

NOTICE OF INTENT

Louisiana Workforce Commission

Louisiana Rehabilitation Services

Business Enterprises Program Manual

(LAC 67: VII. Chapter 5)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, Louisiana Workforce Commission (LWC), Louisiana Rehabilitation Services (LRS), proposes to revise two parts of one section of the Business Enterprise Program Manual, as it relates to the Randolph-Sheppard Program. In §519.E.1.a, State Licensing Agency Responsibilities for Business Enterprise Operations, the term *priority* is being changed to *extra consideration*. In §519.G.2.h, the agency is providing clarification to the 30 calendar day time frame as it relates to convening an arbitration panel with the Secretary. Amending the above sections of the Business Enterprises Program policy manual will allow for selection of the most qualified applicant for vacant facilities and establishing a time frame for requesting federal arbitration.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 5: Business Enterprises Program Manual

§519. State Licensing Agency Responsibilities for Business Enterprise Operations

A. – D.

...

E. Assignment, Transfer of Licensed managers. The SLA will carry out assignment and transfer of licensed managers through business enterprise vacancy announcements, eligibility verifications, and establishing and convening a screening committee.

1. Business Enterprise Vacancy Announcement.

a. The SLA will develop minimum qualifications specific to the characteristics of the vacant enterprise. These minimum qualification will establish the level of accomplishment expected of the applicant for the vacant business enterprise in each of the areas

to be considered by the Screening Committee as described in §519.E.2. ~~Priority~~ Extra consideration will be given to displaced licensed managers:

- i. location, type of enterprise, and general description of operations;
- ii. minimum qualifications;
- iii. for a new enterprise, estimates of monthly net sales based upon potential patronage, with disclaimer this estimate is not a guarantee of sales; and
- iv. application due date.

E.2. – F.6. ...

G. Due Process. SLA provides procedures for fair hearings of licensed managers' grievances. These procedures provide each licensed manager the opportunity to seek remediation of dissatisfaction with any SLA action arising from the operation of the BEP and are set forth in the following.

1. - 1.c. ...

2. Full Evidentiary Hearings. Licensed managers have the right to a full evidentiary hearing to resolve dissatisfaction with any SLA action arising from the operation or administration of the Business Enterprises Program. Evidentiary hearings shall be conducted as set forth in the following

a. – g. ...

h. If the licensed manager is dissatisfied with the decision, she or he may request that the Secretary (USDE) convene an arbitration panel. The request for an arbitration panel must be made in writing within 30 calendar days from the date the licensed manager receives written notification of the full evidentiary hearing decision.

3. – 4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. ~~49:664.4~~ and R.S. ~~36:477~~ 23:3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 25:532 (March 1999). Promulgated by Louisiana Workforce Commission, Louisiana Rehabilitation Services, LR

Family Impact Statement

In compliance with R. S. 49:972 the impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on family functioning, stability or autonomy by increasing access to and participation in the Vocational Rehabilitation/Business Enterprise Program. This Rule will not effect the authority and rights of parents regarding the education and supervision of their children or behavior and personal responsibility of children.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule may have a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973(B) due to increase participation in the Vocational Rehabilitation/Business Enterprise Program which is expected to reduce dependence on public assistance programs and enable employment and independence.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on the staffing level requirements or qualifications required to provide the same level of service; the total direct and indirect effect on the cost to the providers to provide the same level of service; or the overall effect on the ability of the provider to provide the same level of service.

Small Business Statement

The proposed Rule's impact on small business has been considered in accordance with R.S. 49:965.6 and it is estimated that the proposed actions will have negligible impact on small businesses as defined in the Regulatory Flexibility Act.

Public Comments

Interested persons may submit written comments, data, or opinions through May 28, 2015 to Mark S. Martin, LRS Director, P.O. Box 91297, Baton Rouge, LA 70821-9297. Copies of the of the revised policy may be obtained at Louisiana Rehabilitation Services, 950 N. 22nd

Street, Baton Rouge, LA 70802, or at each of its eight regional offices, and at the Office of the State Register, 1051 North Third Street, First Floor, Baton Rouge, LA.

Public Hearing

A public hearing on the proposed Rule will be held on May 28, 2015 at the Baton Rouge Regional Office, 3651 Cedarcrest Avenue, Baton Rouge, LA, beginning at 9 a.m.. Individuals with disabilities who require special services should contact Judy Trahan, Program Coordinator, Louisiana Rehabilitation Services, at least 14 working days prior to the hearing if special services are needed for their attendance. For information or assistance, call 225-219-2225 or 1-800-737-2958 (V/TDD).

Curt Eysink

Executive Director