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COMMONWEALTH OF VIRGINIA

Compensation Board

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

October 1, 2021

MEMORANDUM

TO: Sheriffs and Regional Jail Superintendents
City Managers and County Administrators

FROM: Robyn M. de Socio
Executive Secretary

SUBJECT: Additional Information regarding FY22 ARPA Bonus for Sworn Sheriffs,
Sheriffs' Deputies & Regional Jail Officers

I am writing to provide additional information following communications dated August 16, 2021 and August 27, 2021 regarding a one-time \$3,000 bonus payment for Compensation Board funded sworn positions in sheriffs' offices and regional jails, including sheriffs, sheriffs' deputies, regional jail superintendents and corrections officers in regional jails.

Earlier this month, several offices submitted requests by the September 8, 2021 deadline identifying sworn deputy sheriffs or regional jail officers occupying a "partially-funded" position on the Compensation Board payroll. The Compensation Board considered these requests at its meeting on September 23, 2021 and approved the allocation of bonus funding for these positions. Notification of these approvals will be provided separately to sheriffs' offices, regional jails and localities. Updated spreadsheets we will provide when your locality pays the bonus will identify the funding to be reimbursed for these additional positions as specifically requested and approved by the Compensation Board. Please note that consideration of funding for the bonus for individuals not in deputy sheriff/regional jail officer positions only included "partially-funded" positions, and did not include other nonsworn position classifications such as administrative or cook positions.

You will recall that the Compensation board encourages each locality and regional jail to implement the bonus as soon as possible, but no later than November 30, 2021. **Once the locality determines the date for payment of the bonus, please notify our staff of the determined date by email at customerservice@scb.virginia.gov.** Please provide notice of the planned date as soon as possible, before the date of payment.

I am also writing to provide clarification and final guidance regarding ARPA categorization and eligibility for the bonus on the date of payment. In my initial communication, I indicated that individuals would be eligible for the bonus if they occupied a sworn funded deputy or regional jail position on the Compensation Board payroll on the date of implementation of the bonus, and then subsequent communication identified federal rules

regarding “premium pay” and a requirement that individuals receiving the bonus must work in a sworn position in the sheriff’s office or regional jail for a minimum of 231 hours, or approximately 5.8 weeks, to be eligible for the bonus. As federal rules for ARPA allow premium pay to be made on a retrospective or prospective basis, we have determined that **all sworn deputies and regional jail officers in a Compensation Board funded position will be eligible for the bonus if they occupy the position on the date the bonus is paid.** As this could include deputies or jail officers hired shortly before the date of implementation that have not yet completed 231 hours, the Compensation Board will provide hire date information in the spreadsheet provided when your locality pays the bonus, and require verification of time in a sworn position for those that do not appear yet to meet the requirements. For those paid the bonus prior to completion of 231 hours, reimbursement will be deferred to the following month pending completion of the required time period and could result in a pro-rated reimbursement in the event of a subsequent early departure from a sworn position.

As indicated, when the locality pays the bonus, we will provide a spreadsheet to the sheriff’s office and locality identifying those positions on the Compensation Board payroll on the date of payment that are eligible for reimbursement of the bonus (sheriffs, sworn deputies, regional jail officers, and those “partially funded” positions containing sworn deputies/officer that were specifically requested for consideration and approved by the Board). Sheriffs’ offices will be requested to verify hire dates of those appearing to have worked less than 231 hours on the date of bonus payment, and local governing bodies (County Administrators, City Managers, or delegated chief Finance personnel) will be required to certify that bonus payments were made to the identified personnel in order to seek reimbursement.

Federal rules include an additional stipulation for payment of the bonus where the “premium pay” (bonus) would increase a worker’s total annual pay above 150 percent of Virginia’s average annual wage for all occupations or their residing county’s average annual wage (whichever is higher), as defined by the Bureau of Labor Statistics’ Occupational Employment and Wage Statistics, that the Commonwealth must provide (US) Treasury and make publicly available a written justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency.

In the case of sheriffs and sworn deputies or regional jail officers where the current total salary (including local supplement) or the current total salary plus the bonus would increase the individual’s total pay above \$115,815 for certain Northern VA localities and \$90,240 for all others, the Compensation Board has stipulated that, unlike those professions where premium pay may be unwarranted, the vast majority of sworn sheriffs, deputies and regional jails officers are comprised of low- to moderate-income workers, and those who do earn more than this threshold regularly work side-by-side with, and experience an equal share of the extraordinary risks associated with COVID-19. Unlike most employees, sworn sheriffs, deputy sheriffs and regional jail officers do not have the routine ability to isolate themselves from public interactions through telework; rather, they have been called upon to fulfill their essential public safety duties at great personal risk throughout the pandemic. As such, disparate treatment of a comparatively small number of deputies and officers on the basis of relatively small differences in earnings would create significant pay inequities whereby some would receive compensation reflective of the extraordinary risks they undertook and others, being denied this compensation, would earn less than those they serve alongside.

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Again, **once the locality determines the date for payment of the bonus, please notify our staff of the determined date by email at customerservice@scb.virginia.gov.** Please provide notice of the planned date as soon as possible, before the date of payment, so that we may provide final spreadsheet information confirming positions to be reimbursed and instructions regarding any additional information needed regarding hire dates and certifications for requesting reimbursement.

If you have any questions, please contact a member of the Compensation Board staff below.

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