

Adverse impact notification sent to Joint Commission on Administrative Rules, House Committee on Appropriations, and Senate Committee on Finance (COV § 2.2-4007.04.C): Yes Not Needed

If/when this economic impact analysis (EIA) is published in the *Virginia Register of Regulations*, notification will be sent to each member of the General Assembly (COV § 2.2-4007.04.B).



Virginia Department of Planning and Budget Economic Impact Analysis

6 VAC 20-60 – Rules Relating to Compulsory Minimum Training Standards for Dispatchers

Department of Criminal Justice Services

Town Hall Action/Stage: 4525/7808

March 30, 2017

Summary of the Proposed Amendments to Regulation

The Criminal Justice Services Board (Board) proposes to amend its regulation that governs training for dispatchers¹ to 1) update definitions and other regulatory text to make the regulation easier to read and understand, 2) specify that all dispatchers who receive a time requirement extension must complete their training before they take on or resume their job duties, 3) allow the Department of Criminal Justice Services (DCJS) the authority to suspend specific training modules and suspend training academies that are not meeting standards and 4) set a minimum passing score of seventy percent on all training standard tests.

Result of Analysis

Benefits likely outweigh costs for all proposed changes.

Estimated Economic Impact

Most of the regulatory changes proposed by the Board do not change any substantive requirement or duty for any entity but, instead, are aimed at making the regulatory text easier to read and understand. Changes to the definitions in the regulation, as well as language that directs interested parties to the dispatchers' training manual on DCJS's website, fall into this category of

¹ Dispatchers are individuals who work for any local or state government agency and whose duties include dispatching law enforcement personnel.

change. No affected entity is likely to incur costs on account of changes such as these. To the extent that the current regulation contains outdated definitions, or might be otherwise confusing or opaque, these changes will benefit readers by making the regulation more easily understood.

In addition to these clarifying changes, the Board proposes three substantive changes to this regulation.

Current regulation requires that dispatchers complete their training within 24 months of the date they are appointed as a dispatcher but also contains a list of valid reasons for which they may receive an extension of that time limit. Valid reasons for receiving an extension include: a) illness, b) injury, c) military service, d) special duty assignment required and performed in the public interest, e) administrative leave for worker's compensation, disability retirement issues or suspension pending investigation or adjudication of a crime and f) any other specific reason documented by the agency administrator². Current regulation specifies that individuals granted an extension under a) through e) must complete their training before resuming their duties but f) was inadvertently excluded. The Board now proposes to also require that individuals granted an extension under f) must also complete their training before resuming their duties.

Board staff reports that the Board is making this change to make the process for all extensions consistent. Board staff also reports that they have no specific information that would indicate that state and local agencies are not already requiring individuals granted an extension under f) to complete training before resuming their duties. If any agency has been treating extensions received under f) as an exemption to the general rule, this proposed change would likely result in delays in returning dispatchers to their duties after the reason for the extension has resolved itself. Regulated entities will benefit from this change as it will allow them greater clarity as to what training needs to happen and when. The public will also benefit as this change will help insure that dispatchers get their required training in a more timely fashion. Benefits likely exceed costs for this proposed change.

Current regulation allows DCJS to suspend or revoke approval of any training academy that is noncompliant or deficient but only allows DCJS the power to suspend or revoke approval for the whole academy. The Board now proposes to also allow DCJS to also just suspend or

² An agency administrator is "any chief of police, sheriff, or agency head of a state or local law-enforcement agency or nonlaw-enforcement head of a communications center."

revoke individual training modules. Board staff reports that from time to time law changes, court decisions or changes in best practices will make the curriculum of individual training modules obsolete or even erroneous. Right now, DCJS has no way to address this other than to suspend or revoke approval for the entire training academy if it is teaching such a module. Board staff reports that the Board is proposing this change so that DCJS can address problematic training within an academy without adversely affecting the whole academy. This change will benefit academies by limiting suspension and revocations of their operations to only cover specific deficiencies. This change will also benefit dispatcher trainees as it will better forestall obsolete or erroneous training they might receive without impeding their ability to be trained in a timely fashion at all. Benefits likely exceed costs for this proposed change.

Current regulation requires that necessary training be satisfactorily completed but currently does not specify the tests scores that would constitute satisfactory completion. Board staff reports that individual training academies currently set minimum scores. Board staff further reports that DCJS does not know what those minimum scores are and that minimum scores may vary from academy to academy. The Board now proposes to require a minimum score of seventy percent on all tests but also allow academies to require higher passing scores. This change will likely have no effect on training academies that currently require scores of seventy percent or higher or their attendees. If any academies currently allow passing scores below seventy percent, some attendees may have to remediate their knowledge in classes that they failed and retake their tests. Student dispatchers, their employees and the public will likely benefit, however, from standardizing minimum scores so that dispatchers are competent to complete their job tasks.

Businesses and Entities Affected

These proposed regulatory changes will affect training academies, dispatchers and their employer agencies. Board staff reports that there are approximately 39 training academies, 43 communications centers and 372 law enforcement agencies in the Commonwealth.

Localities Particularly Affected

No locality should be particularly affected by these proposed regulatory changes.

Projected Impact on Employment

These proposed regulatory changes are unlikely to significantly affect employment in the Commonwealth.

Effects on the Use and Value of Private Property

These proposed regulatory changes are unlikely to affect the use or value of private property in the Commonwealth.

Real Estate Development Costs

These proposed regulatory changes are unlikely to affect real estate development costs in the Commonwealth.

Small Businesses:**Definition**

Pursuant to § 2.2-4007.04 of the Code of Virginia, small business is defined as “a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.”

Costs and Other Effects

These proposed regulatory changes are unlikely to affect any small business in the Commonwealth.

Alternative Method that Minimizes Adverse Impact

No small businesses will be adversely affected by these proposed regulatory changes.

Adverse Impacts:**Businesses:**

Businesses in the Commonwealth are unlikely to experience any adverse impacts on account of this proposed regulation.

Localities:

No localities are likely to incur costs on account of these proposed regulatory changes.

Other Entities:

These proposed regulatory changes are unlikely to adversely affect other entities in the Commonwealth.

Legal Mandates

General: The Department of Planning and Budget has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007.04 of the Code of Virginia (Code) and Executive Order Number 17 (2014). Code § 2.2-4007.04 requires that such economic impact analyses determine the public benefits and costs of the proposed amendments. Further the report should include but not be limited to: (1) the projected number of businesses or other entities to whom the proposed regulatory action would apply, (2) the identity of any localities and types of businesses or other entities particularly affected, (3) the projected number of persons and employment positions to be affected, (4) the projected costs to affected businesses or entities to implement or comply with the regulation, and (5) the impact on the use and value of private property.

Adverse impacts: Pursuant to Code § 2.2-4007.04(C): In the event this economic impact analysis reveals that the proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, the Department of Planning and Budget shall advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance within the 45-day period.

If the proposed regulatory action may have an adverse effect on small businesses, Code § 2.2-4007.04 requires that such economic impact analyses include: (1) an identification and estimate of the number of small businesses subject to the proposed regulation, (2) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the proposed regulation, including the type of professional skills necessary for preparing required reports and other documents, (3) a statement of the probable effect of the proposed regulation on affected small businesses, and (4) a description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation. Additionally, pursuant to Code § 2.2-4007.1, if there is a finding that a proposed regulation may have an adverse impact on small business, the Joint Commission on Administrative Rules shall be notified.

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