



Fast Track Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40-670
Regulation title	Degree Requirements for Social Work/Social Work Supervision Classification
Action title	Define social worker series
Date this document prepared	December 10, 2008

Brief summary

The regulatory action is consistent with § 63.2-219 of the Code of Virginia (Code) that requires the State Board of Social Services (Board) to establish minimum entrance and performance standards for personnel employed by the Commissioner and local boards. It further requires that local departments of social services (LDSS) shall not employ any person in any social work position that provides direct client services unless that person holds at least a baccalaureate degree.

Statement of final agency action

The Board approved this fast track action on December 10, 2008.

Legal basis

Section 63.2-219 states that the Board is required to establish minimum entrance and performance standards for personnel employed by the Commissioner and LDSS. The Board is the promulgating authority.

Purpose

The amended regulation is needed to update the classification series for social workers. The classification series has not been changed since the early 1980s. Proposed changes to 22 VAC 40-675 include adding several levels of social workers. This amendment adds the levels to the regulation and places the baccalaureate requirement in each level.

Rationale for using fast track process

The fast-track process is being used because there is a sense of urgency regarding the effective date of the proposed changes. The local study has been approved by the Board and the effective date for implementation is June 1, 2009. This regulatory action is expected to be noncontroversial because employees impacted by the proposed changes were involved in their development. The study was conducted by the Personnel Committee of the Virginia League of Social Services Executives (League) in cooperation with the Department of Social Services' (DSS) Division of Human Resource Management. Impacted employees have reviewed the recommended changes, made recommendations, and the recommendations were incorporated into the regulation. DSS also sent the recommended changes to all local directors for review and comment prior to submitting this regulatory action.

Substance

The proposed regulatory action revises the terminology and titles to be used in the proposed update to the classification and compensation plan/structure.

Issues

There are no disadvantages to the public or to the Commonwealth. The advantages are that LDSS will be using a job structure that:

- Accurately reflects the occupations of the employees;
- Promotes a reliable means for classifying jobs;
- Updates terminology and titles; and
- Provides for better recruitment and retention of LDSS staff.

Regulatory flexibility analysis

The proposed regulation is the least intrusive and least burdensome alternative available to ensure that the social workers in LDSS are classified correctly. DSS consulted with local directors in the development of the proposed regulation.

Requirements more restrictive than federal

There are no applicable federal requirements.

Localities particularly affected

There is no locality particularly affected by the proposed regulation.

Economic impact

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures	None.
Projected cost of the regulation on localities	ZERO to unknown. The LDSS cost depends on how the agency uses the levels and if they set up career progression. Neither is mandated.
Description of the individuals, businesses or other entities likely to be affected by the regulation	LDSS will be affected by the regulation.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	All 120 LDSS must adhere to the baccalaureate requirement.
All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.	See “Projected Cost” response above.

Alternatives

The proposed regulation is the least intrusive and least burdensome alternative available to accomplish the purpose of the action.

Family impact

This proposed change will not have any affect on the institution of the family and family stability.

Detail of changes

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
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<p>22 VAC 40-670- 10</p>		<p>The standard contains definitions of words and terms used in the regulation.</p>	<p>Proposed changes to definitions and rationale include: (i) Service Program/Service Program Supervision series – changed to Social Work Occupational Group series; (ii) The following titles have been eliminated: Senior Social Work Supervisor, Social Work Supervisor, Principle Social Worker, Child Protective Services Worker II, Senior Social Worker, Child Protective Services Worker I, and Social Worker; (iii) The following titles have been added: Social Work Supervisor, Social Worker IV, Social Worker III, Social Worker II, and Social Worker I. Rationale: These changes update terminology and titles.</p>
<p>22 VAC 40-670- 20</p>		<p>The standard contains definitions of words and terms used in the regulation.</p>	<p>Proposed changes include: (i) whenever Service Program/Service Program Supervision series is used, it should be changed to Social Work occupation group series; (ii) whenever the word “classification” is used, “occupational title” should be used. The proposed changes update terminology and titles.</p>