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Periodic Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22VAC 40 - 670
Regulation title	Degree Requirements for Family Services Occupational Group
Date this document prepared	August 21, 2019

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1 VAC7-10), and the *Virginia Register Form, Style, and Procedure Manual for Publication of Virginia Regulations*.

Acronyms and Definitions

Please define all acronyms used in this Report. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

CFR: Code of Federal Regulation

Legal Basis

Please identify (1) the agency or other promulgating entity, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia or Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency or promulgating entity's overall regulatory authority.

Section 63.2-217 of the Code of Virginia provides the State Board of Social Services the general authority to promulgate regulations to carry out the purpose of Title 63.2. Section 63.2-219 of the Code of Virginia gives the State Board of Social Services authority to establish employee entrance and performance standards for local personnel to provide public assistance or social services under Title 63.2.

Alternatives

Please describe any viable alternatives for achieving the purpose of the regulation that were considered as part of the periodic review. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving its purpose.

Because §63.2-219 requires that a regulation be adopted, there are no viable alternatives to achieving the purpose. The regulation is concise, brief, and is the least burdensome alternative.

Public Comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Ensure to include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency or board. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response
Edna Davenport, Lancaster County Department of Social Services	In order to increase the applicant pool the degree requirement should be expanded to include degrees in Education and Social Science just to name a few. The current degree requirement is very limiting and makes it very difficult to attract candidates. I believe broadening the degree areas would strengthen the applicant pool.	Comments are being considered for future amendments to the regulation.
Trevor Hensley, Director, Lee County Department of Social Services	We need to expand our interview pools, while also attracting a higher quality applicant. To expand our interview pools, we must loosen the restrictions. I believe we should modify the degree requirement to simply be "any BA/BS Degree", and do away with any human services related experience requirements. (For agencies that actually do need to narrow their interview pools, they could include preferred requirements of a human services degree and/or human services experience. Everyone wins.) To attract a higher quality applicant, FSS Salaries should be addressed in a meaningful manner. Our workers are our foundation. The best training, systems, and	Comments are being considered for future amendments to the regulation.

	policies will not help if our foundation is not strong.	
Pam Hendrickson-Wimmer	The current requirement of possessing a human service degree and/or human service field experience limits potential qualified applicants. The requirements for consideration of these applicants should only specify a bachelor's degree in order to expand the number of potential candidates for these local positions.	Comments are being considered for future amendments to the regulation.
Patrick Brunty, Director, Russell County Department of Social Services	The current degree/experience requirement for Family Services Occupational Group is much too restrictive. The requirement of having a four-year degree from an accredited college is certainly reasonable, but restricting the type of degree and/or experience to "human services related" has severely limited our ability to recruit qualified individuals to fill our staffing needs. I would recommend that the Department leave the requirement for a four-year degree in place, but remove the limits on the type of degree and <u>definitely</u> remove the human services experience requirement. This will help the LDSS agencies in recruitment and help alleviate turnover.	Comments are being considered for future amendments to the regulation.

Effectiveness

Pursuant to § 2.2-4017, please indicate whether the regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018), including why the regulation is (a) necessary for the protection of public health, safety, and welfare, and (b) is clearly written and easily understandable.

The administrative regulation meets the criteria set out in Executive Order 14 (as amended, July 16, 2018) as the regulation is necessary for the protection of public health, safety, or welfare of the individuals, families, groups, communities and organizations that are served.

The regulation is clearly written and specifies minimum education and entrance standards regarding persons that can be employed in a position assigned to the Family Services Occupational Group, which provides direct client services.

The regulation is consistent with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900, Subpart F), specific to recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment.



Decision

Please explain the basis for the rulemaking entity's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

Based on the comments, best practices of child welfare agencies facing similar recruitment and workforce challenges, changes to child welfare programs, performance expectations and outcomes of local departments, family services training, etc., the agency recommends amending the regulation. Further review is needed to identify amendments that are viable and address the challenges identified in the comments.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, include a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, discuss why the agency's decision, consistent with the stated objectives of applicable law, will minimize the economic impact of regulations on small businesses.

This regulation applies to the State Board of Social Services adoption of regulation to maintain entrance standards of employees hired and employed by local departments of social services. This regulation is not applicable to small businesses and therefore, will not an impact on small businesses.