

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

11:00 AUG -9 AM 11:07

ADMINISTRATIVE LAW DIVISION
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Administration and
AGENCY: Division of Rehabilitation Services TITLE NUMBER: 186

RULE TYPE: Procedural; CITE AUTHORITY 5A-3A-5

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 4

TITLE OF RULE BEING PROPOSED: Qualifications for Participation

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 15, 1990 AT 4:30 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Division of Rehabilitation Services

State Capitol Complex

Charleston, WV 25305

Attention: John L. Parker

Chief, Workshop Support

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

C. W. Parker

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION

State Capitol
Charleston, WV 25305

FILED

1990 AUG -9 AM 11:07

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Gaston Caperton
Governor

Chuck Polan
Secretary

August 8, 1990

Honorable Ken Hechler
Secretary of State
Suite 157-K
Capitol Building
Charleston, West Virginia 25305

Re: Procedural Rules For Qualifications For Participation by the
Committee For the Purchase of Commodities and Services from the
Handicapped

Dear Mr. Hechler:

Approval is hereby given for filing procedural rules of the Committee
For the Purchase of Commodities and Services from the Handicapped, entitled
"Procedural Rules For Qualifications For Participation", as enclosed, in
accordance with West Virginia Code, 5A-3A-5.

Sincerely,

Chuck Polan
Secretary

CP:mb

Attachment

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Rules For Qualifications For Participation by the Committee 07
For the Purchase of Commodities and Services from the Handicapped

Type of Rule: Legislative Interpretive X Procedural

Department of Administration and
 Agency Div. of Rehabilitation Services Address State Capitol Complex, Charleston,
 WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$ 0
Personal Services					0
Current Expense					0
Repairs and Alterations					0
Equipment					0
Other					0

2. Explanation of above estimates:

No additional costs are anticipated by promulgation of these rules.

3. Objectives of these rules:

To provide procedures for appropriately certifying nonprofit workshops and their qualifications for participation in this program. To ensure that no unqualified organizations benefit from the privileges afforded to participants under this law.

The purpose of these procedural rules is to set forth the qualifications for participation under the provision of West Virginia Code, Section 5A-3-10.

FILED
ECG AUG -9 PM 11:07
61209
6011

FILED

1980 AUG -9 AM 11:07

CSR

TITLE 186

OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

GOVERNOR'S COMMITTEE
FOR THE PURCHASE OF COMMODITIES AND SERVICES
FROM THE HANDICAPPED

SERIES 4

QUALIFICATIONS FOR PARTICIPATION

Section - -1. GENERAL

1.1 Scope.--The scope of these procedural rules is to set forth the qualifications for participation under the provisions of West Virginia Code Section 5A-3-10.

1.2 Authority.--West Virginia Code Section 5A-3A-5.

1.3 Filing Date.--

1.4 Effective Date.--

Section - -2. QUALIFICATION FOR PROGRAM PARTICIPATION

2.1 Requirements

In order for a workshop or rehabilitation facility to qualify for participation under provisions of West Virginia Code Section 5A-3-10, it shall file the following documents with the Executive Secretary of the Governor's Committee for the Purchase of Commodities and Services from the Handicapped, "Committee", and Central Nonprofit Agency, "CNA":

(a) A letter of application by an officer of the workshop or rehabilitation facility attesting that the workshop or rehabilitation facility:

(1) Operates as non-profit (IRS 501(c)(3)) entity or as a State agency which operates in the interest of persons with disability, and that no part of its net income inures to the benefit of any shareholder or other individual.

(2) Complies with applicable occupational health and

safety standards required by the laws of the United States and of the State.

(3) In the manufacturing of products and in the provision of services, whether or not procured under the states program, employs persons with disability to perform at least 50% of its total production or service labor, whether or not government related. If this condition has not been met, the applicant must attach to the letter of application a satisfactory plan and time table to achieve at least this level of handicapped labor.

(4) Has an ongoing placement program which includes at least pre-admission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with appropriate community services for the placement in such employment of any of its workers qualifying for such placement.

(5) That the applicant agrees to abide by the following rules:

(i) To furnish commodities or services in strict compliance with contract specifications.

(ii) To make appropriate records available for inspection by the Committee or CNA at any reasonable time.

(iii) To maintain records of direct labor hours performed in the facility by each worker and report monthly, on the approved form, hours worked by type of disability.

(iv) To comply with applicable occupational health and safety standards prescribed by the United States Department of Labor and the State of West Virginia Division of Labor.

(v) Maintain a file on each person with a disability which includes reports of pre-admission evaluation, and annual re-evaluation of the individual's capacity for normal competitive employment, prepared by a person or persons qualified by training and experience to evaluate the work potential, interest, aptitudes and abilities of handicapped persons.

(vi) Make full disclosure to the CNA of all facts related to the costs, overhead, or profits in the production of a commodity or service.

(b) A letter of approval from the Division of Rehabilitation Services (DRS) for participation in the program which attests DRS has audited, examined or has on file current documentation of the following items:

(1) If workshop or rehabilitation facility is incorporated, a legible copy of the articles of incorporation showing the date of filing and the signature of an appropriate State official and a copy of the by-laws certified by an officer of the corporation.

(2) A copy of the Internal Revenue Service certificate indicating that the workshop or rehabilitation facility has been accepted as nonprofit for taxation purposes.

(3) Evidence that the workshop or rehabilitation facility meets the criteria for determining nonprofit status under the applicable provisions of West Virginia, and is registered and in good standing as a charitable organization with the Secretary of State, under the provisions of West Virginia law.

(4) If sub-minimum wages are to be paid, the current certificate(s) issued by the United States Department of Labor authorizing wage payments under section 14(c) of the Fair Labor Standards Act.

(5) A current listing of the names, addresses and phone numbers of officers of the workshop or rehabilitation facility.

2.2 Notification

The Committee shall review the application letter and the DRS approval letter, and, if acceptable, notify the workshop or rehabilitation facility through the CNA of its eligibility to participate.

2.3 Revocation

The Committee may revoke the right of any workshop or rehabilitation facility to participate if, at any time, the Committee determines the workshop or rehabilitation facility is not in compliance with all the requirements in Section 2.1 of these regulations.

If the CNA recommends the denial of approved status to a workshop or rehabilitation facility, or the revocation or suspension of such status, for failure to comply with these regulations or for other good cause, the matter shall be referred to the Committee for resolution.

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Administration and
AGENCY: Division of Rehabilitation Services TITLE NUMBER: 186

RULE TYPE: Procedural; CITE AUTHORITY 5A-3A-5

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 4

TITLE OF RULE BEING PROPOSED: Qualifications for Participation

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 15, 1990 AT 4:30 p.m.. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Division of Rehabilitation Services

State Capitol Complex

Charleston, WV 25305

Attention: John L. Parker

Chief, Workshop Support

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL