

**RULES AND REGULATIONS GOVERNING THE VENDING FACILITY PROGRAM THE RANDOLPH-SHEPPARD
ACT34 CFR §395.14 AS AMENDED AND AS CODIFIED AT CHAPTER 6A OF TITLE 20 OF THE U.S. CODE**

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9606-1 SCOPE

It is the intent of the general assembly to grant to blind individuals a priority in the establishment and operation of vending facilities on public property in this state. To that end, this part shall be liberally construed to give the blind individuals who are eligible for such priority the greatest possible opportunities to operate such vending facilities so that they may become self-supporting. The Delaware Division for the Visually Impaired is the state licensing agency for the vending facility program in Delaware under the Randolph-Sheppard act 34 CFR §395.14 as amended and as codified at chapter 6a of title 20 of the U.S. code, as amended (Also Known As Randolph Sheppard Act, as Amended). These rules and regulations are promulgated for the purpose of carrying out the full responsibilities of the Delaware Division for the Visually Impaired under the Randolph-Sheppard Program as amended, thereby assuring the effective operation of the state's vending facility program. These rules and regulations conform to the Randolph-Sheppard Act, as amended, and to the provisions of federal regulations issued under that act. Additionally, these rules and regulations conform to other applicable federal and state law including the revised Code of Delaware Title 16, Chapter 9606 as amended (Also known as the State's Little Randolph Sheppard Act). Further, the Randolph-Sheppard Program as promulgated by the Federal government applies solely to facilities at federal locations in the State of Delaware. Hereinfore, the rules and regulations as set forth below apply to all other locations including facilities at State locations and in the private sector.

9606-2 DEFINITIONS

As used in this part, unless the context otherwise requires:

- (1) Active Participation – is defined as routine consultation (at least annually, or as program, policy, and/or training changes are proposed by the agency) between the SLA and BVC in the process of good faith negotiating on all matters affecting the Delaware Business Enterprises Program. “Active participation” consists of the director of the business enterprises program and the elected committee of the BVC routinely meeting to formulate policy decisions, changes of policy, in all decisions that will expand or contract the program, in allocation of funding, and in any other matter that will affect individual vendors, collective vendors, and/or the program as a whole.
- (2) Agency – the Delaware Department of Human Social Services Division for the Visually Impaired.
- (3) Area Representative – a manager or managers who are elected to the Committee of Blind Vendors by his/her peers on a regional basis.
- (4) Blind Person – a person who, after examination by a physician skilled in the diseases of the eye, has been determined to have not more than 20/200 control visual acuity in the better eye with correcting lenses, or an equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty (20) degrees. IAW Randolph-Sheppard act 34 CFR §395.14 as amended and as codified at chapter 6a of title 20 of the U.S. code, as amended.

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- (5) Cafeteria – A food dispensing facility capable of providing a broad variety of prepared foods and beverages (including hot meals) primarily using a line where the customer serves himself from displayed selections. A cafeteria may be fully automatic, or some limited waiter or waitress service may be available and provided within a cafeteria, and table or booth seating facilities are always provided.
- (6) Certification – issued by the Agency to licensed managers indicating the categories of facilities which the manager is eligible to operate.
- (7) Committee of Blind Vendors (Committee) – an officially constituted body within State government, functioning as an integral part of the State's vending facility program. The Committee shall be fully representative of all licensed managers elected biennially and established, constituted, and maintained in accordance with 34 C.F.R. § 395.14.
- (8) Demotion – reassignment of a licensed manager to a vending facility with projected sales of no more than eighty-five percent (85%) of the manager's present facility. The decision to demote a manager rests solely with the Agency and is based upon the manager's inability to effectively manage his/her present facility after making a good faith effort to do so.
- (9) BEP Assignment - a document which shall be executed by the Agency and the manager, covering the duties and responsibilities of each party.
- (10) Internship – facility-based training supervised by a qualified licensed manager as part of the entry-level training requirements.
- (11) License – a written certificate issued by the Agency to a qualified blind person to operate a vending facility.
- (12) Management Staff – BEP personnel who work under the immediate supervision of the Director of Services for the Blind and Visually Impaired in carrying out the statewide goals and objectives of BEP.
- (13) Vendor– a qualified blind person licensed by the Agency to operate a vending facility on federal or other property.
- (14) Net Proceeds – net sales of a facility, less merchandise purchased and other allowable expenditures, plus any commissions, vending machine income, rebates, and/or commissions paid to the manager.
- (15) Operations Manual – developed jointly by the Agency and the Committee, it contains the policies and procedures for the day-to-day administration of BEP and specific requirements for the operation of vending facilities.
- (16) Permit – an agreement between the Agency and property management that prescribes the terms and conditions for operating a vending facility.
- (17) Post-employment services – vocational rehabilitation services for which a client is eligible after being placed into employment and the Vocational Rehabilitation Counselor has closed the case.

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- (18) Priority – the right of first refusal, exercised in the sole discretion of the Agency, on behalf of licensed blind vendors to operate all vending facilities on public properties in Delaware.
- (19) Promotion – assignment of a licensed manager to a vending facility by competitive bid process.
- (20) Public Property – all property owned or leased by the State of Delaware, or by any county, municipality, or any other entity created by act of the General Assembly to perform any function. Primary and secondary schools, and entities created under title 16, and their operation are specifically excluded from this definition. Institutions governed by the University of Delaware System or the State University and Community College System and their operations are also specifically excluded from this definition except that the vending facilities presently in operation at such institutions. to any new structures on any of the campuses governed by the University of Delaware or the state university and community college system and the priority shall also extend to the establishment of at least one (1) vending facility on any new campus which is developed either by the University of Delaware system or the state university and community college system.
- (21) Ready-for-Employment List - a list of all currently licensed managers who are not permanently assigned a facility. The ranking of these managers shall be based upon the accrual of seniority, or in the absence thereof, listed in the order in which they were certified by the Agency as eligible to receive a license.
- (22) Set-aside Funds - funds which accrue to the Agency from an assessment against the net proceeds of each vending facility and any income from vending machines on property which accrues to the Agency.
- (23) State Agency - the Agency designated by the Commissioner of the U.S. Rehabilitation Services Administration to issue licenses to blind persons for operation of vending facilities, and to implement the operation thereof.
- (24) BEP Consultant – an Agency staff person who is assigned to work directly with the manager to ensure the effective and efficient operation of the vending facility. This is not a position in Delaware but, is an assumed task of Director or Supervisor.
- (25) BEP Director – the Director of Services for the Blind and Visually Impaired may delegate responsibilities as specified in these rules to a BEP Director. The Committee of Blind Vendors shall actively participate in the selection process of a BEP Director.
- (26) BEP Specialist – functions as a BEP Consultant; however, this individual has additional responsibilities not necessarily related to specific facility operations. This is not a position in Delaware but, is an assumed task of Director or Supervisor.
- (27) BEP Supervisor – management staff who provide direct supervision to BEP Consultant/Specialists and who have additional statewide responsibilities. The BVC should have some input since this person would directly be engaged with the operator.
- (28) Temporary Manager - one who manages a facility temporarily until such time as a permanent assignment can be made.

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- (29) Delaware Business Enterprises Program (BEP) – the name given to the vending facility program for the blind in Delaware.
- (30) Transfer - lateral reassignment of a licensed manager to a vending facility where the annual gross sales are projected to be within a range of 15% of the annual gross sales of the manager's previous facility.
- (31) Unassigned – A vending facility that is managed by a third-party vendor who pays a commission to the Agency.
- (32) Upward Mobility – Annual training required of all managers as a condition for maintaining their certification.
- (33) Vending Facility – a location, structure, or space which may sell foods, beverages, confections, newspapers, periodicals, tobacco products, and other articles and services which are dispensed automatically by a machine or manually by sales personnel or attendants and which may be prepared on or off premises in accordance with applicable health laws. A vending facility may consist of automatic vending machines, cafeterias, snack bars, catering services, food concession vehicles, cart services, shelters, counters, and any appropriate equipment necessary for the sale of articles or services described above, and may encompass more than one building on a public property.
- (34) OJT- On the Job Training hands on training of Operators responsibility to perform their Duties. Such as but not limited to: Filling of machines, Rotating Stock, ordering procedures, as well paperwork.
- (35) IAW- In Accordance Within a way that agrees with or follows (something, such as a rule or request) In accordance with your request.

***9606- 3 - ISSUANCE OF LICENSES.**

The Delaware Division for the Visually Impaired issues licenses to blind persons in need of employment and will observe the following criteria in licensing a person to operate a vending facility.

- A. "Blind person" means a person who, after examination by a physician skilled in diseases of the eye or by an optometrist, whichever such person shall select, has been determined to have:
 - 1. Not more than 20/200 central visual acuity in the better eye with correcting lenses, or;
 - 2. An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20°.
- B. Certified by the Delaware Division for the Visually Impaired as qualified to operate a vending facility. As completion of Randolph Sheppard Training (Hadley School), State training and OJT
- C. Citizen of the United States
- D. Must be at least 18 years of age (internships may begin as early as age 16);

- E. Has Completed Testing in Computer Skills, 8th Grade Math, 8th Grade English (reading and writing)
- F. TB testing with confirmed negative results.
- G. Need to Have a criminal background check
- H. Probationary period of one year' will be required before a license will be issued.

9606-4 DISPLAYING OF LICENSE

The manager shall prominently display in his/her vending facility the license or a copy of the license and Blind Vendor contact information at location(s) for public information.

9606-5 TERMINATION OF LICENSES

Termination of license of a vending facility vendor may occur when:

- A. The Delaware Division for the Visually Impaired shall issue licenses for an indefinite period, but subject to termination if, after affording the manager an opportunity for a full evidentiary hearing, the Agency determines that the particular vending facility is not being operated in accordance with these rules and regulations or under the terms and conditions of the; BEP Assignment with the vendor or the permit or contract with the federal, state, or other public or private agency.
- B. There is improvement in the vendor's vision to the extent that he no longer meets the definition of blindness in Section 395.1 (c) of the federal regulations issued under the Randolph-Sheppard Act, as amended.
- C. There is extended illness with medically documented diagnosis of prolonged incapacity of the vendor to operate the vending facility consistent with the needs of the location or other available locations in the vending facility program; or,
- D. There is withdrawal of the vendor from the program upon the vendor's written notification to the Delaware Division for the Visually Impaired.
- E. State law, the violation of which is, or reasonably may, result in financial or physical harm to the customers of the facility or other persons, the Department or the manager.
- F. Regulations of other agencies of the State of Delaware which have regulatory authority directly related to the operation of a vending facility.

9606-5 NOTICE

The Agency will give thirty (30) days' notice in advance of terminating a manager's license, and such advance notice shall be given only after the expiration of a thirty (30) day probationary period,

9606-5b REVOCATION

1. The Agency must revoke the manager's license if:
 - (a) The manager resigns from BEP;
 - (b) The manager has an extended illness with a medically documented diagnosis of the manager's;
 - (c) incapacity to operate a facility; provided that the Agency has made available to the manager transfer and that eligibility has expired;
 - (d) The manager loses his/her certification(s) and fails to reapply within the allotted time to attend and subsequently complete the next entry-level training class
 - (e) The manager fails to meet the definition of blindness as set forth 34 C.F.R. § 395.1(c). At its discretion, the Agency may require the manager to undergo an ophthalmologic examination to verify blindness. If an examination is required, the Agency will select the doctor and will pay for the office visit.

*At the point when a vendor is removed from a location for just cause (a thru d above), his or her license is terminated, thus forfeiting the rights to remain on the active bidding list.

2. LEAVE OF ABSENCE/REINSTATEMENT

- (a) At the point when a manager is removed from a location either voluntarily or for no fault of his own, the vendor may elect to request a leave-of-absence (LOA). Leave-of-absence may be granted, at the discretion of the SLA, for a period of twelve months from the date he/she relinquishes his/her managerial responsibilities. Under LOA status, the former vendor's name remains on the list of qualified bidders for any facility vacancy and retains his or her right to bid on any open location.
- (b) Extension of leave-of-absence status may be granted by the SLA provided the former vendor requests such an extension in writing of the SLA prior to the expiration of his or her LOA status (12 months from the date he relinquishes his managerial responsibilities or most recent request for LOA extension).
- (c) The vendor will submit a written request for LOA at least 15 days in advance.

VENDING FACILITY EQUIPMENT, INITIAL STOCK, AND OPERATIVE FUNDS

- A. When a vending facility is established, the Delaware Division for the Visually Impaired will provide the facility with:

- (a) Adequate, suitable equipment;
- (b) Two weeks initial stocks of merchandise for resale and, disposable goods.
- (c) Adequate initial supplies of small wares, (trays, pots, pans, serving equipment, and related items).
- (d) Operating funds (Cash Bank) enough to commence operating the business.
- (e) Complete written inventory of all equipment, initial stock, and operating funds provided

MAINTENANCE, REPAIRS, REPLACEMENT OF EQUIPMENT AND NEW EQUIPMENT

- (a) The vendor will be responsible for generating receipts to cover expenses incurred for the repair and maintenance of all equipment, fixtures, and furnishings connected with the operation of the vending facility. Additionally, the vendor will provide for the routine care and maintenance of all storage, dining, and food preparation areas as maybe deemed necessary by host management and the SLA.
- (b) It is recognized that circumstances may exist wherein the cost of maintenance and repairs (as shown in 5 A) may, in the opinion of the manager, become excessive and beyond the financial capability of the facility. In such an event, the manager may apply in writing to the SLA for financial assistance. The written request must include justification for the needed financial support. When and if, the request is denied, written justification for the denial, signed by the SLA and the Committee Chairman, will be provided.
- (c) When equipment, fixtures or furnishings necessary to the operation of the vending facility become worn out or obsolete, or is needed to maintain the current level of business, the SLA shall contingent upon the availability of set-a-side or federal funds, purchase or arrange for the provision of the required fixtures, equipment or furnishings. It is understood, however, that where documented evidence exists, citing improper maintenance efforts and/or neglect on the part of the vendor regarding the equipment, fixtures or furnishings in question, the SLA shall assess the manager from 25% to 75% of the replacement cost.
- (d) When new equipment, fixtures, or furnishings, intended to increase the net proceeds of a facility is requested by the manager, the SLA, in consultation with the Committee will assess the growth potential of the item or items requested. Contingent upon the availability of set-a-side or federal funds, the SLA will select one of the following: Purchase the item or items with the financial participation of the manager at a percentage of the cost which equals the manager's most recent set-a-side percentage; Purchase the item or items using proceeds from the facility in question exclusively; Deny the request with written comment noting reasons why growth cannot be expected.
- (e) Replacement of stocks and supplies is the responsibility of the vendor.

VENDOR OWNERSHIP OF VENDING FACILITIES.

The Delaware Division for the Visually Impaired will retain title to all equipment, stocks, and items of each vending facility. There is no provision for transfer of title to the vendor.

SETTING ASIDE OF FUNDS

The Delaware Division for the Visually Impaired with the active participation of the Delaware Committee of Blind Vendors, has determined that the set-a-side funds will be based on a sliding scale as follows:

- (a) On Net Proceeds for the profit & loss period, as defined by the Business Enterprise Program Director approximately every two months’).

Up to \$5,000.	10%
\$5,000. - \$10,000	15%
Over \$10,000.	20%

Net proceeds is defined as the amount remaining from the sale of articles or services of facilities and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses, excluding set-a-side charges.

- (b) Net proceeds of all facilities under the program which currently do not have a blind vendor assigned. These funds may be used for the following purposes only:
- (1) Maintenance and replacement of equipment;
 - (2) The purchase of new equipment;
 - (3) Management services.
 - (4) Fringe benefits.

COLLECTION AND DISTRIBUTION OF VENDING MACHINE INCOME FROM VENDING MACHINES ON FEDERAL PROPERTY

- (a) Vending machine income from vending machines on Federal property which has been disbursed to the State licensing agency by a property managing department, agency, or instrumentality of the United States under 395.32 shall accrue to each blind vendor operating a vending facility on such Federal property in each State in an amount not to exceed the average net income of the total number of blind vendors within such State, as determined each fiscal year on the basis of each prior year’s operation, except that vending machine income shall not accrue to any blind vendor in any amount exceeding the average net income of the total number of blind vendors in the United States. No blind vendor shall receive less vending machine income than he was receiving during the calendar year prior to January 1, 1974, as a direct result of any limitation imposed on such income under this

paragraph. No limitation shall be imposed on income from vending machines, combined to create a vending facility, when such facility is maintained, serviced, or operated by a blind vendor. Vending machine income disbursed by a property managing department, agency or instrumentality of the United States to a State licensing agency in excess of the amounts eligible to accrue to blind vendors in accordance with this paragraph shall be retained by the appropriate State licensing agency.

- (b) The State licensing agency shall disburse vending machine income to blind vendors within the State on at least a quarterly basis.
- (c) Vending machine income which is retained under paragraph (a) of this section by a State licensing agency shall be used by such agency for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for blind vendors in such State, if it is so determined by a majority vote of blind vendors licensed by the State licensing agency, after such agency has provided to each such vendor information on all matters relevant to such purposes. Any vending machine income not necessary for such purposes shall be used by the State licensing agency for the maintenance and replacement of equipment, the purchase of new equipment, management services, and assuring a fair minimum return to vendors. Any assessment charged to blind vendors by a State licensing agency shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

DISTRIBUTION AND USE OF INCOME FROM VENDING MACHINES ON STATE AND OTHER PROPERTIES

- (a) Vending machine income from vending machines on state and other properties will accrue to the blind vendor designated under that vending location.
- (b) One hundred per centum (100%) of all vending machine income from vending machines on state and other properties which are in direct competition with a vending facility operated by a blind vendor shall accrue to that vendor, less se-aside charges.
- (c) The determination that a vending machine on state and other properties is in direct competition with a vending facility operated by a blind vendor shall be the responsibility of the SLA.
- (d) No limitation shall be imposed on income from vending machines, combined to create a vending facility, when such facility is maintained, served or operated by a blind vendor.
- (e) Vending machine income retained by the State Licensing Agency from unassigned-assigned vending machines shall be used for:
 - (1) Renovations to food service sites.
 - (2) Major equipment repairs.
 - (3) The purchase of new or replacement equipment.

(4) The development of new food service locations.

(5) Management Services.

OPERATING AGREEMENT BETWEEN DELAWARE DIVISION FOR THE VISUALLY IMPAIRED (SLA) AND BLIND VENDOR.

The Delaware Division for the Visually Impaired will enter into an operating agreement with each vending facility vendor that sets forth the basic terms and conditions under which the vending facility will be operated.

- (a) A separate agreement will be prepared for and entered by each vendor. Such agreement will renew automatically unless a change or changes are negotiated.
- (b) Each operating agreement will include the following:
 - (1) The duties and responsibilities of the vendor and the standards under which those duties will be performed. Such standards will be in keeping with criteria approved by the Delaware Committee of Blind Vendors, with applicable health and sanitation laws and regulations, and with criteria established by the federal or other agencies controlling the site in which the vending facility is housed.
 - (2) The specific responsibilities of the Delaware Division for the Visually Impaired in providing management assistance and supervision to the vendor, and the specific ways in which those responsibilities will be carried out.
 - (3) A statement that the vendor will receive the net proceeds of the vending facility which he/she operates. The term "net proceeds" less set-aside funds will be defined in the agreement in the same wording as with which it is defined in Section 395.1 (k) of the federal regulations issued under the Randolph-Sheppard Act, as amended.
 - (4) A statement that the vendor will furnish such reports as may reasonably be required by the Delaware Division for the Visually Impaired.
 - (5) The following statements with respect to termination of the operating agreement:
 - i. The vendor has the right to terminate the agreement at any time.
 - ii. he termination of the agreement at such time as the individual ceases to be employed as the vendor.

- iii. The termination of the agreement upon documented failure of the vendor to operate the vending facility in accordance with the terms and conditions of the operating agreement or with applicable federal, state, or local laws and/or regulations.
- iv. The termination of the agreement resulting from the loss of the permit or contract for the location.

TRANSFER AND PROMOTION OF BLIND VENDORS

- (a) When a management position is to be filled at a vending facility within the BEP Program, the Delaware Division for the Visually Impaired shall solicit applications from all vendors who are qualified under Rule 2. The Division may then fill this management position with the applicant of its choice. The Division will use information provided in semi-annual manager evaluations for guidance in making the most appropriate selection. Factors which the Division shall consider in choosing an applicant include, but may not be limited to seniority, experience, managerial skills, administrative skills, training, education and suitability of the applicant to any special requirements of the vending facility. The Delaware Committee of Blind Vendors shall be consulted concerning the Division's proposed decision. Grievances regarding transfer and promotion decisions must be filed in writing via registered mail within thirty days of the decision with the Delaware Committee of Blind Vendors chairman. The procedure governing the resolution of such grievance is set forth in Rule 13.
- (b) SATELLITING: Whereas, in the event the SLA determines that a location is eligible for satelliting, the following considerations will be included.
 - (1) Profits from a satellite location are paid to the satelliting manager for the duration of the satellite status. Two consecutive losses on P&L's result in loss of satellite.
 - (2) No minimum guarantee will be paid to the manager.
 - (3) The satelliting manager shall be in the location a minimum of three times per week, and in the event of an emergency be able to get to the location within a time frame of no more than 60 minutes.
 - (4) A satellite location remains in "open bid" status during stellateing period with a minimum 30-day notice of full-time manager assignment; new manager assignment will be effective on the 1st day of the month of assignment.
 - (5) Limit of one (1) satellite per manager.
 - (6) All criteria in Rule 10 shall be adhered to concerning the choice of manager by the SLA.

TRAINING PROGRAM

The Delaware Division for the Visually Impaired will be responsible for the conduct of a training program for the basic training of new vendors and for refresher training of established vendors.

- (a) The basic training course for new vendors normally will be conducted by the Delaware Division for the Visually Impaired at a designated location. The general approach to training is that of an individual-pace, time-oriented training model.
- (b) Refresher training is conducted on an as-required basis by the Delaware Division for the Visually Impaired. The principle medium is a one-to-one, on-the-job type of instruction. Topics of instruction include correction of observed deficiencies by the SLA and innovations in vending facility and cafeteria practice.

ELECTION, ORGANIZATION, AND FUNCTIONS OF THE DELAWARE COMMITTEE OF BLIND VENDORS

The Delaware Division for the Visually Impaired has formed a Delaware Committee of Blind Vendors. Such committee is governed by the Committee by Laws which are incorporated into these rules and regulations by reference (see attached).

EVIDENTIARY HEARINGS AND ARBITRATION OF VENDOR COMPLAINTS.

- (a) The vendor will be afforded an opportunity for a full evidentiary hearing upon his complaint of dissatisfaction with any Delaware Division for the Visually Impaired action arising from the operation or administration of the vending facility program.
- (b) Procedure:
 - (1) The vendor may, at his/her option send his/her complaint, the committee may:
 - (2) Decide the complaint is warranted, forward to the Delaware Division for the Visually Impaired a recommended settlement and advise the vendor in writing of the recommended settlement.
 - (3) If the vendor is dissatisfied with the committee's action or with the Delaware Division for the Visually Impaired's action with respect to any settlement recommended by the committee, he may request in writing and be granted an administrative review performed by the Director of the Delaware Division for the Visually Impaired or the Director's designee.
 - (4) If the vendor is dissatisfied with the outcome of the administrative review, he may request in writing a full evidentiary hearing. The hearing will be conducted by a hearing's examiner, an impartial official.
 - (5) The time and place of the hearing will be set by the hearing's examiner, after agreement is voiced by the complaining operator as to the time and place. The hearings examiner will notify all parties concerned in the hearing of the time and place, at least 15 days prior to the hearing.

(6) The vendor will have the right to be represented at the hearing by counsel.

(7) The sequence of events of the hearing will be:

- i. An opening statement by the hearing's examiner, setting forth the issues and the purposes of the hearing.
- ii. The vendor's statement of the case.
- iii. The Division for the Visually Impaired's statement of the case.
- iv. Development and reconciliation of the points at issue. The vendor or his counsel will have the right to present
- v. witnesses and to cross-examine adverse witnesses.
- vi. A decision by the hearing's examiner and a statement of the decision.
- vii. Within 30 days after the hearing's examiner makes his decision; a transcript of the proceedings will be sent to the vendor and to others concerned in the case.
- viii. Should the vendor still be dissatisfied, the vendor may request the Secretary of Health, Education, and Welfare to convene an ad hoc arbitration panel, in accordance with Section 395.13 of the federal regulations issued under the Randolph-Sheppard Act, as amended. The decision of that panel will be binding on all parties.

ACCESS TO PROGRAM AND FINANCIAL INFORMATION

- (a) Each vending facility vendor will be provided access to all program and financial data of the Delaware Division for the Visually Impaired relevant to operation of the vending facility program, including quarterly and annual financial reports, except that information which deals with the earnings of any other individual worker.
- (b) Insofar as possible, such information will be provided to the vendor in Braille or recorded tape.
- (c) At the request of the individual vendor, the Delaware Division for the Visually Impaired will arrange a convenient time and place to assist in the interpretation of such data.

EXPLANATION TO VENDOR OF HIS RIGHTS AND RESPONSIBILITIES

The Delaware Division for the Visually Impaired will furnish each vendor copies of documents relevant to the operation of the vending facility, including these rules and regulations, a written description of the arrangements for providing services, and the agreement governing the operation of the particular vending

facility. The Delaware Division for the Visually Impaired will explain verbally all such documents to each vendor.

PERMITS FOR STATE AND OTHER BUSINESS ENTERPRISES PROGRAM LOCATIONS

- (a) A permit authorizing the SLA to establish a vending facility will be negotiated by the Agency or person in control of maintenance, operation, and protection of the property. The permit will be issued in the name of the SLA.
- (b) The permit will contain at a minimum:
 - (1) The hours of operation and other terms and conditions the Agency or person in charge negotiates with the SLA.
 - (2) The permit shall be issued for an indefinite period, subject to suspension or termination, based on compliance with agreed upon terms.
 - (3) The SLA will meet with the Host Facility person in charge at least once every six months.

SUPERVISORY AND MANAGEMENT SERVICES

The Delaware Division for the Visually Impaired will provide for, supervisory and management services necessary for the efficient operation of the vending facility to include the following:

- (a) Be responsible for the necessary documents pertaining to hiring and dismissal of personnel.
- (b) Effective accounting procedures.
- (c) Written semi-annual evaluations of manager's performance.
- (d) Overseeing managerial responsibilities of food service facility managers.
- (e) Training of new managers and remedial training for current managers where indicated.
- (f) Maintaining of vacation and sick leave records
- (g) Payment of bills received.
- (h) Maintaining filing system for audit purpose.
- (i) Issue profit and loss statements every two months.

- (j) Approve prices to be charged for merchandise for resale.
- (k) Will approve all vendors to be used.
- (l) Conduct monthly vending location evaluations for product quality, customer service, and location cleanliness.
- (m) Conduct location audits on a minimum of every other month, on cash handling and payroll reports and procedures.

RESPONSIBILITIES AND DUTIES OF THE LICENSED BLIND VENDOR (MANAGER)

- (a) The manager will be responsible for having the vending facility open for business on the days and during the hours specified in the permit.
- (b) The manager will operate the vending facility business on a cash bank and the balance of all the cash sales are to be deposited daily as authorized by the SLA.
- (c) The manager will be accountable to the SLA for the proceeds of the business of the vending facility and will handle the proceeds, including correct invoice documentation from suppliers and daily deposit slips reflecting total daily sales, in accordance with instructions from the SLA.
- (d) The manager will carry on the business of the vending facility in compliance with applicable health laws and regulations including any dress code the SLA might adopt.
- (e) The manager is responsible for generating sales to cover the following:
 - 1) Managers income and all fringe benefits.
 - 2) Wages and fringe benefits of all support personnel.
 - 3) Cost of all maintenance and repairs as prescribed in Rule 5 A and B.
 - 4) Certain replacement equipment as prescribed in Rule 5 C and any new equipment as prescribed in Rule 5 D.
 - 5) Cost of merchandise retained for resale.
 - 6) Effective inventory control.
 - 7) Correct food portion control.
 - 8) Effective percentage of purchases-paper to resale.

- 9) Appropriate relationship between payroll cost and sales exclusive of managers salary percentage to be determined by the SLA.
- 10) The manager will keep such correct records and make such written reports as the SLA shall require.
- 11) Review and correct if necessary, all invoices for merchandise prior to initialing and forwarding to central office
- 12) Supervision and assignments of support personnel. Hiring and termination of personnel.
- 13) The manager is responsible to see that the location is sufficiently staffed and to immediately notify the SLA of any staffing changes as a result of sick leave, vacation, termination, or leave of absence.

CERTIFICATION

The Delaware Division for the Visually Impaired (designated) the state licensing agency for vending facility operations in Delaware under the Randolph-Sheppard Act, as amended), and the Delaware Committee of Blind Vendors, did together develop and approve these rules and regulations governing the vending facility program as submitted.

By: _____
Chairman, Blind Vendors Committee Date

By: _____
Director, Division for the Visually Impaired Date

By: _____
Secretary, Delaware Health & Social Services Date

DRAFT 08/01/2020