



VIRGINIA

REGISTER OF REGULATIONS

Preparing and Filing Guidance Document Lists for Publication in The Virginia Register of Regulations

(Revised November 2013)

I. Basis and applicability.

Sections [2.2-4008](#) and [2.2-4103](#) of the Code of Virginia require agencies, on or before January 1, to annually file with the Registrar of Regulations a list of guidance documents upon which the agency currently relies. These lists are published in the *Virginia Register of Regulations* and are available on the Internet at <http://register.dls.virginia.gov/guidancedocs.aspx>.

An agency may be subject to filing the guidance document list even when it has no regulations if the agency or staff has developed a document that interprets or implements statutes or otherwise meets the definition of guidance document in §§ [2.2-4001](#) and [2.2-4101](#).

II. Identify your guidance documents.

Evaluate documents within your agency and determine which ones, if any, are guidance documents. Check with your legal counsel to determine whether a document meets the statutory definition of a guidance document.

Do not list regulations; regulations are not guidance documents. If a document has been assigned a VAC number and adopted through the appropriate regulatory process, do not include it on the list.

If you decide that your agency has no guidance documents, no further action is necessary.

III. Prepare and file the guidance document list.

A. Virginia Regulatory Town Hall users. If your agency uploads its guidance documents on the Virginia Regulatory Town Hall (Town Hall), the Town Hall will automatically create your annual guidance document list and send it to the Registrar's office. For complete instructions go to <http://townhall.virginia.gov/um/guidancedocuments.cfm> or call Melanie West, Department of Planning and Budget, (804) 786-8812.

NOTE: If your agency guidance documents are NOT uploaded or updated on the Town Hall by December 31, or if you want the Registrar's office to use a list other than the one generated by the Town Hall, follow the Non-Town Hall users preparation and filing instructions in subdivision B 1 (first time filing list), B 2 (previously filed list), or B 3 (no change to list), as applicable. When you file the list, indicate in your email that the emailed list is intended to replace the Town Hall-generated list.

B. Non-Town Hall users.

1. Prepare a list for the first time.

Information to include in list:

- a. Name of agency.
- b. Introductory paragraph: Provide the following information in narrative form:
 - Location for viewing copies of the documents.
 - Name, address, telephone number, fax number, and email address of the staff person to contact for obtaining copies.
 - Any costs associated with obtaining copies. If there is no charge, indicate that copies may be obtained free of charge. If the cost varies depending on the document, indicate the cost of the document as explained in subdivision 1 c below.
 - Name, address, telephone number, fax number, and email address of the staff person to contact for asking interpretive or implementation questions.

EXAMPLE INTRODUCTORY PARAGRAPH

Copies of the following documents may be viewed on regular work days between the hours of 8 a.m. and 4:30 p.m. in the office of the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Terri Edwards at the same address, telephone (804) 786-3591, FAX (804) 692-0625 or email tedwards@dls.virginia.gov. The documents are also available on the Internet at the links shown on the document list below.

Questions regarding interpretation or implementation of these documents may be directed to Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or email jchaffin@dls.virginia.gov.

- c. Document list: After the introductory paragraph, include the following information. Do not use tabs or tables to format the guidance document list.
 - Document number, if any.
 - Document title.
 - Internet address where the document can be viewed, if available.
 - Date issued or, if revised, most recent revised date (e.g., revised June 2005).
 - Code of Virginia citation that the document interprets or implements (e.g., § 62.1-44.15), if any.
 - Virginia Administrative Code (VAC) chapter number of the regulations that the document interprets or implements (e.g., 9VAC25-31), if any.
 - Cost of document if the cost could not be specified in the introductory paragraph. If the charge is per page, indicate the number of pages of the document.

EXAMPLE DOCUMENT LIST

Guidance Documents:

Form, Style and Procedure Manual for the Publication of Virginia Regulations
(http://register.dls.virginia.gov/documents/agency_resources/stylemanual.pdf), revised 2008, § 2.2-4104

Preparing and Filing Guidance Document Lists
(http://register.dls.virginia.gov/documents/agency_resources/guidance_doc_instructions.pdf), revised November 2011, §§ 2.2-4008 and 2.2-4103

2. Update last year's list. If your agency filed a guidance document list last year, download your agency's guidance document list from the Virginia Register Guidance Document website. NOTE: If your agency is not listed on our website, we do not have a record of receiving your guidance document list last year.

- a. Go to the guidance document webpage at <http://register.dls.virginia.gov/guidancedocs.aspx>.

- b. From the dropdown menu, select the agency name. The guidance document list should appear below the horizontal bar under the dropdown menu.
- c. Highlight the document beginning with the agency name through the end of the document. Do not highlight anything above the horizontal bar. (Highlight tip: (i) Double click your cursor on the first word of the agency heading. (ii) Press the "shift" key and the "end" key at the same time to take you to the end of the list. (iii) Position the cursor/arrow after the last word in the document and press the "shift" key and the left mouse button at the same time.)
- d. Copy and paste the text into a new Microsoft Word document
- e. Update the document as needed
 - Be sure all Internet addresses or hyperlinks are working correctly.
 - It is not necessary to use strikes/underscores to show changes.

For assistance with accessing documents from our website, contact Rhonda Dyer at 804-786-3591 ext. 272 or email rdyer@dls.virginia.gov.

3. No changes to list. If there are no changes from the guidance document list filed last year, send an email to VARegs@dls.virginia.gov stating that the list is identical to last year's filing. Once you notify us that your agency's guidance document list has not changed from the list filed last year, Virginia Register staff will use last year's list for publication purposes.

IV. Other considerations.

A. Case decisions. List case decisions only if the agency intends for the case decision to have general applicability.

B. Classifying documents. Classes of documents, such as interpretive memos, rulings, or decisions having general applicability, that are frequently updated and compiled at intervals not exceeding three months may be categorized by subject and listed once. The list should set forth a general description of the subject matter contained in the documents and the procedure for obtaining the documents. In place of an issue date or a revised date, state how often the documents are updated (e.g., updated weekly, monthly, every two months, etc.), or list a range of dates.

V. Filing with the Registrar's office.

A. Town Hall users. The Town Hall will automatically generate and file your guidance document list with the Registrar's office on or about December 31.

Follow the filing instructions in subsection B below only if your agency has not uploaded or updated its current guidance documents on the Town Hall or if other circumstances prevent you from using the Town Hall.

B. Non-Town Hall users. To file the list, email the list to the Registrar's office as follows:

- Send the email to: VARegs@dls.virginia.gov.
- In the Subject line, type: Guidance Document – [agency name].
- In the body of the email, insert the following language:
“Attached is the guidance document list from the [agency name]. Please address any questions concerning the attached list to [contact name] at [telephone number] or [email address].”
- If you are a Town Hall user and have not updated or uploaded your current guidance documents on the Town Hall or other circumstances prevent you from using the Town Hall, tell us in your cover email to use the attached list in place of the list generated by the Town Hall.
- Attach the list to the email and send to VARegs@dls.virginia.gov.

B. If you want us to acknowledge receipt of your list, make this request in your email message.

C. Guidance document lists not meeting these guidelines may be returned to the agency to be corrected and filed again with the Registrar's office for later publication.

VI. Publication.

A. The Registrar will publish the list in the Guidance Documents section of the Virginia Register. The Registrar generally publishes all guidance document lists together in a single issue of the Register in February or March.

B. The guidance document introductory paragraph and list will be posted on the Virginia Register website at <http://register.dls.virginia.gov/guidancedocs.aspx>. Recognizing that changes are made to these lists on an ongoing basis throughout the year, a disclaimer will be posted that refers the user to the appropriate agency for the most up-to-date information.