



**Virginia  
Regulatory  
Town Hall**

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Virginia Department of Social Services 40
<b>VAC Chapter Number:</b>	675
<b>Regulation Title:</b>	Personnel Policies for Local Departments of Social Services
<b>Action Title:</b>	Establishment of proposed regulation
<b>Date:</b>	May 8, 2000

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

This proposed regulation would provide a uniform set of personnel policies to guide operations in local departments of social services in Virginia. Many of the policies already are used by local departments. Regulatory action is being advanced at the advice of legal counsel for the Department. The goal of the proposed action is to provide and formalize a consistent, appropriate, and uniform policy structure for local personnel operations.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

1. Pursuant to Section 63.1-25 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-25>), the State Board of Social Services has the authority to promulgate rules and regulations necessary for the operation of all assistance programs. This authority is

mandatory. Many assistance programs and services are managed and delivered by employees in local departments of social services.

2. Section 63.1-26 of the Code of Virginia (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1->) requires the State Board of Social Services to establish minimum entrance and performance standards for the personnel employed by local boards and superintendants in the administration of the chapters of Section 63, and to advance necessary regulations to maintain such entrance and performance standards. This mandate includes regulations that may be needed in the development of a system of personnel meeting the requirements of the federal Department of Health and Human Services under legislation relating to programs administered by the Board. The proposed regulation addresses policies relating to hiring and performance, including screening, interviewing, performance standards and appraisal, equal employment opportunity, and standards of conduct.

3. The Federal Standards for a Merit System of Personnel Administration, Section (5 CFR, Part 900, subpart F, (b),) states that certain federal grant programs require, as a condition of eligibility, that state and local agencies receiving grants establish merit systems for personnel engaged in administration of the grant-aided program. The proposed regulation addresses policies that fulfill the six merit principles that apply to all personnel administration systems required to comply with the standards.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

This proposed regulation would provide a legal basis for many policies and practices that local social service agencies already have adopted. Many of the policies are required as a condition for the continued receipt of federal grants. Legal counsel for the Department has cited these policies and practices as appropriate for regulatory action. The proposed regulation includes the following topics: recruitment, screening, and selection of employees; position classification and compensation; employee status and benefits; performance standards and appraisal; equal employment opportunity; standards of conduct; grievance policies; employee political activity; and outside employment. In addition, flexibility is honored by provision of a process for the local agency to adopt some or all of the personnel policies in force in its local jurisdiction.

Regulating certain of the policies and procedures would help to insure uniform and equitable practices in the 124 local agencies across the Commonwealth. Much of the proposed regulation

addresses practices that support a qualified, representative workforce, factors strongly associated with effective provision of services to local citizens.

No potential issues are foreseen, as the regulation, for the most part, would articulate policies and practices which local agencies are already using.

**Alternatives**

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

No alternatives to this proposed regulation have been considered. The regulation provides a uniform, legal basis for many personnel policies and practices now being used by local departments.

**Family Impact Statement**

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent 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 proposed regulation should strengthen the institution of the family, as well as economic self-sufficiency, self-responsibility, and child welfare. The regulation includes sections on recruitment, hiring, and performance appraisal, all of which promote qualified direct service staff. The employee relations sections of the regulation would also encourage a focus on the above program goals by emphasizing fair labor practices and personnel dispute resolution. This emphasis promotes positive employee morale and professionalism.