



COMMONWEALTH of VIRGINIA

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**MEMORANDUM**

**TO:** The Honorable Timothy M. Kaine, Governor of Virginia  
Members of the General Assembly

**FROM:** Claudia T. Farr, Director

**RE:** REPORT ON ADDRESSING THE IMPACT OF THE AGING OF THE  
POPULATION PURSUANT TO HOUSE BILL 110 OF THE 2006  
GENERAL ASSEMBLY

Pursuant to House Bill 110, passed by the Virginia General Assembly in the 2006 Session, the Department of Employment Dispute Resolution (EDR) submits this report of its progress for addressing the impact of the aging of the population.

## Preface

HB 110 (2006 Session), which amended Va. Code § 2.2-5510, requires that each state agency include in its strategic plan “*an analysis of the impact that the aging of the population will have on its ability to deliver services and a description of how the agency is responding to these changes.*” The bill provides further that “*(b)ased on guidance from the Secretary of Health and Human Resources, each agency shall report by October 1 of each year to the Governor and to the General Assembly its progress for addressing the impact of the aging of the population in at least five specific actions.*”

In accordance with this legislative mandate, agencies shall submit by October 1 of each year to the Governor and to the General Assembly, a report that includes, at a minimum, the following information:

1. To the extent such data is available, the number of persons who received services from the agency in the past fiscal year who fell into each of the following age ranges: 65-74; 75-84; and 85 and older.
2. Agency services that are utilized by senior citizens 65 and older in significant numbers.
3. Current agency programs, specifically designed to serve seniors 65 and older, that fall into any of the following six categories: Health Care/Wellness; Education; Public Safety; Recreation; Financial Security (including Housing); and Transportation.
4. The extent to which your agency provides “consumer-oriented” publications and websites online that are designed to be “senior-friendly.”
5. Any other services or programs that the agency has implemented or plans to implement in the future to address the impact of the aging of Virginia’s population.

This document is the Department of Employment Dispute Resolution (“EDR”) response to the HB 110 reporting requirement and was prepared by William G. Anderson, Jr.

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## **Executive Summary**

The Department of Employment Dispute Resolution (“EDR”) provides a comprehensive array of employment dispute resolution services to Commonwealth of Virginia employees, including senior employees. While not specifically tailored for senior employees, EDR offers a grievance procedure to most non-probationary classified employees, and a toll-free AdviceLine, training classes, and mediation services to all state workers. These services have been successfully used by older employees to address age-related workplace conflicts. Given the increase in average age of state workers and their tendency to postpone retirement, EDR anticipates that demand will increase for EDR-administered programs to address age-related work issues, such as age or disability discrimination. EDR will continue to promote awareness of EDR services among all state employees, including senior employees.

# Report

## *Overview of EDR Services*

The Department of Employment Dispute Resolution (“EDR”) provides a comprehensive array of employment dispute resolution services to Commonwealth of Virginia employees, including senior employees. To assist state workers in resolving workplace disputes, EDR offers a grievance procedure to most non-probationary classified employees, and a toll-free AdviceLine, training classes, and mediation services to all state workers. EDR does not offer any services exclusively to senior employees. However, while EDR services are not specifically tailored for seniors, older state employees are nevertheless urged to avail themselves of EDR’s dispute resolution services when confronted with workplace conflict, and have successfully done so. For example, two older state employees, who believed that they had been discriminated against on the basis of their age when not selected for a position, utilized the EDR administered grievance procedure to challenge their non-selections. Finding in these two cases that the agencies had improperly considered the grievants’ age in the selection decision, the hearing officer ordered the agencies to repeat the selection process without considering age.

## *Anticipated Demand for EDR Services Related to the Aging Workforce Population*

According to a 2006 Joint Legislative Audit and Review Commission study entitled “Impact of an Aging State Workforce,” House Bill No. 31, <http://leg2.state.va.us/dls/h&sdocs.nsf/5c7ff392dd0ce64d85256ec400674ecb/74bc5f4865868de3852571010072668d?OpenDocument&Highlight=0,aging> (“JLARC report”), the Commonwealth’s workforce is aging. The average age of a state employee in 1991 was 41, but by 2005 the average age had increased to 46.<sup>1</sup> In addition, the JLARC report finds that less than one-fourth of the employees eligible for an unreduced benefit actually retire annually.<sup>2</sup> The JLARC report further notes that of state employees who responded to JLARC’s survey, 74% indicated that they did not plan to retire once they were eligible for full retirement benefits.<sup>3</sup> Notwithstanding the probability that many eligible employees will postpone retirement, the JLARC report anticipates a modest increase over the next ten years in the annual rate of retirement from about two percent to about three percent.<sup>4</sup> Finally, the JLARC report notes that the average age of state employees is approximately five years older than the Department of Labor’s median age of 40 for all industry sectors, resulting in the state experiencing a higher rate of disability claims than other employers.<sup>5</sup>

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<sup>1</sup> JLARC Report, p. 1.

<sup>2</sup> Id. at 4.

<sup>3</sup> Id. at 7.

<sup>4</sup> Id. at ii (report summary).

<sup>5</sup> Id. at 50.

Given the overall aging of the Commonwealth’s workforce, EDR anticipates that demand will likely increase for EDR-administered programs to address age-related work issues, such as age or disability discrimination. In addition, EDR anticipates that succession planning and training will continue to be important because of the predicted modest increase in retirements. The JLARC report notes that “[s]upervisory and management skills are critical skills, both for retaining employees and for enabling them to move into more senior level positions.”<sup>6</sup> EDR offers various training courses, including a workplace conflict management skills class that trains state employees in one of the core competencies of the Department of Human Resource Management (“DHRM”) Managing Virginia Program (“MVP”), an initiative designed to “provide comprehensive management and leadership training to all state supervisors and managers.”<sup>7</sup>

### *Mandated Report Data*

Listed below is the information required by HB 110.

1. To the extent such data is available, the number of persons who received services from the agency in the past fiscal year who fell into each of the following age ranges: 65-74; 75-84; and 85 and older. If the agency can provide data that compares such numbers to numbers of senior citizens served in the past, please do so. If the agency lacks specific information about the numbers of senior citizens it serves, but has other evidence indicating that it is serving more or fewer senior citizens than it has in the past, please describe the basis for that estimation.

*EDR does not track the ages of state employees who utilize EDR services. However, as explained in the Overview section, EDR services are used by state employees to resolve all manner of workplace conflicts, including age-related workplace disputes.*

2. Identify the agency services that are utilized by senior citizens 65 and older in significant numbers. Indicate whether the agency has the capacity at present to serve all interested seniors or whether the demand for certain services exceeds the agency’s capacity. If so, does the agency maintain waiting lists for services?

*Because EDR does not track the ages of state employees who utilize EDR services, it is difficult to estimate which programs are used in significant numbers by seniors. However, EDR is able to serve senior state employees as fully as any other age group of state workers.*

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<sup>6</sup> Id. at 23.

<sup>7</sup> Quoted purpose of MVP from DHRM website. <http://www.dhrm.virginia.gov/training/mvpooverview.html>

3. Identify current agency programs, specifically designed to serve seniors 65 and older, that fall into any of the following six categories: Health Care/Wellness; Education; Public Safety; Recreation; Financial Security (including Housing); and Transportation.

*EDR does not offer any programs specifically tailored for senior employees. However, EDR's mediation program and workplace conflict class are several of the EDR tools that enhance workplace wellness for all employees, including seniors. In addition, other EDR classes covering topics such as the grievance procedure and the appropriate use of discipline play critical roles in retention and succession planning by fostering the development of sound management practices.*

4. Identify the extent to which your agency provides "consumer-oriented" publications and websites online that are designed to be "senior-friendly." If the information you currently provide is not readily accessible to seniors, identify any steps your agency is taking to improve accessibility.

*EDR does not provide any publications that are specifically designed to be senior-friendly. However, EDR has attempted to make all publications accessible to all state employees by posting them on the EDR web site at <http://www.edr.virginia.gov>. Employees without access to the Internet may call EDR's toll-free number 1-888 23-ADVICE to request mailed copies of EDR publications.*

5. Describe any other services or programs that the agency has implemented or plans to implement in the future to address the impact of the aging of Virginia's population.

*EDR is developing a pilot coaching program that assists managers and other employees in developing personal conflict resolution skills. It is anticipated that workplace diversity issues, including age-related issues, may be addressed through the pilot coaching program. In addition, EDR continues to promote awareness of EDR services among all state employees, including senior employees. For example, EDR recently posted on its website a "Know Your Workplace Rights" notice, for agencies to conspicuously post in order to raise awareness of available EDR programs and services.*

## Appendix

### CHAPTER 54

*An Act to amend and reenact § [2.2-5510](#) of the Code of Virginia, relating to the effect of the aging population on state agencies.*

[H 110]

Approved March 7, 2006

Be it enacted by the General Assembly of Virginia:

1. That § [2.2-5510](#) of the Code of Virginia is amended and reenacted as follows:

§ [2.2-5510](#). (Expires July 1, 2008) Strategic plan.

A. Each agency shall develop and maintain a strategic plan for its operations. The plan shall include:

1. A statement of the mission, goals, strategies, and performance measures of the agency that are linked into the performance management system directed by long-term objectives;

2. Identification of priority and other service populations under current law and how those populations are expected to change within the time period of the plan; ~~and~~

3. An analysis of any likely or expected changes in the services provided by the agency; *and*

*4. An analysis of the impact that the aging of the population will have on its ability to deliver services and a description of how the agency is responding to these changes. Based on guidance from the Secretary of Health and Human Resources, each agency shall report by October 1 of each year to the Governor and to the General Assembly its progress for addressing the impact of the aging of the population in at least five specific actions.*

B. Strategic plans shall also include the following information:

1. Input, output, and outcome measures for the agency;

2. A description of the use of current agency resources in meeting current needs and expected future needs, and additional resources that may be necessary to meet future needs; and

3. A description of the activities of the agency that have received either a lesser priority or have been eliminated from the agency's mission or work plan over the previous year because of changing needs, conditions, focus, or mission.



C. The strategic plan shall cover a period of at least two years forward from the fiscal year in which it is submitted and shall be reviewed by the agency annually.

D. Each agency shall post its strategic plan on the Internet.