**Section 650.100 Business Practices**

Vendors and graduates of training serving their probation shall be required to follow business practices set forth in this Section. Failure to comply with these business practices shall result in disciplinary action as contained within Section 650.110 and as shown for each practice.

a) The vendor shall maintain complete and current facility manuals at the facility. Failure to keep current and complete manuals shall result in an oral reprimand. These manuals shall include:

1) the Location Manual, which shall contain, at a minimum: commodities and equipment inventories, price lists, job descriptions, a security program developed by DHS and the vendor, the facility permit or contract, facility policies and procedures, and the vendor agreement; and

2) the Facility Reference Manual, which includes all written rules and regulations, procedures promulgated by DHS and/or the nominee agency, and any other documents listed in this Part or required to be included by DHS.

b) All Program forms prescribed by DHS for recordkeeping purposes shall be accurately completed and submitted within established timelines. Each individual violation shall result in an oral reprimand.

c) The vendor shall adhere to all applicable State, county, and local health codes as contained in the Sanitary Food Preparation Act [410 ILCS 650], the Counties Code [55 ILCS 5/5-1115] and Department of Public Health Regulations (77 Ill. Adm. Code 743 (Sanitary Vending of Food and Beverages), 750 (Food Service Sanitation Code), and 760 (Retail Food Stores Sanitation Code)) regarding personal hygiene. The vendor is also responsible for informing the facility employees of these requirements and assuring compliance. Clean, professional attire shall be worn in all facilities. Violation shall result in a written reprimand.

d) Smoking, drinking, and eating by the vendor and employees shall be allowed only during break times established by the vendor in a written policy to be included in the Location Manual, and only in areas designated by the vendor in conformance with the facility contract or permit, Department of Public Health Regulations, (77 Ill. Adm. Code 743.90 and 750.530 and the Smoke Free Illinois Act [410 ILCS 82]. Violation shall result in an oral reprimand.

e) The sanitation of the facility must comply with all applicable health codes, meet DHS facility program standards on the Sanitation and Safety Checklist (IL488-2050). To ensure compliance with these standards, a sanitation schedule shall be established by the vendor. This schedule shall be kept in the Location Manual and complied with by the vendor and all employees. Violation shall result in an oral reprimand.

f) The vendor shall inspect all merchandise checked into the facility for quality, quantity, damage, back order, price variances, and to assure storage in accordance with the Sanitation and Safety Checklist. The vendor also shall coordinate all corrections in orders with purveyors to ensure proper credit and to ensure maintenance of facility profit margins. Evidence of violation shall result in an oral reprimand.

g) The vendor shall adhere to the facility contract or permit and any addenda (e.g., hours of operation, price constraints, menu selection). Violation shall result in a written reprimand.

h) The vendor shall maintain current and accurate records of product cost, complete product mixes and product price. Prices charged for products will be in accordance with the facility contract or permit. A current list of the inventory and a price list will be placed in the Location Manual. Violation shall result in an oral reprimand.

i) Payment for purchases of goods or services shall be made in a timely manner and carried out in accordance with accepted business practices and with purveyors' requirements. Violation shall result in a written reprimand.

j) Each vendor shall be responsible for all legally mandated and commonly accepted personnel practices (e.g., Department of Labor rules at 56 Ill. Adm. Code, Chapter I, Subchapter b (Regulation of Working Conditions)) for employees of the facility. Violation shall result in an oral reprimand.

k) Consumption of alcoholic beverages or use of illegal drugs at the facility by a vendor or employee or working under the influence of alcohol or drugs is not permitted. Violation shall result in immediate suspension for three facility business days and/or corrective action.

l) No alcohol (except as used in service to the facility with the consent of the Program Administrator or designee) or illegal drugs shall be allowed at a facility. Violation shall result in a written reprimand.

m) Facility money, product, equipment or Program assets shall not be removed from the facility by the vendor for personal use. (Program assets shall include inventory, merchandise and stock, and/or personal assets of another inventoried-in manager.) A violation shall result in termination of license.

n) In facilities having cash registers, all sales and services must be recorded on the cash register at time of purchase. In all other facilities, all cash removed from each vending machine must be recorded on the facility's Vending Cash Out Sheet. The form shall be kept by the vendor either at the facility or producible upon request the next business day. Violation shall result in a written reprimand.

o) A facility shall not be closed during regularly scheduled business hours, except in cases of family or medical emergency or other natural emergencies (e.g., severe weather). Violation shall result in a written reprimand.

p) If the facility is closed because of the absence of the vendor for all or part of two consecutive business days, the vendor will be considered to have abandoned the facility (unless there was an emergency). Violation shall result in forfeiture of facility.

q) Each vendor shall conduct himself/herself in a professional manner in contacts with building management (e.g., avoiding use of profane language, racist or sexist remarks, inappropriate gestures or physical contact). Violation shall result in an oral reprimand.

r) A vendor is responsible for maintaining the security of the facility, including the service area, storage areas, machines, product and cash, and shall be responsible for leaving the facility at that level of security. Violation shall result in a written reprimand.

s) The vendor must maintain a professional attitude and demeanor toward customers and the public at all times. Violation shall result in an oral reprimand.

t) A vendor is responsible for the conduct of his/her employees and must ensure they are aware of and adhere to these business practices. The vendor is responsible for correcting actions of an employee and enforcing the business practices where they apply to the employee. Violation shall result in an oral reprimand.

u) A vendor is responsible for all appropriate payments for local, State and federal taxes, and fees (if applicable), related to sales and to the employees at the facility to which he or she is assigned. Violation shall result in a written reprimand.

v) A vendor shall devote full time (minimum of 37.5 hours per week) to the business of the facility, carrying out assigned activities, responsibilities and relationships in accordance with this Part. Violation shall result in an oral reprimand.

w) A vendor shall seriously consider advice presented by the business consultant or other personnel employed by DHS or the nominee agency. Violation shall result in an oral reprimand.

x) A vendor must maintain all facility financial accounts in such a manner that assures no interruption of service and that all funds, including program assets and the vendor's working capital, are balanced at the end of each fiscal reporting period for that facility. Violation shall result in a written reprimand.

y) A vendor shall operate the facility in a manner that avoids repeated violation of a variety of these business practices. Violation shall result in a written reprimand, in addition to the consequences of the other business practice violation.

z) Under Illinois law, it is a crime to eavesdrop/record a conversation without consent of all of the parties [720 ILCS 5/14]. The crime, for first offense, is a Class 4 felony and, for a second or subsequent offense, is a Class 3 felony.

(Source: Amended at 34 Ill. Reg. 1535, effective January 19, 2010)