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**TITLE: U.S. ABILITYONE COMMISSION VOTING PROTOCOLS**

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**1. PURPOSE.**

This document prescribes policy on the types of votes the U.S. AbilityOne Commission (Commission) conducts and protocols for voting.

**2. APPLICABILITY.**

This policy is applicable to all Commission votes.

**3. AUTHORITY.**

- (a) 41 U.S.C. §§ 8501 – 8506, Javits-Wagner-O’Day (JWOD) Act
- (b) 41 CFR 51-2, Committee For Purchase From People Who Are Blind or Severely Disabled
- (c) 5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch

**4. DEFINITIONS AND ACRONYMS.**

Acronym/Term	Definition
<b>Abstain</b>	To refrain from voting by one’s own choice.
<b>Recuse</b>	To disqualify yourself from participation in a decision on grounds such as prejudice or personal involvement, e.g., conflict of interest.
<b>Special Vote Letter</b>	A decision document (originally in the form of a letter) to Commission members requesting a vote on actions other than initial additions and deletions to the Procurement List, that provides the basis for action and requests that members vote in writing on items identified in the Special Vote Letter. Examples include, but are not limited to appeal of a Commission Procurement List decision and policy. Special Vote Letters fall within Commission powers and responsibilities (such as removing an agency from the AbilityOne Program) and/or other matters as requested by the Chairperson or the Executive Director.
<b>Vote Letter</b>	A decision document (originally a letter) to Commission members that provides the basis for Procurement List action and requests that members vote in writing on Procurement List additions or deletions. Vote Letter decisions are published in the Federal Register.
<b>Vote at meeting</b>	A verbal vote at a Commission meeting based on verbal and/or written information provided to members for their review before the meeting. Each member’s verbal vote is documented in the minutes or by written signature on a vote letter presented at the meeting.

**5. RESPONSIBILITIES.**

- (a) Commission members are responsible for ensuring that they are aware of pending votes and cast timely votes for all Commission matters.



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- (b) The Executive Director shall notify the Chairperson if members consistently miss votes. When a member is unable to fulfill their voting responsibilities, the Chairperson will discuss the circumstances and appropriate resolutions with the member. The Executive Director is responsible for ensuring that the members have all necessary information and documentation available to them in advance of all Commission votes.
- (c) The Executive Director determines whether an exception to the standard 14-day vote period is warranted. As described in section 6(d), on an exception basis, the Executive Director may reduce the period to seven (7) calendar days.
- (d) If there is an error or omission within a Vote Letter, the Executive Director may instruct Commission staff to retract it. Administrative errors may be corrected in writing and without retracting the Vote Letter.

**6. POLICY.**

- (a) There are two (2) types of Commission Votes and Decisions:
  - i. Those that may be completed in a meeting.
  - ii. Those that require a formal written or electronic Vote Letter.

The following chart provides voting information that will be followed under normal circumstances, although they may be adjusted as necessary for specific issues. For clarity, it also indicates certain decisions or actions that do not require a Commission decision by vote.

Decision	Type of Vote		No Vote Required
	Vote Letter (Written)	Vote at Meeting	
Procurement List Additions and Deletions (including initial pricing)	✓		
Reconsideration Request	✓		
Reconsideration Decision	✓		
Impasse appealed to the Commission	✓		
CNA Fee Ceiling Approval	✓		
CNA Budget Review			✓
Legislative Agenda		✓	
Proposed Language for Legislative Changes	✓	✓	
Proposed Language for Rules/Regulations	✓	✓	
Changes to Strategic Plan	✓	✓	
Agency Performance Parameters	✓	✓	
Agency Internal Policies NOTE: These are generally staff issues concerning delegation of authority, but may seek Subcommittee input.			✓
Public Policies, not strictly internal	✓	✓	

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- (b) Commission members can make the following choices when voting on a proposed Procurement List addition, in determining suitability and/or price:
  - i. Approve
  - ii. Disapprove
  - iii. Abstain/Undecided (Member is counted in the quorum and this is counted as a vote against the approval)
  - iv. Recuse
  - v. Call for discussion and request to stop vote until such discussion is held

- (c) The Commission follows specified Voting Protocols:
  - i. Voting by proxy is prohibited.
  - ii. There is no weighted vote or veto power, regardless of whether or not a vote affects a Commission member's agency or constituency.
  - iii. A simple majority of the officially appointed and serving members constitutes a quorum. If a member recuses himself or herself from a vote, that member will be subtracted from the number of officially appointed serving members thus lowering the number of members required for a quorum.
    - a. Eligible voters are determined by appointed, serving members on the date a vote opens. Members whose appointments and swearing in take place after a vote opens are not considered in the quorum for that open vote.
  - iv. A simple majority of the appointed members decides Commission votes.
  - v. In a meeting, a majority of the appointed members who are present or attending virtually decides a vote as long as the number of members participating constitutes a quorum.
  - vi. In the case of a tie, the action under consideration is not carried. When directed by the Chairperson, the Commission shall re-examine the issue to determine whether clarification of the facts is needed. Clarifying facts and additional information shall be provided prior to a new vote to resolve a tie.
  - vii. Members are permitted to abstain, but the majority required to carry the vote is still the same. Accordingly, the abstention is not subtracted from the base required for a quorum. An abstention is equivalent to a Disapprove vote, since a majority of Approve votes are required to carry a vote.
    - a. Non-votes or “Undecided” status in the voting system are considered the same as an abstention. This has the effect of a Disapprove vote, since a majority of Approve votes are required to carry a vote.
  - viii. Each Member is responsible for determining if they should recuse themselves from a vote for any financial conflict of interest or appearance thereof in accordance with the Standards of Conduct. Members are required to contact the Commission's

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- designated ethics officer to discuss any potential conflicts or the propriety of recusing themselves from a vote before doing so.
- a. If it is deemed appropriate for a member to recuse himself or herself from considering a Vote Letter, that member shall post or provide a written comment to be posted for that Vote Letter explaining the reason for recusal.
  - b. A recusal results in the quorum for that vote being reduced by one.
- ix. A final total vote count for categories of approved, disapproved, abstention/ undecided, recusal and “call for discussion” (see Section 6 (c) xv) will be available to all Commission members and staff. Individual member's votes will not be visible.
  - x. Vote letters are pre-decisional information and are not releasable under the Freedom of Information Act (FOIA) prior to a decision by the Commission.
  - xi. Vote letters are to be marked "For Official Use Only" and are not to be retransmitted, forwarded, or released to anyone other than Commission members, Commission staff, and Commission member key staff specifically designated to support a Commission member in the voting process.
  - xii. Communications
    - a. During a vote on a specific question, communication is to occur only between and among Commission members and Commission staff. Federal members also may designate and communicate with their key (government) staff who support them with AbilityOne<sup>®</sup> Program business. All other communication is considered external and must be coordinated through Commission staff, made a matter of record, and be provided to all Commission members.
    - b. Communications include telephone calls, email messages, meetings, facsimile transmissions, or any other verbal, electronic, or written communications.
    - c. Commission members can ask private questions of other members or staff outside of Commission meetings. If the response contains useful information for all Commission members, it should be made available for all. Commission members are responsible for providing such information to Commission staff to make available to all other Commission members.
  - xiii. A final Federal Register notice will not be published until both suitability and the initial price have been determined by Commission vote, as items cannot be added to the Procurement List without a price set by the Commission.
  - xiv. Comments
    - a. Comments can be made any time before the vote closes.
    - b. Questions can be asked of Commission members, the staff, or both.
    - c. Comments and answers to questions shall be made available to all Commission members and the staff, if possible, within voting time frame.
    - d. Comments can be made in conjunction with an Approve or Disapprove vote, or independent of a vote.

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- e. Comments may be provided on any vote, but conditions may not be imposed. The vote is a vote on the question as proposed.
  - f. A member may move to vote on a new question with the condition added.
  - g. A member may change their vote, based on comments and answers provided, prior to the expiration of the voting period.
- xv. Call for Discussion
- a. Any Commission member can ask to stop the vote and discuss the issue under vote. The member can cast an Approve or Disapprove vote in addition to calling for discussion or remain undecided until after the discussion. The member can change their vote before the voting period expires.
  - b. The first member to call for discussion should provide a rationale for discussing their questions or concerns. When one Commission member calls for discussion, other Commission members are notified to determine if they want to vote for discussion, regardless of whether they have already cast their vote or not.
  - c. A threshold of 25% of appointed Commission members (rounded up to the nearest whole number) is required to stop a vote and conduct a discussion with the members.
    - i. If the threshold of 25% is not reached, the vote period continues until it expires.
    - ii. If at least one Commission member has voted to call for discussion, the vote cannot close early, even if all votes have been cast.
    - iii. If the 25% threshold is not reached, the votes of members who called for discussion and did not cast a vote to Approve or Disapprove will have the effect of a Disapprove vote.
    - iv. A majority of Approve votes are required to carry a proposal. If a majority is not achieved, and there were undecided voters, they will be contacted to clarify any questions they may have and remind them to cast their vote.
  - d. The Commission staff evaluates timing issues (contractual, funding, etc.), and arranges for the most expeditious means of discussion.
    - i. This may be an online conference, teleconference, other virtual discussion or decision to defer the item's discussion to the next Commission meeting.
    - ii. Commission staff will balance timing with availability of Commission members.
    - iii. When a discussion concludes, the Vote Letter is updated as appropriate and a new deadline for voting is established. The specific update to a Vote Letter and length of time for members to vote following a discussion are dependent on the situation.

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(d) Voting Schedule

- i. The vote period will normally be fourteen (14) calendar days or until all appointed members have cast a vote, whichever comes first. Commission members are encouraged to vote as early as possible.
- iii. The Executive Director may reduce the period to seven (7) calendar days on an exception basis; generally if necessary to meet the contracting timelines of a contracting activity or when it is in the best interest of the Government. A Commission member may change his or her vote at any time before the end of the voting period, or until all appointed members have cast their votes, whichever comes first.
- iv. Written votes for Procurement List additions and deletions will normally be issued on Mondays to maintain a schedule of publishing notices in the Federal Register on Fridays. This will be revisited if electronic submissions to the Federal Register reduce the required lead time sufficient to shorten the overall process, or if the volume of Vote Letters during a brief period warrants more frequent transmittal.
- v. Special Vote Letters, reconsiderations, or any other Vote Letters that do not require publication in the Federal Register can be issued at any time.

**7. EXCEPTION TO POLICY.**

None.

**8. PROCEDURES.**

None.

**9. SUPERSESSION.**

This policy supersedes Administrative Memorandum No. 9, Committee Voting Protocols, dated April 25, 2005 in its entirety.



APPROVED: JAPZ  
**J. Anthony Poleo**  
Chairman

Date: 5/4/12