

**111—7.10(216D) System of transfer or promotion for vendors.** In coordination with the state committee of blind vendors, the department has established a state system of transfer or promotion for licensed vendors.

**7.10(1)** When a new vending facility is established or when a vacancy occurs in an existing facility, the department shall first provide the opportunity for transfer or promotion to licensees having priority status. At that time, the department shall give priority status to a vendor who has been displaced from a facility through no fault of the vendor. A vendor shall be considered to have been displaced through no fault of the vendor if the building in which the vendor's facility is located has:

- a. Closed; or
- b. Lost a substantial portion of its population so that the facility no longer meets the financial guidelines of profitability established by the business enterprises program.

**7.10(2)** If the department does not select a vendor with priority status for the transfer or promotional opportunity, all active and inactive licensees and trainees will be notified in writing of the availability of transfer or promotion. The notice will provide the following information concerning the transfer or promotional opportunity:

- a. The location of the available facility;
- b. The operating requirements of the facility;
- c. The potential or actual gross earnings of the facility; and
- d. The deadline for submission of applications.

**7.10(3)** The committee will evaluate the applications on the basis of the following criteria:

- a. Ability to meet the requirements of operating the facility;
- b. Trainee reports or performance evaluation scores obtained during the preceding five years;
- c. Work attitudes, including good customer relations, cooperation with property management, and participation in instructional conferences;
- d. Knowledge and application of sound business practices, including adequate and accurate accounting procedures, maintenance of reasonable productivity standards, cleanliness and sanitation, and reasonable return related to the volume of business; and
- e. Timely filing of specified documents, reports and fees with the department.

When the same score is received by two vendors, the number of years that the vendor has been actively licensed in the Iowa program will be the deciding factor in awarding the transfer or promotion.

**7.10(4)** The final appointment for all transfers and promotions will be made by the director of the department. Before making this decision the director will review the recommendation of the committee and the division administrator. All applicants and the committee will be notified in writing regarding the decision for appointment.

**7.10(5)** A licensee requesting facility priority for assignment through transfer or promotion must first receive a formal recommendation for such from the committee. The request for recommendation from the committee must be submitted in writing within 30 days of facility closure, and the licensee shall appear in person to ask for the recommendation. Priority shall only be considered when the facility is closed through no fault of the licensee.

**7.10(6)** After the recommendation has been received, it will be forwarded to the director, Iowa department for the blind, for written approval or denial within 30 calendar days.

**7.10(7)** If the licensee receives committee and department approval for priority, the program administrator, business enterprises program, shall issue a formal written statement within 30 calendar days to the licensee, advising the licensee of priority status for transfer or promotion.

**7.10(8)** If a licensee is not recommended for priority status, the program administrator shall issue a formal written notice to the licensee within 30 calendar days, indicating why priority status was not granted.

**7.10(9)** In order for a licensee to qualify for priority status, the following criteria must be met: an average score of 90 or above for the past five years on inspection reports and bid evaluation scores, and an average of "meets standards" on performance evaluations.

**7.10(10)** Priority shall only be issued for facilities of comparable type and size to the facility formerly operated by the licensee. Facility types are cafeteria or vending. Comparable size shall be determined by

approximately 25 percent of the gross sales at the vacant facility over and above the gross sales of the facility formerly operated by the licensee where priority is requested.

**7.10(11)** Priority status shall be limited to a two-year period, which shall commence at date of issuance. If a licensee is offered an equivalent facility during that period and does not accept assignment, priority status shall be terminated in writing, unless the committee and department determine that there are extenuating circumstances where the licensee cannot accept assignment.

**7.10(12)** If no equivalent facility becomes available during the two-year priority period, the licensee may apply in writing to the committee and department for a one-year extension. If, at the end of the additional year, no equivalent facility is available, the licensee may apply in writing for a second and final one-year extension through the committee and department. The initial two years, plus the two extensions, must be consecutive. All granted extensions shall be in writing from the program administrator, business enterprises program.

**7.10(13)** Actions pursuant to rule 7.10(216D) are subject to appeal procedures of this chapter and the procedures in 111—Chapter 8.