

OVRC Minutes

October 16 2015

Call to order 9:00a.m.

ATTENDED BY REPS: F. Bragassa, D. Neufarth, A. Lutz, J. Lutz, T. Neal and B. White. SECRETARY: Mot. ALTS: L. Litzinger. B.S.V.I.: Program Manager, C. Hauk, Area Manager, A. Kieffer, V. Smith, Training Manager, C. Lee, Consultants: S. Nunes and A. Stenman. OPERATORS: L. Johnson and M. Russell. Guests: J. Carroll, E. Neal and K Whelan.

MOTION (F. Bragassa/B. White) to accept the minutes of the August 21st 2015 meeting as presented. Passed unam.

COMMENT ON RECOMMENDATIONS OF THE MEETING OF 8/21:
CHAIR ASKED B.S.V.I. PROGRAM MANAGER C. Hauk to provide written responses to the Committee's recommendations. PM said that she would work on it.

PUBLIC COMMENT:

T. NEAL SAID THAT BECAUSE UPWARD MOBILITY CREDITS contribute points in selections they should be more equally accessible to all operators by being held in parts of the State besides Columbus. D. Neufarth suggested that actual expenses incurred by attendees be reimbursed.

M. RUSSELL DESCRIBED HOW HE HAD MORE THAN QUADRUPLED SALES at a formerly Coke out-contracted secondary highway site that is now part of his facility. He promoted the assumption of all remaining sites into the Program as either stand-alone facilities or as site attachments.

LISA LITZINGER RAISED THE PRESSING NEED FOR REPAIRS TO AIR CONDITIONING AND OTHER KENELLY INFRASTRUCTURE. K. Whelan suggested that this might be expedited by the Program's assuming their cost. B. White added the use of ODOT approved service providers. PM

said that she would do an assessment and have a response for the next meeting.

CHAIR INTRODUCED the new Area Manager, Adam Kieffer, and the new consultant, Sally Nunes.

C. LEE GAVE A TRAINING REPORT. Said attributed an increase in the number of potential trainees being evaluated to a clearer understanding by counselors of the training timeline and expectations, including a revised facility operator position description. She said that N. Fernandez has refined the voice interface for the training text and that a three-part Shaffer vending machine training module is under development. Many Committee members spoke in favor of lengthening the in-stand training requirement. B. White emphasized the need to specify the term of the in stand training in hours rather than weeks. J. Lutz spoke in support of more personal interaction in the non in-stand part of the training. D. Neufarth said that he felt that the standards for confirming success in the training course were vague. PM said that duration of in-stand assignments is now being counted in hours. C. Lee offered an initial list of possible training presenters for Statewide '16.

MOTION: (D. Neufarth/T. Neal) to recommend that B.S.V.I. post the Kent State Salem and Kent State E. Liverpool site attachments immediately. Passed w/F. Bragassa abstaining. D. Neufarth reminded the B.S.V.I. staff of the Committee's position in favor of net proceeds as the default BTOA reimbursement offer. He noted that such large pay outs as that for the present Kent State temporaries will be harder to avoid as long as B.S.V.I. reinforces those expectations on the part of potential BTOA contractors.

CHAIR ASKED FOR UPDATE ON PENDING UNIVERSITY SUITABLE SITE DISPUTES. PM said that there was no progress. T. Neal said that sales at BE's Lorraine Community College facility has declined from \$230,000.00/yr. to \$105,000.00/yr. due to college store and fund raising competition, healthy snack limitations on product mix and price undercutting; and he asked if the Program as a whole has lost University sales since

B.S.V.I.'s management decision to refuse to include the payment of commissions on any new or modified agreements. PM said that no figures are available. Mot averred that a successful grievance to overturn B.S.V.I.'s management decision not to pay commissions would be needed to make progress in this area.

MOTION: (B. White/D. Neufarth) to support B.S.V.I.'s decision to replace the thirteen Bev Max vendors now in service at the Cleveland Post Office with thirteen new Bev Max vendors for this facility. Passed unam.

CHAIR ASKED HOW THE PROGRAM DISPOSED OF UNWANTED EQUIPMENT. Area Manager, V. Smith answered that in order to keep the value of the equipment from going to State salvage and to save the cost of moving it, every attempt was made to have the value of such equipment included as a trade in credit towards the purchase of new equipment

PM REPORTED THAT ALL FACILITIES EXCEPT THE WRIGHT PAT TROOP FEEDING FACILITY are covered by the Program's liability insurance in spite of some implementation irregularities.

PM ANNOUNCED B.S.V.I.'s INTENTION TO PUBLISH A BE NEWSLETTER. Chair appointed Mot to work with B.S.V.I.'s designee, E. Sammons, on this project.

B.S.V.I.'S ONLY ACCEPTING OPERATOR GRIEVANCES AT THEIR DISCRETION WAS DISCUSSED using the Chair's rejected grievance of B.S.V.I.'s decision to reject the Committee's recommendation that it seek an Attorney General's opinion about BE priority at the State Veteran's Home. PM said that BE's legal advisors have indicated three possible outcomes: that the Home has an exemption from the priority, that there was a conflict in the law, which would require a hearing for resolution, or that BE has a priority, which might provoke an opening of the law. She indicated that since BE's legal advisors considered all possible AG opinions bad for the Program, the seeking of an opinion was not available as a remedy for the Chair's grievance, making the grievance, itself, unacceptable. J. Lutz

responded that these reasons should constitute B.S.V.I.'s justification at a fair hearing for having denied the grievance, not a reason for rejecting it. D. Neufarth held that all grievances except those seeking illegal remedies must be accepted. A. Lutz referenced the Federal Randolph Shepard Act's lack of limitations on the acceptability of grievances and stressed the gravity of qualifying operators' only recourse in situations where they believe themselves to be harmed by B.S.V.I.

CHANGING THE STATUS OF THE COKE CONTRACTED SECONDARY HIGHWAY SITES to stand-alone BE facilities or BE facility site attachments was discussed. J. Lutz pointed out that many operators would be unhappy about the reduction in their benefit checks such a change would bring about. F. Bragassa said that he had already heard from some operators in Cincinnati to that effect. D. Neufarth said that other sources of benefit money could and would be found. A. Lutz, T. Neal and D. Neufarth contributed statements supporting the Program's mission to create earned income opportunities for its operators. The Committee concurred that an assessment of stand-alone and site attachment possibilities as well as the costs and transitional considerations would have to precede any recommendation.

FOLLOWING A BRIEF DISCUSSION OF THE GO-GETTER PROGRAM EXPANSION PROJECT, by which operators who found viable, non stand-alone, nonpriority, noncompetitive site attachment(s) would have right of first refusal for it (them) to be attached to their currently assigned facility, the Chair announced that she would encourage committee members to brainstorm the specifics of the project using a policy template she had drafted for this purpose, and have discussions leading up to action on this item for the next meeting. She also agreed to D. Neufarth's suggestion that each Committee member should come to the next Committee meeting prepared to discuss other possibilities for Program expansion.

MOTION: (B. White/F. Bragassa) to recommend to B.S.V.I. that the final sentence in the proposed draft rule 01:Q be deleted. (The sentence to be deleted disallows an operator who is receiving the fair minimum return stipend from collecting the stipend while earning income from a BTOA.)

Passed unam. D. Neufarth pointed out that operators collect remuneration from BTOA's in addition to the income they receive from their permanently assigned facility, that the stipend is, in fact, the income that an operator so qualified is receiving from their permanent facility, and that such income should, therefore, not be forfeited because of income being earned from a BTOA.

MOTION: (F. Bragassa/D. Neufarth) to recommend that B.S.V.I. change the language specifying Monthly Operating Report, inventory and service charge payment deadlines for operators using both paper forms and the Ohio Business Gateway to conform to the language specifying those deadlines in the current BE administrative rules. Passed unam. Chair asked the Committee to consider that it would be more trouble than it is worth to have paper MOR filers adjust to changed deadlines if the issue become moot due to the advent of telephone or other new reporting technology.

ADJOURN

Respectfully submitted,
Mot, Secretary