

3321.1000 POLICIES AND DUTIES.

Subpart 1. **Net proceeds.** Each licensed blind vendor shall be entitled to the net proceeds of the operation of the business enterprise the individual operates, less the amount set aside by the state licensing agency.

Subp. 2. **Licensed blind vendor duties.** Each licensed blind vendor shall agree to:

A. perform faithfully and to the best of the licensed blind vendor's ability the necessary duties in connection with the operation of a business enterprise according to the state licensing agency's rules, the terms of the state licensing agency's permit to operate in the building or property, and the agreement with the licensed blind vendor;

B. cooperate with official and duly authorized representatives of the state licensing agency in connection with their official program responsibilities;

C. operate the business enterprise according to all applicable health laws and regulations and any other applicable federal, state, or local law or regulation;

D. furnish monthly reports at the offices of the state licensing agency by or on the tenth day of the following month, listing sales by type, other income, purchases, other expenditures, and personal withdrawals, and attaching all statements and invoices or copies thereof, properly receipted. Inventory of merchandise must be included when requested;

E. indemnify and hold harmless the state of Minnesota, its officers, or agents, for any acts or omissions of said licensed blind vendor that may result in the licensed blind vendor's liability to third parties, and the state shall not be liable for negligence based on any theory of liability;

F. provide the licensing agency at least 60 days' notice of intent to take a leave of absence;

G. first make attempts to locate an individual with a disability before approving the employment of a nondisabled person when it has been determined that a relief operator or an assistant or assistants must be employed. The wages paid for any assistance employed, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the state licensing agency;

H. acquire liability insurance and, if necessary, workers' compensation insurance for the business enterprise;

I. provide the state licensing agency at least a six-month notice of intent to retire from the program; and

J. complete a product inventory no less than once annually.

Subp. 3. Agency duties.

A. The state licensing agency assumes responsibility for providing licensed blind vendors the supervision, assistance, and training necessary to ensure the operation of each business enterprise in the most productive and efficient manner possible. This supervision, assistance, and training must be performed according to the following policies in addition to other provisions of parts 3321.0100 to 3321.1300.

B. In entering agreements for new or vacated business enterprises, preference on the basis of seniority of experience of operating business enterprises under the control of the state licensing agency shall be given to capable licensed blind vendors who are deemed competent to handle the business enterprise under consideration. The application of this preference must not prohibit the state licensing agency from selecting a licensed blind vendor from the community in which the business enterprise is located. No licensed blind vendor may transfer to another business enterprise and bid back into the business enterprise the licensed blind vendor just left in the same bidding sequence. Seniority must be determined on the basis of continuous service as a licensed blind vendor in the business enterprises program with the state licensing agency.

C. The state licensing agency shall determine a licensed blind vendor is in default if either of the following is more than 30 days late arriving at the offices of the state licensing agency:

- (1) reports under subpart 2, item D; or
- (2) payment in full under part 3321.0800.

In case of any default, the licensed blind vendor must be assessed a late fee of \$25. The state licensing agency shall notify the licensed blind vendor of the default and penalty. A licensed blind vendor who is in default for the same infraction the succeeding month must be assessed a \$50 late fee. This late fee charge continues to be \$50 per default until the licensed blind vendor has not been in default for at least one month. A licensed blind vendor who is in default twice within six months will not be permitted to transfer to new or vacated vending facilities, after notice of disqualification from the state licensing agency. The licensed blind vendor may regain eligibility to transfer if the licensed blind vendor has cured any prior default and has not been in default for six consecutive months after the prior defaults have been cured.

D. A leave of absence for medical reasons, supported by a doctors statement, may be granted by the state licensing agency and management committee, and the licensed blind vendor shall continue to accrue seniority during the leave. A medical leave of absence for up to six months may be granted under a plan in which the requesting licensed blind vendor retains responsibility for and general management of the current business enterprise. A medical leave up to one year may also be granted under a plan in which

the licensed blind vendor permanently gives up all responsibility for and rights to the current business enterprise. A doctor's statement of ability to return to work is required before a licensed blind vendor's actual return to a business enterprise. Upon returning from a one-year medical leave of absence, the licensed blind vendor must comply with part 3321.0300, subpart 1, item E. Prior to entering into a new agreement with the licensed blind vendor who is returning from the one-year medical leave of absence, the state licensing agency must evaluate the licensed blind vendor to ensure continued compliance with part 3321.0200, item C. If necessary, the state licensing agency must provide additional training to a licensed blind vendor to meet this standard before entering into a new agreement.

E. A general leave of absence may be granted by the state licensing agency and management committee during which time the licensed blind vendor shall not accrue seniority but may exercise seniority rights for new or vacated business enterprises. The licensed blind vendor shall retain seniority accrued up to the date of the leave. A licensed blind vendor on general leave shall give up all rights to the business enterprise which they are operating. Prior to entering into a new agreement with the licensed blind vendor who is returning from a general leave of absence, the state licensing agency must evaluate the licensed blind vendor to ensure continued compliance with part 3321.0200, item C. If necessary, the state licensing agency must provide additional training to a licensed blind vendor to meet this standard before entering into a new agreement.

F. The wages paid by a licensed blind vendor for any assistance employed, including bookkeeping, must be in reasonable proportion to work performed and must be approved by the state licensing agency.

G. The state licensing agency shall approve the items and the selling prices at which those items may be sold, which comprise the merchandise inventory at each business enterprise.

H. The state licensing agency must purchase liability insurance for a business enterprise only when, in the opinion of the state licensing agency, it is deemed essential that the state licensing agency purchase this insurance.

I. The state licensing agency shall review all licensed blind vendor monthly reports, statements and invoices, and other information with specific attention to expenses and take those steps necessary to ensure licensed blind vendor payment of those expenses.

Statutory Authority: *MS s 248.07*

History: *L 1985 1Sp14 art 9 s 12; 15 SR 692; L 2005 c 56 s 2; 37 SR 939*

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