

(b) No operator will be charged rental for the operation of a business enterprise on Federal, State, county or municipal property pursuant to N.J.S.A. 30:6-15.2 and 34 C.F.R. 395.35.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise; agreement must be written, vendor gets copy.

10:97-3.3 Responsibility of the Commission

(a) The Commission will conduct surveys to establish new facilities in Federal and non-Federal locations.

(b) The Commission must comply with all of the Randolph-Sheppard requirements for a state licensing agency.

10:97-3.4 Commission loans to start business; repayment of loans

(a) When an operator is assigned to a business enterprise, a non-interest bearing loan in the amount of \$1,000 in cash and/or equivalent stock may be granted by the Commission, upon request of the operator, for the initial stock and supplies of the business enterprise.

(b) Repayment may be deferred until the first day of the fourth month after the effective date of the operating agreement. The operator will be required to repay the loan within 18 months.

(c) Exceptions to the maximum loan may be granted by the Executive Director of the Commission upon written request of the operator, including justification which relates to the objectives of the program.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Vending changed to business enterprise.

10:97-3.5 Inventory taking

(a) When a business is transferred from one operator to another, for any cause, the new operator has the option of purchasing some or all of the existing inventory of the previous operator, if the previous operator wishes to sell all or part of the inventory.

(b) The Commission shall schedule the taking of inventory on the effective date of transfer or closing of the facility. Both operators and/or their representatives, and a representative of the Commission, are to be present so that there can be agreement as to the amount and value of stock and supplies on hand. The Commission may compute the value of the inventory using current average wholesale prices and document the procedure in the operators' records.

(c) Either operator may waive, in writing, his or her right to participate in the scheduled inventory. If either operator chooses not to participate in the inventory taking or signs a waiver, the Commission shall determine the value of the

inventory and document the procedure in the operators' records.

(d) At the time of the inventory taking, the Commission will conduct an inspection of all equipment in which the Commission has title to assure its working order. The previous operator shall be responsible for the cost of repairs of any defective equipment under conditions set forth in N.J.A.C. 10:97-4.7.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Inventory includes inspection; computation may utilize average wholesale price; (d) added.

SUBCHAPTER 4. RULES OF OPERATIONS

10:97-4.1 Personal operation of a business enterprise

(a) The operator shall personally conduct the business assigned to him or her.

(b) The operator shall devote his or her full time to the conduct of the business.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).
Stylistic changes.

10:97-4.2 Absences

(a) The operator bears full responsibility for the operation of the business during his or her absence.

1. In the event that an operator is absent, the operator shall select and compensate a qualified substitute.

2. Advance notice to the Commission is not necessary unless the absence would involve the closing of the facility.

(b) Absence by an operator from his or her business enterprise because of sickness or accident shall be limited to a period of no more than six consecutive months from the date of initial absence. If an operator is absent from the business enterprise for more than six consecutive months, his or her license shall be immediately terminated.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Provision added to allow termination of license after six-month absence.

10:97-4.3 Employees

(a) Preference in employment shall be given to other blind or visually impaired people and other disabled people.

(b) The operator is required to comply with all State and Federal laws pertaining to hiring and employment.

10:97-4.4 Payment for supplies purchased

(a) The operator may take advantage of credit extended by suppliers, provided that the Commission shall have no liability in the event that an operator abuses any such credit.

(b) The Commission may impose restriction on the use of credit by an operator in the event of a pattern of abuse.

10:97-4.5 Insurance

The operator shall carry Workers' Compensation for all workers hired by the operator and also public and product liability insurance.

10:97-4.6 Equipment

(a) Title to and interest in all equipment shall be vested in the Commission, with the exception of equipment that has been purchased or leased by the operator.

(b) Any request for purchase or lease of equipment by an operator must be made in writing to the Commission. The Commission will notify the operator of its decision regarding the request within 20 days.

(c) The granting of permission to purchase equipment does not imply agreement on the part of the Commission to maintain the equipment or purchase the item from the operator at the time he or she leaves the program or from his or her heirs or assignees after his or her death.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).
Stylistic changes.

10:97-4.7 Maintenance and repair of equipment

(a) All business enterprise equipment in which the Commission has title shall be maintained in good repair by the operator to insure continued operation of the business enterprise.

(b) The operator shall pay the first \$150.00 for the repair of each piece of equipment except when the cost of equipment repair is incurred during the first 45 calendar days of an operator's occupancy at a business enterprise. Full cost of repair of equipment during the first 45 calendar days shall be the responsibility of the Commission.

(c) The Commission shall pay for repair charges over and above the first \$150.00 except as stated in (b) above.

(d) Worn and obsolete equipment shall be replaced by the Commission, as necessary, when the cost of repair of the equipment cannot be justified in relation to the value of the equipment.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).

Commission pays for repairs during first 45 days, then operator pays first \$150.00.

10:97-4.8 Disposition of Commission owned property

The operator or his or her employees shall not destroy, sell or in any way alter or dispose of any of the fixtures, equipment or other property to which the Commission holds title or permit anyone else to do so without the written authorization of the Commission.

Amended by R.1991 d.512, effective October 21, 1991.
See: 23 N.J.R. 1749(a), 23 N.J.R. 3161(a).
Stylistic changes.

10:97-4.9 Sanitation

(a) Operators are required to meet all Federal, State, county and municipal health standards, including the standards required by the Commission. These standards include a regular schedule of maintenance of all fixtures and equipment and a regular scheduled cleanup of all areas of the facility by the operator.

(b) All recommendations regarding appearance and sanitation, made to an operator by a Commission field staff member, must be implemented within the time frame established by the Commission in the site review report.

10:97-4.10 Stock

(a) The type of articles to be sold in a facility shall be determined by the property manager and the Commission.

(b) Under no circumstances will approval be given for the sale of any item which is prohibited by law or ordinance.

10:97-4.11 Signs

The licensed operator shall use only such identifying signs and insignia as approved by the Commission and the property manager.

10:97-4.12 Pricing of merchandise

(a) Prices will be set by the operator in consultation with the Commission's representative.

(b) The retail price of merchandise at a facility shall not exceed the general price pattern prevailing in the immediate locality.

10:97-4.13 Notification of unusual incidents

(a) The operator shall immediately notify the Commission, by telephone, of any unusual incident.

1. An unusual incident is anything that causes or might cause the business a problem.

2. Such incidents may be, but are not limited to, any governmental or legal actions, customer's complaints, accidents and insurance claims.