget documents.
- II. Slotting of Positions
  - A. All positions in the DOC are slotted in accordance with DHRM's job organization structure, based on their assigned job duties and responsibilities.
  - B. Each Organizational Unit Head will advise, through their chain of command, the Compensation Manager in the Human Resources Office at Headquarters of positions that require review due to incorrect slotting or changes in assigned job duties and responsibilities.
    1. Notifications must be in writing.
    2. The supervisor will ensure the *Employee Work Profile* (EWP) for each position is accurate and current; see Operating Procedure 145.2, *Employee Performance Management*.



- C. Compensation Unit staff will conduct on-going reviews of the DOC's positions to ensure proper slotting through the career group review process. This slotting will include a determination of FLSA exemption status, at the time of newly established positions, and a review of position(s) in a career group, during the on-going review process.
- D. Compensation Unit staff will be available to Human Resources Officers and Organizational Unit Heads who seek a review of the FLSA exemption status for any position, outside of a position establishment or career group review. The current EWP will be analyzed, and follow-up discussions will take place with unit management as needed.

### III. Fair Labor Standards Act (FLSA) Exemption Status

- A. Whenever a position is established, or is subsequently reviewed, the position's FLSA exemption status should also be reviewed. This FLSA review should address both of the following: see Operating Procedure 110.2, *Overtime and Schedule Adjustments*:
  - 1. FLSA non-exemption categories I, II, or III.
  - 2. FLSA special pay circumstances.
- B. If either of these FLSA conditions are indicated, the Compensation Manager will consult with the HR Services and Benefits Unit, as this determination may affect overtime and schedule adjustment requirements. Proposed determinations will be presented to the Director of Human Resources for review and approval as needed; see Operating Procedure 110.2, *Overtime and Schedule Adjustments*.

### IV. Discontinuance of Classified, Restricted, and Wage Positions

- A. Positions may be deactivated or transferred by using either a *Position Request* (P-5) 102\_F1 or by memorandum indicating the position is unfunded. Approval must be received by the Director of Human Resources in consultation with the Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff.
- B. A P-5 or memorandum requesting abolishment of unfunded positions should be sent to the Compensation Manager.
- C. The Compensation Manager will monitor all positions that remain vacant for ten months for possible abolishment. This provides internal oversight and ensures compliance with external agency requirements.

### V. Temporary Transfer of Classified, Restricted, and Wage Positions (5-ACI-1C-13; 4-ACRS-2A-06; 2-CO-1C-16)

- A. Positions may be transferred on a temporary basis from one organizational unit to another with written approval of the Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff through the Director of Human Resources.
- B. Such transfers must be reported in writing to the Compensation Manager within five workdays.
- C. Temporary position transfers may not exceed 90 calendar days without formally documenting the reassignment using the *Position Request* (P-5) 102\_F1.
- D. A position's duties may temporarily be reassigned for operational reasons with the written approval of the Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff through the Director of Human Resources. The Director has final approval. Generally, the temporary authorized period will not exceed 90 days.
- E. A position's duties may temporarily be reassigned for *Americans with Disabilities Act* or *Virginia Sickness and Disability Program* related cases with review and approval by the Director of Human Resources. Generally, temporary periods authorized in these cases will not exceed 125 days.
- F. Wage positions needed for less than 180 consecutive days to meet unplanned or urgent core business



needs are established on a one-time basis using the *Position Request* (P-5) 102\_F1.

1. Approval from the Director of Human Resources is required if these wage positions require an extension beyond the 180 days.
2. These wage positions of short duration should not be repeatedly re-established or used to avoid the external approval process.

#### VI. Position Data Elements

- A. Position data elements may be changed by memorandum to the Compensation Manager. The unit will be notified if any changes require a *Position Request* (P-5).
- B. All permanent changes in the geographic or unit location must be submitted on a P-5. Approval must be received by the Director of Human Resources in consultation with the Chief of Corrections Operations or appropriate Deputy Director or other members of the Director's staff.

#### VII. Organization Charts

- A. Compensation Unit staff and the unit's Human Resources Officer will maintain the DOC's organization charts.
- B. Organizational Unit Heads will advise the Compensation Unit and Unit Human Resources Officer of changes.

### REFERENCES

Operating Procedure 110.2, *Overtime and Schedule Adjustments*

Operating Procedure 145.2, *Employee Performance Management*

### ATTACHMENTS

None

### FORM CITATIONS

*Position Request Form* (P-5) 102\_F1

*Employee Work Profile (EWP)* 145\_F2

*Employee Work Profile (EWP) Supervisory* 145\_F2a

