

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

DO NOT MARK IN THIS BOX

FILED

1993 SEP 18 AM 9:51

OFFICE OF THE SECRETARY OF STATE

STATE OF WEST VIRGINIA

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: West Virginia Code Section 5A-3A-5

RULE TYPE: PROCEDURAL ☒ INTERPRETIVE ☐

EXEMPT LEGISLATIVE RULE ☐

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES ☐, NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

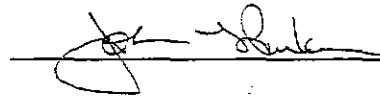
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: Four (4)

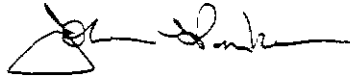
TITLE OF RULE BEING ADOPTED: Qualifications for Participation:

Committee for the Purchase of Commodities and Services from
the Handicapped.

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS Oct 19, 1990



There was a comment period on these rules, and we received no comments. There has been no changes made from the original filing.

A handwritten signature in black ink, appearing to be "John Doe" or similar, written in a cursive style.



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION

State Capitol
Charleston, WV 25305

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,

A handwritten signature in cursive script, appearing to read "Chuck Polan".

Chuck Polan
Secretary

CP:mb

Attachment



STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION

State Capitol
Charleston, WV 25305

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Chuck Polan
Secretary

CP:mb

Attachment

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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

Type of Rule: Legislative Interpretive X Procedural

Agency Department of Administration and
Div. of Rehabilitation Services Address State Capitol Complex, Charlesto
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.

CSR

TITLE 186

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.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 556-6000
Corporations: (304) 558-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

TO: Diana Stout

AGENCY: Dept. of Administration

FROM: Judy Cooper, Director, Administrative Law Division

DATE: August 25, 1992

Recently our office sent to you the following rule to be reviewed,
proofed and returned:

SERIES: 4 TITLE: 186

As of today, we still have not received the proofread rule from you. This is a very important step in our process to get the rules into our legislative computer system and out to our subscribers in a monthly supplement. We would appreciate the rule being reviewed, proofed and returned to us immediately so that we can continue keeping our records and their records up-to-date. The rule is enclosed for proofing.

Thank you very much for your prompt attention to this matter. If you have any questions, please call.