Revised 03, 17, 17 Final

BYLAW of the California Vendors Policy Committee 2017

1.     (Page 2) Authority, Name, Duty, and Recommendation Advisement

2.     (Page 4) Nomination/eligibility, District Apportionment, Balloting /Election

3.     (Page 6) Duty-Delegate/Alternate

4 (Page 8) Delegate/Officer -Resignation, Termination, Recall

5.     (Page 9) Duty-Executive Officers

5.1 (Page 10) Duty Chairperson

5.2 (Page 12) Duty-Vice-Chairperson

5.3 (Page 12) Duty-Secretary/Treasurer

5.4 (Page 13) Duty Exec Officers

6.     (Page 14) Meetings, Notice, Motions

7.     (Page 16) Subcommittees-Duty guidelines

7.1 (Page 18) Benefit Subcommittee Duties

7.2 (Page 19) Q L D C Duties

7.3 (Page 20) Fiscal Duties

7.4 (Page 21) Rules Subcommittee Duty

7.5 (Page 22) Training Subcommittee Duty

7.6 (Page 23) Grievance Subcommittee Duty

8.      Grievance, Hearing, Arbitration and the hiring of Professional Service

 BYLAW of the California Vendors Policy Committee 2016

 1**. Authority, Name, Duty, and Recommendation Advisement**

 (A) Authorized under US Title 20 Education Chapter 6 A Vending Facilities for Blind Sec. 107 b-1 1 (2), California Welfare & Institution Code (WIC) 19638.

 (B)- Chapter 6 Article 9 Business Enterprises Program for the Blind (BEP) Regulation Sec. 7226 (B) states the Committee of Licensed Blind Vendors shall be known as the "California Vendors Policy Committee" (CVPC).

(C)- CVPC by statue has been authorized to represent the Blind Vendors in the State Licensing Agency, Business Enterprises Program (BEP), as well as CVPC's delegates are an advisement Board to the Director for the State Department of Rehabilitation (DOR).

(D)- CVPC Delegates should actively participate for all policy or procedure changes prior to implementation by BEP. This participation will be through public meeting through their vote by majority roll call and by written recommendations.

(E)- Delegates are to serve with the responsibility of a Fiduciary and Trustee while in advocate service to BEP's blind vendors. Members hold lawful responsibility for their actions as a Board and are to actively pursue their Vendor's majority opinion within their district, and mirror that opinion in public meeting, except when a statewide vote of all vendors has been called.

 (F)- CVPC recommendation or advisement shall not be authorized until the following has occurred:

 1- CVPC has furnished all BEP vendor and interested party with public meeting notice for vote consideration of recommendation, resolution, or action. Notice shall be in compliance of State open meeting acts, and contain through agenda and attachment, documentation equal to that for what CVPC may use in its consideration of vote. Failure to disclose or furnish all interested party with equal information may violate State Bagley-Keene.

2- A roll call quorum of "seated" delegates has been established and recorded. Quorum means one delegate more than half of those whom are seated after being elected, or the delegate's alternate if authorized through letter prior to meeting.

3- Proposal for recommendation, resolution, or action, has been read, seconded, and received vote by roll call majority. “Majority” means one delegate vote more in affirmation than half in public meeting quorum.

4 - Bylaw amendments approval requires a three quarters delegate vote, during each one of 2 consecutive CVPC meetings.

5- No Proposal for recommendation, resolution, or action, can be admitted or discussed during the CVPC meeting if is not indicated on the agenda for that meeting

(G) CVPC also is responsible for the following:

1. CVPC shall receive and transmit to the State Licensing Agency grievances at the request of licensees and serve as advocate.

2. CVPC shall participate with the State Licensing Agency in development and administration of a State system for the transfer and promotion of licensees.

3. CVPC shall participate with the State Licensing Agency in development of training and retraining programs for licensees.

4. CVPC shall sponsor, with the assistance of the State Licensing Agency, meetings and instructional conferences for licensees within the State.

5. CVPC shall conduct all necessary business for liability, workers compensation, retirement, life, and health plans for vendors in accordance with Welfare and Institution Code19629 (a) (5).

**2. Delegate nomination/eligibility, District Apportionment, Balloting /Election**

(A) The term for CVPC members shall be two (2) years. The election shall be held in Even-numbered years and the elected members shall take office on January 1 of the following even-numbered year.

(B) The members of CVPC shall consist of and be limited to one voting member duly elected by plurality from the licensed vendors operating a non-interim facility from each of the districts in the State of California.

(C) Eligibility requires the nominee be the licensed facility/s vendor of record of primary location for which district they seek eligibility, and if operating more than one facility, the primary facility shall become the determining factor for their district delegate eligibility.

(D) If there are no CVPC delegate self-nominations received within a district after the first close of self-nomination has been properly completed:

1. The Chairperson of CVPC with BEP shall be authorized in performing an immediate additional nomination process for that district.

2. If there are no self-nominations received after the second close for delegate nomination, a third nomination process shall not occur unless a signed petition by the district's majority has been presented to BEP with copy to CVPC Chair.

3. In the event of second nomination does not bare any results, the Chair of CVPC with the approval of Committee will inform the vendors of district in, question the willingness of all delegates to represent their district so that each vendor can choose a delegate as his or her representative.

(E) Nomination forms or email shall be furnished for all Licensee Vendors no later than October first of each odd numbered year.

(F)   The total number of districts to CVPC should be sufficient as to encourage Licensees with facility type diversity to self-nominate

(G) The number of licensees shall not vary more than seven between the districts having the least number of licensees and the district having the greatest number of licensees.

(H) Only CVPC shall determine the number of districts with no more than

twenty-five (25) licensed vendors per district.

(I) CVPC, in pursuant to the requirements of articles G & H if finds it necessary, shall start the reapportionment process by the first CVPC meeting of the even year of its term and shall provide the approved final reapportionment document before or not later than December 31 of the same year. The approval of reapportionment final document shall take place by CVPC’s majority vote and may only become effective on the subsequent Committee term.

(J) State Licensing Agency, with the agreement of BEP, may

Arranged for an independent organization to be responsible for

carrying out the election procedures in this section.

(K) The Election Coordinator under contract, with two sighted witnesses, appointed by CVPC, may not be employees of the State and hold no state contract other than for the performance in conducting K CVPC's delegate nomination and balloting. If in their opinion by majority there is a problem for acceptance of nomination or ballot, written copy for their rationale shall be immediately forwarded to the vendor in question, CVPC and BEP, where upon BEP shall render in writing for their immediate possible resolve.

(L) If balloting is performed by mail, email, or through professionally retained telephonic solicitation, all shall be sent or started no later than November 1st to all Licensees. If hardcopy mailing is performed, all voting materials shall include instruction with ballot in large print or Braille, an inner envelope with an outer pre-stamped larger envelope.

(M) If hardcopy the following instruction will contain:

1- Ballot must contain an X by the nominee selected, do not sign your ballot, place it into the smaller envelope, after sealing sign the smaller envelope, and place the smaller envelope into the larger white pre-stamped return envelope and mail.

(N) If nomination and balloting is not performed in a public arena, professional telephonic solicitation or through email, return voting envelopes shall not be opened without an attempt for public scrutiny.

(O) Vendor voter marked Ballots shall be counted and recorded for plurality within each district. If there is no plurality or ballot within a district, BEP shall immediately request a second mailing of ballot to all blind vendors within that district.

(P) District vendor lists shall accompany all nomination materials. Upon the completion of election, all licensed within BEP shall receive copy no later than (5) days of conclusion. (M) BEP proposals for election coordinator shall be forwarded to CVPC in enough time to be placed into agenda and heard in public meeting prior to the retaining of a coordinator.

(Q) If there is any delay of the election schedule, then present delegates will continue to represent the Vendors until completion of the election.

(R) When only one nomination in a district has been received for election, that nominee will automatically be seated as:

**3. Duty-Delegate/Alternate**

(A) Delegates are charged with the responsibilities as found under 1. (C) Of these bylaws and may utilize in-person or telephonic district meeting, along with electronic gathering of the majority's opinion within their district. Where proposals may affect the increase of fees or the lessening of benefits to BEP vendors, CVPC shall advocate for a statewide vote of all licensees.

 (B) CVPC's members are to act with professionalism and attempt to display a position of a mentor to all BEP licensees. Robert's Rules of Order shall be CVPC's default in meeting where bylaw may be silent.

 (C)  Delegates are to act as advocates for the licensed blind vendors within BEP. In that regard they are to attempt in ascertaining their majority view and vote their majority within public meeting. District meeting may be performed through methods of webinar, internet chat, teleconference and in person.

(D)   Delegates in meeting are to be respectful, professional, and act in a manner of civility. All delegates are to be acknowledged by CVPC's presiding Chairperson prior to the attempt to speak in meeting.

(E) Without being placed on noticed agenda, no delegate may propose motion, resolution or recommendation in the CVPC meetings.

 (F) When possible, delegates are to attempt in aiding with resolve of differences between Licensees and BEP or DOR staff. When requested by vendor, delegates shall assist and act if requested to advocate with the preparation and filing of grievance, hearing, or arbitration.

(G)  Delegates are to attend all meeting of CVPC body and may be discharged due to unjustified non-attendance of two meetings within a term, via a motion approved by CVPC.

(H) Delegates are to attend all meeting of CVPC. In the event which the Delegate is not able to attend the meeting should inform the Chair in writing and introduce the alternate at least 15 days before the meeting.

In the event that a Delegate does not follow the above procedures, even the Delegate makes herself or himself available on a conference line during the CVPC meeting, the Delegates presence cannot represent a voting member of the Committee, therefore, he or she cannot vote on any motion or any decision which Committee will take during that meeting and his or her participation will be only as a member of public and not a CVPC delegate

(I) In a rare emergency occasion, Delegate will be allowed to participate in the CVPC meeting via conference line provided:

1. If there are no alternates available.
2. If the Delegate informs the Chair of CVPC in writing at least 15 days before the meeting…
3. The phone number and the address of location which the Delegate will be communicating from during the meeting must be posted in the agenda, as required in the Bagley Keen Act.
4. The participation of a Delegate via conference line shall be allowed in a very rare and extreme situations, recognized by the Chair of the CVPC and should be considered as exception and cannot be continued and repeated...

(j) An alternate is a licensed vendor operating a non-interim facility, in the same district as the delegate they are replacing.

 (K) An alternate shall have all privileges as delegate when the delegate is absent.

 (L) The petition or the request signed by Delegate must be presented to the Chair of CVPC at least 15 days before the CVPC meeting. The alternate can resume participation in the meeting after the CVPC approves the request, at the beginning of the meeting.

**4 CVPC Delegate/Officer -Resignation, Termination, Recall**

(A) Termination of a delegate shall occur when a member leaves their facility within the district wherein the delegate was elected, due to; resignation from BEP, resignation from the committee, retirement, death, or transfer to a facility outside the district. If a Delegate transferring to a facility within the same district shall maintain their positions on the committee.

(B) Upon resignation, recall or death of a delegate, the Chairperson shall contact Administration in writing, requesting an immediate special district election of delegate.

(C) Resignation of a seated delegate shall begin upon the first day of their contract or the operation of their primary facility outside their district.

(D) Recall of a delegate may occur through a majority of signed vendor petitioners from within that Delegate's district or from non-attendance of public meeting. If electronic collection is utilized for purposes of district recall, the petitioning licensee's signature must accompany the petition by FAX or PDF. If non-attendance is utilized for discharge of duty, after two missed meetings without legitimate excuse or signed authorization for an alternate to meeting by that delegate, the CVPC Chairperson shall request replacement of that delegate.

(E) Officer recall requires a majority vote by roll call within public meeting of a quorum of CVPC's seated delegates.

(F) If a delegate vacancy occurs due to resignation, no nomination, illness or death, the Executive Committee, by majority vote, may appoint an alternate from the vendors in that district until a new election has been completed.

**5. Duty-Executive Officers**

**(A)**The Executive officers of CVPC shall be a Chairperson, Vice-Chairperson, and Secretary-Treasurer, each of whom shall be elected by a majority of recorded roll call vote of CVPC at the first Committee meeting of the new CVPC term.

(B) In the case of a vacancy, the members of the Executive Committee will preside in the following order, Chairperson, Vice Chairperson, Secretary-Treasurer, whom shall serve as "presiding" Chairperson and meeting Parliamentarian when the former is absent from floor.

(C) If all members of the Executive Committee are absent, any delegate can call the meeting to order and CVPC must immediately elect a Chairperson pro tem to preside during that meeting. Such office is terminated by the entrance of a member of the Executive Committee or when CVPC elects a new Chairperson or Executive Committee.

5.1. **Duty Chairperson**

CVPC authorizes the "elected" Chairperson with the ultimate responsibilities:

(A) the Chairperson shall conduct all CVPC meetings.

(B) the Chairperson for the purposes of public relations, press conferences or spokesperson for CVPC shall convey the approved CVPC’s positions on behalf of the CVPC.

(C) All official communications from or to CVPC must channel through the Chair of CVPC. The Chair must receive and respond to all communications with full consent of committee.

(D)The chair shall compose and set the agenda for the meetings in accordance to the issues and activities presented by the subcommittee or Delegates.

(E) The chair shall be responsible for the accuracy of minutes and must make sure it reflects the accurate discussions and issues presented during the meeting.

(F) The agenda or minutes of CVPC meetings shall be distributed only after the final review and approval by the CVPC Chair.

(G) The Chair shall set meeting agenda and time & place for all CVPC meetings:

(H) The Chair must insure all that wish to speak in meeting on issues indicated in the agenda have the opportunity to speak without jeopardizing the time for other delegates participation.

(I) The Chair shall be the ultimate signatory to letter, document, agreement, or contract of CVPC, and be one of the two minimum required signatories for withdrawal of funds to CVPC

(J) The Chair has ultimate Fiduciary for the transference of CVPC's exit reports and treasury to the superseding Committee of licensed blind vendors.

(K) The Chairperson assigns chairmanship of subcommittees, ad hoc, and task force or study groups for CVPC, with a confirmation vote by CVPC.

(L) The chair shall provide the issues and subjects prioritize by the CVPC committee to the sub committees and taskforces for review.

(M) The Chairperson may participate in all subcommittee meetings as a provisional member and shall have no vote.

(N) (When a subcommittee chairperson is absent from a subcommittee meeting, the chairperson’s responsibilities may be performed by the CVPC Chairperson

or their designee.

(O) The Chairperson or their designee shall address each BEP training class and explain the duties and responsibilities of CVPC.

(P) The Chair can be one of the two minimum required signatories for the withdrawal of funds to CVPC.

**5.2. Vice-Chairperson**

 The Vice-Chairperson shall assume the Chairperson's duties when;

 1-    The Chairperson is absent from floor, public meeting, or hands gavel to be able to speak on an issue:

2- The Chairperson is ill, deceased, has resigned or has been recalled;

3. The vice-Chairperson is one of the two minimum required signatories for the withdrawal of funds to CVPC.

**5.3. Duty-Secretary - Treasurer**

(A) the Secretary Treasurer or "Secretary" is to become the presiding chairperson in meeting when both the Chairperson and Vice Chairperson are absent.

(B) The secretary shall obtain the approval of minutes of the CVPC meetings of the committee by moving a motion to approve the minutes.

(C) the Secretary shall have the ultimate responsibility with the Committee Liaison for the timely posting of material on the CVPC website:

(D) the Secretary-Treasurer shall be responsible for maintaining CVPC’s non-profit status with all government agencies.

(E) Report and record in public meeting for the balance and expenditure from:

1. Available funds from state vending commission being held for professional service retention; (All expenditure requires three quarters recorded majority vote in public meeting).

2-Held Balance's held in cash or account for expenditure by CVPC (takes public meeting recorded simple majority vote).

3. One of the two minimum required signatories for withdrawal of funds to CVPC.

* 1. **Duty Exec Officers**

(A) Besides the Chairperson, the Executive Committee may represent CVPC's recorded positions between meetings, however; if there should be such collaboration for representation, letter with explanation shall be forwarded to CVPC.

(B) The Executive committee shall use all methods within its authority to track and report conceived matters of litigation or legislation that could affect CVPC and the blind vendors.

(C) The Executive shall request and report for record in public meeting agenda of Licensee grievance, hearing, or arbitration. Assessment shall be offered in meeting for possible resolve or amendment of BEP policy or procedure.

 (D) The Executive Officers as recorded signatories to CVPC shall be dispensed from their final fiduciary duty by accompanying the new elected Officers to where CVPC holds its account/s, and the Secretary of State Office if incorporated, for the exchange of responsible Officer signature to file. The newly elected Officers shall furnish copy of CVPC recorded minute   for their election upon request.

(E) The Executive committee shall appoint two blind vendor representatives to assist with the duties required in special elections.

**6. Meetings, Notice, Motions**

(A) First meeting:

1. The beginning of the first meeting of the new term, The BEP program Manager or his or her designee will act as the Chair and conduct the election of the CVPC Chair.

2. Delegates will introduce themselves and state which BEP District they represent.

3. Delegates will nominate a chairperson from the floor, it is seconded, after any discussion; a roll call vote by the delegates is required.

4 As soon as the Chair of CVPC is elected by the committee then the Chair will conduct the meeting.

5. The election of Vice Chair and the Secretary/treasurer, will follow the same procedure stated in (A), 3, of this section.

6. After the election of the Executive committee members is over then, the chair will pursue conducting the meeting following the normal procedures.

(B) In the first meeting of each new term of CVPC after the election of the Executive Committee members, the Chair will appoint the Sub Committee chairs with the approval of CVPC.

(C) The first meeting of the new term must provide necessary information to all delegates; therefore, the agenda of first meeting will include all information and description of rules and regulations as well as procedures of conduct during the CVPC meeting.

(D) The next step at the first meeting will be providing necessary information to the Committee members.

(E) The following information must be provided for all delegates in an open meeting with the participation and presence of administrative or staff members of DOR who are responsible for the Business Enterprise Program.

1. Reading of the guidelines for active participation.

The program manager or his or her designee will read the guidelines for the active participation out loud in order to make sure all Delegates as well as administration and BEP staff clearly understand the guidelines and the boundaries of their responsibilities.

2. The information and the list of financial or otherwise reports which DOR is required to provide for CVPC, with their timelines, will also be included in this report.

3.Bagley Keen presentation:

A representative of the DOR Legal Department will provide comprehensive information regarding the Bagley keen act in regard to the CVPC or subcommittee meetings.

4. Robert rules of Order:

The chair of CVPC or his or her designee will provide information about the Robert’s rule of Order and the protocol of conducting during the meetings.

(F) The last part of the agenda of the first CVPC meeting will be for the Chair of CVPC to designate issues and projects pertaining to the various sub committees, with the approval of CVPC.

(G) All meetings of CVPC and its subgroups are to use CVPC bylaw, Robert's Rule of Order, and be within compliance of Bagley-Keene (11120-31); by law preempts Roberts, and Bagley preempts bylaw.

(H) All CVPC meetings shall be accurately recorded by the Committee secretary or the Liaison:

1. The minutes of CVPC shall be provided by DOR to all Vendors in the medium of their preference. Recording of minutes also shall be available upon request

(J) Since the CVPC’s term ends on December 31 of the odd numbered year, the first CVPC meeting of the new term will be held as close to January 1in the even numbered year.

(K) prior to any discussion or consideration of vote, notice shall be furnished in descriptive agenda with a minimum of (10) days’ notice to all interested party in their preference of media, except for when an emergency is declared.

1.An emergency requires a two-thirds vote of CVPC, with notice and agenda posted on web, email, and or newspaper. Agenda shall contain explicit description as to allow for the understanding of what is under consideration. All items on agenda must comply with BKA.

2. Serial meeting may be cited if delegates attempt to discuss agenda items outside public meeting.

3. Closed meetings may be called if noticed for matters of personnel, litigation, or legislation. Closed sessions require minute be taken and held for order by court (BK 11126).

(L) Persons with disability or media preference shall have reasonable accommodation, and unless on list for accommodation, they are responsible to furnish CVPC Chair with request at least (7) days prior to meeting.

(M) Any delegate may present a motion to CVPC for consideration, for adjournment.

(N). All motions presented during the meeting must be pertaining or related to the issues indicated in the agenda and must be provided and presented by the subcommittee Chair or Executive Committee.

(O) All votes is to be performed by roll call, recorded, and not be in violation of bylaw, regulation, code or act.

(Q) The CVPC shall meet as often as necessary (minimum of 4 times per year) in the attempt to carry-out its business. Interpretation of motion, resolution, or recommendation may only be done within public meeting by majority of CVPC, or through majority of vote from all licensees that may vote in statewide ballot.

**7. Subcommittees-Duty guidelines**

(A) All issues will be presented to sub committees by Chair of CVPC in accordance to the priority list of actions approved by the CVPC.

(B) The subcommittee chair shall present the issues and projects which are assigned and prioritized to the subcommittee by the CVPC and shall only place issues presented by public to the agenda which are related and pertain to the items to be discussed on the agenda.

(C) Any subject presented by members or public which will not be related to the agenda will rest at the discretion of the subcommittee chair to allow discussion to take place only if there is enough time for discussion and review of issues assigned by the CVPC to the subcommittee.

(D) All projects and issues approved in the subcommittee shall be conducted by roll call vote.

(E) The subcommittee will review, discuss and work on issues referred by CVPC and upon completion will Vote to approve and submit those issues to the CVPC for review.

(F) The Chair of subcommittee shall present the motion for projects and issues recommended by the subcommittee to the next CVPC meeting for review and approval.

(G) CVPC Standing subcommittees are Benefits, Quality Location Development Committee (QLDC), Fiscal, Rules, and Training. Volunteers should never be denied to serve; however, membership beyond the total number of districts should be avoided. Executive members shall provide advocacy to licensees requesting complaint against BEP.

(H) All Subcommittees in their first meeting shall review CVPC's last term's exit reports for concurrence and possible implementation. During the first meeting the subcommittee Chairperson with participation of CVPC chair shall review and provide necessary information in regards to the function of the committee, Robert’s rule of order, Bagley-Keene Act and other rules and obligations which members of the subcommittee are required to comply with.

(I) Other than heads of CVPC study groups, only delegates may hold position as chairperson for subcommittee or task force. A Chairperson may only vote to make or break a tie.

(J) CVPC's Chairperson may assign an alternate or perform the subcommittee chairperson's duty when in absence until their return, or their replacement has been selected by CVPC's Chairperson.

(K) All Subcommittee proposal of resolution or action shall be in writing and forwarded to CVPC's Chairperson no less than (20) days prior to public meeting. Resolutions, motions, and recommendations should include documentation rationalization used for decision.

(L) Prior to CVPC's last meeting of term each chairperson with Subcommittee Shall prepare "term "exit reports. Reports shall include;

1. Membership roster,

2. Disposition of presented motions,

3. unfinished business by prioritization, with subcommittee business inclusion of agenda for final meeting of CVPC.

(M). If necessary, the chair of subcommittee upon informing the Chair of CVPC, can appoint a taskforce from the members of subcommittee or vendors at large in order to enhance or expedite the review of projects assigned to his or her committee.

**7.1 Benefit Subcommittee Duties**

(A) The Subcommittee shall "review" all federal, State, and CVPC reports as well as outside company proposals pertaining to vending machine commissions, vendor’s retirement plans, all insurances and workers comp and related issues, which may bring betterment and benefit to all vendors.

(B) For this purpose the Chair of subcommittee must obtain and update the list of contacts and all necessary information of outside companies who are willing to participate and provide services to the vendor community.

(C) The representative of these companies must be invited to the sub committee meetings, throughout of the each subcommittee term in order for members and public become informed about the possibilities as well as market situation of various insurance or other products presented and proposed by those companies.

 (D) At minimum once a year reviews the pricing and "unassigned vending commissions paid by all holding contract with BEP, to make sure that vendors are not getting short changed.

1.Master plans of BEP (workers comp and liability) should be reviewed quarterly to determine if comparable to outside sourcing, if claims above industry average, and what may be done for improvement through increased training or penalty disincentive. At least every three years an actuary study should be performed for the setting of workers compensation pricing to blind vendors.

2. Annually, all accounts reserves being held by BEP should be reviewed as being necessary.

3.With intent to bring equity to all Licensed within BEP; the Benefit subcommittee should continually review expenditure from BEP Trust Fund for expenditure against blind vendor. These should include at a minimum health insurance premium contribution, waiver of fees or insurances to be paid. Additionally, over $ 100,000 which currently is held by DOR, BEP, and was to be used for secondary vendor loan, but was converted to buy-down of interest from commercial loans made blind vendors. Benefits should study and seek if these funds could become used in better benefit to the blind vendors.

**7.2 Quality Location Development Committee Duties**

(A) CVPC grants the "QLDC subcommittee when they display a majority vote within public meeting to sustain or reject proposals by the Director in the waiver for establishment of BEP facility when:

1. Proposals by the Director have been forward with detailed disclosure for all interested party to discern which site, property, or facility is proposed for waiver of BEP priority.

2. The release of enough financial information as for interested party to understand why granting waiver brings benefit to the Blind and BEP continue waiver for their three year maximum.

3. Between public meetings of CVPC the QLDC subcommittee may vote to approve proposals of BEP facility announcement (DR 460). These approvals shall be presented by the Chair of QLDC in the first opportunity of CVPC meeting for final approval.

4. All issues discussed and reviewed in the QLDC Committee shall be reported by the Chair of subcommittee to the CVPC meeting in the first opportunity for approval.

5. All issues recommended by the Q L D C will not be valid unless with the final approval of CVPC.

6. List of Wavers, as well as other action recommended by QLDC shall be presented by the first opportunity to the CVPC meeting via motions by the Chair of QLDC for approval. The recommendations presented by QLDC may be approved or rejected by the Committee during the CVPC meeting. However, all recommendations, approved or rejected by CVPC shall be reflected in the minutes of CVPC meeting for public knowledge.

7- QLDC shall review and continually present recommendation to the CVPC, for the improvement of BEP facility and operation, equipment service and procurement. When attempting to establish a facility, members should attempt to bring footprint standardization for each type of facility, with the inclusion of modularization of equipment compliment to each type. On file with the subcommittee should be letters of equipment evaluation to assist the members with which equipment has not performed and which should receive preference.

**7.3 Fiscal Duties**

(A) Fiscal's members shall review through programmatic reports available the solvency of BEP and all proposed budgets to it. This should include:

1. Ascertaining if all fees being collected are receiving maximization of federal matching funds, and if the amount of fees being charged to vendor is absolutely necessary as found under CFR 395.9. All Requests for Proposal by BEP should be reviewed, along with BEP's fee schedule annually for compliance with WIC mandate of fee exemption and adequate income for establishment of facility.
2. Annually Fiscal shall review for the cost of living index for blind vendor fee exemption and level of minimum of an adequate income as found within WIC 19629. Also, should be reviewed is if the 10% for employing the disabled is adequate, and what may be done for the improvement to hire more disabled other than to offer monetary incentive.

(C) Annually the Subcommittee shall review and report its comparison finding for the BEP's reported RS 15 Report. Items for review with previous RS 15 Reports should be for the comparison of blind vendor-facility level, fees collected, incomes to vendors, and total sales and cost of goods to vendor and Program.

(D) Fiscal annually should review BEP proposed "Statewide Averages" being employed by it for accuracy of application.

(E) The following quarterly or annual reports shall be provided to the Finance committee by DOR for review.

1.      RSA 15 Report

2.      Trust Fund Balance Report

3.      Vending Machine Commission Report

4.      State Wide Averages Report

5.      BEP Locations Report

6.      Budget Report

7.      By Down Program Report

* 1. **Rules Subcommittee Duty**

1. Members shall review regulation of BEP for necessary revisions and modifications.
2. 0CFR preempts BEP regulation and State law. Prior to written recommendation for regulation approval, CFR should be reviewed. All proposals shall be furnished to all interested party prior to vote of CVPC.
3. In the even numbered year Rules shall review CVPC’s district boundaries for regulatory and Bylaw compliance, and when needed propose redistricting (WIC 19638-BEP reg. 7226).
4. Rules shall seek, review, and offer programmatic input as to BEP's Strategic Plan. All proposals for recommendation shall be furnished to all interested party prior to public vote.
5. Rules shall constantly review for proper regulation, forms in use by BEP, its written policy, procedure, or protocols so as to not have "underground regulation. This shall include procedures for the equal establishment of vendor agreement, facility permit with host agency, contracts, or interagency agreements that are to be found within BEP regulation (CFR 395.3,4). Rules is to also maintain record of written Director Agreements for continued compliance by the Director and staff.

**7.5 Training Subcommittee Duties**

(A) Training shall review and report to CVPC with written recommendations for the improvement of BEP classroom curriculum, training, on-the-job training, retraining, upward mobility, Post employment services, and with CVPC's subcommittees for the adequacy of staffing levels for all aspects for BEP's management. (CFR 395.14-WIC Code 19636, 38).

(B) The subcommittee shall collaborate with Administration in the production of annual training& upward mobility conference; not to preclude blind vendor in- facility training.

(C) The subcommittee shall assist the Classroom Instructor with client evaluation for BEP acceptance and for the offer of written recommendation to improvement of skills required for the success of an applicant to BEP, i.e. Braille, Typing, Computer, or for their beginning paid inventory amounts.

(D)Training shall work with the BEP blind vendors for the increase and improvement of on-the-job "trainers" and BEP vendor mentors, and their skills necessary for success. Training shall also work with the Director in the establishment and maintenance for a inter-acting vocational employment program of other disabled with easy access listing, that the blind vendors could readily use for the employment of the disabled.

(E) The training subcommittee shall constantly inquire and monitor the training class curriculum and provide recommendations to the CVPC for approval in order to improve the preparation and presentation of the new students to the modern business world. For this purpose at the beginning of each term, the training sub committee chair in consultation with the CVPC chair must create the training class taskforce in order for this taskforce to be able to monitor the training process as well as the Curriculum, equipment, material and overall the condition and system of training and class environment and work closely with the training instructor for the better learning process of new students.

(F) This taskforce shall continue its work throughout the 2 year term even if there are no classes in session.

**7.6 Grievance, Hearing, Arbitration and the hiring of Professional Service**

(A) Any delegate may file for grievance, state full evidentiary hearing, federal arbitration. To do so requires the perception that administration has acted or failed as requested to act for programmatic issues of benefit to BEP and its Licensees. Prior to such filing, CVPC should investigate all allegations and request compromise by all parties.

(B) The committee of licensed blind vendors may contract for professional services, including, but not limited to, legal counsel.

(C) Payment for professional services rendered to the committee of

licensed blind vendors shall be made from state vending machine

Income pursuant to subdivisions (d) and (e) of Section 19630(WIC 19638 (C).

(D)Retaining of professional services shall require a majority three-quarters vote in public meeting of CVPC. All applicable protocol to be used against CVPC for their retention of professional services shall be in code, regulation and approved by California's Legislature.