



ADMINISTRATIVE RULES OF MONTANA



37.30.2515 TRANSFER AND TERMINATION

- (1) If the transfer of a blind vendor from one stand to another becomes desirable or necessary, a transfer will be made only when the department, the blind vendors program and the blind vendor would benefit from such transfer. To be taken into consideration will be the vendor's capacity to perform the duties of a particular facility, relationship to the public as a result of the transfer, effect to the particular business enterprise facility, the tenure and earnings of the vendor involved.
- (2) In the event of the inability of the blind vendor to fulfill his responsibilities, the department may forthwith assume the operation of the facility. When circumstances warrant such action, the blind vendor may be temporarily relieved of duties by the department.
- (3) Termination:
 - (a) Certifications shall be issued for an indefinite period but may be terminated by the blind vendor giving 60 days written notice to the department if he desires to resign.
 - (b) Any certification issued to a blind vendor may be revoked by the department, by written notice when the department determines that the facility is not being operated in accordance with these rules and regulations, the terms and conditions governing the permit with the building management, or the contract with the blind vendor.
 - (c) Any certification may be terminated or suspended, if because of improvement of vision, the blind vendor no longer meets the criteria as defined in this rule.
 - (d) Any certification may be terminated or suspended because of extended illness with medically documented diagnosis of prolonged incapacity of the blind vendor to operate a vending facility in a manner consistent with the needs of the location or other available locations in the program.
 - (e) The blind vendor shall expressly release the department, its agents or employees from any loss, injury, damage or expense which the vendor may suffer, sustain, or incur by reason of such termination.
 - (f) The 60 day written notice may be waived by mutual consent of all parties concerned.

Authorizing statute(s): Sec. 18-5-414, MCA

Implementing statute(s): Sec. 18-5-403, 18-5-411 and 18-5-415, MCA

History: NEW, 1983 MAR p. 657, Eff. 6/17/83; AMD, 1984 MAR p. 991, Eff. 6/29/84; TRANS, from SRS, 1998 MAR p. 2040.