

**CHAPTER 99
REHABILITATION FACILITIES
SET-ASIDE ACT RULES**

Authority

N.J.S.A. 30:6-23 et seq., specifically 30:6-32.

Source and Effective Date

R.2008 d.29, effective December 24, 2007.
See: 39 N.J.R. 3270(b), 40 N.J.R. 725(a).

Chapter Expiration Date

Chapter 99, Rehabilitation Facilities Set-Aside Act Rules, expires on December 24, 2012.

Chapter Historical Note

Chapter 99, State Use Law for Rehabilitation Facilities, was adopted as R.1971 d.15A, effective January 28, 1971. See: 2 N.J.R. 100(b), 3 N.J.R. 41(a).

Chapter 99, State Use Law for Rehabilitation Facilities, was repealed by R.1980 d.178, effective April 22, 1980. See: 12 N.J.R. 322(a).

Chapter 99, State Use Law for Rehabilitation Facilities, was adopted as R.1985 d.55, effective February 19, 1985. See: 16 N.J.R. 2338(a), 17 N.J.R. 453(a).

Pursuant to Executive Order No. 66(1978), Chapter 99, State Use Law for Rehabilitation Facilities, expired on February 19, 1990.

Chapter 99, State Use Law for Rehabilitation Facilities, was adopted as R.1990 d.295, effective June 4, 1990. See: 22 N.J.R. 766(a), 22 N.J.R. 1724(b).

Pursuant to Executive Order No. 66(1978), Chapter 99, State Use Law for Rehabilitation Facilities, expired on June 4, 1995.

Chapter 99, Rehabilitation Facilities Set-Aside Act Rules, was adopted as R.1997 d.267, effective July 7, 1997. See: 29 N.J.R. 863(a), 29 N.J.R. 2832(a).

Chapter 99, Rehabilitation Facilities Set-Aside Act Rules, was readopted as R.2002 d.242, effective July 3, 2002. See: 34 N.J.R. 1402(b), 34 N.J.R. 2840(b).

Chapter 99, Rehabilitation Facilities Set-Aside Act Rules, was readopted as R.2008 d.29, effective December 24, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

10:99-1.1 Purpose

The purpose of these rules is to further the policy of the State to encourage and assist people with severe disabilities to achieve maximum personal independence through productive employment by assuring a continuous market for commodities and services provided by them, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on public assistance and the need for costly institutionalization.

Amended by R.2002 d.242, effective August 5, 2002.
See: 34 N.J.R. 1402(b), 34 N.J.R. 2840(b).

Substituted "people with severe disabilities" for "severely disabled individuals" and deleted "manufactured" following "commodities".

10:99-1.2 Scope

This chapter establishes a mechanism through which people with severe disabilities throughout the State of New Jersey are encouraged and enabled to become productively employed through participation in community rehabilitation programs. The rules ensure market continuity by placing commodity items and services on set-aside contracts for purchase by State agencies, municipalities, school districts, counties, quasi-State agencies, county and State colleges, volunteer fire departments, volunteer first aid and rescue squads, and independent institutions of higher learning.

Amended by R.2002 d.242, effective August 5, 2002.

See: 34 N.J.R. 1402(b), 34 N.J.R. 2840(b).
Rewrote the section.

10:99-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Blind or legally blind” means central visual acuity that does not exceed 20/200 in the better eye with best correction or field of vision that are so limited that the widest diameter of visual field subtends an angle no greater than 20 degrees.

“Central Nonprofit Agency (CNA)” means an organization incorporated under the laws of New Jersey, operated in the interest of the blind and visually impaired or other persons with severe disabilities and designated by the Commissioner to facilitate the distribution (by direct allocation, or other means) of orders of the State and local government for commodities and services on the procurement list among qualified CRPs serving the blind and visually impaired or other persons with severe disabilities.

“Commissioner” means the Commissioner of the Department of Human Services.

“Commodities and Services Council (CSC)” means the Commodities and Services Council for the Blind, Visually Impaired and other persons with severe disabilities as constituted in P.L. 1981, c.488, § 3.

“Community rehabilitation program (CRP)” means a rehabilitation program located in this State which qualifies as a charitable organization or institution under the provisions of section 501(c)(3) of the Internal Revenue Code and is conducted on a nonprofit basis for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency, illness or injury and of providing these individuals with remunerative employment or other occupational rehabilitative activity of an educational or therapeutic nature as defined in section 525.1 et seq. of the regulations adopted pursuant to the Federal Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. and related codes, and which is engaged in the production of commodities or the provision of services in connection with which not less than 75 percent of the total amount of direct labor is performed in the preparation of the commodity for sale or in the execution of the services rendered by blind or other persons with severe disabilities excluding any hours of supervision, administration, inspection or shipping.

“Fiscal year” means the 12 month period beginning on July 1 of each year.

“Other persons with severe disabilities” means persons, other than those who are blind and visually impaired, who have a mental or physical impairment that has severely impeded their ability to seek, enter or maintain gainful employ-

ment. Some specific categories of persons with severe disabilities as defined above, include, but are not limited to, those disabled by the following conditions:

1. Spinal cord injury;
2. Hearing impaired;
3. Muscular dystrophy;
4. Multiple sclerosis;
5. Developmental disabilities or other neurological disorders;
6. Severe orthopedic handicaps;
7. Multiple disabilities;
8. Severe personality or behavioral disorders, including psychosis and neurosis;
9. Severe pulmonary disease; and
10. Severe cardiac disorders.

“Program” means the CNA, regulated by the New Jersey CSC in accordance with this chapter.

“Purchasing agency” means any State agency or municipality, school district, county, quasi-State agency, county and State college, volunteer fire department, volunteer first aid and rescue squad, public authority, commission, and independent institutions of higher learning as cited in the Cooperative Purchase Program statute (N.J.S.A. 52:25-16.1 and 40A:11-12) that places orders for the procurement of any commodity or service on the procurement list.

Amended by R.2002 d.242, effective August 5, 2002.
See: 34 N.J.R. 1402(b), 34 N.J.R. 2840(b).

Rewrote “Central Nonprofit Agency (CNA)”, “Commodities and Services Council”, “Other severely disabled persons”, “Program” and “Purchasing agency”; added “Community rehabilitation program (CRP)”; and deleted “Rehabilitation facility”.

Amended by R.2008 d.29, effective January 22, 2008.
See: 39 N.J.R. 3270(b), 40 N.J.R. 725(a).

In definition “Other persons with severe disabilities”, inserted commas following “persons” and “impaired” and substituted “have a mental or physical impairment that has severely impeded their ability to seek, enter or maintain gainful employment” for “are so severely incapacitated by any physical or mental disability that they cannot engage in normal competitive employment, without support, because of such disability”.

SUBCHAPTER 2. COMMODITIES AND SERVICES COUNCIL (CSC) FOR THE BLIND AND OTHER PERSONS WITH SEVERE DISABILITIES

10:99-2.1 Membership

(a) The CSC shall consist of the Director of the Division of Vocational Rehabilitation Services; the Director of the Division of Purchase and Property; the Chief of the Bureau of State Use Industries; the Assistant Commissioner for the Division of Developmental Disabilities; the Director of the