



Virginia  
Regulatory  
Town Hall

Periodic Review and  
Notice of Intended Regulatory Action  
Agency Background Document

<b>Agency Name:</b>	Virginia Employment Commission
<b>VAC Chapter Number:</b>	16 VAC 5-32
<b>Regulation Title:</b>	Required Records and Reports
<b>Action Title:</b>	Review & Pre-NOIRA
<b>Date:</b>	June 28, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to amend or repeal an existing regulation and is required to be submitted to the Registrar of Regulations as a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B).

Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

Identifies the specific information that employers must maintain on their workers and establishes the requirements and procedures for filing reports with the Commission.

Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

---

Sections 60.2-111 and 623 of the Code of Virginia.

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.*

---

No public comment was received regarding this regulation. No informal advisory group was or will be formed for purposes of assisting in the periodic review or development of a proposal.

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

---

**GOAL**

Within 90 days from the identification of delinquent employers, remove 80% from delinquent status by collecting amounts due and/or obtaining needed quarterly reports.

**EFFECTIVENESS**

In order to administer the Unemployment Insurance program, the agency must have accurate information. This regulation ensures that appropriate procedures are in place for the accurate filing of information and reports. The regulation has been effective in ensuring that information is maintained and reports are filed on time. The regulation is clearly written and easily understandable.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

---

The agency is of the opinion that this regulation reflects the least burdensome alternative to ensuring that reports are properly filed and maintained. However, clarification is needed to adequately inform employers regarding what information must be maintained and what specific reports may be required by the agency.

**Recommendation**

*Please state whether the agency is recommending the regulation be amended or terminated and the reasons such a recommendation is being made.*

---

The agency recommends that this regulation be amended as noted above.

**Substance**

*Please detail any changes that would be implemented.*

---

More specific language will be included to ensure that employers know what information should be retained and that they know what information may be required by the agency.

**Family Impact Statement**

*Please provide a preliminary analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

---

This regulation ensures that the Unemployment Insurance program is properly administered with the least possible burden to all citizens of the Commonwealth. By ensuring accurate and timely reporting, the family and family stability is impacted in a positive way, by ensuring that the proper amount of benefits are paid when due.