

3304:1-21-12

Ohio vendors representative committee.

(A) The OVRC is fully representative of all blind licensees issued licenses by BSVI pursuant to Chapter 3304. of the Revised Code.

(1) The OVRC is comprised of seven representative districts in Ohio.

(a) The OVRC shall vote on the district boundaries at the meeting preceding October first.

(b) Districts shall be centered around Columbus, Zanesville, Akron-Canton, Cleveland, Toledo, Cincinnati, and Dayton.

(2) The OVRC shall be composed of seven licensed operators who are elected by the operators assigned to the same electoral district.

(a) An operator's electoral district shall be determined by their principle place of business. Each representative shall represent all operators assigned to the electoral district.

(b) An alternate representative shall also be elected for each electoral district.

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

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

(e) If a representative is unable to complete a term, is recalled, ceases to be an operator, or moves from that electoral district, the alternate representative shall complete the representative's term. If an alternate representative is unable to complete the term, ceases to be an operator, is recalled, or moves from that electoral district, or assumes the representative's position, a new alternate representative shall be elected through a special election to complete the original alternate representative's term. No special election for an alternate representative shall occur if there are ninety days or less remaining in the term at the time of any vacancy.

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

- (1) BE shall schedule and conduct a nominating meeting on or before April first of each year in which the representatives and alternate representatives are to be elected.
 - (2) Elections shall be held for OVRC representatives and alternate representatives in the Toledo, Akron-Canton, Cleveland, and Cincinnati districts in even numbered years, and in the Zanesville, Dayton, and Columbus districts in odd numbered years.
 - (3) An operator must be present at this meeting, or participate through a telecommunication option, to be nominated as a representative or alternate representative unless prior approval is granted by BE. Operators operating a facility through a signed BOA may nominate and vote, and only for the representative and alternate representative for the operator's own electoral district. ~~in the election for the representative for their own electoral district.~~ Operators or licensees without a permanent BOA may vote in the district based on the operator's home address. Operators without a permanent BOA are not permitted to nominate or serve on the OVRC.
 - (4) If only one candidate is nominated in a district, that operator shall be declared the winner by acclamation.
 - (5) If more than one candidate is nominated in a district, BE shall prepare a ballot listing all the candidates and BE shall mail a copy to each operator in the area within five business days of the nominating meeting. Ballots will be sent electronically and by mail.
 - (6) The ballot shall be counted only if it is marked for one candidate and received on or before the fifteenth business day from the date the ballot was distributed by BE. All eligible ballots shall be counted with an OVRC representative present after this deadline has passed.
 - (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 representative. In case of a tie, the representative shall be the operator with the most seniority, and the alternate representative shall be the operator who has the next greatest amount of seniority.
 - (8) BE shall provide the results of the representative election to each licensee within the electoral district within five business days of counting the ballots.
- (C) The operators of an established electoral district may petition OVRC to recall the

current elected representative or alternate representative for misconduct or neglect of duty.

- (1) The petition must be approved by fifty-one per cent of all eligible operators of the given electoral district and shall clearly specify the charges brought against the elected representative or alternate representative.
 - (2) OVRC shall determine if just cause does exist for a recall ballot and direct BE to send a recall ballot to the eligible operators if it determines just cause does exist. Two-thirds of the eligible voting operators of the given electoral district are required to return a ballot with an affirmative vote to recall a representative or alternate representative. The results of the ballots shall be effective immediately.
- (D) Special elections ~~to fill an unexpired term of a representative or an alternate, shall be conducted in the following manner~~ are triggered in one of two ways: A representative or alternative seat is vacated; or, a representative or alternate is not nominated in a regular election nomination meeting. The special election needs to be requested by an operator. The special election 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, or participate through a telecommunication option, to be nominated as a representative or alternate representative unless prior approval is granted by BE. ~~Only operators~~ Operators operating a facility through a signed BOA may nominate and vote in the election for the representative for their own electoral district. Operators or licensees without a permanent BOA may vote in the district based on the operator's home address. Operators without a permanent BOA are not permitted to nominate or serve on the OVRC.
 - (3) Unlike a regular election, any operator under a BOA may nominate themselves or others that are not in the electoral district that is vacant.
 - ~~(3)~~(4) If only one candidate is nominated in ~~at~~ the vacant district, that operator shall be declared the winner by acclamation.
 - (5) If the nomination includes candidate(s) within the electoral district and candidate(s) from outside the electoral district the ballot shall only include the internal electoral district candidate(s).
 - (6) Only operators in the electoral district with the vacancy are permitted to vote in

the special election. Operators or licensee without a permanent BOA may vote in the district based on the operator's home address. Operators without a permanent BOA are not permitted to nominate or serve on the OVRC.

(7) If there are two candidate(s) nominated and one is within the electoral district and one is from outside the district, the internal candidate becomes the representative and the outside candidate becomes the alternate.

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

(9) The ballot shall be counted only if it is marked for one candidate and received on or before the fifteenth business day from the date the ballot was distributed by BE. All eligible ballots shall be counted with an OVRC representative present after this deadline has passed.

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

~~(5) The ballot shall be counted only if it is marked for one candidate and received on or before the fifteenth business day from the date the ballot was distributed by BE. All eligible ballots shall be counted with an OVRC representative present after this deadline has passed.~~

~~(6)~~(10) ~~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.

~~(7) Within five business days of counting the ballots, BE shall inform each licensee within the area the results of the election.~~

(E) Elections may be conducted electronically if agreed to by OVRC and BE.

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

(G) The OVRC chairperson or designee shall:

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

- (2) 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 BSVI director.

(H) The full OVRC committee shall:

- (1) 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;
- (2) Participate, with BE, in developing training programs; and
- (3) Sponsor, with the assistance of BE, meetings for licensees.

(I) 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, the amount of:

- (1) Co-payment per service call;
- (2) Payments assuring a fair minimum of return pursuant to 34 CFR 395;
- (3) Benefit payments; and
- (4) Rates of reimbursement for actual and necessary expenses for OVRC representatives and alternate representatives to attend regular meetings of the OVRC and any other official duties performed on behalf of the OVRC. Reimbursement for expenses incurred for attending special meetings is prohibited.

(J) The BSVI director shall meet with the committee at least twice each federal fiscal year. Special meetings of the committee shall be convened within ten business 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.

OVRC shall schedule all regular meetings including dates and times in July of each year. Any OVRC meeting held outside of this schedule shall not be considered a regular meeting.

(K) The OVRC shall actively participate with BSVI in major administrative decisions and policy and program development with respect to BE. Such participation includes, but is not limited to:

- (1) Decisions concerning contracts with BE vendors and suppliers;
- (2) Purchases involving new or existing facilities that are fifty thousand dollars or more;
- (3) The creation of, or changes to, forms operators are required to complete and/or sign;
- (4) Changes to reporting requirements of operators;
- (5) Settlement agreements being considered by BE;
- (6) Extension of a TBOA beyond six months;
- (7) Reconfiguration of a vacant facility prior to posting;
- (8) Known proposals that could cause a major reduction in funding for the BE program;
- (9) Known proposals to amend statutes, administrative rules, or written policies or procedures affecting licensees;
- (10) Disputes with grantors where the grantor has indicated the loss of a site or facility;
- (11) BE budget; and
- (12) As otherwise required in Chapter 3304:1-21 of the Administrative Code.

(L) 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 four business days before the next OVRC meeting, or if the issue arises less than four days before the next OVRC meeting with as much advance notice as reasonably possible.

- (M) OVRC shall provide the BSVI director information including but not limited to, documents or other material necessary to understand the issues four business days before the next OVRC meeting, or if the issue arises less than four days before the next OVRC meeting with as much advance notice as reasonably possible.
- (N) BE shall not take any action on a matter requiring active participation of OVRC without first securing the active participation of OVRC, except:
- (1) BE may take action prior to securing active participation of the OVRC if an emergency occurs in the discretion of the BSVI director. [Examples of an emergency could include but are not limited to selling drugs, caught stealing, causing a fire in the facility, or assaulting a child.](#) 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; and
 - (2) BE may take action on issues requiring active participation if the OVRC does not respond within five business days.
 - (3) The OVRC shall not actively participate in decision-making processes regarding OOD personnel, personnel policies, or personnel administration.
- (O) 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.
- (P) Nothing in this rule prohibits the BSVI director from administering the program and making any and all ordinary decisions regarding the administration of the program.