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 (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

Agency Fiscal Officer - The Business Manager at major institutions, including assigned field units, Support Services Manager at Regional Offices, including field units not assigned to major institutions, Business Manager at Virginia Correctional Enterprises (VCE), Operations Manager at the Academy for Staff Development, and the Chief Financial Officer for Central Office Organizational Units and the Community Corrections units.

Bachelor Officers Quarters (BOQ) - Living quarters available on a priority basis to Corrections Officers and on an as available basis to other employees, these living quarters are generally utilized for short term or temporary housing needs.

Designated Personnel or Position - The following positions at every facility: Warden, Superintendent, Assistant Warden, Assistant Superintendent, Chief of Security, and Chief of Housing and Programs. In addition, the term also includes certain positions listed in Attachment 1.

Freestanding Equipment - Equipment that can be removed from the premises without having to unscrew the equipment from a surface, dismantle the equipment or remove any cabinetry, countertop or wall surfaces in order to get the equipment out of the structure.

Geographic Area - The area that is no more than 50 miles longer than the employee’s current commuting distance, i.e., home to work, but does not exceed a total of 60 miles. If the employee is on leave without pay and the geographic area is the area that is no more than 50 miles longer than the former commuting distance, but no greater than 60 miles.

Principal Residence - The primary location that the employee inhabits a majority of the time.

Staff Housing - Any house owned by the Department of Corrections; for purposes of this operating procedure, the "BOQ" is not deemed to be "staff housing."

Staff Housing Allowance - Supplemental allowance provided to Wardens, Assistant Wardens, and Superintendents who meet certain residence requirements.

Taxable Benefit Value - The benefit value amount for tax purposes accruing to a DOC employee living in Department of Corrections owned housing.

Tax Ratio - The percentage of fair market value at which a given locality makes its assessments. Note: the "Tax Ratio" is different from the "Tax Rate" and the two terms are therefore not interchangeable.

Utilities (Staff Housing) - The services provided for electricity and heat source (e.g., electric, gas, oil, coal), but excluding telephone service, water, sewerage, and steam provided through a facility’s operating system.
PURPOSE
This operating procedure governs the provision of staff housing and housing allowances to eligible employees of the Department of Corrections (DOC).

PROCEDURE
I. Housing Allowance
   A. Wardens, Superintendents, and Assistant Wardens will be granted a Housing Allowance if they meet the following conditions:
      1. They do not reside in DOC staff housing or housing provided by the locality or other local or state entity at no cost to the employee.
      2. The Principle Residence must be within 30 miles of the facility where they are employed.
   B. The Housing Allowance will be granted in the form of a supplement and will not be added to base salary. It will, therefore, not be used to calculate retirement benefits.
   C. Eligible employees wishing to receive the Housing Allowance will submit a Request for Housing Allowance 325_F1 to the Regional Administrator for approval and processing by Human Resources and Payroll. The Request and approval must be renewed by July 1st each year.
   D. Any employee receiving a Housing Allowance must immediately notify their supervisor if they are no longer eligible to receive the allowance.
   E. When the DOC administratively transfers an employee who is receiving the Housing Allowance but because of the change in work locations no longer qualifies for the allowance, the employee will continue to receive the allowance for three months and then it will stop unless the employee relocates and qualifies for the allowance based on the new residence. This mitigates the effects of the transfer but also reaffirms the intent that the employee must live within the designated area to qualify.

II. Staff Housing
   A. Availability
      1. The DOC will offer staff housing only where staff housing exists as part of the facility property. The DOC will not purchase or lease a house to provide housing at a facility that does not have staff housing available. Houses owned by the DOC may be made available to staff as living quarters only if the house is not being used as a Bachelor Officers Quarters (BOQ), Training Facility, Storage Facility, or other use.
      2. Staff housing will not be made available for occupancy until after the "Maintenance and Inspections of DOC Staff Housing and BOQs defined in this procedure are followed.
   B. Eligibility for Staff Housing - The eligibility for staff housing depends upon the needs of the facility, and the availability of existing housing.
      1. Employees living in staff housing must disclose to their Unit Head, or in the case of the Facility Unit Head their respective Regional Administrator, any person living in the household who has been convicted of a felony. Approval of the Chief of Corrections Operations or the Deputy Director for Administration is required for persons who have been convicted of a felony to reside in staff housing.
      2. The designated personnel at each facility are listed below, in the priority order in which they should be offered the available staff housing:
         a. Warden or Superintendent
         b. Assistant Warden or Assistant Superintendent
         c. Chief of Security
d. Chief of Housing and Programs  
e. Institutional Program Manager  
f. Institutional Operations Manager  
g. Unit Manager  
h. Positions at specific facilities listed in Attachment 1, Additional Positions Designated for Staff Housing, are also designated as eligible for staff housing. The listed positions are not in priority order.

3. Existing housing in excess of that needed to fulfill designated personnel requirements must be available to the following non-designated positions (listed alphabetically rather than in priority order). The Facility Unit Head will recommend in writing to the Regional Administrator which positions are eligible for staff housing, in priority order based on needs of the facility.

a. Agricultural Manager  
b. Buildings and Grounds Superintendent  
c. Canine Handler  
d. Health Services Personnel

4. When available staff housing has been offered to the categories of non-designated positions named above, and there is no need for staff housing from a nearby facility's designated personnel, any remaining housing may be offered on an equal and non-discriminatory basis to all other facility employees.

a. The Facility Unit Head will post notice of the availability of the housing to be posted on the bulletin board normally used for job postings and general employee information.  
b. The Facility Unit Head may also distribute a memorandum to employees, which refers to the notice on the bulletin board, to ensure the majority of personnel are made aware of the availability of housing.  
c. The notice will include a brief description of the housing, and the amount of taxable benefit to be added to the employee’s pay.  
d. The notice will also contain a statement that there may be income tax implications to the occupant, and recommend that anyone interested in occupying the housing consult with a tax advisor.  
e. The notice will state that the occupant will be subject to the provisions of this operating procedure and provide instructions for accessing a copy of the operating procedure.  
f. A written request specifying what position is to be offered the housing and how the particular position was selected above others should be made by the Facility Unit Head, through the Regional Administrator, to the Chief of Corrections Operations or Deputy Director for Administration, whose approval will be made in writing and maintained on file.

5. The Facility Unit Head must evaluate the status of all non-designated personnel occupying staff housing annually in writing. The evaluation must address such issues as:

a. Changes in the needs of the facility  
b. New employees  
c. Changes in housing needs of designated personnel  
d. Other factors affecting the availability and need for staff housing.

6. This evaluation must be forwarded to the Regional Administrator for approval. A copy of the evaluation must be retained in the facility and Region's staff housing files.

7. Short-term, temporary use of state housing may be authorized by the appropriate Regional Administrator, where the housing is located, on a case-by-case basis for a period not to exceed 10 consecutive days. This temporary utilization of staff housing is normally reserved for accommodation during a declared emergency. During this 10-day occupancy period all temporary residents of staff
housing must adhere to all housing guidelines. This temporary use will not require the taxable benefit calculation if limited to a one-time 10-day occurrence. If the temporary authorization exceeds 10 consecutive days and/or not during an emergency, the employee will be required to complete the necessary paperwork for housing as a taxable benefit.

C. Taxable Benefit

1. There will be a taxable benefit value calculated for each state-owned house based on the real estate assessment and estimated cost of utilities. See Taxable Benefit Calculation section, below.

2. All employees occupying staff housing must have the taxable benefit added to their pay.

3. DOC staff in positions eligible for the Housing Allowance will not receive the Housing Allowance while residing in staff housing. The taxable benefit will be added to their pay as for others living in staff housing.

D. Taxable Benefit Calculation

1. The Agency Fiscal Officer or designee for the facility that owns a staff house must calculate the taxable benefit to be added to the pay of employees for staff housing. The amount charged to an employee must be based on both fair market value of the house and calculated utility cost allowance.

2. The taxable benefit value for any DOC owned house will be determined each year, on a calendar year basis, as follows:
   a. Obtain the assessed value of the house from the real estate assessor for the locality in which the house is located.
   b. Inflate the assessed value to fair market value by dividing it by the tax ratio used in that locality. The proper tax ratio must be obtained by contacting the tax assessor for that locality.
   c. Take 10% of the fair market value to arrive at the fair market rental value.
   d. Calculate the estimated utility cost by multiplying the square footage of the house times 0.92.
   e. Add the fair market rental value to the estimated utility cost to determine the annual taxable benefit to be divided by 24 to determine the taxable benefit to be added for each pay period.

3. An employee who plans to install any device, which will have a significant impact on the utility costs of a staff house must have its installation approved in writing by the Facility Unit Head and the Regional Administrator. The additional utility costs may be added to the overall amount charged when calculating the taxable benefit value of the house.

4. The taxable benefit charge for occupants of staff housing must be reviewed and adjusted each year if there has been an adjustment in the real estate assessment value of the house. The Payroll Unit must be given adequate notice of changes in taxable benefit value so that the change can be effective with the employee’s first paycheck of the calendar year.

E. Staff Housing Payroll Benefit Authorization

1. All employees wishing to reside in DOC owned staff housing must initiate a Staff Housing Payroll Benefit Authorization 325_F3 as soon as they are aware that they will be occupying staff housing. The form must be initiated in advance of occupancy, or as soon as possible, but no later than five days after occupancy.
   a. The Staff Housing Payroll Benefit Authorization must be forwarded to the facility Agency Fiscal Officer, who must complete the Staff Housing Benefit Calculation 325_F4 by inserting and verifying the proper amount of taxable benefit per pay period to be added to the employee's paycheck based on the calculations noted above, and forward the completed Staff Housing Payroll Benefit Authorization and Staff Housing Benefit Calculation to the Facility Unit Head and Regional Administrator for required approvals.
   b. The Regional Administrator will forward the Staff Housing Payroll Benefit Authorization to the Payroll Unit. The Payroll Unit will review the Staff Housing Payroll Benefit Authorization and
notify the Regional Administrator to correct any discovered errors.

c. A new Staff Housing Payroll Benefit Authorization must be completed and processed when an employee first moves to staff housing and again when the taxable benefit is adjusted based on the annual review.

d. A new Staff Housing Payroll Benefit Authorization must be completed and processed when an individual is transferred from one facility to another, and the employee retains occupancy in the same staff housing.

2. The facility Agency Fiscal Officer is responsible for verifying that the proper amount is added to the employee’s paycheck after adjustments resulting from new assessments or other factors.
   a. Each calendar quarter, the Payroll Unit will produce a report documenting any housing related adjustments and forward the report to the facility Agency Fiscal Officer to audit payroll transactions related to staff housing.
   b. The primary responsibility lies with the Regional Administrator for monitoring and verification of payroll transactions.

F. Termination of Staff Housing

1. Any employee occupying staff housing resides at the will and discretion of the DOC and may be required to vacate at its discretion. If circumstances permit, the Regional Administrator may give 30 days’ verbal or written notice to the occupant; however, the Director may revoke at will, with no notice given, the right of any employee to occupy staff housing.

2. Any personnel residing in staff housing may terminate occupancy with 30 days written notice to the DOC.

3. An employee vacating a staff house must complete the Termination of Payroll Benefit Authorization section of the Staff Housing Payroll Benefit Authorization 325_F3 and forward it through the same chain of command used for the assignment to housing.

G. Taxable Income

The DOC must adjust the gross income of all employees occupying staff housing to include the taxable benefit value.

H. Assessments

Agency Fiscal Officers are responsible for contacting (each year) the local real estate assessor in each locality where the DOC owns a house to determine the assessed value and the local tax assessor in each locality to determine the proper tax ratio to be used to calculate the taxable benefit value of the home.

1. Assessments and tax ratios will be obtained no later than November 1st of each year. Resulting adjustments in employee payroll deductions will become effective on the first pay period in the new calendar year.

2. The assessments may be obtained by phone from the local tax assessor. The Agency Fiscal Officer will attempt to get the information obtained by phone confirmed in writing. If the locality is unable to provide the written follow up documentation, a confirming memo must be transmitted by the Agency Fiscal Officer confirming the phone call, the data obtained, and stating that the information will be assumed correct unless notice to the contrary is received from the locality within 10 days.

III. Occupant Responsibilities and Rules

A. Employees and their dependents who occupy staff housing owned by the DOC must be responsible for complying with the following listed items and rules:

1. Occupants must notify immediately the facility maintenance staff of any condition that requires repair for the property to be maintained in good condition.

2. Occupants must maintain the premises in good order and must reimburse the DOC for any damage
beyond the normal wear and tear. The cost of such repairs must be determined by the facility maintenance staff or by estimates from a private contractor and approved by the Regional Administrator. The cost may be paid by personal check or payroll deduction.

3. The DOC may enter the premises at any time to make inspections. Reasonable notice must be given where circumstances permit but is not required.

4. Occupants may not engage in or operate a business from staff housing without the express written approval of the Director.
   a. Occupants must not engage in any activity, which is illegal, generally considered offensive, detrimental to DOC interests, or damaging to the property.
   b. If any such activity occurs on facility property, the DOC may require the employee to vacate the premises, and the employee may be subject to other disciplinary action.

5. Occupants may not have any non-domestic pets (horses, livestock, etc.) on facility property. Domestic pets, such as dogs and cats are allowed. The occupant must pay for the repair of any damage caused by the pet.

6. Gardening on facility property is allowed, but only for personal consumption, and without use of state equipment or products (e.g., fertilizer, seed, or plants). State, inmate, or probationer/parolee labor may not be used in garden preparation, planting, maintaining, or harvesting.

7. Occupants must maintain in working order all smoke detectors in staff housing, to include replacing batteries when needed and testing to ensure the smoke detectors are working.

8. Occupants may change locks on doors but must provide a set of keys to whoever maintains the keys for the facility.

9. Occupants must promptly remove all personal property from the residence upon termination of occupancy. Any items remaining past the date the occupant is instructed to vacate the premises may be removed by the DOC and stored at the owner's expense.

10. Facility staff may be used for grounds maintenance.

11. Occupants of staff housing are expected to provide normal consumable items for the house such as light bulbs, cleaning supplies, etc. No facility resources including staff, inmates or probationers/parolees, tools, or equipment should be used on staff housing except for DOC responsible maintenance and repairs.

12. Employees are prohibited from installing personal house trailers on facility property.

B. Carpet, Drapes, et al. - Carpet, drapes, wallpaper, and paneling will not be provided or installed in staff housing at DOC expense except with the prior written approval of the Chief of Corrections Operations or Deputy Director for Administration.

C. Air Conditioning - Air conditioning in staff housing may be provided or installed at DOC expense. The Chief of Corrections Operations or Deputy Director for Administration must approve a plan for installation by occupants in writing, and its impact on utility costs will be considered by the Chief of Corrections Operations or Deputy Director for Administration in consultation with the Director of the Infrastructure and Environmental Management Unit (IEMU).

D. Kitchen and Laundry Equipment
   1. Occupants of staff housing are responsible for the purchase, installation, repair, and replacement of freestanding appliances, such as microwave ovens, clothes washers/dryers, dishwashers, and refrigerators. Sinks, disposals, and other built-in appliances are the responsibility of the DOC.
   2. Freestanding appliances purchased by the occupant remain the property of the occupant.
   3. When any built-in kitchen equipment must be removed or replaced, the DOC may repair counters, cabinets, and related structures and make provisions to accommodate standard-sized, freestanding,
removable equipment.

E. Other Services
1. Telephones will be installed at the occupant's expense and in the name of the occupant.
2. The initial wiring for an electric range and clothes dryer may be paid for by the DOC.
3. Any subsequent changes in wiring, TV antenna, or other equipment in staff housing except essential repairs and replacements, must have advance written approval from the Regional Administrator and the Director of IEMU or designee, and must be paid for by the occupant.
4. State funds or state managed funds (i.e., commissary fund) may not be used to provide cable or satellite television service to staff housing.

F. Improvements
1. The Regional Administrator and the Director of IEMU or designee must approve temporary or permanent occupant-paid improvement requests. Requests must be in writing.
2. Temporary improvements generally remain the property of the occupant unless their removal will damage the house or land. If removed, any damage must be repaired at the occupant's expense. Temporary improvements include, but are not limited to:
   a. Portable Tool Sheds
   b. Above Ground Swimming Pools
   c. Swing Sets
   d. Dog Pens or Fences
3. Permanent improvements, including those that change the structure of the house remain as part of the structure with no reimbursement to the occupant when the house is vacated. Permanent improvements include but are not limited to:
   a. Built-in appliances and equipment
   b. Wall to wall carpeting
   c. Paneling or wallpaper
   d. Electrical wiring
   e. Other structural changes
4. Improvements to staff housing that are the responsibility of the DOC may be made by DOC maintenance staff.

IV. Maintenance and Inspections of DOC Staff Housing and BOQs
1. It is the responsibility of the Facility Unit Head to oversee the appropriate maintenance of DOC Staff Housing and BOQs.
2. Facility maintenance staff must conduct a semi-annual inspection of each staff house and BOQ in January and July of each year to check structural integrity, roof system, mechanical and electrical systems, and abnormal wear and must document the inspection on the Inspection Checklist - Staff Housing & BOQs 325_F7.
   a. During each inspection, facility maintenance staff must check for flaking paint or other evidence of lead-based paint hazards. The facility will notify the Director of IEMU immediately if a lead-based paint hazard is detected.
   b. A copy of the Inspection Checklist - Staff Housing & BOQs 325_F7 must be submitted to the Facility Unit Head within 30 days of completion of the inspection in order for the Facility Unit Head to direct the appropriate maintenance of the staff house or BOQ.
3. Facility maintenance staff must conduct an additional inspection of the premises when the occupant vacates staff housing and must document the inspection on Inspection Checklist - Staff Housing &
### BOQs 325_F7.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>a.</td>
<td>The facility will forward a Notice of Staff Housing Vacancy 325_F5 to the Director of IEMU as soon as it is aware that a staff house will become vacant; at least 30 days before vacancy if possible.</td>
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<tr>
<td>b.</td>
<td>The staff house may not be reoccupied until after it has been inspected by the Director of IEMU or designee and the Notice of Staff Housing Vacancy is received at the facility with signed approval from the Director or IEMU of designee for the house to be occupied.</td>
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<tr>
<td>c.</td>
<td>For those staff houses containing lead-based paint, IEMU staff will meet with the new resident prior to occupancy and provide information such as <a href="https://www.lead.gov/protect_your_family_from_lead_in_your_home">Protect Your Family from Lead in Your Home</a> about possible lead-based paint hazards in staff housing. The staff member will be required to sign the Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards 325_F2 before being allowed to occupy staff housing.</td>
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4. The Business Office must maintain a file of the Inspection Checklists on each DOC staff house and any damage found will be reported to the Regional Administrator and the Director of IEMU.

5. Repairs should be made promptly after any damage is found or reported.

6. Any repair costs that are the responsibility of the occupant must be paid by personal check or payroll deduction at the time the repairs are made or when the occupant vacates the staff housing, whichever occurs first.

### V. Record Keeping Requirements

A. The Business Office will maintain a separate file folder for each staff house that includes a copy of all documents necessary to control the occupancy and taxable benefits value calculations for staff housing. These staff housing folders will include, but not be limited to, the following:

1. The current signed and approved Staff Housing Payroll Benefit Authorization 325_F3.
2. The current assessment.
3. All documents supporting the taxable benefits value calculation.
4. Each payroll report used to verify that the proper payroll transaction is being made. The Agency Fiscal Officer must sign and date the report.
5. A copy of Notice of Staff Housing Vacancy 325_F5 (original to be forwarded to the Director of IEMU) with the approval of the Director of IEMU or designee for the house to be occupied for the current resident; retain Notice for prior residents for at least three years.
6. A copy of the signed Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards 325_F2 for the current resident; retain Disclosure for prior residents for at least three years.
7. The Inspection Checklist – Staff Housing & BOQs 325_F7 for each DOC staff house.

### VI. Bachelor Officer Quarters

A. Employees living in BOQs will not be charged any rent provided:

1. Preference is normally given to Corrections Officers who live beyond the geographic area.
2. Employees maintain separate residences elsewhere, and it is to the DOC’s advantage to have them housed on the premises and available for immediate recall in emergencies. Employees are required to complete a Bachelor Officer Quarters Residency Declaration 325_F6.
3. Approval of the Chief of Corrections Operations or the Deputy Director for Administration is required for persons who have been convicted of a felony to reside in BOQs.

B. Employees may not utilize BOQs as staff housing (i.e., as a permanent residence), unless there is excess capacity. If an employee does not have a separate residence elsewhere, they must comply with all other requirements of this procedure and will be charged taxable benefit value for the BOQ room, even for days while the employee was considered "on duty."
1. A Staff Housing Payroll Benefit Authorization 325_F3 must be completed showing the taxable benefit value as calculated below and forwarded to the Facility Unit Head and Regional Administrator for required approvals.

2. The Regional Administrator must forward the Staff Housing Payroll Benefit Authorization to the Payroll Unit. The Payroll Unit will review the Staff Housing Payroll Benefit Authorization and notify the Regional Administrator to correct any discovered errors.

C. Taxable benefit value for the BOQ room must be established by the facility Agency Fiscal Officer who will base the rate on comparable accommodations in the area. The Agency Fiscal Officer must consider items which affect value including, but not limited to the following:

1. Utilities (electricity, water, sewer, heat, A/C, telephone) provided.
2. Furnishings provided.
3. Private, Semi-Private, Barracks
4. Kitchen facilities, washer/dryer provided.
5. Linens provided.

D. BOQs must only be occupied for legitimate business purposes and must be vacated whenever a legitimate business purpose for such occupancy no longer exists; unless there is excess capacity in the BOQ, in which event the employee must have the taxable benefit value added to their paycheck. If an excess room is needed by an employee who is "on duty," the off-duty employee must vacate.

1. Any use defined as a "legitimate business purpose" must not be contrary to federal and/or state laws, rules, and regulations, including, but not limited to, the Internal Revenue Code pertaining to moving and relocation.
2. Any overnight use of BOQs or overnight lodging in DOC provided quarters of any type which is not for the benefit of the DOC or is not considered a condition of employment, is considered a taxable benefit by the IRS, and the employee will therefore be charged taxable benefit value for use of the room.

E. At any facility where a BOQ exists, employee orientation must specify that it is a condition of employment that some corrections officers may, at some times, be required to stay overnight at the BOQ.

F. The facility will post in common areas of the BOQ information such as Protect Your Family from Lead in Your Home about possible lead-based paint hazards. Each BOQ occupant will be required to sign the Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards 325_F2 before being allowed to occupy a BOQ indicating date(s) of occupancy and that they are aware of possible lead-based paint hazards.

VII. Operational Authority/Responsibility, Reports, and Forms

A. All operational authority and responsibility for this operating procedure resides with the Facility Unit Head, Regional Administrator, Human Resources Director, and the Chief of Corrections Operations or Deputy Director for Administration.

B. Interpretation of this operating procedure will be coordinated by the Human Resources Director, and will involve the Chief of Corrections Operations, Deputy Director for Administration, and the Chief Financial Officer. This will ensure the operating procedure is uniformly applied, consistently interpreted, and that no instance jeopardizes the integrity of the operating procedure as a whole or has a negative impact on the tax implications to employees.

C. Copies of all reports and forms to be submitted to the Director of IEMU, will be addressed to the Director of IEMU, Virginia Department of Corrections and sent to P. O. Box 26963, Richmond, VA 23261-6963. Assistance can be obtained by calling (804) 887-8069.
REFERENCES
Environmental Protection Agency, *Protect Your Family from Lead in Your Home*

ATTACHMENTS
Attachment 1, *Additional Positions Designated for Staff Housing*

FORM CITATIONS
*Request for Housing Allowance 325_F1*
*Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards 325_F2*
*Staff Housing Payroll Benefit Authorization 325_F3*
*Staff Housing Benefit Calculation 325_F4*
*Notice of Staff Housing Vacancy 325_F5*
*Bachelor Officer Quarters Residency Declaration 325_F6*
*Inspection Checklist – Staff Housing & BOQs 325_F7*