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## COMMONWEALTH OF VIRGINIA

### *Compensation Board*

P.O. Box 710  
Richmond, Virginia 23218-0710

February 25, 2019

#### **MEMORANDUM**

**TO:** Compensation Board Members  
**FROM:** Robyn M. de Socio, Executive Secretary  
**RE:** Conferees Report

Following is the summary of funding and language amendments recommended by the House Appropriations Committee and Senate Finance Committee Budget Conferees to the biennial budget funding proposals in HB1700 impacting Constitutional Officers and the Compensation Board. Also included is a summary of items proposed in the Governor's Budget Bill as introduced that remain unchanged.

#### All Constitutional Officers

- Language and funding have been included to support a 3% across-the-board salary increase effective July 1, 2019, for constitutional officers, regional jails and their employees, provided that the governing authority of such employees uses such funds to support salary increases; this amendment increases the original Budget Bill proposed 2% across-the-board increase and eliminates the 1% bonus effective December 1, 2019 that was proposed in the introduced Budget Bill.

#### Sheriffs and Regional Jails

- Budget Bill proposed language and funding in the second year related to an increase to the retiree health insurance credit for certain state and local public safety personnel has been removed;
- Reversion of \$847,086 in the second year (FY20) based on the delayed opening of the Prince William/Manassas Regional Jail expansion project, originally funded to open in December 2019 that is now scheduled to open in March 2020, remains in the approved budget.

#### Jails

- Unchanged from the Governor's Budget Bill, the reversion of \$3,029,602 in FY19 and \$3,662,390 in FY20 of funding to support per diem payments to localities and regional jails is included based on the decreased cost of housing local responsible and state responsible inmates in local and regional jail facilities as projected using actual inmate populations and the latest growth rates provided by the 2018 Official Inmate Population Forecast;

- Also unchanged from the Governor's Budget Bill, a technical correction remains to budget language related to payments made to Nottoway County to cover their costs incurred for the housing of inmates at the Piedmont Regional Jail committed to jail from the Virginia Center for Behavioral Rehabilitation (VCBR), clarifying that reimbursements for incurred costs in each fiscal year cannot exceed the amount provided in the language; original language implemented in FY17 provided for unreimbursed costs incurred in FY16 to be reimbursed in FY17 and was not intended to be applied in future biennia; language was inadvertently not corrected in the new biennial budget when introduced last year.

#### Commonwealth's Attorneys

- Funding of \$747,808 from the general fund and 32 positions in the position count table is added in the second year to funding of \$723,420 proposed in the introduced budget, along with budget language authorizing the allocation and funding for approximately twenty percent of the unfunded positions needed based on FY19 staffing standards for attorney and support staff within Commonwealth's Attorneys' offices;
- Language is included as recommended by the Body Worn Camera study work group establishing guidelines for staffing requirements by localities for Commonwealth's Attorneys' offices to hire one Assistant Commonwealth's Attorney for every 75 body worn cameras employed by local law enforcement officers, but allows for any locality to implement alternative staffing with the consent/agreement of the Commonwealth's Attorney. Any agreed upon funding formula between the impacted Commonwealth's Attorney and the locality employing body worn cameras shall be filed with the Compensation Board by July 1, 2019 and shall remain in effect unless modified by the agreement of both parties until June 30th of the following year. Further language recommended by the work group related to ongoing data collection and additional workload analysis was included in study language under the Secretary of Public Safety as part of a broader review of impacts of body worn cameras across the criminal justice system.

#### Circuit Court Clerks

- Funding of \$75,000 is included in FY20 for the Williamsburg/James City County Circuit Court Clerk's office to conduct a pilot program to provide an online listing of foreclosures, continued courthouse posting of foreclosures, and to provide notice of foreclosures in the local newspaper for a limited period of time.

#### Treasurers

- No program specific changes were included under the Compensation Board in the Conferees Report.

#### Finance Directors

- No program specific changes were included under the Compensation Board in the Conferees Report.

### Commissioners of Revenue

- Funding of \$31,250 is provided in FY20 to adjust the salary increase of those Commissioners of the Revenue currently receiving a career development increase of 7% to 9.3%, effective July 1, 2019, to be consistent with career development increases provided in all other programs.

### Administration

- Language remains as included in the Governor's Budget Bill that directs the Compensation Board to review the feasibility and benefits of allocating positions that can be shared between offices in multiple localities or multiple offices within one locality for small localities which currently have minimal staffing, and to provide recommendations based on the review to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2019.

### Other Agencies

- Language is included directing the Department of Elections, in collaboration with the Compensation Board, to conduct a study of General Registrars' salaries, in relation to other local constitutional officers' salaries, from the years 1981 through 2018, to prepare an analysis detailing the duties and job responsibilities for general registrars, and submit this information to the Chairmen of the Senate Finance and House Appropriations Committees by September 1, 2019;
- Language is included directing the Secretary of Public Safety and Homeland Security to convene and expand the previous body worn camera workgroup (that was limited to reviewing the impact of body worn cameras on the workload of Commonwealth's Attorneys) to examine the workload impact, as well as other fiscal and policy impacts, on the Commonwealth's public safety and judicial agencies as a whole, to include representatives from the Supreme Court, the Compensation Board, staff of the House Appropriations and Senate Finance Committees, Department of Criminal Justice Services, Commonwealth's Attorneys, local governments, and other stakeholders deemed appropriate by the Secretary. Recommendations of the working group are to be reported to the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2019, and are to include greater detail from each Commonwealth's Attorney's office in a locality that employs body worn cameras regarding hours of footage and hours of redaction, in conjunction with the law enforcement agency using the body worn cameras, as reported to the Compensation Board and the workgroup;
- Language and \$2.5 million in FY20 is maintained under the Department of Criminal Justice Services for the continuation of the jail mental health pilot programs, removes proposed language included in the introduced budget that would have expanded the number of pilot sites, and adds specific reporting requirements related to the provision of services and outcomes at pilot sites, with an annual report provided to the Chairmen of the House Appropriations and Senate Finance Committees by October 15<sup>th</sup> of each year. In addition, the Department of Criminal Justice Services will collaborate with the Compensation Board and the Board of Corrections to identify the resources required for jails to comply with the forthcoming minimum behavioral health treatment standards to be established by the Board of Corrections based on the passage of HB1942;

- Language and funding of \$916,066 in FY20 is included under the Department of Criminal Justice Services for the funding of 12 staff positions in the Virginia Beach Correctional Center for the Jail and Re-entry Service Coordination Pathway, which is a joint operation between the Virginia Beach Department of Human Resources and the Virginia Beach Sheriff's Office, consisting of diversion, screening, assessment, treatment, and re-entry services for all incarcerated individuals with an active mental illness or substance use disorder diagnosis;
- Language and funding is included in Central Appropriations increasing the planned across-the-board salary increase for state employees effective July 1, 2019 of 2% to 2.75%, and increasing the planned state employee merit increase of 2% to 2.25%, while eliminating the Budget Bill proposed 1% bonus on December 1, 2019;
- General Provisions language is included providing that no expenditures from general or nongeneral fund sources may be made by any state agency or authority for the purchase or implementation of body-worn cameras or body-worn camera systems.

As you know, these amendments were approved by the House and Senate on Sunday, March 24, and have been referred to the Governor. They are further subject to review or change when reconsidered in conjunction with any recommendations and/or amendments by the Governor at the reconvened "veto" session of the General Assembly on April 3, 2019. Please contact Charlotte Lee or me if you have any questions.

cc: Compensation Board Staff  
The Honorable Keyanna Conner, Secretary of Administration  
The Honorable Steve F. Dempsey, President, Virginia Sheriffs' Association  
The Honorable Roy F. Evans, President, Virginia Association of Commonwealth's Attorneys  
The Honorable Evelyn Powers, President, Treasurers' Association of Virginia  
The Honorable Douglas Mullins, President, Commissioners of the Revenue Association of Virginia  
The Honorable Patricia S. Moore, President, Virginia Circuit Court Clerks' Association  
The Honorable F. Kevin Hutchins, President, Virginia Association of Local Elected Constitutional Officers  
William "Chris" Smith, President, Virginia Association of Regional Jails  
Michelle Gowdy, Executive Director, Virginia Municipal League  
Dean A. Lynch, Executive Director, Virginia Association of Counties  
John Jones, Executive Director, Virginia Sheriffs' Association  
Michael Doucette, Executive Director, Virginia Association of Commonwealth's Attorneys  
Alan Albert, O'Hagan Meyer  
John "Chip" Dicks, Gentry Locke  
Ron Jordan, Advantus Strategies  
Madeline I. Abbitt, Abbitt Consulting Inc  
Michael L. Edwards, Kemper Consulting  
Jane S. Chambers, Commonwealth's Attorneys' Services Council  
Janet Areson, Virginia Municipal League  
Katie Boyle, Virginia Association of Counties  
Banci Tewolde, Associate Director, Department of Planning and Budget  
Reginald Thompson, Analyst, Department of Planning and Budget