

**Blue Ridge Juvenile Detention Commission Meeting**  
**Thursday, March 10, 2022**  
**Via Zoom @ 10:30 AM**

- I. Call to Order
- II. Matters from the Public
- III. Meeting Minutes – January 13, 2021
- IV. Old Business
- V. New Business
  - January 2022 YTD Unaudited Financial Report
  - Commonwealth of VA 457 Deferred Comp Plan Resolution
- VI. Matters from Director
- VII. Matters from Commission Members
- VIII. Matters from Commission Attorney
- IX. Closed Session – Director’s Performance Review & Contract
- X. Adjournment

**Blue Ridge Juvenile Detention Commission Meeting  
January 13, 2022**

A scheduled meeting of the Blue Ridge Juvenile Detention Commission was held on January 13, 2022 @ 10:30 AM via Zoom. The meeting was held electronically due to the COVID-19 pandemic and the declaration of a local emergency by Albemarle County that remains in effect.

Members Attending: Doug Walker (County of Albemarle), Ashley Reynolds Marshall (City of Charlottesville), John Egertson (County of Culpeper), Eric Dahl (County of Fluvanna), Tracy Morris (County of Greene)

Others Attending: Jay Boland, Jodi Dillow, Jeff Gore, Ann Shawver

**I. Call to Order**

The meeting was called to order by Mr. Walker at 10:36 AM.

**II. Chairperson Rotation**

The new chairperson will be Mr. Taylor, however since he is not present at this time, Mr. Walker will chair the meeting.

**III. Matters from the Public**

None.

**IV. Meeting Minutes**

A motion was offered by Mr. Dahl and seconded by Ms. Marshall to approve the December 9, 2021 meeting minutes. The motion was approved by a 5-0 voice call vote.

**V. Old Business**

- Mid-Year Pay Increase – Mr. Boland presented and discussion followed. A motion was offered by Ms. Marshall and seconded by Mr. Dahl to approve a 6% mid-year pay increase effective December 1, 2021, or as soon as Albemarle Payroll is able to accomplish the change due to the recent implementation of the Payroll Clarity Project. The motion was approved by a 5-0 voice call vote. The Commission requested BRJD conduct a compensation study.

**VI. New Business**

- FY23 Budget- Ms. Shawver presented the proposed FY23 budget and discussion followed. It was noted that the budget does not include a pay increase for staff and that the compensation study may result in an adjustment to salaries. A motion was offered by Mr. Dahl and seconded by Mr. Egertson to approve the FY23 budget with any salary increases to come from vacancy savings. The motion was approved by a 5-0 voice call vote.

**VII. Matters from Director**

Mr. Boland gave an update to the Commission on the following items:

- We currently have 6 Resident Advisor vacancies
- DJJ Certification audit has been scheduled for February
- 3 staff cases of COVID; zero resident cases

**VIII. Matters from Commission Members**

- Mr. Walker stated that the local Emergency Ordinance is still in place for Albemarle County and they are not having any in-person meetings. After the local emergency ordinance is lifted there is a 12 month period to transition back to in-person meetings. Ms. Marshall stated that Charlottesville is still under an emergency ordinance and City Council has no plan to lift it at this time.

**IX. Matters from Commission Attorney**

- Mr. Gore stated that the General Assembly convened the 2022 session yesterday. He anticipates bills regarding virtual meetings. There are concerning recommendations regarding the recent JLARC report about potentially closing facilities and other concerning items about education. Mr. Boland added that the VJDA Executive Committee has requested a meeting with the new Secretary of Public Safety to discuss the inaccuracies in the JLARC report. He is not concerned for BRJD due to our utilization of Post-D and DJJ programs. Mr. Gore stated that he agreed with Mr. Boland, and that the facilities that are leveraging the opportunities to contract with DJJ for Re-entry and CPP puts them in a good position should the state decide to close additional facilities. He added that we need to be vigilant on the revenue we are getting from those contracts and stay on top of what the new administration might propose. Mr. Gore requested reviewing the contracts for compensations studies from the localities so that BRJD could potentially utilize the cooperative agreement clause.

**X. Closed Session**

At 11:22 AM a motion was offered by Mr. Dahl and seconded by Ms. Marshall that the Commission go into Closed Session pursuant to Section 2.2-3711(A) 1 of the Code of Virginia to consider a personnel matter (performance evaluation of the BRJD Director). The motion was carried by a 5-0 voice call vote.

At 11:32 AM the Commission reconvened into open session and a motion was immediately offered by Ms. Marshall and seconded by Mr. Dahl that the Commission certify by a recorded vote that to the best of each member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing closed session were heard, discussed or considered in closed session:

Albemarle County	Yes
Charlottesville	Yes
Culpeper	Yes
Fluvanna County	Yes
Greene	Yes

A motion was offered by Mr. Dahl and seconded by Mr. Egertson to increase the Director's salary by 6% effective December 1, 2021 or as soon as Albemarle Payroll is able to process the change due to the recent implementation of the Payroll Clarity Project. Mr. Gore stated that only the contract and pay increase were discussed, the performance evaluation will be completed at the next scheduled meeting.

**XI. Adjournment**

The meeting adjourned @ 11:34 AM.

Respectfully submitted,  
Jodi L. Dillow, Recording Secretary

# BLUE RIDGE JUVENILE DETENTION COMMISSION

## EXECUTIVE SUMMARY

<b><u>AGENDA TITLE:</u></b> January 2022 YTD Unaudited Financial Report	<b><u>AGENDA DATE:</u></b> March 10, 2022
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b>	<b><u>FORMAL AGENDA:</u></b> <b><u>INFORMATION:</u></b> XXX <b><u>ACTION:</u></b> No
<b><u>STAFF CONTACTS:</u></b> Boland, Dillow, Shawver	<b><u>ATTACHMENTS:</u></b> Yes <b><u>REVIEWED BY:</u></b>

### **Revenues are performing as expected:**

- Revenues have increased 12.4% since the same seven-month period of FY21 which is driven by the fact that payments from member jurisdictions are ahead by one month compared to last year
- Most all revenues are performing as anticipated
- There is a timing difference affecting receipt of the compensation recovered costs for the shared educational position
- Funding from the CPP program will fall shy of the estimate
- Unbudgeted revenues of just over \$48,000 were received from DCJS
- At present, revenues are projected to exceed estimate by just over \$16,000

### **Expenditures have declined and are generating sizable surplus of \$608,000 or 15%:**

- Total expenditures are down 2.3% since FY21
- In the compensation category, expenditures are down 4.6%, with expected budgetary savings of \$486,000
- Salaries expenditures are 11% lower than FY21 due to significant vacancies
- The majority of the overtime wages/holiday pay category is related to holiday pay
- A change for FY22 means that security staff receive pay for holidays rather than banked leave as in the past, leading to the significant increase in this line item
- The one-time bonus for employees totaled \$117,000 and was paid in January – this is being funded from the prior year budgetary surplus
- Health and dental insurance expenditures are down considerably as impacted by these vacancies and the fact that there was a premium holiday in November
- The operating expenditures category has increased since the same period of FY21 but is also tracking to provide significant budgetary savings of \$122,000 or 15%
- These savings are expected in a number of the operating accounts
- Capital spending varies from year to year and expected to perform as budgeted

### **Revenues are currently estimated to exceed expenditures by \$624,000**

**Recommendations:** None at this time.



**Blue Ridge Juvenile Detention Commission**  
**Statement of Operating Revenues and Expenses**  
**Seven Months Ended January 31, 2022**

**Unaudited**

Account Name	Jan YTD FY 21 Actual (Unaudited)	FY21 to FY22 \$ Increase/ (Decrease)	FY21 to FY22 % Increase/ (Decrease)	Jan YTD FY 22 Actual (Unaudited)	FY 22 Budget	Jan YTD FY 22 Percent of Budget (58%)	FY 22 Projection	FY 22 Projected Positive/ (Negative) Variance
<b>Operating Revenues:</b>								
Interest	2,639	(1,935)	-73.3%	704	2,000	35.2%	1,207	(793)
Albemarle County	259,191	103,914	40.1%	363,105	544,658	66.7%	544,658	-
Charlottesville	336,512	54,632	16.2%	391,144	586,716	66.7%	586,716	-
Culpeper	287,506	77,001	26.8%	364,507	546,761	66.7%	546,761	-
Fluvanna County	93,658	24,106	25.7%	117,764	176,646	66.7%	176,646	-
Greene County	112,171	53,259	47.5%	165,430	248,145	66.7%	248,145	-
Phone System	1,939	4,366	225.2%	6,305	5,000	126.1%	10,809	5,809
Region Ten	5,250	(4,200)	-80.0%	1,050	10,000	10.5%	10,000	-
Miscellaneous	426	(193)	-45.3%	233	-	NA	399	399
Recovered Cost - Compensation	27,850	(27,850)	-100.0%	-	27,850	0.0%	27,850	-
State Per Diem	650	(300)	-46.2%	350	1,000	35.0%	600	(400)
DJJ Block Grant	681,335	(5,459)	-0.8%	675,876	901,169	75.0%	901,169	-
CPP Program	665,960	(33,124)	-5.0%	632,836	850,000	74.5%	817,600	(32,400)
DCJS Grant	-	48,083	NA	48,083	-	NA	48,083	48,083
US Dept. of Agriculture	6,933	16,160	233.1%	23,093	35,000	66.0%	30,791	(4,209)
<b>Total Operating Revenues</b>	<b>\$ 2,482,020</b>	<b>\$ 308,460</b>	<b>12.4%</b>	<b>\$ 2,790,480</b>	<b>\$ 3,934,945</b>	<b>70.9%</b>	<b>\$ 3,951,434</b>	<b>\$ 16,489</b>
<b>Total Combined Compensation:</b>								
Salaries	\$ 1,168,367	\$ (128,105)	-11.0%	\$ 1,040,262	\$ 2,238,304	46.5%	1,783,306	454,998
Overtime Wages/Holiday Pay	43,708	41,893	95.8%	85,601	92,000	93.0%	146,745	(54,745)
Pay Exceptions	8	55	687.5%	63	-	NA	108	(108)
Part-time Wages	4,650	(300)	-6.5%	4,350	10,001	43.5%	7,457	2,544
Other Compensation/Hazard Pay/Bonus	27,592	89,408	324.0%	117,000	-	NA	117,000	(117,000)
FICA	95,756	(3,233)	-3.4%	92,523	179,032	51.7%	158,611	20,421
VRS	61,833	(3,793)	-6.1%	58,040	139,585	41.6%	99,497	40,088
VLDP - Disability	1,927	294	15.3%	2,221	3,500	63.5%	3,807	(307)
VRS Hybrid	5,911	(608)	-10.3%	5,303	12,000	44.2%	9,091	2,909
Early Retirement	8,520	(4,377)	-51.4%	4,143	-	NA	7,102	(7,102)
Health Insurance	161,974	(56,472)	-34.9%	105,502	338,000	31.2%	193,420	144,580
Dental Insurance	5,141	(1,941)	-37.8%	3,200	12,001	26.7%	5,867	6,134
HSA Contribution	6,716	(4,232)	-63.0%	2,484	10,000	24.8%	4,258	5,742
VRS Group Life Insurance	15,155	(1,820)	-12.0%	13,335	31,226	42.7%	22,860	8,366
Unemployment Insurance	3,320	(1,287)	-38.8%	2,033	5,000	40.7%	3,485	1,515
Workers' Compensation	20,490	510	2.5%	21,000	35,000	60.0%	35,000	-
Leave Payouts	6,187	6,270	101.3%	12,457	-	NA	21,355	(21,355)
Clothing Allowance	8,150	(8,150)	-100.0%	-	-	NA	-	-
Total Rewards	725	(125)	-17.2%	600	-	NA	1,029	(1,029)
<b>Subtotal Compensation</b>	<b>\$ 1,646,130</b>	<b>\$ (76,013)</b>	<b>-4.6%</b>	<b>\$ 1,570,117</b>	<b>\$ 3,105,649</b>	<b>50.6%</b>	<b>\$ 2,619,998</b>	<b>485,651</b>
<b>Total Combined Operating Expenditures:</b>								
Professional Services	1,886	5,588	296.3%	7,474	12,000	62.3%	12,813	(813)
Health Services	6,414	1,173	18.3%	7,587	20,000	37.9%	13,006	6,994
Wellness Program	1,635	185	11.3%	1,820	5,000	36.4%	3,120	1,880
Professional Services - Legal	12,000	5,500	45.8%	17,500	30,000	58.3%	30,000	-
Professional Services - Audit	-	-	NA	-	6,000	0.0%	-	6,000
R&M Buildings	18,744	5,031	26.8%	23,775	40,000	59.4%	40,757	(757)
R&M - Vehicles	-	-	NA	-	900	0.0%	-	900
Maint Contract - Equipment	53,214	2,440	4.6%	55,654	117,836	47.2%	95,407	22,429
Maintenance contract - IT equipment	2,701	(2,701)	-100.0%	-	2,701	0.0%	-	2,701
Maintenance contract - building and grounds	9,912	(3,744)	-37.8%	6,168	15,000	41.1%	10,574	4,426
Printing & Binding	179	(61)	-34.1%	118	1,000	11.8%	202	798
Advertising	444	(444)	-100.0%	-	1,000	0.0%	-	1,000
Employee physicals	100	992	992.0%	1,092	3,000	36.4%	1,872	1,128
Contract - Refuse	1,563	(694)	-44.4%	869	2,000	43.5%	1,490	510
Contract - Fiscal Agent	57,767	(1,173)	-2.0%	56,594	75,459	75.0%	75,459	-
Data Processing	17,888	2,528	14.1%	20,416	30,000	68.1%	34,999	(4,999)
Electrical Service	30,320	(1,820)	-6.0%	28,500	60,000	47.5%	48,857	11,143
Gas Service	4,115	4,144	100.7%	8,259	14,000	59.0%	14,158	(158)
Water & Sewer	5,834	(1,333)	-22.8%	4,501	11,000	40.9%	7,716	3,284

Blue Ridge Juvenile Detention Commission								
Statement of Operating Revenues and Expenses								
Seven Months Ended January 31, 2022								
Unaudited								
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Postal Services	38	(13)	-34.2%	25	1,300	1.9%	43	1,257
Telecommunications	10,795	1,090	10.1%	11,885	30,000	39.6%	20,374	9,626
Property/Auto Insurance	25,873	(368)	-1.4%	25,505	34,000	75.0%	34,007	(7)
Training	855	712	83.3%	1,567	5,500	28.5%	2,686	2,814
Travel - Subsistence	92	275	298.9%	367	5,000	7.3%	629	4,371
Curry School Grant	2,500	-	0.0%	2,500	5,000	50.0%	5,000	-
Miscellaneous	156	(72)	-46.2%	84	1,000	8.4%	144	856
Dues & Memberships	294	51	17.3%	345	1,200	28.8%	591	609
Employee Recognition	1,565	(1,542)	-98.5%	23	5,500	0.4%	39	5,461
Materials and supplies	1,075	505	47.0%	1,580	3,500	45.1%	2,709	791
Office Supplies	2,844	623	21.9%	3,467	7,500	46.2%	5,943	1,557
Food Supplies	49,412	19,834	40.1%	69,246	125,000	55.4%	118,707	6,293
Expenses ACRJ & BRJD	18,000	-	0.0%	18,000	36,000	50.0%	36,000	-
Meals for Meetings	145	(79)	-54.5%	66	2,000	3.3%	113	1,887
Agricultural Supplies	246	(209)	-85.0%	37	2,500	1.5%	63	2,437
Medical & Pharmaceutical	5,040	2,487	49.3%	7,527	8,000	94.1%	12,903	(4,903)
Laundry & Janitorial Supplies	4,841	2,702	55.8%	7,543	20,000	37.7%	12,931	7,069
Linen Supplies	211	(138)	-65.4%	73	2,000	3.7%	125	1,875
Uniforms - Resident	811	929	114.5%	1,740	6,000	29.0%	2,983	3,017
R&M Supplies	6,123	(809)	-13.2%	5,314	12,000	44.3%	9,110	2,890
Vehicle & Equip Fuel	638	626	98.1%	1,264	2,000	63.2%	2,167	(167)
Vehicle & Equip Supplies	2,245	(1,749)	-77.9%	496	2,000	24.8%	850	1,150
Security Supplies	1,038	(260)	-25.0%	778	3,000	25.9%	1,334	1,666
Uniforms - Staff	598	5,302	886.6%	5,900	7,000	84.3%	10,114	(3,114)
Books & Subscriptions	277	(277)	-100.0%	-	2,000	0.0%	-	2,000
Resident Education	687	813	118.3%	1,500	15,000	10.0%	2,571	12,429
Recreation Supplies & Equipment	1,729	836	48.4%	2,565	5,000	51.3%	4,397	603
Materials & Supplies COVID	27,456	(27,456)	-100.0%	-	-	NA	-	-
Other Operating Supplies	-	-	NA	-	800	0.0%	-	800
Copy Supplies	-	109	NA	109	600	18.2%	187	413
Lease/Rent Equipment	1,325	1,646	124.2%	2,971	7,000	42.4%	5,093	1,907
<b>Subtotal Operating Expenditures</b>	<b>\$ 391,625</b>	<b>\$ 21,179</b>	<b>5.4%</b>	<b>\$ 412,804</b>	<b>\$ 804,296</b>	<b>51.3%</b>	<b>\$ 682,243</b>	<b>122,053</b>
<b>Total Combined Operating Capital:</b>								
M&E - Replacement	2,020	7,585	375.5%	9,605	15,000	64.0%	15,000	-
F&F - Replacement	218	(2)	-0.9%	216	10,000	2.2%	10,000	-
<b>Subtotal Operating Capital</b>	<b>\$ 2,238</b>	<b>\$ 7,583</b>	<b>338.8%</b>	<b>\$ 9,821</b>	<b>\$ 25,000</b>	<b>39.3%</b>	<b>\$ 25,000</b>	<b>-</b>
<b>Total Expenditures</b>	<b>\$ 2,039,993</b>	<b>\$ (47,251)</b>	<b>-2.3%</b>	<b>\$ 1,992,742</b>	<b>\$ 3,934,945</b>	<b>50.6%</b>	<b>\$ 3,327,241</b>	<b>607,704</b>
<b>Excess of Operating Revenues over Expenses</b>	<b>\$ 442,027</b>	<b>\$ 355,711</b>	<b>80.5%</b>	<b>\$ 797,738</b>	<b>\$ -</b>	<b>NA</b>	<b>\$ 624,193</b>	<b>624,193</b>



Virginia  
Retirement  
System

VIRGINIA RETIREMENT SYSTEM  
P.O. Box 2500  
Richmond, VA 23218-2500

## Commonwealth of Virginia 457 Deferred Compensation Plan Resolution

WHEREAS, the [insert Locality, School Division, or Other Political Subdivision Name] \_\_\_\_\_ (the "Employer"),  
acting by and through [insert name of governing body] \_\_\_\_\_, desires to adopt the  
Commonwealth of Virginia 457 Deferred Compensation Plan (the "Plan") for its employees as defined in the  
adoption agreement between the Employer and the Virginia Retirement System (the "VRS"); and

WHEREAS, the Plan, which includes both Roth and Traditional options, is authorized by the *Code of Virginia* § 51.1-600 et seq. and Internal Revenue Code § 457(b), and political subdivisions are authorized to participate in such Plan by the *Code of Virginia* § 51.1-603.1; and

NOW, THEREFORE, BE IT RESOLVED, that the Employer hereby approves the adoption of the Plan for its employees in accordance with applicable law and policy; and

BE IT FURTHER RESOLVED, that the Employer's staff is hereby directed to implement the Plan effective the first day of [insert month and year] \_\_\_\_\_ but no sooner than the date established and confirmed by VRS.

NOW, THEREFORE, the officers of the Employer are hereby authorized and directed in the name of the Employer to carry out the provisions of this resolution, enter an adoption agreement with VRS, and pay such sums as are due to be paid by the Employer for this purpose.

\_\_\_\_\_  
Governing Body Chair

### CERTIFICATE

I, [insert name] \_\_\_\_\_, [insert title] \_\_\_\_\_  
of the Employer, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully  
organized meeting of the Employer held at [insert county/city/town] \_\_\_\_\_, Virginia at [insert  
time] \_\_\_\_\_ on [insert date] \_\_\_\_\_, 20\_\_\_. Given under my hand and seal of the  
Employer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature





Virginia  
Retirement  
System

VIRGINIA RETIREMENT SYSTEM  
P.O. Box 2500  
Richmond, VA 23218-2500

## Commonwealth of Virginia 457 Deferred Compensation Plan Employer Adoption Agreement for All Employees

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THIS AGREEMENT (the "Agreement"), executed this [insert date] \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is by and between [insert Locality, School Division, or Other Political Subdivision] \_\_\_\_\_ (the "Employer") and the Virginia Retirement System (the "Plan Sponsor") (hereinafter collectively referred to as the "Parties").

### WITNESSETH

WHEREAS, the Commonwealth of Virginia established the Commonwealth of Virginia 457 Deferred Compensation Plan (the "Plan") and the Master Trust for the Plan (the "Trust") pursuant to § 51.1-600 et seq. of the *Code of Virginia*, as amended, and Internal Revenue Code ("IRC") § 457(b), including both Roth and Traditional options; and

WHEREAS, pursuant to § 51.1-603.1 of the *Code of Virginia*, as amended, the Employer desires to enter into this Agreement with the Plan Sponsor to permit participation in the Plan by its eligible employees; and

WHEREAS, the Employer is an "eligible employer" within the meaning of IRC § 457(e)(1)(A); and

WHEREAS, pursuant to § 51.1-603.1(B) of the *Code of Virginia*, as amended, the Employer may establish and automatically enroll certain employees in the Plan upon hire; and

WHEREAS, the Employer, by a resolution of its governing body, has directed its responsible official to enter into this Agreement;

NOW, THEREFORE, in consideration of the premises herein, the Parties agree as follows:

- 1) The Plan Sponsor and the Employer represent and warrant that each shall comply with all applicable laws and policy.
- 2) The Plan Sponsor represents to the Employer that the Plan Sponsor shall provide sufficient services to administer the Plan.
- 3) The Employer acknowledges and agrees to the terms and conditions established in the Trust and the Plan.
- 4) For purposes of the Employer's participation in the Plan, "employees" shall mean all "employees" as defined in § 51.1-600 of the *Code of Virginia*.



- 5) The Employer shall permit the Plan Sponsor's third party administrator ("TPA") to conduct group and individual meetings on the Employer's premises for the purpose of explaining the Plan or enrolling employees.
- 6) The Employer shall permit the Plan Sponsor and the TPA to communicate directly with eligible employees about plan information and enrollment.
- 7) The Employer shall remit contributions under the Plan to the TPA in accordance with procedures promulgated by the Plan Sponsor or the TPA. The Employer shall correctly report and withhold employees' wages in accordance with applicable laws and policy.
- 8) The Employer shall make the appropriate contributions (including associated matching contributions to another plan, if applicable) required under Internal Revenue Service regulations and the Plan Sponsor procedures to correct any failure (i) to inform an employee of the opportunity to defer, (ii) to allow an employee to defer, or (iii) to implement automatic enrollment, reenrollment, or an election or election change by an employee.
- 9) Should the Employer offer its employees deferred compensation plans in addition to the Plan, then the Employer is responsible for monitoring all plans to ensure that no participants exceed the maximum deferral limits under IRC § 457.
- 10) If the Employer so desires, it may check the box below and sign the statement of acknowledgment to automatically enroll certain employees in the Plan in a manner prescribed by the Plan Sponsor, subject to an employee (i) commencing employment or reemployment on or after the first day of [insert month and year]\_\_\_\_\_ but no sooner than the date established and confirmed by the Plan Sponsor, (ii) not participating in the Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*, and (iii) not having affirmatively elected to participate in the plan described in § 51.1-602 of the *Code of Virginia* or a 403(b) plan. If the Employer does not check the box and sign the statement of acknowledgment, then the Employer shall not automatically enroll its employees in the Plan.

☐ By checking this box and signing this statement of acknowledgment, the Employer agrees to automatically enroll in the Plan in a manner prescribed by the Plan Sponsor, all employees who (i) commence employment or reemployment on or after the first day of [insert month and year]\_\_\_\_\_ but no sooner than the date established and confirmed by the Plan Sponsor, (ii) do not participate in the Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*, and (iii) have not affirmatively elected to participate in the plan described in § 51.1-602 of the *Code of Virginia* or a 403(b) plan. \_\_\_\_\_

Signature

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- 11) If applicable, the Employer acknowledges it is solely the responsibility of the Employer to instruct the Plan Sponsor's TPA where to map assets from the Employer's existing plan to the available investments under the Plan. Neither the Plan Sponsor nor the Plan Sponsor's TPA will advise or recommend to the Employer how to map assets from the Employer's existing plan.
  - 12) The Employer acknowledges asset transfers from an existing plan with the Employer into the Plan may need to be made over more than one day depending upon the facts and circumstances of each case.
  - 13) The Employer acknowledges upon termination of this Agreement asset transfers out of the Plan may need to be made over more than one day depending upon the facts and circumstances of each case.
  - 14) This Agreement may be amended from time to time only by written agreement between the Plan Sponsor and the Employer.
  - 15) The term of this Agreement shall be for at least a three-year period beginning on the date of its execution and, thereafter, may be terminated by either party upon written notice to the other party, which termination shall become effective on a date established by the Plan Sponsor.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, intending to be bound thereby.

**Employer**

**Virginia Retirement System**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

Date: \_\_\_\_\_, 20\_\_