



VIRGINIA

REGISTER OF REGULATIONS

PREPARING AND FILING GUIDANCE DOCUMENT LISTS FOR PUBLICATION IN THE VIRGINIA REGISTER OF REGULATIONS

Revised January 2020

STATUTORY REQUIREMENT TO FILE

Yearly on or before January 1, agencies must file with the Office of the Registrar of Regulations a list of guidance documents the agency uses (§ 2.2-4103.1 of the Code of Virginia). These lists are published in the Virginia Register of Regulations and are available online 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 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](#) of the Code of Virginia.

IDENTIFY AGENCY GUIDANCE DOCUMENTS

A. Evaluate agency documents and determine which ones may be guidance documents. Check with agency legal counsel to determine whether a document meets the statutory definition of a guidance document.

B. 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.

C. Only list case decisions if the agency intends for the case decision to have general applicability.

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 and include a general description of the subject matter contained in the documents and how often the documents are updated (e.g., updated weekly, monthly, every two months) or list a range of dates.

PREPARE THE GUIDANCE DOCUMENT LIST

A. Option 1 - Preparing a list for the first time.

- ✓ The agency has guidance documents (No guidance documents? See next section.) and
- ✓ The agency needs to create a list for the first time (i.e., has "changes" since last year. See next section.).

Include the following information:

- Name of agency.
- Agency information.

Copy this template, paste it into a document, and fill in all agency information.

Copies of the following documents may be viewed on regular work days between the hours of ____ a.m. and ____ p.m. in the office of [agency name], [agency physical address]. Copies may be obtained free of charge [or insert charge] by contacting [contact name] at the same address, [telephone], or [email]. The documents are also available using the links shown or at [insert agency website].

Questions regarding interpretation or implementation of these documents may be directed to [contact name, title], [mailing address], [telephone], or [email].

If the staff contact varies depending on the document, group documents per contact name, and add name, address, telephone number, and email address for each document or group of documents.

- Document list. Do not use tabs or tables to format the guidance document list. Each document on the list should have a number, title, hyperlink (preferably behind the title), issued or revised date, Code of Virginia or VAC citation (if the document interprets or implements a COV or VAC section), and cost if the cost varies from the general cost listed in the introductory agency information.

B. Option 2 - Updating a guidance document list.

- ✓ The agency has guidance documents and
- ✓ The agency list needs updating since the previous year.
- Download the current list.

- 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. Beginning with the agency name highlight the document text through the end of the document. Do not highlight anything above the horizontal bar.
 - d. Copy the text and paste it into a new Microsoft Word document.
- Update the list as needed. Do not use strikes or underscores to show changes and add the hyperlink behind the document title or the website to the agency guidance document page at the beginning of the list

For assistance with accessing documents from the Register website, contact Rhonda Dyer at 804-698-1882 or email rdyer@dls.virginia.gov.

Be sure all Internet addresses or hyperlinks are working correctly and updated to point to the correct document. The guidance document list will be returned if hyperlinks are not working correctly or if the list does not meet these guidelines.

FILE THE GUIDANCE DOCUMENT LIST

A. Option 1 to meet the annual statutory requirement by filing a list through Virginia Regulatory Town Hall:

1. Log in to Town Hall and select "My Guidance Documents" from the Agency Functions drop down list on the left side of the page near the top.
2. Review introductory paragraph - Once the list of guidance documents appears, click on "Edit Guidance Document Introduction" link to review and update this paragraph; check that the contact information and other information in the introductory paragraph are correct.
3. Review guidance documents - Delete documents no longer used, upload new documents, and correct document titles. Capitalize the first letter of each word in the document title as appropriate; do not use all caps in document titles.
- 4. Be sure all Internet addresses or hyperlinks are working correctly. The guidance document list will be returned if hyperlinks do not work.**
5. Submit to Registrar's Office - Click the "Submit" button at the bottom of the page to officially file the agency's guidance document list with the Registrar's Office.

Any agency with a Town Hall account can use Town Hall to maintain its guidance document list. For a Town Hall account, or for further information about Town Hall, please contact Melanie West at the Department of Planning and Budget.

B. Option 2 to meet the annual statutory requirement by filing a list via email to the Registrar's Office:

1. Either update last year's list or create a new list as described in these instructions.
2. Email the list to the Registrar's office to: VARegs@dls.virginia.gov.
 - In the Subject line, type: Guidance Document – [insert 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]."
 - Attach the list to the email and send before January 1, 2021.
3. Upon request, the Registrar's Office will acknowledge receipt of an agency list. Make this request in the email accompanying the list.

C. Option 3 to meet the annual statutory requirement by declaring that no change has been made:

If after reviewing last year's list, the determination is made that no change needs to be made to the list that was filed last year, email VARegs@dls.virginia.gov.

- In the Subject line, type: Guidance Document – [insert agency name].
- In the body of the email, insert the following language:
"Upon review, the guidance document list from the [agency name] remains unchanged from the 2018 filing. Please use that list for publication purposes. Address any questions to [contact name] at [telephone number] or [email address]."
- Send the email before January 1, 2021.

D. Option 4 to meet the annual statutory requirement by declaring that the agency has no guidance documents:

If a determination is made that the agency has no guidance documents, email VARegs@dls.virginia.gov.

- In the Subject line, type: Guidance Document – [insert agency name].

- In the body of the email, insert the following language:
“The [agency name] currently has no guidance documents. Address any questions to [contact name] at [telephone number] or [email address].”
- Send the email before January 1, 2021.

PUBLICATION

A. The Registrar's Office will publish each agency list in the Guidance Documents section of the Virginia Register in February or March.

B. The guidance document introductory paragraph and list will also 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 is posted that refers the user to the appropriate agency for the most up-to-date information.