



Operating Procedure

Effective Date May 1, 2018	Number 102.1
Amended	Operating Level Department
Supersedes Operating Procedure 102.1 (4/1/15)	
Authority COV §2.2-1201, §2.2-2900 et seq., §53.1-10	
Subject PERSONNEL ACTIONS RELATING TO POSITIONS	
ACA/PREA Standards 4-4040, 4-4050, 4-4051, 4-4060; 4-ACRS-2A-06, 4-ACRS-7D-27; 4-APPFS-3A-10; 2-CO-1C-06, 2-CO-1C-16	
Incarcerated Offender Access Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Office of Primary Responsibility Human Resources Director	

I. PURPOSE

This operating procedure establishes protocol to ensure Department of Corrections compliance with the Department of Human Resource Management (DHRM) to establish, classify, transfer, and discontinue positions within a job organization structure

II. COMPLIANCE

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

III. 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 DHRM

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 of the accompanying position information, such as source of funds, location, and position status that is maintained in the Personnel Management Information System (PMIS)

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 ninety calendar days

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 7 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.

IV. PROCEDURE

A. Establishment of Classified, Restricted, and Wage Positions (4-4040, 4-ACRS-7D-27)

1. The Human Resources Director shall be responsible for the establishment and allocation of all positions.
2. The Organizational Unit Head should review, at least annually, the staffing requirements for all categories of personnel to ensure that offenders have access to staff, programs, and services. (4-4050; 4-APPFS-3A-10; 2-CO-1C-06) Facilities use 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. (4-4051)
 - a. The Organizational Unit Head will request new positions through the chain of command. The Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff will approve or disapprove this request.
 - b. If the Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff approves the request, the request will be forwarded to the Human Resources Director for further action.
 - c. New positions must be reviewed and funding confirmed by the Manager of the Financial Management and Reporting Unit. The Human Resources Director will make final written approval.
 - d. Each position request will consist of a completed P-5 [Position Request Form](#) 102_F1, *Employee Work Profile*, current organizational chart, and any additional documentation that supports the proposed action.
3. Positions will be established in accordance with the DOC's approved maximum employment level guidelines.

B. Slotting of Positions

1. All positions in the DOC will be slotted in accordance with DHRM's job organization structure, based on their assigned job duties and responsibilities.
2. Each Organizational Unit Head shall advise, through the chain of command, the Human Resources Director, of positions that require review due to incorrect slotting or changes in assigned job duties and responsibilities. Notification will be in writing. Each supervisor shall ensure the *Employee Work Profile* (EWP) for each position is accurate and current. (see Operating Procedure 145.2, *Employee Performance Management*)
3. The Compensation Coordinator shall conduct on-going reviews of the DOC's positions, to ensure proper slotting through the career group review process. This slotting will include determination of FLSA exemption status at the time of newly established positions and review of position(s) in a career group during the on-going review process.
4. The Compensation Coordinator shall be available to Human Resources Officers or Unit Heads who seek a review of Fair Labor Standards Act exemption status of 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.

C. Fair Labor Standards Act (FLSA) Exemption Status

1. Whenever a position is established, or is subsequently reviewed, its FLSA exemption status should also be reviewed. This FLSA review should address both of the following:
 - a. FLSA non-exemption categories I, II, or III described in Operating Procedure 110.2, *Overtime and Schedule Adjustments*
 - b. FLSA special pay circumstances described in Operating Procedure 110.2, *Overtime and Schedule Adjustments*
2. If either of these FLSA conditions are indicated, the Compensation Coordinator will consult with the

Employee Relations Unit, as this may affect overtime and schedule adjustment requirements. In accordance with Operating Procedure 110.2, *Overtime and Schedule Adjustments*, proposed determinations will be presented to the Human Resources Director for review and approval as needed.

D. Discontinuance of Classified, Restricted, and Wage Positions

1. Positions may be abolished or transferred by using either P-5 [Position Request Form](#) 102_F1 action or a memo indicating the position is unfunded. Approval must be received by the Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff, and the Human Resources Director.
2. A memorandum requesting abolishment of unfunded positions should be sent to the Compensation Coordinator.
3. The Compensation Coordinator will monitor all positions that remain vacant for 10 months for possible abolishment. This provides internal oversight and ensures compliance with external agency requirements.

E. Temporary Transfer of Classified, Restricted, and Wage Positions (4-4060, 4-ACRS-2A-06; 2-CO-1C-16)

1. Positions may be transferred on a temporary basis from one organizational unit to another with the written approval of the Chief of Corrections Operations or appropriate Deputy Director or other member of the Director's staff through the Human Resources Director.
2. Such transfers must be reported in writing to the Compensation Coordinator within five workdays.
3. Temporary position transfers may not exceed ninety calendar days without formally documenting the reassignment using the P-5 [Position Request Form](#) 102_F1.
4. Position 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 Human Resources Director. The Director has final approval. Generally, the temporary period authorized will not exceed 90 days.
5. Position duties may temporarily be reassigned for Americans with Disabilities Act or Virginia Sickness and Disability Program related cases with review and approval by the Human Resources Director. Generally, temporary periods authorized in these cases will not exceed 125 days.

F. Position Data Elements

1. Position data elements may be changed by memorandum to the Compensation Coordinator. The unit will be notified if any changes require P-5 [Position Request Form](#) 102_F1 action.
2. All permanent changes in the geographic or unit location must be submitted for P-5 [Position Request Form](#) 102_F1 action through the chain of command to the appropriate Deputy Director or other member of the Director's staff and then through the Human Resources Director.

G. Organization Charts

The Compensation Coordinator shall maintain the DOC's organization charts. Organizational Unit Heads shall advise the Compensation Coordinator of changes.

V. REFERENCES

Operating Procedure 110.2, *Overtime and Schedule Adjustments*

Operating Procedure 145.2, *Employee Performance Management*

VI. FORM CITATIONS

[Position Request Form](#) 102_F1

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years after the effective date.

Signature Copy on File

3/22/18

N. H. Scott, Deputy Director of Administration

Date