



**CONSTITUTIONAL OFFICERS  
AND  
THE COMPENSATION BOARD**

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**Robyn de Socio, Executive Secretary  
Compensation Board  
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# CONSTITUTIONAL OFFICERS

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- Constitution of Virginia, 1901 revisions, sets out 5 locally-elected officers, commonly referred to as “Constitutional Officers”:
  - Sheriff:
    - Law Enforcement
    - Jail Operations
    - Courtroom security
    - Service of process
  - Commonwealth’s Attorney:
    - Prosecuting violations of state law and local ordinances
    - Providing legal advice to local governments and state agencies
  - Circuit Court Clerks:
    - Administration of civil and criminal cases in Circuit courts
    - Maintenance of local land and property records
    - Administration of wills and estates
    - Maintenance of certain state and local business records and licenses



# CONSTITUTIONAL OFFICERS

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- Commissioners of the Revenue and Treasurers:
  - Taxes: local real estate and personal property taxes ; state income taxes
  - Revenue: Local revenue collections, custody, accounting and disbursements;
- Related offices include appointed officers:
  - Regional Jails
  - Directors of Finance
  - Regional Drug Prosecutors;
- Commonwealth of Virginia considers these officers and their employees to all be “State-Supported Local Employees” – NOT state employees.



# COMPENSATION BOARD

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## ○ 3 Board Members

- Chairman, appointed Agency Head by the Governor
- Tax Commissioner, ex-officio member, appointed by the Governor
- Auditor of Public Accounts, ex-officio member, appointed by the General Assembly
- Policy-making board meeting once a month (4<sup>th</sup> Wednesday); establishes policies for operations to supplement statutory responsibilities and budget language directives
- Staff, comprised of Executive Secretary (staff director) and presently 15 staff members, responsible for handling day-to-day operations and administering statutory duties and the policies of the Board



# COMPENSATION BOARD

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- Mission: to “fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office” for each constitutional officer.
- Replaced Fee Commission in 1934, responsible for setting fees for services of constitutional officers to fund office support. Between 1942 and 1992, fees became deposits to the Commonwealth General Fund, replaced with a state appropriation for funding support.
- Primary Duty: Oversee process by which counties and cities are reimbursed by the Commonwealth for the state’s share of support for Constitutional Officers.
  - Fair and Reasonable (treat everyone the same, use objective criteria, allocate what is available equitably)
  - State’s share (Funding is limited by General Assembly; not intended to cover all expenses)



# BUDGET PROCESS & REIMBURSEMENT PROCESS

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- General Assembly appropriates \$692M (growing to \$711M) and 17,000 positions for the Compensation Board to establish annual operating budgets for 650+ Constitutional Officers, regional jails and finance directors.
- Local governments also obligated by law to provide a budget and appropriate funds for constitutional offices (officers cannot expend funds without a local appropriation, even if those funds are accrued through fees, or are reimbursable by the Compensation Board).
- Local budget must include AT A MINIMUM the positions, salaries, and total amounts approved by the Compensation Board.
- Salaries and expenses are paid by the locality, Constitutional Officer requests reimbursement, Compensation Board processes reimbursement back to the locality on a monthly basis, based upon the state's share of the amounts budgeted.



# COMPENSATION BOARD BUDGET

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- Positions and Specific Salaries
  - Presently represents almost 99% of funds allocated
  - Career development programs provide additional salary incentives
  - Salary increases for new sheriffs' deputies at one year
  - Elected officer salaries set by the legislature
  - Only Constitutional Officers have authority over hiring, firing or otherwise managing their employees
  - Compensation Board maintains guidelines for salary actions impacting Compensation Board funded salary levels.



# COMPENSATION BOARD BUDGET

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- Temporary/Hourly-Wage salaries (minimal funding allocated)
- Office Expenses (minimal funding allocated)
- Equipment (available through accrued savings in other areas – e.g. position vacancy)
- Additional allowances upon request for expenses incurred for:
  - Physicals for new deputies
  - Guard duty for an inmate taken to the hospital
  - Attendance at annual association meetings or Compensation Board sponsored training
  - Legal defense where not covered by insurance
  - Acting as a substitute prosecutor in another locality





# LOCALITY RESPONSIBILITIES

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- Social Security Insurance (reimbursable)
- Retirement Program premiums (partially reimbursable)
- Group Life Insurance Program premiums (partially reimbursable)
- Retiree Health Care Credit premiums (partially paid by Locality)
- Liability Insurance and Fidelity/Surety Bond premiums (paid by Locality)
- Health Insurance (not reimbursable)
- Leave Benefits, including payoff of accrued balances upon separation of employment by agreement (not reimbursable)



# LOCALITY RESPONSIBILITIES

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- Many Localities also fund:
- Salary supplements at varying levels, often to align salaries with local pay plans
- Additional locally funded positions in constitutional offices
- Office expense and office equipment funding



# BUDGET CYCLE

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- September/October - State agency budget requests due
- December - Governor's budget proposals introduced to the legislature
- February 1 - Constitutional Officers required to submit budget request to the Compensation Board
- Early March - General Assembly adjourns, Compensation Board provides summary of budget actions and provides Budget Estimates within two weeks of adjournment
  - Current Year Exception: General Assembly adjourned in March without a Budget; Compensation Board will provide a summary of budget actions as soon as legislature agrees on a budget; Compensation Board will provide Budget Estimates w/in 5-7 days of budget agreement



# BUDGET CYCLE (CONT)

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- April - Compensation Board conducts public Budget Hearing prior to setting budgets (originally scheduled for April 12, 2018)
  - Current Year Exception: Budget Hearing must be conducted after legislative budget agreement, 7 days notice must be provided; as the Governor has called for Special Session on April 11, Hearing will be rescheduled as soon as possible after budget agreement reached
- Approved Budgets to Constitutional Officers and Governing Bodies on May 1 (must be AFTER Reconvened [Veto] Session, typically 6<sup>th</sup> Wednesday post-adjournment)
  - Current Year Exception: The Compensation Board will approve budgets as soon as possible after legislative budget agreement and reconvened (veto) session; ultimately depends on timing of budget agreement and reconvened session; prior delays have resulted in budgets available in late May, or as late as end of June



# BUDGET APPEALS

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- Constitutional Officers have the right to APPEAL budget decisions of the Compensation Board (within 45 days – by June 15)
- Budget Appeals include an appeal against the Locality and the budget it has also set for the Constitutional Officer
- The purpose of the right to appeal is to prevent arbitrary or capricious actions on the part of the Compensation Board or the local government against a constitutional officer as an elected official.



# COMPENSATION BOARD FUNCTIONS

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- Quarterly Jail Inmate Per Diem Payments to Localities
  - \$60+ million per year
  - \$4 per day for Local Responsible Inmates
  - \$12 per day for State Responsible Inmates
- Jail Audit Function
- Jail Cost Report
- Fines & Fees Report
- Mental Illness in Jails Report
- Technology Trust Fund Administration
- IT Functions (two major systems plus web-based systems)
- Training Programs for Constitutional Officers



# THANK YOU

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- Questions?
- Contact:

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