



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Virginia Department of Social Services
VAC Chapter Number:	22 VAC 40-35-10 and 90
Regulation Title:	Virginia Independence Program
Action Title:	VIEW Employment and Training Transitional Services
Date:	December 13, 2000

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Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed.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or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed.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.

This regulation provides for qualifying participants of VIEW (Virginia Initiative for Employment not Welfare) to receive transitional employment and training services after they have come to the end of their twenty-four months of eligibility for assistance or participants whose cases were not being sanctioned at the time their Temporary Assistance for Needy Families (TANF) case closure. The regulation explains qualifying criteria, time frames and the services to be provided.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

There have not been any changes made to the regulation.

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 took action to approve the final regulation to implement the Virginia Independence Program, Transitional Employment and Training Services, at their December 13, 2000 meeting.

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

Pursuant to §63.1-25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of all assistance programs. These regulations are necessary for the state to regulate its state TANF program.

The 1999 Virginia Acts of Assembly (399.G, page 341) gives the authority to provide up to one year of transitional employment and training services, if needed, to former VIEW clients that were not sanctioned under VIEW at the time their TANF case closed. These regulations are needed for the purpose of implementing the law in those areas.

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation. The proposed regulation does comport with the applicable state law.

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.

The regulation is essential in order to provide one year of transitional employment and training services to VIEW participants if needed and if participants qualify for services. These participants will be former VIEW clients that were not sanctioned under VIEW at the time their TANF case closed.

Local agencies have reported that VIEW participants, who have left at the end of twenty-four months, though employed, are employed in low wage employment. These participants still need further assistance to maintain employment and also to obtain employment at higher wages that will allow self-sufficiency. The transitional employment and training services that this regulation provides will enable localities to provide these services to the participant who has left the VIEW program after twenty-four months.

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 VIP regulation will require that transitional employment and training services will be accessible, if needed, to VIEW participants whose twenty-four months have ended and VIEW participants whose cases were not sanctioned at case closure (22 VAC 40-35-90). The regulation will define Transitional Support Services (22 VAC 40-35-10).

Also, the regulation will list time frames that the program is to last for participants. All activities in transitional employment and training services will be approved by a caseworker. Individuals will not be enrolled in an activity that cannot be completed within twelve months. The case-worker will supervise the participants to ensure satisfactory progress in the activity (22 VAC 40-35-90).

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.

This regulation is designed to allow agencies to extend support for employment and training services to VIEW participants who have come to the end of their 24 months of cash assistance. Even though they may be employed their employment may be in low wage jobs. The extension of supportive employment services can result in employment with higher wages that will lead to self-sufficiency.

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.

The Public Comment Period for the Proposed Regulation ended November 11, 2000. The comments received are:

Comment: One Commentor asked how could an additional year of providing additional employment services not impact local staff?

Response: The impact may not be felt by the local agencies because caseloads are decreasing. Workers are presently working with participants that are in the transitional period. All VIEW participants whose cases close at the end of 24-months or before 24-months may not request the extended services, just as all participants do not request or utilize the present transitional services. All participants in the transitional period do not request the same services at the same time.

Comment: One Commentor supported the proposed regulation.

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.

In 22 VAC 40-35-10, Definitions, the definition of Transitional Support Services is amended. In 22 VAC 40-35-90, Services is amended starting at D.1. through 7. These amendments explain what additional services this proposed regulation will provide.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

This regulation will provide the additional employment services assistance some parents will need to retain jobs and increase earnings. Parents with stable employment will be good role models for their children as the children see the increased self-esteem of parents who are succeeding in the workplace and providing for the needs of their family.

Parents who gain more marketable job skills that would allow them to enter into higher levels of employment will have larger amounts of disposable income available to the family and will be better able to provide for the long-term needs of family members. The increased income will allow the family to make different decisions that will affect their lives in a positive way, such as better housing choices and perhaps the ability to save some money for long term goals.

Marital and family commitments should be strengthened as a result of more stable employment and the career advancement services provided in this additional year of transitional employment services. The financial stress that often cause families in poverty to break up will be mitigated by enhancing the parent's ability to be successful in the world of employment.