



Ohio Administrative Code

Rule 123:5-3-02 Certification of a community rehabilitation program.

Effective: July 17, 2014

(A) Any community rehabilitation program seeking certification as a qualified nonprofit agency pursuant to section 125.604 of the Revised Code, shall apply to the administrator of the office. The community rehabilitation program shall make the application on a form provided by and in a manner prescribed by the office.

(B) To qualify for certification the community rehabilitation program must provide the administrator with the following:

(1) A completed application with the duly notarized signature of its chief executive officer;

(2) A copy of its mission statement and by-laws which document its purpose as providing employment and training opportunities for people with disabilities;

(3) A legible copy of certification by the Ohio secretary of state indicating that the community rehabilitation program is a nonprofit corporation according to Chapter 1702. of the Revised Code;

(4) A legible copy of a letter of determination issued by the United States internal revenue service indicating the community rehabilitation program's status as a tax exempt entity;

(5) A legible copy of a current, valid certificate issued to the community rehabilitation program by the United States government, department of labor, wage and hour division, permitting the payment of wages that are commensurate to the productivity of an individual with a work limiting disability if applicable;

(6) A statement of assurance, with the duly notarized signature of its chief executive officer, of current and ongoing compliance with all applicable occupations health and safety laws, rules, standards, and codes promulgated by the federal government and this state;



(7) A statement of assurance, with the duly notarized signature of its chief executive officer, that the annual total of all direct labor furnished by the community rehabilitation program in the manufacture of goods and provisions of services whether or not related to the federal or state government set aside programs, is at a quota of not less than seventy five per cent provided by persons with work limiting disabilities as defined by section 125.60 of the Revised Code. It also must verify that:

(a) Direct labor provided at any work site that is separate from the community rehabilitation program's primary address, and is performed between the hours of seven a.m. and eleven p.m. must be at a cumulative annual quota of not less than sixty per cent provided by persons with work limiting disabilities.

(b) Direct labor provided at any work site that is separate from the community rehabilitation program's address, and is performed between the hours of one minute after eleven p.m. and six fifty-nine a.m. is exempt from consideration when computing compliance to the specific work site quota, or the cumulative annual quota requirements regarding the provision of labor by persons with work limiting disabilities.

(c) Direct labor provided at any work site that is separate from the community rehabilitation program's primary address, and is performed during the first sixty days of a newly awarded contract is exempt from consideration when computing the compliance to individual site quota requirements of provision of labor by persons with work limiting disabilities as defined by section 125.60 of the Revised Code.

(C) Upon receipt, review and approval of the application and other required documentation, the administrator shall certify a community rehabilitation program as a qualified nonprofit agency. A certification may be issued for a period of three years.

(D) A community rehabilitation program may renew its certification by submitting a renewal application up to ninety days prior to expiration of its current certification on a form and in a manner prescribed by the office. Failure to apply for recertification in a timely manner may result in the denial of recertification and the community rehabilitation program must submit a new application.

(E) The administrator shall inform each community rehabilitation program of a decision of



certification or recertification, in writing. If the administrator determines that a community rehabilitation program did not adequately demonstrate that the program met the certification requirements as set forth in this section, the administrator shall state the basis for the decision in writing to the affected community rehabilitation program.

(F) The administrator may suspend or revoke a current certification, or deny renewal of a community rehabilitation program's certification as a qualified nonprofit agency, if any of the following circumstances occur:

(1) The community rehabilitation program no longer meets the criteria set forth in this section, and in sections 125.60 to 125.6012 of the Revised Code;

(2) The administrator determines that the community rehabilitation program is not adequately performing its responsibilities pursuant to all applicable contract terms;

(3) The community rehabilitation program fails to timely provide the office with any reports required pursuant to rules 123:5-3-04 and 123:5-3-05 of the Administrative Code;

(4) The administrator determines that suspension, revocation or denial is in the best interest of the state. Such reasons include, but are not limited to, findings of business fraud and business debarment by the federal government, or debarment by Ohio or any other state;

(5) The community rehabilitation program fails to satisfactorily respond to or cure all complaints to vendor filed by a government ordering office; or

(6) The community rehabilitation program intentionally misrepresented material facts in the application or recertification process.

(G) Suspension or revocation of certification as a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 of the Revised Code, may cause the immediate cancellations of all contracts or agreements to purchase products or services from the community rehabilitation program.

(H) The administrator's determinations concerning certification are final.