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Periodic Review and Small Business Impact Review Report of Findings

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) Chapter citation(s)	22 VAC40-675
VAC Chapter title(s)	Personnel Policies for Local Departments of Social Services
Date this document prepared	January 7, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), 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, 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*.

Acronyms and Definitions

Define all acronyms used in this Report, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CFR: Code of Federal Regulations
LDSS: Local Department of Social Services
VDSS: Virginia Department of Social Services
SBSS: State Board of Social Services

Legal Basis

Identify (1) the promulgating agency, 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 agency to regulate this specific subject or program, as well as a reference to the agency'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 to Regulation

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.

This regulation is mandated, and there are no alternatives for achieving the purpose of the regulation.

Public Comment

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

No comments received.

Commenter	Comment	Agency response

Effectiveness

Pursuant to § 2.2-4017 of the Code of Virginia, indicate whether the regulation meets the criteria set out in the ORM procedures, 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 goal of the regulation is to establish performance standards for the personnel employed in Virginia LDSS under the administration of Title 63.2. Welfare (Social Services). Additionally, it 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 based on their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment. This regulation establishes standards for:

- LDSS designations as either a Level I, II, or III agency.
- The development of personnel policies and procedures for LDSSs.
- Procedures for deviation to local jurisdiction personnel policies from SBSS-approved policies and procedures.
- Classification and compensation.
- Recruitment and selection of LDSS employees.
- Employee status and performance.
- Equal Employment Opportunity.
- Standards of conduct.
- Grievance procedure.
- The Hatch Act.
- Outside employment.

- a) The regulation is essential to protect public health, safety, and welfare, as it establishes the performance standards for employees responsible for child and adult protective services and determining social services benefit eligibility for citizens of the Commonwealth.
- b) The regulation has been effective in meeting this goal and is clearly written and easy to understand.

Decision

Explain the basis for the promulgating agency's decision (retain the regulation as is without making changes, amend the regulation, or repeal the regulation).

If the result of the periodic review is to retain the regulation as is, complete the ORM Economic Impact form.

While no public comments were received, the Department identified the need for amendments. In section 10, the definition "Administrative manual" should be updated to remove unnecessary dates and a typographical error.

Small Business Impact

As required by § 2.2-4007.1 E and F of the Code of Virginia, discuss the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation; (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 applicable law, will minimize the economic impact of regulations on small businesses.

This regulation applies to the SBSS' adoption of regulations to maintain entrance standards of employees hired and employed by LDSSs. It is not applicable to small businesses, and therefore, will not have an impact on small businesses.
