



# Virginia Department of Corrections

## Financial Management and Procurement

### Operating Procedure 210.3

#### *Accounts Receivable*

#### **Authority:**

Directive 210, *Fiscal Management*

**Effective Date:** August 1, 2021

#### **Amended:**

#### **Supersedes:**

Operating Procedure 210.3, June 1, 2018

**Access:**  Public  Restricted  Inmate

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

None

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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.

### **COMPLIANCE**

This operating procedure applies to all units operated by the Virginia Department of Corrections. Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Accounts Receivable** - Accounts that are characterized as “normal” trade type receivables; generally, for DOC organizational units this may include, but is not limited to room and board charges, out of state inmate revenue, etc.

**Billing** - A recognition of the amount owed; this generally occurs at the time goods or services are provided, even though a formal statement to the customer or agency has not been sent. Payroll overpayment billings occur when the debt is discovered.

**Collection** - All payments applied toward billings or accounts actually received by the agency

**Collection Agency** - A business that acts as an agent for an entity to be the collector of debts, usually for a percentage of the amount collected

**Commonwealth Accounting Policy and Procedure Manual (CAPP)** - State accounting policies and procedures promulgated by the Virginia Department of Accounts to guide financial management processes for all state agencies

**Debt** - A result of the delivery of goods, services, or money today in exchange for a promise to pay at a future date

**Delinquent Account** - A past due receivable for which payment has not been received within 60 days after the payment due date

**Discharge** - The compromise and settlement of disputes, claims, and controversies of the Commonwealth by the Office of the Attorney General as authorized by COV §2.2-514, *Compromise and settlement of disputes*

**Due Date** - The date a payment is due; the due date is calculated as 30 days after the receipt of the goods or service, or the operating unit's receipt date of the invoice, whichever is later, or as specified by contract payment terms.

**Dunning Notice** - A collection letter

**Garnishment** - A legal proceeding to directly attach funds from wages to satisfy a creditor

**Interagency Receivable** - Any amount owed a state agency or facility by another state agency or facility for goods or services provided or any other type of transaction

**Organizational Unit** - A DOC unit, such as a correctional facility, regional office, probation and parole office, Virginia Correctional Enterprises (VCE), Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit, e.g., Human Resources, Offender Management, Internal Audit

**Past Due Receivable** - Any receivable for which payment has not been received by the payment due date

**Receivable** - Any amount owed to an agency or facility of the Commonwealth, including taxes, loans, and notes receivable, as well as amounts due for services and goods provided; for licenses and fees, amounts due from employees, from other state agencies and facilities, and from the federal government for grants and contracts. Petty cash, and advances made from petty cash accounts are not considered receivables for reporting purposes.

**State Agency or Instrumentality** - An authority, board, department, or other unit of state government; the term will not include any county, city, or town, or any local or regional governmental authority or any "non-state agency" as defined by the Appropriations Act.

**Write-Off** - A transaction to remove an account receivable that management has determined to be uncollectible, from the agency's financial accounting records. Written off receivables are still eligible for placement with the Office of the Attorney General Division of Debt Collection, a collection agency, or the tax debt setoff system and are legal obligations owed to the Commonwealth.



## PURPOSE

This operating procedure provides all Department of Corrections (DOC) organizational units with guidance in the proper management and administration of the total agency accounts receivable function in accordance with accepted accounting procedures established by the Department of Accounts (DOA), Commonwealth Accounting Policies and Procedures Manual and other applicable state and federal guidelines

## PROCEDURE

### I. Managing Accounts Receivable

- A. All DOC Fiscal Officers will utilize the procedures outlined in Commonwealth Accounting Policy and Procedure Manual *Topic 20505, Accounts Receivable*. Fiscal Officers will make copies available to organizational unit heads on an “as needed” basis to assist in individual unit receivable actions.
- B. Internal Procedures
  1. Internal management and collection procedures must be followed in the accounts receivable management/collection process.
  2. Past due/delinquent receivables, owed by current DOC employees, will be collected via payroll deduction pursuant to COV § 2.2-4806 *Utilization of certain collection techniques* and COV §34-29(a) *Virginia Garnishment Act*, except in those instances where the employee has authorized, in writing, full payroll deductions, e.g., temporary or permanent travel advances, etc., at the discretion of the respective fiscal officer.
  3. For past due or delinquent receivables owed by former DOC employees, known to be employed by a state agency other than DOC, collections may be attempted by working through the respective agency's business office. Any reluctance by that agency's business office to assist in the collection should be reported to the Director of Financial Services, who will work with the DOA Financial Reporting Unit in resolving the issue.
  4. Past due/delinquent receivables owed by former DOC employees will be collected in accordance with this operating procedure.
- C. External management and collection procedures will be utilized only after unsatisfactory results have come from utilizing all internal procedures in accordance with CAPP Manual Topic 20505 related to receivable actions.

### II. Debt Collection

- A. Basic steps, such as collections letters and telephone contact, should be used in notifying a debtor of a delinquent account. In exercising either of these methods, management actions must conform to the 41 U.S.C. §§801 - 819, *Fair Debt Collection Practices Act* and any other relevant guidance.
- B. When locating and taking action against debtors, billing schedules can be adjusted to allow individuals to pay on an installment basis as a result of temporary financial hardship (i.e. sickness, unemployment, etc.). This would allow for reasonable monthly or weekly collection.
- C. Other agencies available to DOC to share their databases to help locate and take action against debtors are the [Virginia Department of Taxation](#) (TAX), the [Virginia Employment Commission](#) (VEC), the [State Corporation Commission](#) (SCC), and the [Virginia Department of Motor Vehicles](#) (DMV).
- D. For more information, please refer to the CAPP Manual Topic 20505.

### III. Concurrent Method of Managing Accounts Receivables After Utilizing Internal Procedures

- A. Setoff Debt Program - This program must be used concurrently while an account is listed with either the collection agency or the Division of Debt Collection if the debtor is on the Commonwealth of Virginia tax role.



**B. Introduction**

1. COV §58.1-520 through §58.1-534, *Setoff Debt Collection Act*, mandates that the Department of Taxation (TAX) administer the *Setoff Debt Collection Program*. This program is a process through which state agencies and facilities, county, city or town governments, and the state Court system, can cooperate with the TAX to identify those debtors who may be receiving an individual income tax refund or other applicable payments that can be offset against, collected, and applied towards the satisfaction of debts owed.
2. Under the guidelines of the CAPP Manual Topic 20505, all agencies and facilities must use the TAX *Setoff Debt Collection Program*. In addition, COV §58.1-4000 through §58.1-4028, *Virginia Lottery Law*, subjects the payment of certain lottery prizes, specifically those greater than \$600, to offset the delinquent debts owed to agencies of the Commonwealth.

**C. Using the Setoff Debt Collection Program**

1. COV §58.1-521(A), *Remedy additional; mandatory usage; obtaining identifying information* states that "The collection remedy under this article is in addition to and not in substitution for any other remedy available by law." Accordingly, agencies and facilities are still required to pursue all other available collection procedures, including internal procedures and use of the Office of the Attorney General (OAG), outside collection agencies and credit reporting bureaus, in addition to submitting the debt to TAX.
2. Once an Organizational Unit has followed the appropriate collection procedures to collect a debt and are still unsuccessful, the Organizational Unit should submit particulars about the amount of the debt and identity of the debtor to TAX, via the DOC Accounts Receivable Supervisor. For more information, see CAPP Manual Topic 20205.
3. Organizational Unit Business managers may submit claims via the Accounts Receivable Supervisor at any time of the year, but the tax database is purged annually in December.

- D. User's Guide - The TAX system to offset debts against income tax refunds is highly automated and requires extensive policies and procedures to operate efficiently. Organizational units that require specific instruction on how to use the TAX *Setoff Debt Collection Program* should contact:

DOC General Accounting Unit  
Room #2147, 6900 Atmore Drive  
P. O. Box 26963  
Richmond, Virginia 23261  
Phone: (804) 887-7802

- E. Setoff Debt Coordinator (SODC) - The DOC General Accounting Assistant Manager will be the Setoff Debt Collection Coordinator for all organizational units of the DOC, and will be the central coordinator between the DOC and TAX on setoff debt collection.
- F. SODC Duties and Responsibilities - The SODC will coordinate setoff debt collection of delinquent debts with all DOC fiscal officers and the payroll office. The SODC will comply with suspense dates established by TAX, which work includes but is not limited to the following:
1. Verifying, DOC intention to participate in the program in accordance with the schedule established by TAX.
  2. Between November 1st and December 31st of each year, submitting data related to individual debtors.
  3. Resubmission of data changes in January of each year in accordance with the schedule established by TAX.
  4. Receiving input from DOC organizational unit fiscal officers on delinquent accounts, as necessary and as requested.
  5. Performing as the DOC liaison on delinquent debts with TAX and the OAG Division of Debt



Collection as required.

#### G. Setoff Debt Collection - Debtor Appeal Hearings

1. Debtors have a right to contest the validity of any setoff debt claim before the DOC.
2. To make an appeal, the debtor must submit a written notice of protest to the SODC within 30 days of the date a notification of impending setoff was mailed by the DOC. Failure to apply for a hearing within 30 days will be deemed a waiver of the opportunity to contest the claim and result in final setoff action.
3. DOC Regional Operations Chiefs (ROC) are designated as hearing officers to hear appeals to the setoff debt collection.
  - a. Hearings will be heard in the Regional Office nearest where the debtor currently resides.
  - b. A ROC not having been in the line of supervision of the debtor will hear an appeal from the debtor currently or previously supervised directly by another region's ROC.
  - c. The hearing officer will review documentation and hear testimony from the Organizational Unit and debtor relating to the setoff debt.
  - d. The SODC will provide the hearing officer with copies of appropriate unit documents relating to the debt.
  - e. The hearing officer will determine at the hearing if the claimed sum is due and owed. If the amount claimed is not correct, an adjustment will be made.
  - f. The hearing officer will record all testimony provided at the hearing.
    - i. This recording will become part of the case file for future use if required for court action.
    - ii. If required, a summary transcript will be prepared from the tape recording for the court.
  - g. The hearing officer will notify the debtor and the SODC in writing of the finding of fact and decision reached within five days after the hearing.
4. Debtor appeals of administrative hearings
  - a. Within ten days after the DOC decision, the aggrieved debtor may make a request for a judicial review of the hearing to the Circuit Court of the county or city where the hearing was held, or where the debtor resides.
  - b. The DOC will be named as a defendant in the petition for judicial review.
  - c. The petition for judicial review will state the grounds upon which the review is sought and will be served upon the DOC Director.
  - d. The hearing officer will certify and file with the court all documents and a summary transcript of the hearing.
  - e. An appeal may be taken from the decision of such court to the Supreme Court of Virginia in conformity with the general law governing appeals in equity cases.

#### IV. External Methods of Managing Accounts Receivable Greater Than \$3,000

- A. Office of the Attorney General (OAG) Division of Debt Collection - This is the second external collection step after all internal collection procedures have proved ineffective for delinquent accounts greater than \$3,000 and over 60 days past due.
  1. All internal procedural information obtained and actions initiated should be included in the transmittal data for referred accounts, preferably in chronological order.
  2. DOC units should submit all non-payroll related accounts greater than \$3,000 and over 60 days past due to the DOC General Accounting Manager who will then forward them to the OAG Division of Debt Collection.
  3. The Payroll Manager should submit payroll related accounts to the DOC General Accounting Manager who will then forward to the OAG Division of Debt Collection.



**B. Referral of Accounts**

1. First 60 days - If within the first 60 days, it is apparent that collection will not be secured without legal assistance, or that compromise of the claim is justified, (i.e. a formal settlement is to be made by the OAG with part of the debt paid and the remainder discharged), the account will be forwarded immediately to the DOC General Accounting Manager who will forward it to the OAG Division of Debt Collection. An explanation of why the DOC has made this determination will be included in the transmittal letter.
2. After 60 days - OAG Division of Debt Collection actions for claims that exceed \$3,000.00
  - a. Collectible - If the DOC believes the claim is collectible, it should be sent to the DOC General Accounting Manager who will forward it to the OAG Division of Debt Collection for collection. All submissions must include the following information:
    - i. Name of debtor
    - ii. Current address of debtor
    - iii. Telephone number of debtor
    - iv. Social Security Number or Tax ID Number of debtor
    - v. Date the debt was incurred
    - vi. Place and type of employment
    - vii. Employer's address
    - viii. Status of business if the debtor is a corporation, partnership, or sole proprietorship
    - ix. Principal amount of the debt
    - x. Interest rate
    - xi. Date from which interest accrues
    - xii. Amount of attorney's fees or collection costs
    - xiii. Original of any pertinent documents
  - b. Uncollectible - If the organizational unit believes the claim is uncollectible, the reason for this decision should be documented and the claim should be reported consistent with the guidelines of the DOA. Such claims will not be sent to the OAG Division of Debt Collection. Refer to CAPP Manual Topic 20505 for specific guidance.
  - c. Unsure of Collectability - If the organizational unit is unsure of the collectability of a claim, then the claim should be forwarded to the DOC General Accounting Assistant Manager who will forward it to the OAG Division of Debt Collection stating the reason for the uncertainty.

**V. External Methods of Managing Accounts Receivable Less Than \$3,000**

**A. Collection Agencies** - The DOC use of the state contracted collection agency would be the second external collection step after all internal collection procedures have proved ineffective for delinquent accounts less than \$3,000 and over 60 days past due.

**B. Background**

1. Collection agencies are organizations that provide a service to their clients by providing trained full time staff to collect delinquent accounts. Collection agencies employ many of the same collection techniques that DOC organizational units should employ as part of their internal procedures (e.g., telephone contact and dunning notices) and should be utilized after an organizational unit has exhausted all internal efforts to collect the less than \$3,000 debt, following the first 60 days.
2. The DOC should also transmit information obtained from the databases available to them (such as that provided by TAX, VEC, and DMV for obtaining information and locating debtors) to assist the collection agency.

**C. Maintenance of accounts with the DOC collection agency**

1. An account that has no collection activity should not remain with the collection agents longer than 12





months. When uncollected accounts are returned from collection agencies, the Organizational Unit holding the past-due account should send the account information to the DOC Director of Financial Services for approval of a write-off.

2. Collection agencies charge a fee for their services that is usually computed as a percentage of the amount of the debt collected. If the debtor has agreed in advance to pay a fee when the debt is referred to a collection agency, or has been placed on notice in advance, then the agency may recover the amount of the collection fee.
  - a. COV §2.2-4800, *Policy of the Commonwealth; collection of accounts receivable* authorizes this action. Absent a contract and when the debtor is not on advance notice, the agency cannot recover the collection agency fee. For example if the account is for \$100 and the collection agency has contracted for the 25% fee and has collected the \$100, then the agency is only entitled to \$75 and must mark the account paid in full when it receives the \$75. The remaining \$25 would be shown as an adjustment to the DOC's receivables balance.
  - b. The DOC Accounts Receivable Supervisor or the Director of Procurement may be contacted for verification of current collection agency contractual status.
3. Collection agencies are regulated by the Federal Trade Commission, and the practices that they can employ to collect debts are set forth in 41 U.S.C. §§801 - 819, *Fair Debt Collection Practices Act*. Collection agencies cannot take legal action nor can they threaten legal action.

#### D. Specific DOC collection Organizational Unit data

1. If the services of a collection agency are required, the DOC Accounts Receivable Supervisor or the DOC Director of Procurement should be contacted to determine the name, address and phone number of the most current contracted vendor providing such services to the DOC.
2. If the contract information is changed, all fiscal officers will be notified by the DOC Accounts Receivable Section or the DOC Procurement Office.

## VI. Unit Based Accounts Receivable Reporting Systems

A. Organizational units should ensure that their information systems are adequate to properly account for, record, and manage their receivables; whether their systems are manual or automated.

B. The receivable systems of organizational units must, at minimum:

1. Bill accounts on a timely basis, whether the receivables are due from private entities, the federal government, localities, or state agencies and facilities.
  - a. Accounts should be billed when goods are provided or services rendered, unless contractual requirements specify other billing terms or billing terms are in accordance with industry standards.
  - b. Payment terms should be 30 days after billing unless contractual requirements specify otherwise or payment terms are in accordance with industry standards.
2. Maintain an accurate record that summarizes the transaction affecting each account receivable.
3. Maintain a control record that summarizes the transaction affecting each type of receivable account.
4. Effectively interface with other applicable unit-based systems; for example, an unit-based general ledger system.
5. Provide an aged trial balance of receivables; the aging categories should be: 1-30, 31-60, 61-90, 91-120, 121-180, 181-1 year, and over one year past the original due dates.
6. Provide information relative to collection efforts on individual past due accounts.
7. Provide realistic estimates of, and properly account for, doubtful accounts; provide adequate documentation of the methodology used (e.g. allowance method, direct write-off method, etc.) to estimate doubtful accounts.





8. Provide reports on the collection status of past-due accounts to management.
  9. The following information should be available to management upon request:
    - a. A listing of accounts by type and aging group
    - b. The dollar amount of the accounts
    - c. The efforts being taken to collect the accounts
  10. Properly account for receivables that are written off.
  11. Include adequate internal controls to maintain the integrity of the systems.
  12. Recognize and report receivables in accordance with generally accepted accounting principles.
  13. Comply with federal and other contractual regulations regarding the accounting, reporting, and managing of receivables.
  14. Maintain a record of year-end receivable balances.
  15. Provide for the accrual of interest and penalties as allowed/required by law; see the *Additional Charges to Levy against Past Due Accounts* Section of this operating procedure.
- C. Each DOC Fiscal Officer will prepare all quarterly *Receivables Summary Reports* in accordance with CAPP Manual Topic 20505. Salient general information relative to these reports includes, but is not limited to the following:
1. All organizational units must notify their respective business office of any debts owed so appropriate collection activities and reporting can occur in accordance with established policies and procedures.
  2. Accounts receivable of organizational units will be reported to the DOC General Accounting Manager via the business office quarterly via the established network drive system.
  3. Each business office will submit a report on a quarterly basis, detailing their receivables. If they have no receivables for the period, they should submit a zero balance report.
  4. If operating conditions change to the extent that receivables are generated, then the agency must begin to report its receivables.
- D. Submission of reports
1. On or before August 3rd of each year, DOC fiscal officers prepare and submit to the General Accounting Accounts Receivable Supervisor a summary report of their receivables as of June 30th.
  2. On or before November 3rd, February 3rd, and May 3rd, business offices will prepare and submit to the General Accounting Accounts Receivable Supervisor a summary report of their receivables for the quarters ended September 30th, December 31st, and March 31st, respectively.
  3. These reports should be prepared in support of DOC efforts to manage receivables and should be reviewed by the Organizational Unit Head. This requirement is not intended to discourage more frequent internal reporting of receivables for review by Organizational Unit management.
- E. The following are suggested minimum review criteria to apply prior to transmittal to the DOC General Accounting Accounts Receivable Supervisor to enhance accuracy of the data:
1. Foot and cross-foot each section of the report.
  2. Ensure beginning balances are equal to prior report ending balances.
  3. Ensure that gross, collectible, allowance, and past due receivable amounts match and are equal throughout the report.
  4. Explain all adjustments in detail.
  5. Note that the amounts listed with the OAG, collection agency, and TAX, on page three of five of the *Report*, do not have to agree with the greater than 60 day past-due amount at the top of page two. Each DOC unit should independently report the amounts listed with the above mentioned collection

facilitators on page three of five of their quarterly report. The amount reported for TAX and the Attorney General listings will be verified by the General Accounting Accounts Receivable Supervisor, and any differences must be explained.

6. Ensure that the proper procedures have been followed relative to the reporting of "write-offs vs. discharges".
  - a. Generally, a write-off is an accounting treatment, request submitted to the DOC Director of Financial Services for review and approval.
  - b. A discharge is a formal debt forgiveness authorized at minimum by the OAG.
7. Give full and complete explanations for all appropriate increases or decreases.

F. The Accounts Receivable Supervisor will compile an Organizational Unit summary quarterly receivable report from the unit reports, excluding VCE.

1. The Unit report is forwarded to the General Accounting Assistant Manager for review prior to entry into the DOA automated accounts receivable system in accordance with the DOA submission deadline.
2. VCE separately reports its receivables via the DOA automated system in accordance with established requirements and deadlines.

#### VII. Additional Charges to Levy Against Past Due Accounts

- A. In accordance with collection procedure requirements, all organizational units, at minimum, will levy a past due charge that should be no less than the interest underpayment rate, as used by the Internal Revenue Service (IRS), on an annual basis to all past due accounts.
- B. Organizational units should contact TAX, Office of Tax Operations, for the most current rate being used.
- C. DOC interagency receivables (IAT's) and specific exemptions, either by the code or written administrative, are excepted.

#### VIII. DOC Fiscal Officer Primary Accounts Receivable Information Sources

- A. CAPP Topic 20505 will be the primary resource for the fiscal officer to be proficient with and use for the proper administration of accounts receivable
- B. The DOC General Accounting Unit will be the second primary resource to refer questions, issues, etc. for the proper administration of receivables.

## REFERENCES

[41 U.S.C. §§801 - 819, Fair Debt Collection Practices Act](#)

[Commonwealth Accounting Policy and Procedure Manual \(CAPP\) Topic 20505, Accounts Receivable](#)

[COV §2.2-514, Compromise and settlement of disputes](#)

[COV §2.2-4800, Policy of the Commonwealth; collection of accounts receivable](#)

[COV §2.2-4806, Utilization of certain collection techniques](#)

[COV §34-29\(a\), Virginia Garnishment Act](#)

[COV §58.1-520 through §58.1-534, Setoff Debt Collection Act](#)

[COV §58.1-521 A., Remedy additional; mandatory usage; obtaining identifying information](#)

[COV §58.1-4000 through §58.1-4028, Virginia Lottery Law](#)

## ATTACHMENTS

None



## **FORM CITATIONS**

None

