

RULE

**Workforce Commission
Rehabilitation Services**

Business Enterprises Program Manual (LAC 67:VII.519)

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, Louisiana Workforce Commission (LWC), Louisiana Rehabilitation Services (LRS), revised 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* was changed to *extra consideration*. In §519.G.2.h, the agency provided 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 allows for selection of the most qualified applicant for vacant facilities and establishes 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 verification, 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. 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. The 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. 23:3022.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 25:532 (March 1999), amended by the Workforce Commission, Rehabilitation Services, LR 41:1312 (July 2015).

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