



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT POLICY

POLICY 5.10 – EDUCATIONAL ASSISTANCE

APPLICATION: Full-time and part-time classified, and "at will" employees.

PURPOSE:

It is the policy of the Commonwealth to support employees' pursuit of educational opportunities that will benefit their agencies, enhance employees' current job performance, and improve their opportunities for advancement in their agencies.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES:

Policy 1.25, Hours of Work

Policy 1.40, Performance Planning and Evaluation

Policy 1.60, Standards of Conduct

Policy 4.15, Educational Leave

POLICY HISTORY:

EFFECTIVE DATE	DESCRIPTION
05-01-2002	Policy created.
03-04- 2024	Policy revised



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT POLICY

POLICY 5.10 – EDUCATIONAL ASSISTANCE

ADMINISTRATIVE PROCEDURES

PROCEDURES

General Provisions

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Types Of Educational Assistance	<ul style="list-style-type: none">• Educational Assistance provided under this policy may include:<ul style="list-style-type: none">○ adjustment of scheduled work hours○ use of personal leave and/or○ Educational Leave○ tuition payment or reimbursement
Work Schedule Options	<p>Agencies have several options for accommodating employees' absences from work to attend approved educational courses during regular work hours.</p> <ul style="list-style-type: none">• Adjust Work Hours<ul style="list-style-type: none">○ Employees may be allowed or required to adjust their work hours to fulfill their normal work hours per week.○ Adjusting work hours may include reducing an employee's work schedule. However, a classified employee's work schedule may not be reduced below 50% of a normal 40-hour a week work schedule without affecting the employee's health insurance benefits.• Use of Personal Leave<ul style="list-style-type: none">○ Employees may be allowed to use their annual, compensatory or overtime leave, recognition

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	<p>leave, or VSDP family and personal leave (for VSDP participants), to attend approved courses.</p> <ul style="list-style-type: none"> • Educational Leave <ul style="list-style-type: none"> ○ Employees may be provided educational leave with full or partial pay, or unpaid educational leave under Policy 4.15, Educational Leave. (See Policy 4.15 for details.) <p>Paid educational leave for periods exceeding 14 consecutive days, or educational leave with partial or without pay for any period should be recorded in the agency’s time and attendance system as Educational Leave with Pay or as Educational Leave Pay Docking.</p>
FLSA Overtime Impact for Non-Exempt Employees	<ul style="list-style-type: none"> • For employees (non-exempt employees) who are covered by the overtime provisions of the Fair Labor Standards Act (FLSA), time spent in educational courses during regular work hours is considered hours of work for computing any overtime liability. Education time outside normal work hours is not considered hours of work for computing overtime if: <ul style="list-style-type: none"> ○ the employee’s attendance is voluntary (employee-requested) and ○ the employee performs no productive work during such attendance.
Exempt Employees	<ul style="list-style-type: none"> • Exempt employees who attend agency-initiated educational courses during their normally scheduled work hours are considered at work. • Exempt employees shall not earn overtime or compensatory leave for attending agency-initiated educational courses.
Tuition Payment	<p>Employee-Initiated Courses</p> <ul style="list-style-type: none"> • Where courses are employee-initiated, the agency may cover all or a portion of the tuition costs at their discretion. The following expenses may be included in tuition payments: <ul style="list-style-type: none"> ○ An employee’s registration or tuition fees and ○ certification or license fees. <p>Agency-Initiated Courses</p> <ul style="list-style-type: none"> • Educational Courses required or suggested by the agency that are relevant to the agency’s critical business

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	<p>needs and for which educational assistance will be provided.</p> <ul style="list-style-type: none"> ○ Where courses are agency-initiated, the agency must cover the entire tuition cost. ○ When courses are agency-initiated, the agency may include laboratory fees and books with tuition payments. However, any books or materials purchased at agency expense become the property of the agency. ○ Tuition payment also may include parking and transportation costs when courses are agency initiated. <ul style="list-style-type: none"> ● Limits <ul style="list-style-type: none"> ○ If a course is subsidized by another source (e.g., veteran’s educational payments, scholarships, and grants), tuition payment under this policy is limited to those costs not covered by other sources. ○ Agencies may not pay expenses for audited courses.
Employee Eligibility	<ul style="list-style-type: none"> ● Agencies must establish eligibility criteria by which educational assistance will be approved. Educational assistance is designed for employees who are expected to continue in State service for a period that will justify such assistance. An agency’s criteria must be non-discriminatory and uniformly administered.
Course Eligibility	<ul style="list-style-type: none"> ● Agencies may provide educational assistance for agency-initiated or employee-requested educational courses when the courses or employees’ degree programs meet one or more of the following criteria: <ul style="list-style-type: none"> ○ relate to current job duties ○ provide new knowledge and skills to enhance job performance and/or support agency mission ○ are required for job-related professional certification or license ○ are required for a job-related degree program ○ enhance the agency’s ability to respond to current and future needs; or

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	<ul style="list-style-type: none"> ○ support the documented “Employee Development Plan” section of the employee’s Employee Work Profile (EWP)
Pre-Approval Required	<ul style="list-style-type: none"> ● Employee requests for Educational Assistance must be approved before registration for courses and implementation of work schedule changes. ● For employee-requested degree or certification programs, employees must provide information describing how the degree or certificate will benefit the agency and the Commonwealth.
Agency Guidelines	<ul style="list-style-type: none"> ● Agencies must establish internal guidelines and procedures for administering educational assistance equitably and consistently. ● Agency guidelines or procedures for providing Educational Assistance must be communicated to employees.
Agreements Required	<ul style="list-style-type: none"> ● Agencies must develop Educational Assistance Agreements that detail the benefits that will be provided, and obligations of the employee and agency related to educational assistance. Such agreements must be completed before educational assistance is provided. ● Prior to use, an agency should have the Educational Assistance Agreement reviewed and approved by the Office of the Attorney General. ● Agreements for both agency-initiated and employee-requested courses should include, at a minimum: <ul style="list-style-type: none"> ○ indication of whether educational courses were Agency-initiated or Employee-requested. ○ a description of the educational assistance that will be provided, including any costs that will be covered. ○ any requirement for the employee to submit proof of grades or satisfactory completion. ○ consequences of not achieving satisfactory completion. ○ definition of time deadlines for employees to submit required information such as <ul style="list-style-type: none"> ▪ request for reimbursement or ▪ proof of grade or satisfactory completion.

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	<ul style="list-style-type: none"> ○ signature of agency designee authorized to approve Educational Assistance. ○ employee acknowledgement of agreement and obligations. <p>Agency-initiated Courses</p> <ul style="list-style-type: none"> ● When agencies require certain educational courses, they should: <ul style="list-style-type: none"> ○ make payments directly to the institution, rather than reimbursing employees for their expenditures, ○ not require employees to refund tuition if they separate, either voluntarily or involuntarily from employment with the agency, and ○ not require work agreements for a specific period after course completion. <p>Employee-requested Courses</p> <ul style="list-style-type: none"> ● When agencies provide educational assistance for employee-requested educational courses, agencies may require the employee to: <ul style="list-style-type: none"> ○ work for the agency up to one year following course completion, and ○ repay educational assistance costs incurred by the agency, in certain situations. ● Educational Assistance Agreements for employee-requested courses should include: <ul style="list-style-type: none"> ○ work obligation requirements, if any. ○ conditions under which repayment of educational assistance may be required. <ul style="list-style-type: none"> ▪ Agencies may require employees to repay tuition when they are dismissed for cause or voluntarily separate within a year of course completion. ▪ Agencies may require employees to pay back the face value of any educational assistance paid by the agency if they fail to complete the employee work obligation. ○ conditions under which repayment may be waived.

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	<ul style="list-style-type: none"> ○ Agencies, at their discretion, may cancel the employee's work obligation in whole or in part if employment is terminated either voluntarily or involuntarily prior to completion of the work obligation period. • consequences of unsatisfactory job performance. <ul style="list-style-type: none"> ○ Agencies may require forfeiture of educational assistance for unsatisfactory job performance under Policy 1.40, Performance Planning and Evaluation, or disciplinary action under Policy 1.60, Standards of Conduct

Tax Aspects of Tuition Payment

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Tax Implications	<ul style="list-style-type: none"> • Agencies are advised that their use of the guidelines on payment and reimbursement must comply with the IRS Code regarding employee tax liability. • In some circumstances, educational aid/tuition reimbursement may be considered taxable income under Internal Revenue Code Regulations. Refer to current IRS regulations for further guidance. Agencies are responsible for: <ul style="list-style-type: none"> ○ making job-relatedness determinations, ○ notifying employees, and ○ ensuring that their policies and practices comply with applicable federal and state tax regulations. In cases where a determination cannot be made easily, agencies should contact the Department of Taxation or the Internal Revenue Service.

Records

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Record Maintenance	<ul style="list-style-type: none"> • Agencies shall maintain records related to educational assistance including, but not necessarily limited to: <ul style="list-style-type: none"> ○ employee requests (approved and denied) ○ employee name,

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	<ul style="list-style-type: none"> ○ employee Role, ○ employee Pay Band, ○ subject of courses or course titles, ○ course(s) completed, ○ agreements with employees, ○ grade(s), licensure or certification achieved, and ○ cost per course. <ul style="list-style-type: none"> ● Agencies must adhere to the records retention requirements established by the Library of Virginia.

GLOSSARY

Agency-Initiated Courses	Educational Courses required or suggested by the agency that are relevant to the agency’s critical business needs and for which educational assistance will be provided.
Educational Assistance	Agency-provided assistance that supports employees’ pursuit of approved educational courses, or the acquisition of job-related degrees, professional certifications, or licenses.
Educational Courses	Credit or non-credit courses at an accredited educational institute, business school, community college, technical institute, college, university, or other educational source.
Employee-Requested Courses	Educational Courses that are not required or suggested by the agency for which an employee requests that the agency provide educational assistance.
Satisfactory Completion	Completion of approved courses with passing grades as defined by the agency or receipt of professional certification or licensure.
Tuition Payment	Pre-payment or reimbursement of costs required for completion of an approved educational course or attainment of a certification or license.