

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 795 Department or Agency Alabama Board and Dept. of Rehabilitation Services.
Rule No. 795-7-3-04
Rule Title: Temporary Assignments
 New; X Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Stephen K. Sizemore

Date 12-16-16

(DATE FILED)
(STAMP)

ALABAMA BOARD OF REHABILITATION SERVICES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Board of Rehabilitation Services

RULE NO. & TITLE: Amend Rule No. 795-7-3-.04 Temporary Assignments.

INTENDED ACTION: The ALABAMA BOARD OF REHABILITATION SERVICES proposes to amend rules and regulations.

SUBSTANCE OF PROPOSED ACTION: The amendment of this rule is authorized under the authority of ALA. CODE 1975 §21-9-1 *et seq.*, and the Alabama Board of Rehabilitation Services wishes to amend this rule so as to come in compliance with requirements for the program. This amended rule and regulation is issued under the authority of ALA.CODE 1975 §21-9-1 *et seq.* This rule covers specific requirements and procedures necessary for the proper administration of Alabama law. The amendment clarifies the amount of loss necessary for temporary assignment and allows for extensions of temporary assignments.

Copies of the proposed amended rule are available for inspection in the offices of the Board, 602 South Lawrence Street, Montgomery, Alabama 36104. Upon reasonable notice, persons requiring accommodation may obtain copies in large print, Braille or other media.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit written comments, and if requested in advance may personally appear before the Alabama Board of Rehabilitation Services by submitting a request to appear, to:

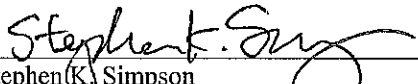
Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187

To be considered by the Board, written comments must be received in the office of the Board no later than two days before the next regularly scheduled Board meeting on March 3, 2017, to wit: not later than March 1, 2017. Persons desiring to orally express their views before the Board must first submit their comments in writing as stated above, and shall be limited to ten minutes per person.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 1, 2017.

CONTACT PERSON AT AGENCY:

Stephen K. Simpson
602 South Lawrence Street
Montgomery, Alabama 36104
Telephone: (334) 293-7187



Stephen K. Simpson
Alabama Board of Rehabilitation Services

**ALABAMA DEPARTMENT OF REHABILITATION SERVICES
BUSINESS ENTERPRISE PROGRAM**

**CHAPTER 795-7-3
ESTABLISHMENT OF VENDING FACILITIES**

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795-7-3-.04 Temporary Assignments.

(1) If circumstances require, the SLA may place a facility under temporary management. A BEP representative shall select the person assigned to a facility on a temporary basis. Temporary assignments shall be selected from the following order: (a) displaced vendors, (b) temporarily displaced vendors, (c) licensed vendors who have suffered a significant loss in sales and profits as determined by BEP during the past 25% loss of average gross income as reported in the previous year due to no fault of their own, (d) licensees, or (e) others. Individuals selected for temporary assignments shall be in good standing with BEP. As a last resort, a BEP representative may secure approval from the SLA to place someone who is not a vendor or licensee in the temporary assignment. All sales, expenses, and income records derived from a temporary assignment shall be maintained and reported separately from those incurred in a vendor's permanent facility.

(2) All temporary operators must sign a standard temporary operating agreement. The temporary operating agreement will clearly define the responsibilities of the SLA and the operator with respect to the terms and conditions governing the effective and efficient operation of the facility. A copy of initial inventory will be provided. All temporary operators must abide by and comply with the rules and regulations governing BEP.

(3) A temporary agreement will be in effect until a permanent vendor is assigned. A temporary agreement shall extend for an initial period of not greater than 90 days and, at the option of the SLA, may be extended, ~~for no more than 60-day periods.~~ Either party upon the receipt of a ten-day written notice may cancel a temporary agreement.

(4) At each quarterly meeting the SLA shall provide a list of all BEP facilities being operated on a temporary basis to the Elected Committee of Blind Vendors. The list

shall include:

(a) the name of the temporary operator;

(b) the date on which the facility began operations with a temporary operator.

Author: Alabama Board of Rehabilitation Services, Alabama Elected Committee of Blind Vendors

Statutory Authority: Alabama Code 1975 21-1-490 and 21-9-9; 20 U. S. C. § 107 et. seq.

History: **New Rule:** Filed January 19, 2000; effective February 23, 2000. **Amended**

(Rule No. Only): Filed June 9, 2006; effective July 14, 2006; **Amendment:** Filed December 16, 2016.