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Ohio Administrative Code

Rule 3304:1-21-12 Ohio vendors representative committee.

Effective: January 1, 2016

BE and OVRC will determine biannually at the meeting preceding October first, seven equitably representative electoral districts for the purpose of electing Ohio vendors representative committee (OVRC) representatives and alternates. The districts are as follows: Columbus, Zanesville, Akron-Canton, Cleveland, Toledo, Dayton, and Cincinnati.

(A) The OVRC shall be composed of seven operators who are party to a BOA and have been elected by the operators assigned to the same electoral district. Each member shall represent all operators assigned to the electoral district. An alternate representative who is party to a BOA shall also be elected for each electoral district.

(1) A representative and an alternate from each district shall be elected for a two-year term commencing on July first of the year of their election.

(2) If a representative is absent from a meeting, the alternate shall participate in that meeting with the full rights of the representative.

(3) If a representative is unable to complete a term, or ceases to be an operator, or moves from that electoral district, the alternate shall complete the term and a new alternate shall be elected to complete the original alternate's term, unless there are ninety days or less remaining in the term. If an alternate is unable to complete the term, or ceases to be an operator, or moves from that electoral district, or assumes the representative's position, a new alternate shall be elected to complete the original alternate's term, unless there are ninety days or less remaining in the term.

(B) The committee representatives and alternates shall be elected as follows:

(1) Elections shall be held for OVRC representatives and alternates of Akron-Canton, Cleveland, and Cincinnati in even numbered years and for Columbus, Zanesville, Toledo, and Dayton in odd numbered years.

(2) On or before April thirtieth in the year in which the representative is to be elected, BE shall conduct a nominating meeting.

(3) An operator must be present at this meeting to be nominated as a representative or alternate unless prior approval is granted by BE. Only operators may nominate and vote.

(4) If only one candidate is nominated, that operator shall be declared the winner by acclamation.

(5) If more than one candidate is nominated, BE shall prepare a ballot listing all the candidates and shall distribute a copy to each operator in the area within fifteen calendar days of the nominating meeting.

(6) The ballot shall be counted only if it is marked for one candidate and received on or before the fifteenth calendar day from the date the ballot was distributed. All ballots received, which are eliglble to be counted, will not be counted until after that date.

(7) The candidate receiving the most votes shall be the representative and the candidate receiving the next greatest number of votes shall be the alternate. In case of a tie, the representative shall be the operator with the most seniority. The alternate shall be the operator who has the next greatest amount of seniority.

(8) Within fifteen days of counting the ballots, BE shall inform each licensee within the area, the results of the election.

(9) The operators of an established OVRC electoral district may petition the bureau to recall the current elected representative or alternate for misconduct or neglect of duty.

(a) The petition must be signed by fifty-one per cent of all eligible operators of the given OVRC electoral district and shall clearly specify the charges brought against the elected representative or alternate.

(b) OVRC shall determinethat just cause does exist for a recall ballot. BE shall send a recall ballot to

the eligible operators. Two-thirds of the eligible voting operators of the given OVRC electoral district are required to return a ballot with an affirmative vote in order to recall a representative or alternate. The results of the ballots shall be effective immediately.

(c) If the representative is recalled and a vacant position exists, the alternate will become the representative and the bureau will conduct an election within the next ninety days to elect a new alternate. The one exception will be if the recall vote occurs in the month prior to the regular election for that area, in which case no special election for an alternate will be held.

(d) If the alternate is recalled, a special election shall be held to nominate and elect a new alternate in accordance with this rule.

(C) The committee shall establish bylaws outlining how meetings shall be conducted and how officers will be elected and will file the bylaws with BE within one week of adoption.

(D) Special elections to fill an unexpired term of a representative or an alternate, shall be conducted in the following manner:

(1) BE shall conduct a nominating meeting as soon as is reasonably possible.

(2) An operator must be present at this meeting to be nominated as a representative or alternate unless prior written approval is granted by BE. Only operators may nominate and vote.

(3) If only one candidate is nominated, that operator shall be declared the winner by acclamation.

(4) If more than one candidate is nominated, BE shall prepare a ballot listing all the candidates and shall distribute, a copy to each operator in the area within fifteen calendar days of the date of the nominating meeting.

(5) The ballot shall be counted only if it is marked for one candidate and received within thirty calendar days from the date the ballot was distributed. All ballots received which are eligible to be counted, will not be counted until thirty calendar days after the date the ballots were distributed.

(6) The candidate receiving the most votes shall complete the original term. In case of a tie, the declared winner shall be the candidate with the most seniority. The operator shall complete the original term.

(7) Within forty-five calendar days of the nominating meeting, BE shall inform each licensee within the area, of the election results.

(8) Elections may be conducted electronically if agreed upon by OVRC and BE.

(E) At the meeting immediately preceding October first of each year, BE will actively participate with OVRC, and contingent on the availability of BE funds, shall determine for the next federal fiscal year, amount of:

(1) Co-payment per service call;

(2) Payments assuring a fair minimum of return pursuant to 34 CFR 395;

(3) Benefit payments such as a pension fund, health insurance, paid sick leave, and paid vacation;

(4) Rates of reimbursement for actual and necessary expenses for OVRC representatives and alternates to attend regular meetings of the OVRC; and

(5) Rates of compensation for OVRC representatives and OVRC alternates representatives for attendance at regular meetings of the OVRC.

(F) The BSVI director, or designee, shall meet with the committee. Special meetings of the committee shall be convened within fifteen days of the written request of the majority of its members or upon the written request of the BSVI director. Committee members shall bear the cost of their expenses related to special meetings. BE shall bear the cost of actual and necessary expenses of committee members for attendance at regular meetings.

(G) The OVRC shall actively participate with BSVI in major administrative decisions and policy and program development with respect to BE. Such participation shall be as follows:

(1) BE shall, except as set forth in paragraph (G)(1)(d)(iv) of this rule, provide OVRC advance notice of the following issues affecting BE and upon which BE desires to take action, including:

(a) Decisions concerning contracts with BE vendors and suppliers;

(b) The creation of, or substative changes to, forms operators complete and/or sign;

(c) Material changes in services provided to licensees;

(d) Settlement agreements that can be entered into by the BE manager which:

(i) Will result in the payment of program funds;

(ii) Will result in forfeiture of program funds;

(iii) Will result in the alteration of an operator's records with respect to selection criteria;

(iv) Address issues which BE and OVRC have a requirement to actively participate under paragraph (G) of this rule;

(e) Identification of suitable sites;

(f) Extension of a BTOA beyond six months;

(g) Reconfiguration of a vacant facility prior to posting;

(h) Major reductions in funding of BE;

(i) Known proposals to amend statutes, administrative rules or written policies affecting licensees;

(j) Disputes with grantors that may result in the loss of a facility.

(2) BE shall provide the OVRC members information including, but not limited to, documents or other material necessary to understand the issues that require active participation with as much advance notice as reasonably possible for the next regularly scheduled OVRC meeting agenda.

(3) OVRC shall provide the BSVI director information including but not limited to, documents or other material necessary to understand the issues with as much advance notice as reasonably possible for the next regularly scheduled OVRC meeting agenda.

(4) BE shall not take any action on a matter requiring active participation of OVRC without first securing the active participation of the OVRC, except:

(a) BE may take action prior to securing active participation of the OVRC if an emergency occurs. In cases of emergency, the BSVI director shall make every effort to consult with the OVRC chair or vice chair prior to taking action, and shall, when such an emergency has abated, provide to the OVRC chair a written description of the emergency and the action taken.

(b) BE may take action on issues requiring active participation if the OVRC does not respond within a reasonable time.

(5) BE may invite the OVRC to attend meetings with third parties concerning BE issues, programs and policies, and all meetings at which decisions will or may be made concerning any matter that would require the active participation of OVRC.

(6) Nothing in this rule prohibits the director of BSVI from administering the program and making any and all ordinary decisions regarding the administration of the program.

(7) OVRC chairperson or designee shall:

(a) Prepare an agenda of topics to be discussed by the OVRC at each meeting;

(b) Communicate to BE the written recommendations of the OVRC within fifteen business days following such meetings. These recommendations shall be considered by BE before any decisions are made except in a situation requiring the immediate action of the director;

(c) Receive and transmit to the state licensing agency grievances at the request of blind vendors and serve as advocates for such vendors in connection with such grievances;

(d) Participate, with BE, in developing training programs;

(e) Sponsor, with the assistance of BE, meetings for licensees.