



# Virginia Department of Corrections

## Human Resources

### Operating Procedure 165.3

#### *Tuition Assistance and Educational Leave*

#### **Authority:**

Directive 165, *Staff Development and Recognition*

**Effective Date:** April 1, 2023

#### **Amended:**

#### **Supersedes:**

Operating Procedure 165.3, April 1, 2020

**Access:**  Restricted  Public  Inmate

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

5-ACI-1D-22; 4-ACRS-7B-19; 4-APPFS-3A-20;  
2-CO-1D-09

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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 March 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.

## Table of Contents

DEFINITIONS .....	3
PURPOSE .....	4
PROCEDURE.....	4
I.    Educational Assistance.....	4
II.   Tuition Assistance .....	5
III.  Supervisory Review .....	6
IV.  Reimbursement .....	7
V.   Work Schedule Options .....	8
VI.  Training Credits .....	9
REFERENCES.....	9
ATTACHMENTS .....	10
FORM CITATIONS .....	10



## 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

**Employee-Requested Courses** - Educational courses not required or suggested by the DOC for which the employee requests tuition assistance

**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*, will apply.

**Organizational Unit Head** - The person occupying the highest position in 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

**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.



## PURPOSE

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

## PROCEDURE

- I. Educational Assistance
  - A. This operating procedure provides for the DOC to comply with Department of Human Resource Management (DHRM) Policies 5.10, *Educational Assistance* and Policy 4.15, *Educational Leave*.
  - B. In support of DOC'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. (5-ACI-1D-22; 4-ACRS-7B-19; 4-APPFS-3A-20; 2-CO-1D-09)
  - C. Continuing staff development is encouraged by providing leave and/or reimbursement for attending approved educational programs, professional meetings, seminars, or similar work-related activities. (5-ACI-1D-22; 4-ACRS-7B-19)
  - D. This operating procedure applies to all classified, full-time and part-time salaried employees and applies only to employee-requested courses (credit or non-credit) completed at an accredited educational institution, e.g., an accredited high school, business school, community college, technical institute, college, university, or other educational source. Part-time salaried employees are eligible on a prorated basis.
  - E. Agency-initiated courses, which are required or suggested by the DOC, are governed by DHRM Policy 5.10, *Educational Assistance*. Payments for these courses should be made directly to the Educational Institution and the employee will not be obligated to sign a tenure agreement or repay the cost of the course if they separate from the DOC.
  - F. This operating procedure does not include workshops, training from non-accredited educational sources, and professional conferences; see Operating Procedure 240.1, *Travel*.
  - G. 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.
  - H. Before the course begins, applicants must submit the appropriate applications to their supervisor.
  - I. Employees working at correctional facilities and probation and parole offices who report through a separate organizational unit, e.g., Health Services, Correctional Education, Mental Health, Virginia Correctional Enterprises, etc., must submit their *Tuition Assistance* and *Educational Leave Applications*, and *Full Tuition Assistance Tenure Agreements* through their unit's chain of command, in accordance with leave and other administrative procedures for these units.
  - J. The employee must disclose on the *Tuition Assistance Application* any veteran's educational payments, grants, scholarships, or other funds. These other sources of funding will be subtracted from the reimbursable cost of the course.
  - K. The employee must notify the Director of Human Resources or designee 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. Failure to do so may result in the denial of subsequent requests for tuition assistance within the following 12 months.
  - L. 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*, and no longer eligible for the educational benefits (employee-requested tuition assistance or



educational leave) outlined in this procedure.

## II. Tuition Assistance

### A. Reimbursable Expenses

1. Subject to the availability of funds and authorized approval, employees may be reimbursed for credit and non-credit courses.
2. Upon successful completion of approved courses, employees may be reimbursed for the cost of registration, tuition, and mandatory fees to include graduate fees with the following exceptions:
  - a. Aid is not authorized for partial credit. or for auditing courses.
  - b. Payment for books, materials, supplies, and personal study or learning aids is the responsibility of the student.
  - c. 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.
  - d. For non-credit courses, the course instructor must certify the employee's attendance and satisfactory completion.
  - e. Prior approval is required for reimbursement. Completed *Tuition Assistance Applications* with the supervisor's certification and Unit Head's approval must be submitted to the Educational Assistance email box (EducationalAssistance@vadoc.virginia.gov) prior to the course end date to be eligible for reimbursement. Retroactive approval may not be given for reimbursement.
  - f. Any funding received from other sources, including but not limited to veteran's educational payments, grants, scholarships, or other funds, are not eligible for reimbursement and must be documented in Section III of the *Tuition Assistance Application*.

### B. Individual Reimbursement Limit

1. The Director of Human Resources, with the approval of the Director, will establish an individual reimbursement limit per fiscal year. This limit will apply to all employees.
2. 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.
3. 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.

### C. Waitlists

1. The Director of Human Resources or designee will create a waitlist consisting of applications received after tuition reimbursement funds have been exhausted.
2. 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 credit.
3. If funds become available, waitlist applications will be given consideration for reimbursement in the order received.

### D. Regular Tuition Assistance

1. An employee's request for regular tuition assistance must be documented on the *Tuition Assistance Application 165\_F4* and submitted to the applicant's supervisor before the course begins, but no more than three months prior to the course start date.
2. Completed *Tuition Assistance Applications* must be submitted to the Educational Assistance email box (EducationalAssistance@vadoc.virginia.gov) prior to the course end date.



3. A new *Tuition Assistance Application* must be completed for each academic term e.g., semester, quarter.
4. The employee must submit a detailed billing statement from the accredited educational institution with the *Tuition Assistance Application*.

#### E. Full Tuition Assistance

1. 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*.
2. An employee's request for full tuition assistance must be documented on the *Tuition Assistance Application 165\_F4* and submitted to the applicant's supervisor before the course begin date, but no more than three months prior to the course start date.
3. A new *Tuition Assistance Application* must be completed for each academic term e.g., semester, quarter.

#### F. Tenure Agreement

1. 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.
2. Full tuition assistance will generally only be considered for employees that are studying to qualify for positions that are hard to fill or to retain; see Attachment 1, *Full Tuition Assistance Eligibility*. The Director will make final determination of an employee's eligibility for full tuition assistance on a case-by-case basis.
3. 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 or member of senior management, and the appropriate Deputy Director or Chief of Corrections Operations prior to submittal to the Director for final approval. Additional approvals may be required if the employee is seeking advancement into an eligible position reporting through a separate chain of command.
4. Approval for full tuition assistance is not a commitment by the DOC to place the employee in any specific position or location.

#### G. Work Obligation Requirements and Repayment of Educational Assistance

1. In signing and submitting the *Tuition Assistance Decision and Reimbursement Agreement 165\_F8*, the employee agrees to repay the DOC a pro-rated amount of the gross reimbursement for the cost of registration, tuition, and fees, including actual money plus related payroll taxes withheld by the DOC, if the employee voluntary separates from full-time employment with the DOC, is removed for inability to meet working conditions, or is terminated for *Standards of Conduct* violations or unsatisfactory performance within 12 months of course completion.
2. The amount the employee is obligated to repay the DOC will be prorated monthly such that for each full month during which the employee remained employed with the DOC, the amount to be repaid will be reduced by one-twelfth of the gross reimbursement.
3. The DOC, in its sole discretion and with the recommendation of the Director, may waive repayment if the employee is separated for reasons beyond the employee's control.
  - a. Termination for *Standards of Conduct* violations, including inability to meet working conditions, and unsatisfactory performance will not be deemed to be a reason beyond the employee's control.
  - b. Repayment will not be required if the employee is separated at the election of the agency as a result of a layoff.

### III. Supervisory Review

- A. The immediate supervisor must:



1. Review the *Tuition Assistance Application* for completeness, employee eligibility, timeliness of submission, and conformity with this operating procedure.
2. 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.
3. Prepare a recommendation and forward the recommendation to the Organizational Unit Head.
4. Agencies may provide educational assistance for agency-initiated or employee-requested educational courses when the courses or employees' degree programs meet one or more of the following criteria:
  - a. Relate to current job duties.
  - b. Provide new knowledge and skills to enhance job performance and/or support agency mission.
  - c. Are required for job-related professional certification or license.
  - d. Are required for a job-related degree program.
  - e. Enhance the agency's ability to respond to current and future needs.
  - f. Support the documented "Employee Development Plan".

B. The Organizational Unit Head must:

1. Review the application to ensure the requested program meets the following criteria:
  - a. Is job-related, i.e., related to the employee's current job duties, a job-related professional certification or license, job-related degree program, etc.
  - b. Provides new knowledge and skills that will enhance job performance and/or supports the DOC's Mission.
  - c. Enhances the agency's ability to respond to current and future needs.
  - d. Supports the documented "Employee Development Plan".
2. Certify that the agency is able to operate with reduced resources, staffing levels, if the educational assistance application includes a request for educational leave.
3. To ensure the availability of funds, the reviewed and approved application should be submitted to the Educational Assistance email box at *EducationalAssistance@vadoc.virginia.gov* as soon as practicable, but not prior to three months before the course start date. The completed *Tuition Assistance Application* must be submitted to the Educational Assistance email box prior to the course end date.

C. The Director of Human Resources or designee will 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 Director. The *Tuition Assistance Decision & Reimbursement Agreement* and a copy of the approved/disapproved application will be sent to the employee with a copy sent to the Human Resource Officer for tracking purposes.

D. Requests disapproved at any level will be returned to the employee with a copy to the Educational Assistance email box with a written reason(s) for the disapproval. When this occurs, the employee may discuss the disapproval with the person at the level it was denied.

E. A copy of the *Tuition Assistance Application* that has been approved by the Director of Human Resources or designee serves as the employee's confirmation that the educational assistance has been approved.

IV. Reimbursement

A. Upon completion of the course, the employee should submit copies of the following to the Educational Assistance email box at *EducationalAssistance@vadoc.virginia.gov*:

1. *Tuition Assistance Decision & Reimbursement Agreement 165\_F8*.
2. The application approved by the Director of Human Resources or designee.



3. 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/university that clearly outlines tuition costs, and methods of payment with a zero balance; and
  4. A final 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, and identification of the final course grade.
- B. All reimbursement requests must be submitted to the Educational Assistance email box at *EducationalAssistance@vadoc.virginia.gov* within 60 days of the course completion, unless the Director of Human Resources approves an extension. Reimbursement requests received after the deadline will not be paid.
- C. 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 will be subtracted from the fiscal year reimbursement limit of \$5000 for applicants receiving regular tuition assistance.

#### V. Work Schedule Options

- A. 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.
- B. 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 educational courses during regular work hours.
- C. The Organizational Unit Head may grant educational leave up to three hours per week at full pay for time spent in approved educational courses during regular work time, to include travel time, for a period not to exceed the length of the course for which the leave is approved.
1. The Organizational Unit Head will not approve an employee for educational leave with pay for more than two courses per fiscal year.
  2. The Organizational Unit Head may grant an employee educational leave without pay in addition to any paid educational leave approved under this operating procedure.
    - a. No more than three hours of educational leave without pay per week will be approved each fiscal year if one course is taken.
    - b. A total of six hours of educational leave per week without pay may be approved each fiscal year if the employee takes more than one course.
  3. The employee must demonstrate the need for educational leave in lieu of other options.
  4. The Organizational Unit Head's supervisor may approve additional leave if warranted.
  5. Educational leave may be used for online courses only when the course requires online class time during the employee's normal work schedule.
- D. Full Time Educational Leave
1. With the approval of the employee's supervisor, Organizational 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 to participate in a full-time educational program that requires resident study; see DHRM Policy 4.45, *Leave Without Pay - Conditional and Unconditional*.
  2. 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.





3. 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.
4. 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.
5. 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 or member of senior management, and the appropriate Deputy Director or the Chief of Corrections Operations prior to submittal to the Director for final approval.
6. The Director of Human Resources and the appropriate Deputy Director or Chief of Corrections Operations will determine the status of the requesting employee's position during the period that individual is on full-time educational leave.
7. The employee's Human Resources Officer will 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.
8. While on full-time educational leave, the employee must notify the Director of Human Resources 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.
9. Failure to notify the Director of Human Resources 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*.

#### VI. Training Credits

- A. Satisfactory completion of a college or technical school course may qualify for training credit as noted in Operating Procedure 350.1, *Training Administration*.
- B. The Training Director may award up to 20 hours of training credit per calendar year for each college or technical school three hour course satisfactorily completed, based on the following criteria:
  1. 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.
  2. The employee's supervisor verifies that course learning objectives are related to the employee's work tasks. This should be linked to reimbursement.
  3. 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*.

## REFERENCES

Department of Human Resource Management Policy 4.15 *Educational Leave*

Department of Human Resource Management Policy 4.45, *Leave Without Pay - Conditional and Unconditional*

Department of Human Resource Management Policy 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*

## **ATTACHMENTS**

Attachment 1, *Full Tuition Assistance Eligibility*

## **FORM CITATIONS**

*Tuition Assistance Application* 165\_F4

*Full Tuition Assistance Tenure Agreement* 165\_F5

*Educational Leave Application* 165\_F6

*Tuition Assistance Decision and Reimbursement Agreement* 165\_F8

