



# Operating Procedure

<b>Effective Date</b> January 1, 2017	<b>Number</b> 165.3
<b>Amended</b> 6/9/17, 1/31/18, 12/1/18	<b>Operating Level</b> Department
<b>Supersedes</b> Operating Procedure 160.3/165.3 (10/1/14)	
<b>Authority</b> COV §2.2-1201, §53.1-10	
<b>ACA/PREA Standards</b> 4-4093; 4-ACRS-7B-19; 4-APPFS-3A-20; 2-CO-1D-09	
<b>Office of Primary Responsibility</b> Human Resources Director	

**Subject**  
**TUITION ASSISTANCE AND EDUCATIONAL LEAVE**

**Incarcerated Offender Access**  
Yes  No

**Public Access** Yes  No   
**Attachments** Yes  #1 No

## I. PURPOSE

This operating procedure establishes protocol for Department of Corrections employees to receive financial assistance or educational leave for participation in job-related continuing education programs contingent upon available funding.

## 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

**Accredited Educational Institution** - An institution and/or program that meets the criteria of an accrediting agency that is recognized by the U.S. Secretary of Education or meets the criteria of a state accrediting agency recognized for the approval of postsecondary vocational education or nurse education.

**Credit Courses** - Courses that, upon completion, accumulate credit hours toward a degree or certificate

**Educational Leave** - Authorized absence from the employee's work unit for participation in a job-related continuing education program during an eligible employee's regularly scheduled workday.

**Non-credit courses** - Courses that do not accumulate credit hours toward a degree or certificate

**On-line Course** - A class provided by an accredited educational institution that is accessible via a computer or computer network and for which academic credit is awarded. All procedures set forth in Operating Procedure 310.2, *Information Technology Security*, shall apply.

**Organizational Unit Head** - The person occupying the highest position in a DOC operating 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, or other separate operational unit

**Satisfactory Completion** - Full attendance and participation in a non-credit program that is certified by the course instructor

**Satisfactory Grade** - A grade of "C" or better or a "pass" grade for a pass/fail system

**Tuition Assistance** - Financial assistance to full time and part time salaried employees of the Department of Corrections to attend accredited colleges, universities, community colleges, or technical institutes for courses related to their job; this also includes programs that are considered non-traditional in forum, such as on-line coursework.

## IV. PROCEDURE

### A. Educational Assistance

1. This operating procedure provides for the DOC to comply with Department of Human Resource

Management Policy Number 5.10 *Educational Assistance* and Policy Number 4.15 *Educational Leave*.

2. In support of the Department's core value of being a learning organization and in recognition of DOC staff as the cornerstone of the agency, employees are encouraged to continue their education as personal fulfillment and to prepare for advancement in their chosen career to support the DOC Mission. (4-4093; 4-ACRS-7B-19; 4-APPFS-3A-20; 2-CO-1D-09)
3. Continuing staff development is encouraged by providing leave and/or reimbursement for attending approved educational programs, professional meetings, seminars, or similar work-related activities. (4-ACRS-7B-19)
4. This operating procedure applies to all full-time and part-time salaried employees and applies only to coursework completed at an accredited educational institution. Part-time salaried employees are eligible on a prorated basis.
5. This operating procedure does not include workshops and professional conferences. (see Operating Procedure 240.1, *Travel*)
6. Educational assistance is available to include reimbursement of expenses and work schedule options such as adjustment of work hours, use of personal leave, and educational leave.
7. Educational assistance is authorized for:
  - a. Encouraging employees to improve job related skills and knowledge
  - b. Encouraging employees to acquire skills and knowledge required by employee duties
  - c. Training employees with below-minimum job qualifications to perform employee duties when qualified applicants are not available
8. Applicants must submit the following application to their supervisor at least 45 business days before course registration:
  - a. Regular or Full Tuition Assistance – [Tuition Assistance Application](#) 165\_F4, as needed
  - b. Full or Part Time Leave - [Educational Leave Application](#) 165\_F6, as needed
9. The employee shall disclose any veteran's educational payments, grants, scholarships, or other funds that will be applied to the reimbursable cost of the course.
10. The employee shall notify the Human Resources Director within 15 days of their termination of the course of study or receipt of an unsatisfactory grade for an approved course so that funds may be available for another employee.
11. An employee who intentionally falsifies records or otherwise abuses the provisions of this operating procedure will be subject to disciplinary action in accordance with Operating Procedure 135.1, *Standards of Conduct*.

## B. Tuition Assistance

### 1. Reimbursable Expenses

- a. Subject to the availability of funds and authorized approval, employees may be reimbursed for credit and non-credit courses.
- b. Upon successful completion of approved courses, employees may be reimbursed for the cost of registration, tuition, and allowable fees for organized activities (e.g., lab, workshop, etc.) and mandatory fees charged for instruction (e.g., university fees, library fees, technology fees, etc.) with the following exceptions:
  - i. Aid is not authorized for partial activity or for auditing courses.
  - ii. Books, materials, supplies, and personal study aids are the responsibility of the student.
  - iii. For credit courses, the employee must achieve a "C" grade ("pass" grade for a pass-fail grading system) or better to be reimbursed for that course.
  - iv. For non-credit courses, the employee's attendance and satisfactory completion must be certified by the course instructor.

- v. Prior approval is required for reimbursement; retroactive approval may not be given for reimbursement.
2. The Human Resources Director, with the approval of the Director, shall establish an individual reimbursement limit per fiscal year.
  - a. This limit shall apply to all employees.
  - b. Consideration will be given to the amount of funding for the program, the average per credit hour tuition cost for major state universities, and the identified future staffing issues and needs of the DOC.
  - c. This reimbursement limit will be reviewed and established on an annual basis with notification as a separate memorandum to this operating procedure. Currently, reimbursement for regular tuition assistance is limited to 80% of the employee's actual expenditures for eligible costs up to a limit of \$5000 per fiscal year (July 1 through June 30).
  - d. Funding received from any other sources (e.g., veteran's educational payments, scholarships, and grant-in-aids) will be deducted when determining the amount eligible for reimbursement.
3. Full Tuition Assistance
  - a. Full tuition assistance may be available for DOC employees that are seeking education to qualify for advancement to DOC positions as listed in Attachment 1, *Full Tuition Assistance Eligibility*.
  - b. The request for full tuition assistance must be indicated on the [Tuition Assistance Application](#) 165\_F4 with a description of the coursework content, description of the degree or certification desired and the DOC position for which the employee wishes to qualify. A new *Tuition Assistance Application* must be completed for each academic term (e.g., semester, quarter).
  - c. A completed [Full Tuition Assistance Tenure Agreement](#) 165\_F5 must be submitted with the [Tuition Assistance Application](#) 165\_F4. Once an approved *Tenure Agreement* is on file, only the *Tuition Assistance Application* is needed for additional classes in the same course of study.
  - d. Full tuition assistance will generally only be considered for employees that are training to qualify for positions that are hard to fill or to retain. The Director will make final determination of an employee's eligibility for full tuition assistance on a case-by-case basis.
  - e. The employee's *Tenure Agreement* and *Application* must be reviewed and recommended for approval by the employee's supervisor, Organizational Unit Head, Regional Operations Chief where applicable, and the appropriate Deputy Director or Chief of Corrections Operations prior to submittal to the Director for final approval.
  - f. Approval for full tuition assistance is not a commitment by the DOC to place the employee in any specific position or location.
  - g. A waitlist will be created consisting of applications received after tuition reimbursement funds have been exhausted. Since funds are not actually paid until the approved applicant has successfully completed the coursework or activity, a waitlist applicant may be eligible for reimbursement if the approved candidates do not successfully complete the coursework or activities. If funds become available, waitlist applications will be given consideration for reimbursement in the order received.

### C. Supervisory Review

1. The immediate supervisor shall:
  - a. Review the *Tuition Assistance Application* for completeness, employee eligibility, and conformity with this operating procedure.
  - b. Ensure that the employee's work is satisfactory (i.e., "contributor" rating or higher), and that the employee can be expected to continue in service to the DOC.
  - c. Prepare a recommendation and forward the recommendation to the Organizational Unit Head.
2. The Organizational Unit Head shall:
  - a. Review the application to ensure the requested program is job-related, that it meets the purposes

for which assistance is allowed, and supports the DOC Mission.

- b. Certify that the agency is able to operate with reduced resources (staffing levels) if the educational assistance application includes a request for educational leave.
  - c. Ensure the approved application is delivered to the Educational Assistance email box at [EducationalAssistance@vadoc.virginia.gov](mailto:EducationalAssistance@vadoc.virginia.gov) at least 15 days before course completion.
3. The Human Resources Director shall ascertain the availability of funds and conformity of the *Tuition Assistance Application* with this operating procedure; and will approve or disapprove on behalf of the DOC Director. A copy of the approved application shall be sent to the employee and a copy will be sent to the Human Resource Officer for tracking purposes.
  4. Requests disapproved at any level shall be returned to the employee with a copy to the Human Resources Director at DOC Headquarters with a written indicator as to the reason(s) for the disapproval. When this occurs, the employee should discuss the disapproval with the person at the level it was denied.
  5. A copy of the application that has been approved by the Human Resources Director serves as the employee's confirmation that the educational assistance has been approved.

#### D. Reimbursement

1. Upon completion of the course, the employee should submit to Educational Assistance email box at [EducationalAssistance@vadoc.virginia.gov](mailto:EducationalAssistance@vadoc.virginia.gov) copies of the following:
  - a. The application approved by the Human Resources Director
  - b. Proof of payment receipt for reimbursable expenditures, which includes, but is not limited to, a detailed payment receipt (provides payee/payer information), a detailed billing statement from the college that clearly outlines tuition costs and methods of payment with a zero balance
  - c. A grade statement from the school or instructor that provides detailed information, such as student's identifying information (name, address, etc.), school identifying information (name, address, etc.), course title(s) that correspond to the approved application.
2. All reimbursement requests must be submitted to the Educational Assistance email box at [EducationalAssistance@vadoc.virginia.gov](mailto:EducationalAssistance@vadoc.virginia.gov) within 60 days of the course completion, unless an extension is approved by the Human Resources Director. Reimbursement requests received after the deadline will not be paid.
3. Reimbursement requests submitted to the Educational Assistance email box after June 1<sup>st</sup>, will be funded out of the next fiscal year's budget and subtracted from the applicant's fiscal year reimbursement limit of \$5000.

#### E. Work Schedule Options

1. In accordance with the unit's mission and the employee's position, the Organizational Unit Head is encouraged to adjust the employee's work schedule to fulfill their normal work hours while accommodating the employee's class schedule.
2. Employees may be allowed to use their annual leave, compensatory or overtime leave, or VSDP family and personal leave (for VSDP participants) to attend approved courses.
3. The Organizational Unit Head may grant educational leave up to three hours per week at full pay for engaging in an approved course of study, to include travel time, for a period not to exceed the length of the course for which the leave is approved.
  - a. The Organizational Unit Head shall not approve an employee for educational leave with pay for more than two courses per fiscal year.
  - b. The Organizational Unit Head may grant an employee educational leave without pay in addition to any paid educational leave approved under this operating procedure.
    - i. No more than three hours of educational leave without pay shall be approved each fiscal year if one course is taken.

- ii. A total of six hours of educational leave without pay may be approved each fiscal year if the employee takes more than one course.
  - c. The employee must demonstrate the need for educational leave in lieu of other options.
  - d. The Organizational Unit Head's supervisor may approve additional leave if warranted.
  - e. Educational leave may be used for online courses only when the course requires online class time during the employee's normal work schedule.
4. Full Time Educational Leave
- a. With the approval of the employee's supervisor, Unit Head, the appropriate Deputy Director, or Chief of Corrections Operations, and Director, employees may be granted full-time educational leave without pay, considered unconditional leave without pay (see DHRM Policy 4.45, *Leave Without Pay - Conditional and Unconditional*), to participate in a full-time educational program that requires resident study.
  - b. Full-time educational leave without pay is limited to 12 months. Requests for extensions to this leave, up to an additional 12 months, may be granted by the Director with the approval of the Director of the Department of Human Resources Management.
  - c. The employee must apply for full-time educational leave by submitting an [Educational Leave Application](#) 165\_F6 at least three months prior to the anticipated beginning of that leave.
    - i. In applying for full-time educational leave without pay, the employee must identify the course of study, the purpose of that study, the length of the anticipated leave and the relationship to employee's current position or aspired future positions.
  - d. The employee's [Educational Leave Application](#) 165\_F6 must be reviewed and recommended for approval by the employee's supervisor, Organizational Unit Head, and Regional Operations Chief where applicable, the appropriate Deputy Director, or the Chief of Corrections Operations prior to submittal to the Director for final approval.
  - e. The Human Resources Director and the appropriate Deputy Director or Chief of Corrections Operations shall determine the status of the requesting employee's position during the period that individual is on full-time educational leave.
  - f. The employee's Human Resources Officer shall ensure that the employee is fully aware of the conditions relative to reinstatement to their original position or similar position within the DOC and the effect of the educational leave on the employee's benefits such as leave accrual and health benefits.
  - g. While on full-time educational leave, the employee shall notify the Human Resources Director of any changes that would affect the duration of the approved full-time educational leave within 15 business days of the change. For example, if the employee terminates the course of study, the employee should notify the Human Resources Director within 15 business days of that termination, regarding that employee's plans for continuing with the full-time educational leave.
  - h. Failure to notify the Human Resources Director and/or failure to report to work following the approved unpaid leave of absence may result in revocation of the full-time educational leave without pay status. Additional unauthorized absences may be treated as a violation of Operating Procedure 135.1, *Standards of Conduct*.

#### F. Training Credits

- 1. Satisfactory completion of a college or technical school course may qualify for training credit as noted in Operating Procedure 350.1, *Training Administration*.
- 2. The Training Director may award up to twenty hours of training credit per calendar year for each college or technical school three hour course satisfactorily completed, based on the following criteria:
  - a. The employee demonstrates that learning objectives of the course are clearly related to specific work tasks for that employee's job classification and must submit a course syllabus and a grade report or certificate showing satisfactory completion.

- b. The employee's supervisor verifies that course learning objectives are related to the employee's work tasks. This should be linked to re-imbursement
- c. The Unit Head reviews the employee's application, recommends award of training credit, and ensures that all the necessary documentation is submitted to the Training Director, within 60 days of completion of the program. When seeking training credit, the employee must meet the filing requirements of Operating Procedure 350.1, *Training Administration*.

V. REFERENCES

DHRM Policy Number 4.15 *Educational Leave*  
DHRM Policy Number 5.10 *Educational Assistance*  
Operating Procedure 135.1, *Standards of Conduct*  
Operating Procedure 240.1, *Travel*  
Operating Procedure 310.2, *Information Technology Security*  
Operating Procedure 350.1, *Training Administration*

VI. FORM CITATIONS

[Tuition Assistance Application](#) 165\_F4  
[Full Tuition Assistance Tenure Agreement](#) 165\_F5  
[Educational Leave Application](#) 165\_F6

VII. REVIEW DATE

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

*The office of primary responsibility reviewed this operating procedure in January 2018 and necessary changes have been made.*

*Signature Copy on File*

**9-20-16**

N. H. Scott, Deputy Director for Administration

Date