

Unified Regulatory Plan for the Virginia Employment Commission for State Fiscal Year 2025

Prepared June 28, 2024

Agency Description

The Virginia Employment Commission (VEC) is responsible for the administration of the Commonwealth's unemployment compensation program. The commission adjudicates claims for unemployment compensation and collects the payroll tax imposed on employers for purposes of such compensation. It may determine whether employing units or services are subject to the Virginia Unemployment Compensation Act and approve election by certain noncovered employers to become subject to the Act; prescribe the frequency of employer reporting and taxes; require recordkeeping; inspect records; issue subpoenas; make refunds; assign tax rates; enter into reciprocal arrangements with other jurisdictions; and make regulations respecting payment of benefits, respecting claims hearing and appeals procedures, and otherwise to carry out the Act. Code of Virginia, Title 60.2. The VEC operates under the supervision of the Secretary of Labor.

Action/Stage or Guidance Document Forum ID (if available) Action 6434/Stage 10285	
Title of Proposed Regulatory Action or Guidance Document Amendment to the Required Records and Reports for Virginia Employers	
Brief Overview This is an amendment to an existing regulation. It will add a section to the records and reports employers are required to provide or keep. The change will add the requirement for employers to provide notification to workers at the time of separation of the availability of unemployment compensation. Under federal law and US DOL guidelines, the VEC is required to make this a requirement for employers.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input checked="" type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input type="checkbox"/> Discretionary Action
Deregulatory Component	
Expected Date	July 4, 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-60-10. Total and part-total unemployment.	
Brief Overview	
VEC will initiate removal of obsolete language and outdated policies that no longer apply to the agency/department. 16VAC5-60-10	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Removal of language eliminates unnecessary burden on regulants and the agency therefore reducing regulatory requirements and agency inability to comply. Also removes language that is already governed by state statute.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-60-20. Partial Unemployment	
Brief Overview	
VEC will initiate consolidation of duplicative language and removal of obsolete language and outdated policies that no longer apply to the agency/department. The language refers to procedures that are no longer in place and/or specific forms that are no longer in use and updates the names of current forms. 16VAC5-60-20.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Removal of language eliminates unnecessary burden on regulants and the agency therefore reducing regulatory requirements and agency inability to comply.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-60-30. Disposition of benefit check payable to deceased claimant.	
Brief Overview	
VEC will initiate removal of unnecessary language to reduce regulations. 16VAC5-60-30.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Removal of language eliminates unnecessary regulation.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Repeal 16VAC5-60-40. Commission approval of training other than that under § 134 of the Workforce Innovation and Opportunity Act or §2296 of the Trade Act.	
Brief Overview	
VEC will initiate removal of a regulation that is duplicative of services offered under WIOA (federal statute), which is less burdensome and contains less regulation. 16VAC5-60-40.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Removal of language eliminates duplicative and unnecessary regulation as it is already regulated under WIOA.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-70-10. Cooperative Agreement.	
Brief Overview	
VEC will initiate removal of duplicative language and topics that are already codified under IRORA (federal statute). Duplicative language stated in prior regulations will also be removed from this section. The removal will eliminate the Agency’s attempted regulation of other states & Canada, which cannot be done. 16VAC5-70-10.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Removal of language eliminates unnecessary regulation as the topic is already covered under federal law (IRORA). Additionally, the Agency cannot regulate another state or Canada.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-80-10. Deputy’s determinations or decisions.	
Brief Overview	
VEC will initiate removal of regulatory language, regarding promptness and timeliness, that is already codified under state law and federally regulated by US DOL. VEC will also add language (one word) to allow usage of an online portal. 16VAC5-80-10.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Removal of language eliminates unnecessary regulation as the topic is already covered under state law or is federally regulated by US DOL.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-80-20. First level appeals.	
Brief Overview	
<p>VEC will update language regarding Virginia Works offices due to the agency splitting & the new agency (DWDA/Virginia Works) being created, as well as updated statutory language. Language will also be removed to be up to date with current FLA practices as well as modern technology usage. Duplicative language will be removed.</p> <p>A subsection will be added to allow Appeals Examiners to close out hearing and issue a decision upon non-appearance of an appellant.</p> <p>16VAC5-80-20.</p>	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Discretionary Action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	Fewer requirements on claimants when filing appeals at both First and Commission Level Appeals.
Expected Date	July 2024

Action/Stage or Guidance Document Forum ID (if available)	
Not Available – Anticipated Action	
Title of Proposed Regulatory Action or Guidance Document	
Amend 16VAC5-80-30. Commission review.	
Brief Overview	
VEC will update language regarding Virginia Works offices due to the agency splitting & the new agency (DWDVA/Virginia Works) being created. Language will also be removed and revised to be up to date with current FLA practices as well as modern technology usage. 16VAC5-80-30.	
Regulatory Stage (check one box)	<input checked="" type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary Action
Deregulatory Component	Fewer requirements on claimants when filing appeals at both First and Commission Level Appeals. Less ambiguity in remaining requirements.
Expected Date	July 2024

Guidance Document Changes Underway

Action/Stage or Guidance Document Forum ID (if available) Public Comment Period – Forum ID:2428	
Title of Proposed Regulatory Action or Guidance Document Guide to Effective Unemployment Insurance Adjudication	
Brief Overview Repeal the Guidance Documents VEC-01-04 as they do not meet the definition of a guidance document because they are all concerning internal agency procedures or are a list of court decisions. They do not meet the criteria under Code of VA § 2.2-4101.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary Action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	Complete removal of the guidance document to eliminate outdated and non-relevant guidance documents.
Expected Date	7/18/2024

Action/Stage or Guidance Document Forum ID (if available) Public Comment Period – Forum ID:2428	
Title of Proposed Regulatory Action or Guidance Document Precedent Decision Manual	
Brief Overview Repeal the Guidance Documents VEC-01-04 as they do not meet the definition of a guidance document because they are all concerning internal agency procedures or are a list of court decisions. They do not meet the criteria under Code of VA § 2.2-4101.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary Action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	Complete removal of the guidance document to eliminate outdated and non-relevant guidance documents.
Expected Date	7/18/2024

Action/Stage or Guidance Document Forum ID (if available) Public Comment Period – Forum ID:2428	
Title of Proposed Regulatory Action or Guidance Document Precedent Decision Manual Supplement	
Brief Overview Repeal the Guidance Documents VEC-01-04 as they do not meet the definition of a guidance document because they are all concerning internal agency procedures or are a list of court decisions. They do not meet the criteria under Code of VA § 2.2-4101.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary Action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	Complete removal of the guidance document to eliminate outdated and non-relevant guidance documents.
Expected Date	7/18/2024

Action/Stage or Guidance Document Forum ID (if available) Public Comment Period – Forum ID:2428	
Title of Proposed Regulatory Action or Guidance Document Employer as Claimant Interoffice Communication	
Brief Overview Repeal the Guidance Documents VEC-01-04 as they do not meet the definition of a guidance document because they are all concerning internal agency procedures or are a list of court decisions. They do not meet the criteria under Code of VA § 2.2-4101.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed <input type="checkbox"/> Final <input type="checkbox"/> Emergency or Emergency/NOIRA <input type="checkbox"/> Revised Proposed <input type="checkbox"/> Fast-Track
Additional Description	<input type="checkbox"/> Expedited Review Requested <input type="checkbox"/> Exempt Action <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input type="checkbox"/> Discretionary Action <input checked="" type="checkbox"/> Action required by state statute
Deregulatory Component	Complete removal of the guidance document to eliminate outdated and non-relevant guidance documents.
Expected Date	7/18/2024