

**BLIND ENTREPRENEURS INITIATIVE**

**THE BLITZ**

**March - April 2015**

Boring is a word you will never hear spoken in the same breath as Randolph-Sheppard and the last two months are no exception. It has been a busy spring with little time to work in the garden or cut the grass. That’s okay. I hate doing both of those things anyway. There has been lots of activity and the National Federation of the Blind’s Entrepreneurs Initiative has been hard at work. Here’s an update on things that are going on and what we’ve been doing.

***The NFBEI and NCSAB Have Joined Forces to Sponsor a Healthier Vending Workshop –*** The National Council of State Agencies for the Blind (NCSAB) and the NFBEI will be sponsoring a one-day workshop in Washington, D.C. on June 2nd. The joint effort is natural since both organizations share the common goal of wanting SLA staff and blind entrepreneurs to have information that will better enable them to meet the challenge of healthier vending. The workshop will feature presentations by several federal agencies, professional trade organizations, entrepreneurs who have succeeded in this arena, as well as state agency staff and blind entrepreneurs. The focus is on how to make healthier vending work in a way that meets the needs of customers while maximizing profits for the blind entrepreneurs. It’s not too late for you to register to attend. For more information about the workshop, visit [www.blindmerchants.org](http://www.blindmerchants.org). The hotel room block is full but there may still be rooms available as part of the general inventory of rooms.

***Congress Will Hear Our Voices –*** We don’t get large groups of Randolph-Sheppard entrepreneurs together in D.C. very often. The NFBEI and NCSAB want to take advantage of the fact we will have several dozen in town for the healthy vending workshop. On June 3rd, there will be a Randolph-Sheppard Day on the Hill. We will be educating members of Congress about our program and the things that need to be done to ensure that federal entities comply with the law and help create opportunities for our blind entrepreneurs. All Randolph-Sheppard stakeholders including SLA’s are encouraged to attend. We will be setting up Congressional meetings for those who plan to attend. We need blind people there to speak for blind people. For more information, go to [www.blindmerchants.org](http://www.blindmerchants.org).

***Nicky Gacos Elected to NAMA Board*** – Congratulations to Nicky Gacos, President of NABM, who was recently elected to serve on the Board of Directors of the National Automatic Merchandising Association. On July 1st when he assumes office, Nicky will become the first blind person to ever serve on the NAMA Board. His election is a significant step forward and strengthens the position of blind entrepreneurs in the larger vending industry. The issues that affect the vending industry as a whole also affect Randolph-Sheppard entrepreneurs. It also puts us in better position to educate the larger industry about the needs of our blind entrepreneurs. While attending the NAMA One Show in Las Vegas in April, Nicky also received special recognition from NAMA when he was presented an award for advocacy. Nicky is both a national leader in the vending industry and an advocate for blind entrepreneurs and is well deserving of this award. Congratulations Nicky.

***A Windy City BLAST in ’16*** – The contract has been signed and the Windy City will host BLAST in 2016. BLAST (Business Leadership and Superior Training), is the premiere training event for blind entrepreneurs in this country. The State of Illinois and the Illinois Committee of Blind Vendors worked hard to make it possible for NABM to bring BLAST to Chicago. The training conference will be held May 17-20, 2016, at the Chicago Loews Airport Hotel. We plan on it being the biggest and best BLAST ever. Mark you calendars now and plan on joining us for what we believe will be a very special event. BLAST has been on an every 18-month schedule. The plan at this time is to hold BLAST in the fall of 2017 and then return to an annual event with future conferences being held every fall. Information will be sent out when people can start registering. In the meantime, if you have ideas or suggestions for topics, presenters, or other suggestions on how we can make BLAST an even better experience, please communicate these to Terry Smith.

***Randolph-Sheppard on the Web: A Year of Getting Healthier*** – NABM and the NFBEI, in conjunction with the Hadley School for the Blind, offer periodic webinars on relevant Randolph-Sheppard topics. These webinars have proved to be very popular. You can either listen to them live or Hadley archives them so they can be listened to at any time. The next four webinars will all focus on healthier vending issues in what we are calling “A Year of Getting Healthier.” The next webinar is scheduled for June 11th at 3:00 PM Eastern Time. This session will be entitled, “Fit Pick: Adding to the Blind Entrepreneur’s Toolkit.” This webinar will introduce listeners to NAMA’s Fit Pick Program and also offer practical ways to make it work. That session will be followed up over the next 9 months with 3 other webinars that relate to healthier vending. We will be circulating more information in the coming weeks about this webinar as well as the ones being planned for September and December of this year and March of next year.

***NABM to Meet at NFB National Convention*** – Exciting things will be happening in Orlando in July. The National Federation of the Blind will be celebrating its 75th birthday at its national convention at the Rosen Plaza Hotel July 6-10. Plans are underway to make the convention something very special. NABM is a division of the NFB and will be meeting 1:00-4:00 PM on Tuesday, July 7th. President Gacos is putting the final touches on an informative agenda. We invite all Randolph-Sheppard entrepreneurs to join us for the NABM meeting and then stay for the rest of the celebration.

***Tracking DoD’s Rulemaking*** – As we reported in the last issue of The Blitz, there was report language in last year’s National Defense Authorization Act that directed the Department of Defense to promulgate regulations to implement the infamous 2007 Joint Policy Statement which was intended to resolve the conflict between JWOD and Randolph-Sheppard. Without going into detail, that Joint Policy Statement violated the Randolph-Sheppard Act in a number of ways. Randolph-Sheppard advocates thought it was dead but it was somehow raised from the dead presumably by our friends at JWOD but that doesn’t really matter. We do know that DoD is proceeding with plans to write regulations. Contrary to what some may lead you to believe, DoD is not consulting with RSA on the regulations. RSA will have an opportunity to review the proposed regulations to ensure they are Randolph-Sheppard compliant before they are published. We are confident that RSA has a better understanding of the issue than it did when it participated in the development of the Joint Policy Statement and is in stronger position to ensure that the regulations actually comply with the law. Will DoD attempt to promulgate the Joint Policy Statement as written? We don’t think so. Doing so would surely have Randolph-Sheppard stakeholders scurrying to court. We will be monitoring this process to the extent we can. Once the proposed regulations are published, the NFBEI will submit comments. If DoD attempts to promulgate regulations that are illegal, we are prepared to respond accordingly. Stay tuned.

***First Ever Randolph-Sheppard Training at NAMA*** – The RSA Buying Group sponsored the first ever Randolph-Sheppard training at this year’s NAMA One Show in Las Vegas. There was a great turnout with more than 50 blind entrepreneurs attending. John Murn planned the agenda and arranged for several speakers who gave the blind entrepreneurs a lot of information. NABM and the NFBEI were proud to participate in the meeting and contribute content. There was enough interest that there is at least the possibility that this will become an annual event.

***Accessing the Micro Market*** – As the popularity of micro markets increase, we are getting more and more inquiries about the lack of accessibility of the micro markets. Some of the units on the market today are accessible for blind entrepreneurs to use but not for blind patrons. NABM President Nicky Gacos has taken on the challenge of making the self-service kiosks accessible. He has talked with at least two companies who sell the micro market kiosks. Both are working toward the goal of being fully accessible. Nicky has arranged for one of the companies to meet with technology experts at the NFB’s National Center in Baltimore to help the company understand the accessibility issue. These companies must understand that if they are going to sell to agencies serving the blind then they have to address the accessibility issue.

***NAMA to Invade Congress –*** NABM and NCSAB are not the only ones planning to invade Capitol Hill to educate members of Congress on vending issues. NAMA is sponsoring the first of what it hopes will be an annual event. *NAMA Takes the Hill 2015* will take place July 21-22 in Washington, D.C. NABM and NFBEI leadership and several of our blind entrepreneurs have committed to participate in this industry-wide advocacy effort because we believe that what is good for the vending industry is good for blind entrepreneurs. If you wish to attend, you can register at [www.namavoice.org/2015flyin](http://www.namavoice.org/2015flyin). We understand that asking blind entrepreneurs to make two trips to D.C. in one summer to meet with your members of Congress is too much to ask. However, if you can afford both and want to be involved, your participation is welcome.

***Changes in the Rehabilitation Act*** - The U.S. Department of Education recently published proposed regulations for the Vocational Rehabilitation Program. The new rules are intended to implement the requirements of the Workforce Innovation and Opportunity Act most commonly referred to as WIOA. The regulations do not directly address Randolph-Sheppard although there could be some impact. There is at least the potential that a state’s ability to designate federal funds to their BEP at the same level as before could be hampered. WIOA requires states to allocate 15% of their federal dollars to programs serving transition age youth. If a state currently isn’t meeting that 15% threshold, it will have to shift funding in order to comply. States may look at shifting money from the BEP to the transition services. Without getting overly complicated, it depends on what expenditures RSA will count toward meeting the 15% requirement. The proposed rules suggest a fairly narrow application which could force many states to reallocate their federal dollars. The NFBEI will be submitting comments urging RSA to implement a more liberal interpretation to include college tuition thus making it easier for states to comply. On a positive note, the proposed rules could make it easier for Randolph-Sheppard entrepreneurs to apply for and receive VR services while still actively engaged as a BEP Operator. Although there are exceptions, previously, VR services were primarily targeted to serve those persons with disabilities who were unemployed. The proposed rules make it easier for states to open VR cases on individuals who want to advance in their careers. This could mean that Randolph-Sheppard entrepreneurs who want to advance could be served in the VR Program even if they are not at risk of losing their current job.

***Arbitrations Piling Up*** – The NFBEI is very concerned about the number of arbitrations that are piling up at RSA with no action. We recently learned that RSA is sending out notices to parties that some arbitrations will not be permitted to go forward due to budgetary constraints. From what we have been able to ascertain, if contracts had not been executed for all 3 panel members, the cases are essentially being placed in a holding pattern. We do not know how many cases are being impacted. We have learned that RSA is asking for additional dollars which will allow a few cases to proceed. Our concern is that we know there are more than a dozen cases that have had no action. It is unlikely they will be allowed to move forward any time soon. Some of these have been in the pipeline for a year or two. That means these cases could drag on for 4 or 5 years before there is a decision. The NFBEI has written to RSA Commissioner LaBreck expressing our concern and requesting an accounting of pending arbitration cases. It is our hope that additional dollars can be allocated to arbitrations so the backlog can be worked in its entirety.

***To Monitor or Mediate? That is the Question*** – RSA recently broke with tradition and agreed to mediate a dispute between the Pennsylvania Committee of Blind Vendors and the SLA. RSA had been asked by another state to play this role in the past but declined. However, the current regime felt it was a good use of resources and could actually be cost beneficial if it could help avoid an expensive arbitration. Deanna Jones and Jesse Hartle both participated in the mediation and succeeded in producing an agreement. It’s too early to say the process succeeded in moving the parties closer to a more collaborative working relationship. However, they must be given credit for trying. Previously, such disputes may have led to a monitoring but RSA chose a different course this time. The downside is that others have taken notice and RSA can expect more such requests it the future. Will mediation replace traditional monitoring? That was clearly not RSA’s intent but if that is what states want then who knows? The NFBEI often finds itself playing a similar role. We can attest to the fact it is not easy.

***Is Poaching Legal?*** – The Army and our JWOD friends are at it again. At Fort Riley, Kansas, a Randolph-Sheppard entrepreneur currently manages the contract for the troop dining. It is a “full food” contract. However, the Army has indicated that it intends to take over cooking and the contract will be for only mess attendant services and intends to award the contract to JWOD. This situation is very similar to Fort Campbell where an arbitration panel found that the Randolph-Sheppard priority still applies in these situations. However, the Army chose to ignore that panel ruling and attempted to award the contract to JWOD. We are happy to say that the SLA has filed for arbitration. We will be watching this case closely because we are of the opinion that JWOD and the Army are violating the no poaching provision of the John Warner Act. Pursuant to that Act, contracts that belonged to JWOD at the time stayed with JWOD and contracts that had been awarded pursuant to the Randolph-Sheppard priority would continue to be competed under Randolph-Sheppard.

***Some Tinkering at Tinker*** – We thought we had a breakthrough at Tinker Air Force Base in Oklahoma but you know what they say about if something seems too good to be true it probably is. Tinker had agreed to directly negotiate with the Oklahoma SLA to provide the entire food service on the base – cafeterias, snack bars, C-Stores, micro markets, and vending. ARAMARK currently holds the contract to provide these services. The SLA had gone so far as to announce the facility for bids to the licensed blind vendors in that state. However, Tinker had a change of heart. The contracting process was taken over by another unit on base and direct negotiations were taken off the table. Interestingly, the bulk of the services, everything except the cafeterias, should have been awarded to the SLA under a permit and the SLA has so advised Tinker officials. Tinker has worked itself into that proverbial spot between a rock and a hard place. We have been providing technical assistance to the SLA and are grateful that the agency has leadership under Joe Cordova, Doug Boone, and Mike Hamrick to challenge the Air Force. Stay tuned for further developments on this one.

***Arizona in the News –*** States need to take note of Arizona and some of the great publicity they have been getting lately. The link below is to a broadcast which includes a story about the Arizona BE Program and features two of their blind entrepreneurs. The Cronkite News Service is part of the Walter Cronkite School of Journalism at Arizona State University. The link does take you to the entire half hour newscast from last night. To get to the BEP portion of the broadcast, you can advance to the 24:00 minute mark of the video. The link is <https://www.youtube.com/watch?v=AiSDQmeSCm8>.

***You Say Goodbye and I Say Hello –*** Well we hate to say goodbye to some longtime BEP Directors. Since the last issue of The Blitz, we’ve had two BEP Directors retire and two more have announced their retirements. Bart Peeples who headed up the Maryland BEP retired as did Ray Dennis in Alabama. Both gentlemen were well respected by their vendors and their peers on a national level. They will be missed. Jeanne Gallo in the State of Washington and Janell Bosarge in Louisiana have announced their retirements. We wish them the very best. Although we say goodbye to four, we say hello to two. The NFBEI would like to congratulate Scott Fricano in Kentucky and Lori Brady in Alabama who have been named to lead the BE Programs in their respective states. . Scott came to Kentucky from South Carolina where he was on the BEP staff. Lori has been on Alabama’s staff for several years. Welcome guys and good luck!

***D.C. Vacancy*** - The District of Columbia is recruiting to fill its BEP Director position. With the large federal presence in D.C., the program has great potential. In order to fulfill that potential it needs a dynamic leader. If you are interested or know of a good candidate, refer them to [Andrew.Reese@dc.gov](mailto:Andrew.reese@dc.gov). Let’s help them get a great person.

***On the Road Again*** – It was a quiet two months as far as travel is concerned. Terry Smith was in Ohio and New Jersey and presented at their annual vendor meetings. He also provided some training for the New Jersey Committee of Blind Vendors and SLA staff while there and provided technical assistance on a number of issues as well. He also presented as part of one of the upward mobility training sessions in Tennessee. Terry presented at the Spring meeting of the National Council of State Agencies for the Blind in Bethesda and also participated in the Randolph-Sheppard training conducted by the RSA Buying Group in conjunction with the NAMA One Show in Las Vegas. NABM President Nicky Gacos and a few of NABM’s board members attended the NAMA meeting. If your state would like to have Terry or someone else from the NFBEI present at your annual conference, provide upward mobility training, or staff training, let Terry know as soon as possible before everyone’s calendars fill up.

***31 and Counting –*** The NFBEI picked up the 31st state as part of its subscription program. If your state does not subscribe, you are in the minority. We are very proud of this level of participation. You can help ensure our future funding by encouraging your state to join in. A recommendation from the Elected Committee of Blind Vendors would carry a lot of weight in a state’s decision. Remember, a state can use set aside dollars, state or highway unassigned funds, and/or federal dollars to pay for the membership / subscription service.

***You Can Still Hel*p** –Do you like what the NFBEI is doing to advocate for the program on a national level and to assist individual state programs? If so, we can use your financial support. Over half of our support comes from the NFBEI subscriptions but we count on donations to make up the rest. If you would like to contribute to the cause, we would welcome your donation. If you want to make a donation, contact Terry Smith and he will walk you through the logistics.

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Help us keep everyone informed about what is happening around the country. Let us hear from you. Tell us what is going on in your state. What is happening in one state affects what is going on in another, and the NFBEI is the vehicle to keep everyone updated on what is going on out there.

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