



# AHRS PERIODICAL

Office of Agency Human Resource Services

## Statewide Pay Action Summary Report October - December 2006

Pay Action	# Actions	# Pay Adjustments	Avg. % Adjustment
Promotions	489	486	14.52
Demotion – Voluntary	55	27	-9.97
Demotion – Disciplinary	4	4	-8.75
Demotion - Performance	2	2	-9.09
Role Change – Upward	359	270	7.96
Role Change – Lateral	163	18	6.53
Role Change – Downward	19	-	-
Voluntary Transfer – Competitive	712	510	9.26
Vol. Transfer - Non-Competitive	178	22	.74
Temporary Pay – All Reasons	375	375	6.69
End Temporary Pay	291	291	-8.32
Competitive Salary Offer	50	50	14.6
Reassignment within Band	47	-	-
Apply/Adjust Special Rate	962	962	.42
IBA – Change in Duties Increase	305	305	7.63
IBA – New KSAs/Competencies	347	347	7.69
IBA – Retention	856	856	5.20
IBA – Internal Alignment Increase	1993	1993	6.05
Bonus – Change in Duties	25	25	3.48
Bonus – Internal Alignment	9	9	2.48
Bonus – New KSAs/Comp.	10	10	3.49
Bonus – Retention	5	5	3.13
Bonus – Recognition, Monetary	769	769	1.38
Bonus – Recognition Non-Monetary	116	-	.14
Bonus – Sign-On	41	41	2.86
Bonus – Recognition Leave	726	-	-
Bonus – Referral	7	7	.79
Bonus – Project	31	31	1.34
Exceptional Retention Bonus Payout	19	19	3.13
Exceptional Retention Leave Award	3	-	-
Sign-On Leave	13	-	-
<b>Overall Approximate Totals</b>	<b>8981</b>	<b>7434</b>	<b>2.82</b>

***There were 7,110 upward pay adjustments at an average of 4.98 %  
There were 324 downward pay adjustments at an average of -9.03%***

Workforce Planning and the Periodical's Pay Action Summary data may vary within the same reporting period based on the timing of data runs, agency retraction requests, and the manual review and extraction of erroneous PMIS entries.

# POLICY GUIDE

## I-9 Forms

The Immigration Reform and Control Act (IRCA) requires employers to retain Employment Eligibility Verification (I-9) forms for three years from the employee's date of hire or one year after the employee's termination, whichever is later. IRCA does not, however, regulate where retained documents are stored. Although DHRM Policy 6.10, Personnel Records Management, currently requires that agencies file in employees' personnel files, current best practice research as well as advice from legal counsel support maintaining separate I-9 files. Separating I-9 forms from personnel files has several practical advantages. For example, in the event of an audit or subpoena, the agency can easily provide I-9 forms without having to remove them from, or surrender, personnel files. Future revisions of Policy 6.10 will modify the existing language.

### **Immigration Attorney**

The Office of the Attorney General (OAG) has a contract with Kaufman & Canoles, Attorneys and Counselors at Law, to provide legal expertise regarding immigration matters. Debra Dowd is the Kaufman & Canoles attorney assigned to this contract. Agencies may direct their immigration-related questions to her at 804-771-5740. Although callers may leave messages on her voice mail, following the voice mail prompts to reach her assistant Kim may result in Debra's receiving the message faster.

### **Presenting Blank I-9 Forms to New Employees**

The I-9 Form consists of three printed pages, a page of instructions, the form itself, and a list of acceptable documents. It is required that all three pages be provided to the employee who is completing the form.

### **Form I-9 and Social Security Cards**

The Social Security card is one of several documents that may be submitted to establish employment eligibility in the I-9 process. However, it may not be **required** as part of the I-9 process. The Social Security card, on the other hand, may be required as part of the employment process, for instance, to assure that the correct Social Security number is recorded in payroll records for IRS purposes.

### **Form I-9 and Acceptable Documents**

A list of acceptable documents follows.

#### **List of Acceptable Documents for Form I-9**

On October 7, 2005, the DHS/USCIS Office of Business Liaison issued Employer Information Bulletin 101 which stated that 8 CFR 274a section 2(b)(1)(v) contained the most up to date list of acceptable documents. That list, reformatted to match the Form I-9 list, appears below. It is taken from the January 1, 2006, edition of the Code of Federal Regulations (CFR).

LIST A	LIST B	LIST C
<p>The following documents, so long as they appear to relate to the individual presenting the document, are acceptable to evidence both identity and employment eligibility:</p> <ol style="list-style-type: none"> <li>1. United States passport (unexpired or expired);</li> <li>2. Alien Registration Receipt Card or Permanent Resident Card, Form I-551;</li> <li>3. An unexpired foreign passport that contains a temporary I-551 stamp;</li> <li>4. An unexpired Employment Authorization Document issued by the Immigration And Naturalization Service which contains a photograph, Form I-766; Form I-688, Form I-688A, or Form I-688B;</li> <li>5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, an unexpired foreign passport with an Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.</li> </ol>	<p>The following documents are acceptable to establish identity only:</p> <p>List 1: For individuals 16 years of age or older:</p> <ol style="list-style-type: none"> <li>1. A driver's license or identification card containing a photograph, issued by a state (as defined in section 101(a)(36) of the Act) or an outlying possession of the United States (as defined by section 101(a)(29) of the Act). If the driver's license or identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address;</li> <li>2. School identification card with a photograph;</li> <li>3. Voter's registration card;</li> <li>4. U.S. military card or draft record;</li> <li>5. Identification card issued by federal, state, or local government agencies or entities. If the identification card does not contain a photograph, identifying information shall be included such as: name, date of birth, sex, height, color of eyes, and address;</li> <li>6. Military dependent's identification card;</li> <li>7. Native American tribal documents;</li> <li>8. United States Coast Guard Merchant Mariner Card;</li> <li>9. Driver's license issued by a Canadian government authority;</li> </ol> <p>[Lists 2, 3, and 4 are omitted due to their limited use.]</p>	<p>The following are acceptable documents to establish employment authorization only:</p> <ol style="list-style-type: none"> <li>1. A social security number card other than one which has printed on its face "not valid for employment purposes";</li> <li>2. A Certification of Birth Abroad issued by the Department of State, Form FS-545;</li> <li>3. A Certification of Birth Abroad issued by the Department of State, Form DS-1350;</li> <li>4. An original or certified copy of a birth certificate issued by a State, county, municipal authority or outlying possession of the United States bearing an official seal;</li> <li>5. Native American tribal document;</li> <li>6. United States Citizen Identification Card, INS Form I-197;</li> <li>7. Identification card for use of resident citizen in the United States, INS Form I-179;</li> <li>8. An unexpired employment authorization document issued by the Immigration and Naturalization Service.</li> </ol>

## The Case against Numeric Rating Scales in the Employment Process

In striving for objective and defensible ways to distinguish among job applicants, hiring managers sometimes turn to numeric rating scales. However, numeric ratings actually only appear objective. In fact, the distinctions between ratings and the reasons that an applicant's qualifications or interview responses are given a particular rating can be subjective and difficult to defend. As always, the important point is that hiring managers identify the criteria that they are seeking in applicant qualifications and successful interview responses and then evaluate how closely applicants meet those criteria (fully, not at all, etc.) and the reasons why. This process is sound as far as

employment law is concerned, is flexible, and eliminates the need to articulate fine distinctions in numeric terms.

## Federal Rules of Civil Procedures

The recent changes to the Federal Rules of Civil Procedures regarding email disclosures have generated questions regarding their applicability to the state's human resource records management policies and practices. The changes to the federal rules only make explicit what was already implicit and enforced by the federal courts - that discovery obligations include electronic data as well as paper data.

The "new" discovery rules do not require that agencies keep documents forever. They do require that once an agency is on notice of potential or actual litigation involving a particular individual or project the agency, and the OAG as their counsel, must immediately take affirmative action to preserve all existing and future relevant data (particularly electronic data) for discovery purposes.

State court rules will likely be amended in the near future and those changes will guide any modifications required in state policies. In the interim, DHRM will be working with the OAG regarding our obligations and the establishment of statewide guidelines for the preservation of electronic data.

## Granting Exceptions to the 1500 Hour Limit on Wage Employees

The authority for granting exceptions to the 1500 hour, 365 day limit on wage employment was delegated to agency heads in November, 2006. When assessing exception requests from hiring managers, agencies should consider the issues and events that originally led to the establishment of these restrictions.

Concerns over the full-time employment of wage employees who performed the same work with the same expectations as full-time classified employees without the provision of benefits dates back to the early 1980s. Senate Joint Resolution 128, approved by the 1985 General Assembly directed a study of the state's use of wage employees and the development of a policy governing the conditions of wage employment. For purposes of that study, full-time wage employees were designated as those working 35 or more hours in a workweek.

At the time, the Rules for the Administration of the Virginia Personnel Act defined wage employees as "persons who are employed on a temporary, short-term basis". It was intended that "no person regularly employed on a continuing basis shall be paid at an hourly or per diem rate for longer than twelve months without being offered a salaried appointment unless the hourly employment is less than full time." An objective of the study was to clarify the distinctions among the categories of employment and to establish a uniform policy for the employment of wage personnel. This comprehensive study examined employment laws and personnel policies across the private and public sectors and assessed the Commonwealth's liabilities with regard to its employment practices.

As a result of the study the 1988-90 Appropriation Act provided for the conversion of over 3,800 wage positions to full-time classified status because they had been utilized on a full-time basis for more than one year. A wage employment policy, limiting the hours worked by wage employees to 1,500 hours per a 365 day period took effect on September 1, 1988 to prevent this situation from recurring.

Current Policy 2.20, Types of Employment, continues to describe wage employment as employment that is intended to cover peak work loads and seasonal or short-term needs. Adhering to the intent of wage employment should enable agencies to successfully manage the recently delegated exception process.

## EMPLOYMENT & CAREERS

### Resources for Recruiters

Information for recruiters is available on the *Resources for Recruiters* web page at <http://www.dhrm.virginia.gov/recruitment/resources.html>. Currently, links are available to:

- RMS Updates
- RMS Training
- RMS FAQs
- RMS User Manual for Human Resources
- RMS User Manual for Hiring Managers
- RMS Powerpoint Training Template for Human Resources
- RMS Powerpoint Training Template for Hiring Managers
- RMS Quick Reference Guide

Future additions will include Best Practices in Recruitment and Retention, Resources for Recruiting Veterans, State Internship Opportunities, and Job Fairs. Agencies should direct questions and/or suggestions to Patricia Waller, State Recruitment Manager at [patricia.waller@dhrm.virginia.gov](mailto:patricia.waller@dhrm.virginia.gov).

### RMS

RMS Updates for November and December 2006 and an RMS Quick Reference Guide are available at <http://www.dhrm.virginia.gov/recruitment/resources.html>. The RMS Updates will be the primary means of communication for changes, modifications or updates relating to RMS. The RMS Quick Reference Guide is available for printing and distribution to job applicants. Questions and/or suggestions relating to RMS should be sent to [rmsinquiry@dhrm.virginia.gov](mailto:rmsinquiry@dhrm.virginia.gov).

# WORKFORCE PLANNING

## Hiring Retired State Employees

As we have all heard, large numbers of baby boomers will become eligible for retirement over the next ten years. Under our current rules, agencies may hire retirees on an hourly basis if certain conditions are met:

- There must be a bona fide break in service, with no work performed for the employer during this period. (The state is one employer for this purpose.) The VRS advises that the break must be no less than 30 days.

Some covered employees are scheduled to work less than 12 months per year. Their normal nonworking time does not meet the 30-day requirement. For example, if a faculty member's normal full-time work schedule begins on September 1 and ends on May 31, and the employee decides to retire on June 1, 2007, he or she cannot be rehired until October 1, 2007 or later.

- There can be no agreement or arrangement prior to the employee's retirement that he or she will be rehired after the break in service.
- The retiree may not be employed full-time. The IRS has indicated that 80%, or 32 hours per week, will not be considered full-time, so retirees must not be hired for more than 32 hours per week.
- Post-retirement duties cannot be identical to the employee's duties prior to retirement. The VRS advises that this requirement will normally be met if the employee is limited to part-time employment.

Failure to follow these rules could result in the VRS defined benefit plan's losing its status as a qualified plan. If that were to happen, all covered state employees would have to pay income tax on contributions to the retirement plan at the time when the contributions are made. It could also result in a retiree's being subject to a 10% penalty for early withdrawal and the loss of VRS benefits if the post-retirement work is determined to be in a VRS covered position. For additional information please refer to the VRS website ([www.varetire.org](http://www.varetire.org)).

Phased retirement is one of the best tools to reduce the devastating effect of large-scale retirements. Under phased retirement, experienced employees may continue working after they begin to receive retirement benefits. By working part-time, they can maintain a high percentage of their pre-retirement income. The employing agency retains the benefit of the employees' experience and commitment, and salary dollars are freed up so that new employees can be hired and developed.

The Pension Protection Act of 2006 takes an important step toward allowing phased retirement. Title IX, Section 905, of the Act says that employees who are age 62 or older may receive benefits from a defined benefit program and continue working. However, implementation of this provision for VRS participants would require approval by the General Assembly.

## WORKFORCE DATA MANAGEMENT

### Middle Name Field Added to PMIS

It is now more important than ever to keep names and addresses accurate in PMIS/BES. DOA has begun to replace current names and addresses in CIPPS with those found in PMIS. Employees should verify their names and addresses on their pay stubs, in Payline, or in EmployeeDirect.

Agencies should make any necessary corrections in both CIPPS and PMIS using these format requirements:

1. First and last name must match exactly what is on the Social Security Administration (SSA) card. Middle name, as it appears on the SSA card, or middle initial must also be maintained.
2. Address must match the USPS standard format – as it appears on the USPS Website.

Failure to follow these formatting requirements may result in a SSA penalty of \$50 per mismatched record.

Correct names and social security numbers are required for the successful processing of accurate wage reports and will reduce the number of W-2C forms. Accurate information also allows the SSA to properly credit employees' earnings records, which will be important in determining future benefits. Correct addresses reduce the cost of handling returned mail and make sure important mailings are delivered on time.

In order to support maintaining accurate names, a new (optional) Middle Name field has been added to PMIS. The Middle Name field has been populated on PMIS for most employees with at least a middle initial, if a middle name was not available. Middle Name entry is now available on the PSE301/PSE302 and PSE091 screens, and viewable on the PSE305, PSE310, and PSE311 screens.

The PME480 extract record file format includes a new Middle Name field effective 1/15/2007. The Middle Initial field remains unchanged, and the name fields' locations have not changed. Middle Name has been added in a separate location using former filler space.

If an agency has middle names stored in an internal system, a file can be uploaded to DHRM for use in updating PMIS. The file should include Agency Number, Position Number, SSN and 15-character Middle Name (truncate, if necessary). Files may be uploaded to DHRM using the File Upload Utility located at <http://web1.dhrm.virginia.gov/itech/> under the Workforce Planning tab in the left panel. Registration is required to utilize the File Upload Utility and is also accomplished via the same DHRM-ITech Web page, under the Request Access tab in the left panel.

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Our goal is to provide practical information that supports human resource objectives across the Commonwealth and to encourage innovative strategies in the management and delivery of agency services.

To tell us what you would like to see featured in upcoming issues email us at [compensation@dhrm.virginia.gov](mailto:compensation@dhrm.virginia.gov) or [policy@dhrm.virginia.gov](mailto:policy@dhrm.virginia.gov)

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