



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-375-10, et seq.
Regulation Title:	Economic and Employment Improvement Program for Disadvantaged Persons
Action Title:	Establish Regulation
Date:	June 19, 2002

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

§ 63.1-133.57 of the Code of Virginia, effective prior to July 1, 2002, directs promulgation of a regulation for the implementation of the Economic and Employment Improvement Program for Disadvantaged Persons (Program). The regulation designates the types of projects eligible to receive grant awards for the Program and additional provisions establishing eligibility criteria for projects designed to serve certain hard-to-employ persons.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Pursuant to § 63.1-133.57 of the Code of Virginia, mandates the Department of Social Services to promulgate regulations for the implementation of the Economic and Employment Improvement program for Disadvantaged Persons.

Pursuant to § 63.2-217 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of public assistance and social services programs.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The regulation implements the Economic and Employment Improvement Program for Disadvantaged Persons (Program). The Program is designed to improve the employability of disadvantaged persons through education and job training. The regulation is essential to protect the welfare of citizens because it implements a Program which assists disadvantaged individuals with securing employment and moving from minimum wage jobs to employment and/or college that facilitates in career development and economic independence. This goal is accomplished by encouraging self-sufficiency and economic independence.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The regulation implements the Economic and Employment Improvement Program for Disadvantaged Persons (Program). The regulation establishes the designation of

projects to receive grant awards for the Program and additional provisions establishing eligibility criteria for projects designed to serve certain hard-to-employ persons.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage of the regulation is that it protects the welfare of participants by providing ongoing services to reduce long-term dependence on welfare and emphasizes personal responsibility by enhancing opportunities for personal initiative and self-sufficiency by promoting the value of work. The primary advantage of the regulation to the Department of Social Services and the Commonwealth is that it assists disadvantaged individuals with securing employment thereby reducing long-term dependence on welfare. There are no known disadvantages of this regulation to the public or the Commonwealth.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

Implementation of the regulation does not produce a fiscal impact on the Commonwealth.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

Section 10 provides a definition section for the regulation.
Section 20 provides a description of the Economic and Employment Improvement Program for Disadvantaged Persons (Program).

Section 30 provides the Code of Virginia cite for grant applicant eligibility criteria.
Section 40 describes grantee responsibility criteria for operating the Program.
Section 50 describes participant eligibility criteria.
Section 60 describes participant responsibility criteria.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The Employment Improvement Program for Disadvantaged Persons (Program) was moved from the Governor’s Employment and Training Department to the Department of Social Services. The transfer of the Program allows for improved coordination among various programs that provide assistance to disadvantaged populations.

Promulgation of this regulation establishes the implementation of the Program. A new regulation is the least burdensome method to effect the new requirement. An alternative approach is to create two regulations. The first regulation would address the general provisions for the Program, and the second regulation would address the eligibility requirements for the Program grant awards and participant eligibility requirements. Two regulations would be burdensome and confusing. Two separate and identifiable regulations would require repetition of the general provision section and may lead to confusion.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comments were received during the Notice of Intended Regulatory Action comment period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation is clearly written, with commonly used words and phrases, and easily understandable by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The regulation will be reviewed three years from the effective date or sooner if required by federal or state statutory changes.

Family Impact Statement

Please provide an 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.

The planned regulation has a positive impact on the family. The regulation outlines a Program that assists individuals with securing employment and moving from minimum wage jobs to employment and/or college that facilitates in career development and economic independence. Therefore, the regulation strengthens the family unit by encouraging self-sufficiency, self-pride, and responsibility for oneself and family through educational programs and job training. Stable employment increases the family's disposable income thereby lessening family struggles and tensions between family members. The regulation promotes ending the dependency of needy parents by promoting job preparation, work and marriage. Therefore, the regulation supports Virginians expectation of moving disadvantaged members of the Commonwealth toward self-sufficiency and economic independence.

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