



Virginia  
Regulatory  
Town Hall

## Final Regulation Agency Background Document

<b>Agency Name:</b>	Virginia Department of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-375-10, et seq.
<b>Regulation Title:</b>	Economic and Employment Improvement Program for Disadvantaged Persons
<b>Action Title:</b>	Establish Regulation
<b>Date:</b>	June 18, 2003

Please refer 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* for more information and other materials required to be submitted in the final regulatory action package.

### Summary

*Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.*

§63.1-133.57 of the Code of Virginia, effective prior to October 1, 2002, directed 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 criteria for projects designed to serve certain hard-to-employ persons. The 2003 General Assembly removed the statutory language establishing the Economic and Employment Improvement Program (Chapter 428, 2003 Acts of Assembly). Therefore, the regulation has been amended to remove all references to the sections of the Code that had defined the program. The regulation now includes language defining the program that was originally just referenced in the Code. In addition, the definition of “hard-to-employ” has been changed to conform to the definition found in other employment programs within the Department.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

The State Board of Social Services approved the final regulation, Economic and Employment Improvement Program for Disadvantaged Persons, on June 18, 2003

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### 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, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.*

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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 final 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.*

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The regulation provides the basis for 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 as it establishes a program which assists disadvantaged individuals with securing employment, moving from minimum wage jobs to a better paying job and/or college thus facilitating career development 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 of the regulatory action's detail.*

The regulation establishes the Economic and Employment Improvement Program for Disadvantaged Persons (Program). The regulation defines the requirements necessary for 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 final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the 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.

### Statement of Changes Made Since the Proposed Stage

*Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.*

There have been several changes made to the text of the proposed regulation since its publication. They are:

- A definition of "demographics" as it applies to this regulation;
- A strike in the definition of "Disadvantaged" for clarity;
- A change in the language at 22 VAC 40-375-20 (B)(5) to correspond with the definition of demographics and to give demographics less emphasis; and
- Addition of grant applicant eligibility language that had been referenced in the Code.

Other changes were made to remove references to repealed sections of the Code of Virginia and to change the definition of "hard-to-employ" to conform to the definition used by other employment programs within the Department of Social Services.

## Public Comment

*Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.*

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No public comments were received.

## 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 crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.*

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22 VAC 40-375-10 – Definitions Section - a definition of “demographics” was added and the definition of “hard-to-employ” was modified.

22 VAC 40-375-20 – Program Description - technical changes were made in A for clarity and references to repealed Code sections were removed including the reference to the Grant Awards Committee.

22 VAC 40-375-30 – Grant applicant Eligibility - references to repealed Code section removed and criteria describing individuals to benefit from program added.

22 VAC 40-375-40 – Grantee responsibility - reference to repealed Code section removed

22 VAC 40-375-50 – Participant Eligibility – changes made to clarify that participants must have a minor child, be a custodial or noncustodial parent and meet certain fiscal eligibility requirements.

22 VAC 40-375-60 – Participant responsibility – references to repealed Code sections removed.