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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Employment Commission
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	16 VAC 5-80
<b>VAC Chapter title(s)</b>	Adjudication
<b>Action title</b>	16 VAC 5-80-20 Amendment for First Level Appeals
<b>Final agency action date</b>	08/16/2022
<b>Date this document prepared</b>	09/06/2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

The Virginia Employment Commission (VEC) seeks to amend Section 20, First level appeals, of 16 VAC 5-80, Adjudication, to clarify current practices and reflect Agency modernizations including a shift toward electronic forms and online portals. This action will add language to subsection A(1) allowing first level appeals to be filed by an electronic format prescribed by the commission.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined*

*in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”*

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The impetus for the regulatory change is an internal staff review of procedures to best meet the needs of Virginians seeking VEC services. The regulations regarding methods for filing appeals have not been updated for many years, and this regulatory change is necessary to modernize agency procedures, increase accessibility for Virginians, and expedite agency services. There is no mandate as defined above.

### **Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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On August 16, 2022, the Commissioner approved amending 16 VAC 5-80-20, First level appeals. The action is being taken by the Virginia Employment Commission and regulation title is *Adjudication*.