

Office of Regulatory Management  
Economic Review Form

<b>Agency name</b>	Department of Labor and Industry
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	16VAC15-70
<b>VAC Chapter title(s)</b>	Local Government Union Requirements and Employee Protections
<b>Action title</b>	Proposed Stage for Local Government Union Requirements and Employee Protections
<b>Date this document prepared</b>	December 13, 2024
<b>Regulatory Stage (including Issuance of Guidance Documents)</b>	Proposed Stage

**Cost Benefit Analysis**

Complete Tables 1a and 1b for all regulatory actions. You do not need to complete Table 1c if the regulatory action is required by state statute or federal statute or regulation and leaves no discretion in its implementation.

Table 1a should provide analysis for the regulatory approach you are taking. Table 1b should provide analysis for the approach of leaving the current regulations intact (i.e., no further change is implemented). Table 1c should provide analysis for at least one alternative approach. You should not limit yourself to one alternative, however, and can add additional charts as needed.

Report both direct and indirect costs and benefits that can be monetized in Boxes 1 and 2. Report direct and indirect costs and benefits that cannot be monetized in Box 4. See the ORM Regulatory Economic Analysis Manual for additional guidance.

**Table 1a: Costs and Benefits of the Proposed Changes (Primary Option)**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Department assumes its Labor and Employment Law Division would use existing resources to conduct an investigation and use the identified compliance mechanisms.	(b) No monetized benefits identified.
(3) Net Monetized Benefit	Not applicable.	
(4) Other Costs & Benefits (Non-Monetized)	The benefits of this regulation are that it makes clear that the identified statutory requirements that currently apply to any private sector union elections will also apply to union elections for local government employees, thereby providing equal opportunity, application and protection of the law for local government employers and employees.	
(5) Information Sources	To date, no complaints have been filed since the May 1, 2021 effective date of <a href="#">Va. Code § 40.1-57.2</a> .	

**Table 1b: Costs and Benefits under the Status Quo (No change to the regulation)**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Describe the direct costs of this proposed change here.  Indirect Costs: Describe the indirect costs of the proposed change.  Direct Benefits: Describe the direct benefits of this proposed change here.  Indirect Benefits: Describe the indirect benefits of the proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None identified.	(b) None identified.
(3) Net Monetized Benefit	None identified.	
(4) Other Costs & Benefits (Non-Monetized)	None identified.	
(5) Information Sources	To date, no complaints have been filed since the May 1, 2021 effective date of <a href="#">Va. Code § 40.1-57.2</a> .	

**Table 1c: Costs and Benefits under Alternative Approach(es)**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Describe the direct costs of this proposed change here.  Indirect Costs: Describe the indirect costs of the proposed change.  Direct Benefits: Describe the direct benefits of this proposed change here.  Indirect Benefits: Describe the indirect benefits of the proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a)	(b)
(3) Net Monetized Benefit		

(4) Other Costs & Benefits (Non-Monetized)	
(5) Information Sources	

**Impact on Local Partners**

Use this chart to describe impacts on local partners. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 2: Impact on Local Partners**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	<p><b>Direct &amp; Indirect Costs</b></p> <p>(a) The proposed regulation provides the Department the legal authority to issue a civil penalty not to exceed \$1,000.00 for each violation by a local government of <a href="#">Va. Code § 40.1-29.C</a>. See <a href="#">Va. Code § 40.1-29.H</a>. In the event a penalty issued to a local government becomes a final order of the Commissioner, the local government would be required to pay the penalty. Civil penalties collected by the Department are deposited into the General Fund.</p> <p>To date, no such complaints have been filed since the May 1, 2021 effective date of <a href="#">Va. Code § 40.1-57.2</a>.</p>	<p><b>Direct &amp; Indirect Benefits</b></p> <p>(b) None identified.</p>

<p>(3) Other Costs &amp; Benefits (Non-Monetized)</p>	<p>In the event a complaint is lodged with the Department alleging a violation of the proposed regulation, the Department’s Labor and Employment Law Division would use existing resources to conduct an investigation and use the identified compliance mechanisms. The local government against which the complaint was filed would be expected to cooperate with the investigation.</p> <p>The proposed regulation applies <a href="#">Va. Code § 40.1-49.4 F 2</a> to local governments and authorizes the Commissioner to petition a court having jurisdiction “to enjoin any violations of this title or the standards, rules or regulations promulgated thereunder”. If such a petition were filed, it is anticipated that the local government would defend itself in court.</p> <p>The proposed regulation provides that “The Commissioner may request prosecution by the appropriate attorney for the Commonwealth of all violations of law relating to local government union requirements and employee protections before any court of competent jurisdiction.” It is anticipated that local Commonwealth’s Attorneys would use existing resources to handle any litigation on behalf of the Commissioner.</p> <p>The benefits of this regulation are that it makes clear that the identified statutory requirements that currently apply to any private sector union elections will also apply to union elections for local government employees, thereby providing equal opportunity, application and protection of the law for local government employers and employees.</p>
<p>(4) Assistance</p>	
<p>(5) Information Sources</p>	<p>To date, no such complaints have been filed since the May 1, 2021 effective date of <a href="#">Va. Code § 40.1-57.2</a>.</p>

**Impacts on Families**

Use this chart to describe impacts on families. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 3: Impact on Families**

(1) Direct & Indirect Costs & Benefits (Monetized)	<p>Direct Costs: Describe the direct costs of this proposed change here.</p> <p>Indirect Costs: Describe the indirect costs of the proposed change.</p> <p>Direct Benefits: Describe the direct benefits of this proposed change here.</p> <p>Indirect Benefits: Describe the indirect benefits of the proposed change.</p>	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) None identified.	(b) None identified.
(3) Other Costs & Benefits (Non-Monetized)	<p>To the extent that a family member is a local government employee impacted by the proposed regulation, the benefits of this regulation are that it makes clear that the identified statutory requirements that currently apply to any private sector union elections will also apply to union elections for local government employees, thereby providing equal opportunity, application and protection of the law for local government employers and employees.</p>	
(4) Information Sources	<p>To date, no such complaints have been filed since the May 1, 2021 effective date of <a href="#">Va. Code § 40.1-57.2</a>.</p>	

**Impacts on Small Businesses**

Use this chart to describe impacts on small businesses. See Part 8 of the ORM Cost Impact Analysis Guidance for additional guidance.

**Table 4: Impact on Small Businesses**

(1) Direct & Indirect Costs & Benefits (Monetized)	Direct Costs: Describe the direct costs of this proposed change here.  Indirect Costs: Describe the indirect costs of the proposed change.  Direct Benefits: Describe the direct benefits of this proposed change here.  Indirect Benefits: Describe the indirect benefits of the proposed change.	
(2) Present Monetized Values	Direct & Indirect Costs	Direct & Indirect Benefits
	(a) Not applicable. The proposed regulation does not apply to small businesses.	(b) Not applicable. The proposed regulation does not apply to small businesses.
(3) Other Costs & Benefits (Non-Monetized)	Not applicable.	
(4) Alternatives	Not applicable.	
(5) Information Sources	Not applicable.	

**Changes to Number of Regulatory Requirements**

**Table 5: Regulatory Reduction**

For each individual action, please fill out the appropriate chart to reflect any change in regulatory requirements, costs, regulatory stringency, or the overall length of any guidance documents.

*Change in Regulatory Requirements*

VAC Section(s) Involved*	Authority of Change	Initial Count	Additions	Subtractions	Total Net Change in Requirements
	(M/A):				
	(D/A):				
	(M/R):				
	(D/R):				
<b>Grand Total of Changes in Requirements:</b>					(M/A):
					(D/A):
					(M/R):
					(D/R):

**Key:**

*Please use the following coding if change is mandatory or discretionary and whether it affects externally regulated parties or only the agency itself:*

**(M/A):** Mandatory requirements mandated by federal and/or state statute affecting the agency itself

**(D/A):** Discretionary requirements affecting agency itself

**(M/R):** Mandatory requirements mandated by federal and/or state statute affecting external parties, including other agencies

**(D/R):** Discretionary requirements affecting external parties, including other agencies

*Cost Reductions or Increases (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Requirement	Initial Cost	New Cost	Overall Cost Savings/Increases

*Other Decreases or Increases in Regulatory Stringency (if applicable)*

VAC Section(s) Involved*	Description of Regulatory Change	Overview of How It Reduces or Increases Regulatory Burden

*Length of Guidance Documents (only applicable if guidance document is being revised)*

Title of Guidance Document	Original Word Count	New Word Count	Net Change in Word Count

\*If the agency is modifying a guidance document that has regulatory requirements, it should report any change in requirements in the appropriate chart(s).