



**Periodic Review / Retain Regulation
Agency Background Document**

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| Agency name | Department of Labor and Industry |
| Virginia Administrative Code (VAC) citation | 16 VAC 15-11 |
| Regulation title | Public Participation Guidelines |
| Document preparation date | November 20, 2012 |

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

This regulation is mandated by the Administrative Process Act, Code of Virginia § 2.2-4007.02, which requires that the Department will have Public Participation Guidelines and defines the policies that are to be included. The regulation does not exceed the minimum requirements of the state mandate.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

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

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received on this regulation during the public comment period. The agency did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

The goals of the regulation are to:

- Provide maximum opportunity for the public to participate in the regulatory process;
- Ensure that the public is informed of new regulations;
- Ensure that the public has the opportunity to provide comments on regulatory changes; and
- Protect the public health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

The regulation has been effective in meeting these, and is clearly written and easy to understand. It is also necessary for the protection of public health, safety, and welfare.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Labor and Industry recommends that this regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (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, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation because it is required by state law. The regulation is not overly complex. It does not overlap, duplicate, or conflict with federal or state law or regulation. This regulation has not undergone a prior periodic review because it first became effective in December 2008. Since that time, there have not been any significant changes in technology, economic conditions, or other factors in the area affected by the regulation. The agency received no comments during the public comment period for the periodic review. The Department has determined that, consistent with the stated objectives of applicable law, this regulation does not have an adverse economic impact on small businesses, and that the regulation should be retained with no changes.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has no impact on the institution of the family or family stability.