U.S. ABILITYONE COMMISSION

Policy 51.202
Effective Date: 08/04/2012

TITLE: CHAIRPERSON AND VICE CHAIRPERSON NOMINATION AND ELECTION PROCESS AND RESPONSIBILITIES

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1. PURPOSE.

This document prescribes the policy and actions required to nominate and elect the Chairperson and Vice Chairperson of the U.S. AbilityOne Commission (Commission). It 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. It also describes the responsibilities of the Chairperson and Vice Chairperson of the Commission.

2. APPLICABILITY.

This policy applies to the Commission for the election of officers and execution of duties of the Chairperson and Vice Chairperson.

3. AUTHORITY.

41 U.S.C. § 8502, Committee for Purchase From People Who Are Blind or Severely Disabled

4. DEFINITIONS AND ACRONYMS.

Definitions, abbreviations, and acronyms frequently used throughout this policy system are provided in Policy 51.102, Definitions. Terms unique to a specific subject matter will be defined in the associated policy and/or procedure.

5. RESPONSIBLITIES.

(a) Commission officers are responsible for executing their responsibilities in accordance with their statutory and regulatory duties and powers.

(b) The Chairperson and/or Vice Chairperson shall establish an ad hoc nominating subcommittee in accordance with Commission regulations. This Nominating Subcommittee shall identify potential nominees for Commission offices. Subject to the term of office requirements, all Commission members are eligible to be a nominee for office.

(c) The Executive Director is responsible for ensuring that extenuating circumstances regarding nomination and election of officers are presented to the Chair, Vice Chairperson and then to the Commission Members in a timely manner.

6. POLICY.

(a) The Commission elects one Federal member and one private citizen to serve in the two officer positions.

(b) The elected Chairperson and/or Vice Chairperson shall execute the statutory and regulatory responsibilities listed in this policy, including but not limited to:

i. Statutory

a. Appoint and fix the pay of Commission staff in accordance with applicable personnel rules.

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

ii. Regulatory

a. Authorize and set terms of appearance of interested parties at Commission meetings.

b. Make determinations on appeals of denials of information under the Freedom of Information Act.

c. Make determinations on appeals of disability discrimination complaints.

(c) The Commission shall follow the procedures detailed in Section 8, Procedures, to nominate and elect officers as necessary.

(d) Terms of officers

i. Elected Commission officers will serve a two-year term and may be re-elected to a consecutive two-year term.

a. If, after serving an initial term of office, an officer agrees or desires to serve a consecutive term, the officer will notify the Chairperson of the Nominating Subcommittee.

ii. After serving two two-year terms the Chairperson can be nominated and elected for an additional year when there are extenuating circumstances in accordance with Section 7, Exception to Policy. The maximum term of a Chairperson cannot exceed five years.

a. After serving two two-year terms as Vice Chairperson, that individual can be elected Vice Chairperson for an additional year when there are extenuating circumstances.

b. After serving two two-year terms the Vice Chairperson can be 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.

(e) Vacancies – Any vacancies occurring in the office of Chairperson or Vice Chairperson will be filled for the unexpired portion of the term of the office in the following manner:

i) 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.

ii) Vice Chairperson – If the member serving as Vice Chairperson is unable to complete the term of office, the members of the Commission 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.

(f) Removal – The Commission may remove the Chairperson, or Vice Chairperson from office; if it is determined the officer does not perform to the satisfaction of the other Commission members. A two-thirds majority vote of the members at a regular or special meeting is required for this action. Commission members will seek the advice of the Executive Director and General Counsel before any vote for removal of an officer is taken.

(g) 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.

7. EXCEPTION TO POLICY.

(a) In extenuating circumstances, the Commission 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 Commission members may deviate from this policy as set forth in their written decision.

i. In cases of extenuating circumstances, the Executive Director shall:

a. Consult with the Deputy Executive Director and the General Counsel regarding extenuating circumstances.

b. Provide recommended actions to the Chair and Vice Chairperson.

ii. With concurrence of the Chair and Vice Chairperson, the Executive Director's recommendations will be brought before the full Commission and a decision on the recommendation(s) will occur through special vote.

8. PROCEDURES

Other Chairperson and Vice Chairperson duties performed:

(a) Chairperson shall:

i. Preside over Commission meetings, and determine if it is necessary to close a portion of a meeting when appropriate. While the Commission is not bound by "open meeting" requirements, the Chairperson will use the criteria established in 5 U.S.C. 552b(c) as a guide to decide when closing a portion of the meeting is necessary.

ii. Review and approve the agenda for Commission meetings.

iii. Represent the full Commission when presenting testimony, making speeches, or other appearances such as Congressional hearings, conferences, Federal, State, and local governmental meetings, and other official Commission related business.

iv. Appoint Commission members to serve on subcommittees.

v. Sign and issue official policy approved by the Commission, 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 Commission, 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. Take final action as appropriate on appeals of grievance decisions or discrimination based on race, color, religion, sex, national origin, or age.

ix. Review and render decision on complaints of discrimination or grievances against the Executive Director.

x. Perform other functions as necessary.

(b) Vice Chairperson shall:

i. Preside over Commission meetings in the absence of the Chairperson;

ii. In the absence of the Chairperson, perform all other functions cited above under Chairperson duties.

iii. At the request of the Chairperson, perform other Chairperson functions cited above under Chairperson Responsibilities.

(c) Nominating Subcommittee

i. At least two 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 Commission.

a. The Nominating Subcommittee should consist of Federal and private citizen members. The Commission Chairperson will appoint one of those members to chair the Nominating Subcommittee.

b. The Commission Chairperson will appoint members to fill any vacancy on the Nominating Subcommittee.

ii. After the Nominating Subcommittee identifies potential nominees for Commission offices, the slate of nominees will be presented to the Commission at a regularly scheduled meeting.

a. The Commission officer chairing the meeting will ask if there are any nominations from the floor.

b. When all nominees have been identified, the full Commission will formally elect the officers by motion and vote.

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 identify the term of office.

9. SUPERSESSION.

This policy is supersedes Administrative Memorandum Number 8, Nomination and Election of Committee Officers and Chairperson and Vice-Chairperson Responsibilities, dated January 14, 2010 in its entirety.

APPROVED: _____ **Date:** 8/4/12
J. Anthony Poleo
Chairperson

APPROVED: _____ **Date:** 8/2/2012
E. Ballard
Executive Director