



# COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

JANUARY 14, 2010

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## ADMINISTRATIVE MEMORANDUM NO. 8

### Subject: **NOMINATION AND ELECTION OF COMMITTEE OFFICERS and CHAIRPERSON AND VICE-CHAIRPERSON RESPONSIBILITIES**

#### 1. PURPOSE

A. This policy supersedes and combines Administrative Memorandum 7, *Chairperson and Vice-Chairperson Responsibilities*, dated June 23, 1997, and Administrative Memorandum 8, *Nomination and Election of Committee Officers*, dated June 23, 1997.

B. This policy prescribes the procedures for nominating and electing the Chairperson and Vice-Chairperson of the Committee for Purchase From People Who Are Blind or Severely Disabled (Committee). To the extent practicable, the Committee supports the position that the offices of Chairperson and Vice-Chairperson should be held at any point by a federal member and a private citizen member to ensure a balance of leadership. The policy also defines the length of terms of the officers and the procedures to be taken in the event of a vacancy in one or both offices.

C. This policy describes the responsibilities of the Chairperson and Vice-Chairperson of the Committee.

D. This policy can be revised or amended upon a written decision of the Committee. The written Committee decision will be implemented as specified therein and established in policy within 60 days of the written decision.

#### 2. NOMINATING SUBCOMMITTEE

A. The responsibility of the Nominating Subcommittee is to identify potential nominees for Committee offices. Subject to the term of office requirements defined herein, all Committee members are eligible to be a nominee for office. The Nominating Subcommittee will be established as follows:



- i. Six months before the end of an officer's term, the current Chairperson will appoint a Nominating Subcommittee to identify candidates to serve as officers of the Committee.
- ii. The Nominating Subcommittee should consist of equal numbers of federal and private citizen members. The Committee Chairperson will appoint one of those members to chair the Nominating Subcommittee.
- iii. The Committee Chairperson will appoint members to fill any vacancy on the Nominating Subcommittee.

### 3. NOMINATION AND ELECTION PROCEDURES

A. When the Nominating Subcommittee has identified potential nominees for Committee offices, the slate of nominees will be presented to the Committee at a regularly scheduled meeting as follows:

- i. The Committee officer chairing the meeting will ask if there are any nominations from the floor.
- ii. When all nominees have been identified, the full Committee will formally elect the officers by motion and vote.
- iii. A designation letter to each elected officer will be prepared by the General Counsel and signed by the Executive Director to officially document the election of officers and the term of office.

### 4. TERMS OF OFFICERS

A. Elected Committee officers will serve a two-year term and may be re-elected to another immediate two-year term. If, after serving an initial term of office, an officer agrees or desires to serve an additional term, the officer will notify the Chairperson of the Nominating Subcommittee. The Chairperson of the Nominating Subcommittee will:

- i. Present to the Committee the name of the incumbent officer for re-election along with any other nominees identified by the Nominating Subcommittee.
- ii. The officer chairing the meeting will ask if there are any nominations from the floor. When all nominees have been identified, the full Committee will formally elect the officer by motion and vote.

B. After serving two two-year terms the Chairperson can be nominated and elected for an additional year when there are extenuating or emergency circumstances. (See paragraph 8. Extenuating Circumstances) The maximum term of a Chairperson cannot exceed five years.

C. After serving two two-year terms the Vice-Chairperson can be nominated and elected Vice-Chairperson for an additional year when there are extenuating or emergency circumstances. (See paragraph 8. Extenuating Circumstances) After serving two two-year terms the Vice-Chairperson can be nominated and elected Chairperson for a period not to exceed one year. The maximum term of a Vice-Chairperson in the position of Vice-Chairperson and/or Chairperson combined cannot exceed five years.

## 5. VACANCIES

Any vacancies occurring in the office of Chairperson or Vice-Chairperson by death, resignation, removal, or otherwise, will be filled for the unexpired portion of the term of the office in the following manner:

### A. Chairperson

If the member serving as Chairperson is unable to complete the term of office, the member serving as Vice-Chairperson shall assume the duties of Chairperson until a new Chairperson is elected by the members. The newly elected Chairperson shall serve the remainder of the vacated term of office.

### B. Vice-Chairperson

If the member serving as Vice-Chairperson is unable to complete the term of office, the members of the Committee will elect another member to the office of Vice-Chairperson in accordance with the nomination and election process stated in this policy. Pending nomination and election of a Vice-Chairperson, the Chairman of the Stewardship Subcommittee shall serve as the Vice-Chairperson.

### C. Removal

The Committee, by a two-thirds majority vote of the members at a regular or special meeting, may remove from office the Chairperson, Chairperson-Elect, Vice-Chairperson, or Vice-Chairperson-Elect; if it is determined the officer does not perform to the satisfaction of the other Committee members. The Committee members will seek the advice of the Executive Director and General Counsel before any vote for removal of an officer is taken.

## 6. CHAIRPERSON RESPONSIBILITIES

### A. Statutory Responsibilities

Under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 46-48c, the Chairperson is elected by the members of the Committee and may:

- i. Subject to such rules as may be adopted by the Committee, appoint and fix the pay of Committee staff.

- ii. Request information necessary to carry out the AbilityOne Program from heads of Federal Government entities.

#### B. Regulatory Responsibilities

Under the Committee's regulations, 41 CFR Chapter 51, the Chairperson has the following responsibilities:

- i. Authorize and set terms of appearance of interested parties at Committee meetings;
- ii. Make determinations on appeals of denials of information under the Freedom of Information Act;
- iii. Process appeals of disability discrimination complaints.

#### C. Other Responsibilities

The Chairperson has the following other responsibilities:

- i. Preside over Committee meetings, including closing a portion of a meeting when determined necessary. While the Committee is not bound by "open meeting" requirements, as a guide, the Chairperson will use the criteria established in 5 U.S.C. § 552b(c) to decide when closing a portion of the meeting is necessary;
- ii. Review and approve the agenda for Committee meetings;
- iii. Represent the full Committee when presenting testimony, making speeches, or other appearances such as Congressional hearings, NIB and NISH conferences, Federal, State, and local governmental meetings, and other official Committee related business;
- iv. Appoint Committee members to serve on subcommittees;
- v. Sign and issue official policy approved by the Committee, periodic memoranda on the AbilityOne Program to Government agency procurement executives, and other documents as requested by the Executive Director;
- vi. Sign and issue correspondence to Secretaries of federal agencies requesting nomination of presidential appointees to the Committee, including the recommendation of nominees to be considered;

- vii. Provide general strategic intent to the Executive Director and conduct annual appraisals of the Executive Director's performance;
- viii. Present Committee awards at NIB and NISH conferences and other ceremonies;
- ix. Process appeals of discrimination based on race, color, religion, sex, national origin, or age;
- x. Process appeals of grievance decisions;
- xi. Review and render decision on complaints of discrimination or grievances against the Executive Director; and
- xii. Perform other functions as directed by the Committee.

## 7. VICE-CHAIRPERSON RESPONSIBILITIES

The Vice-Chairperson has the following responsibilities:

- i. Preside over Committee meetings in the absence of the Chairperson;
- ii. In the absence of the Chairperson perform all other functions cited in paragraph 6, *Chairperson Responsibilities*; and
- iii. At the request of the Chairperson, perform other functions cited in paragraph 6, *Chairperson Responsibilities*.

## 8. EXTENUATING CIRCUMSTANCES

A. The following are extenuating or emergency circumstances and a basis for nominating and electing the Chair and/or Vice-Chairperson to serve an additional year or to nominate the Vice-Chairperson to serve as Chair for not more than one additional year after two two-year terms as the Vice Chairperson:

- i. Vacant Presidential Appointments: Resignation of presidential appointees resulting in four or more vacant presidential appointments.
- ii. Continuity of Operations: A natural disaster, act of war, or other circumstances (e.g. H1N1) resulting in an imperative to maintain continuity of leadership or the execution of Continuity of Operations Plans.

B. Extenuating or emergency circumstances are not limited to those cited in paragraph A.

C. The Executive Director is responsible for ensuring that extenuating or emergency circumstances are presented to the Chair, Vice-Chairperson and the Committee Members. The Executive Director shall:

- i. Consult with the Deputy Executive Director and the General Counsel regarding extenuating or emergency circumstances.
- ii. Provide recommended actions to the Chair and Vice-Chairperson.
- iii. Any recommendation to extend the term of the Chair and or Vice-Chairperson shall be made first to these officers by or through the Executive Director with supported rationale.
- iv. With concurrence of the Chair and Vice-Chairperson the Executive Director's recommendations will be brought before the full Committee and a decision on the recommendation(s) will occur through special vote.

9. POLICY DEVIATION

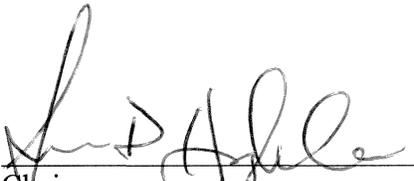
A. In emergency or extenuating circumstances, the Committee may determine it is not practicable or possible to meet the policies established herein. In these circumstances, by a majority vote and as supported by a written decision, the Committee members may deviate from this policy as set forth in their written decision.

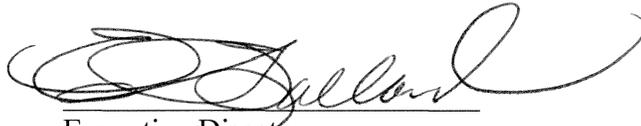
B. Within 60 days, this policy shall be modified or amended in accordance with the Committees' written decision.

10. POLICY EFFECTIVE DATE

This policy shall be in effect for a period of five years from the date of signature. At the end of the five year period, the Director of Policy will submit this policy, any modifications and amendments, to the Committee for approval of its continuance or revision.

Signatures:

  
\_\_\_\_\_  
Chairperson  
  
1/14/2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Executive Director  
  
14 Jan 2010  
\_\_\_\_\_  
Date