



Ohio Administrative Code

Rule 3304:1-21-10 Operator performance improvement.

Effective: February 18, 2022

(A) BE with participation of the local selection panel shall place an operator on a performance improvement plan where there is a pattern of evidence demonstrating that an operator has violated the provisions of Chapter 3304:1-21 of the Administrative Code. The performance improvement plan, and any amendments, shall:

- (1) Be drafted with participation from the local selection panel;
- (2) State the violation(s) to be cured and the timeframe to cure the violation(s); and
- (3) Be provided to the operator in writing and in accessible format.

(B) The local selection panel will evaluate whether the operator cured the violation(s) within the designated time frame. The local selection panel shall be provided all available requested information to assist with making the evaluation.

- (1) The local selection panel will determine, by majority vote, whether or not the term(s) of the performance improvement plan have been satisfied, or whether to extend the timeframe to cure the violation(s).
- (2) If the local selection panel determines that the operator does not cure the violation(s) within the timeframe, the BSVI director may terminate the operator's BOA as noted in rule 3304:1-21-06 of the Administrative Code.

(C) An OVRC member shall not participate in the local selection panel or an OVRC active participation session concerning the performance improvement plan if the member has a personal interest or conflict of interest in relation to the operator or facility or site. A local selection panel member or OVRC member is prohibited from the first opportunity to bid on the facility or site, or temporarily operate the facility or site, if the operator is removed.



(D) If an operator is placed on two performance improvement plans for the same facility in a twenty-four month period, any further violations of the provisions of Chapter 3304:1-21 of the Administrative Code that would previously result in a performance improvement plan will result in termination of the BOA for that facility in accordance with rule 3304:1-21-06 of the Administrative Code.

(E) Nothing in this rule modifies rule 3304:1-21-06 of the Administrative Code regarding the immediate temporary suspension of the BOA and loss of a facility as defined in said rule.