

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
TENNESSEE BUSINESS ENTERPRISES**

**CHAPTER 1240-06-04
CLASSIFICATION AND CERTIFICATION**

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1240-06-04-.01 FACILITY CLASSIFICATIONS.

- (1) Each vending facility is classified into one or more of the following categories:
 - (a) Category 1 - Counter Service
 - (b) Category 2 - All Vending
 - (c) Category 3 - Combination Counter Service and Vending
 - (d) Category 4 - On-Site Food Preparation
 - (e) Category 5 - On-Site Food Preparation and Vending
 - (f) Category 6 - Cafeterias
 - (g) Category 7 - Cafeteria and Vending
 - (h) Category 8 - Inmate Commissaries
 - (i) Category 9 - Inmate Commissaries and Vending
 - (j) Category 10 - Highway Vending
- (2) After consultation with the area representative(s) of the Committee, the classification of new facilities or the reclassification of existing facilities shall be made pursuant to the provisions of the TBE Operations Manual.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-1-105(12), and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.7(c). **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed November 8, 1979; effective January 29, 1980. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Amendment filed July 20, 2001; effective November 28, 2001. Repeal and new rule filed April 8, 2005; effective June 22, 2005. Amendments filed May 25, 2017; effective August 23, 2017.

1240-06-04-.02 MANAGERS' CERTIFICATION REQUIREMENTS.

- (1) All managers are certified by the Agency into one or more of the categories listed above in chapter 1240-06-04-.01.

(Rule 1240-06-04-.02, continued)

- (2) Managers shall be required to complete specific Upward Mobility training requirements annually as outlined in the TBE Operations Manual in order to maintain certification(s). The Agency, with the active participation of the Committee, may designate other outside seminars, conferences, or training sessions as sufficient to meet the requirements of an Upward Mobility training session. Subject to the availability of funds, the Agency and Committee may elect to offer financial incentives for managers who attend such outside training opportunities whether they do so for Upward Mobility credit or not.
- (3) Certification shall be valid through the end of the calendar year following the year in which the certification(s) was obtained or renewed.
- (4) If a manager loses his/her certification(s) for failure to comply with the conditions set forth in paragraph (2) of this section, the manager is subject to loss of license and removal from the facility if, within the thirty (30) days from the loss of certification(s), the manager does not make application for the next entry-level training class for the purpose of regaining the certification(s) which have been lost. The Agency must approve the application if the manager is not delinquent with the filing of any reports required by the Agency, is not indebted to the State, and is not being currently subjected to any disciplinary action. If the manager is accepted, failure to pass the class denies the individual re-entry into the program and results in the loss of his/her facility.
- (5) Paragraph (4) above shall have no application to a manager who has lost his/her certification(s) prior to the implementation of these rules. The manager may continue to operate his/her facility provided that the classification of the facility does not change. If the classification does change, the manager shall be given an opportunity to attend the next appropriate training class to obtain the certification(s) which may be required. Failure to pass the class shall result in the loss of license and removal from the facility.
- (6) A manager's certification may be extended if evidence is provided to the Agency documenting medical incapacity and/or other unavoidable circumstances of an extenuating nature which preclude the manager from meeting the requirements of 1240-06-04-.02(2) above and which has been approved in advance by the Agency.
- (7) If the classification of a facility changes and the manager does not possess the necessary certification, the manager must make application, in writing, within thirty (30) days from the date (s)he is notified in writing by the Agency of the change of classification, to attend and successfully complete appropriate certification training. Failure to do so shall result in the manager being removed from the facility and placed on transfer status.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-1-105(12) and 71-4-604(c); 34 C.F.R. § 395 et seq. and 34 C.F.R. § 395.7(c). **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed May 25, 1983; effective June 24, 1983. Amendment filed November 6, 1985; effective December 6, 1985. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Repeal and new rule filed April 8, 2005; effective June 22, 2005. Amendments filed May 25, 2017; effective August 23, 2017.

1240-06-04-.03 REPEALED.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-4-604(c), and 34 C.F.R. 395 et seq. **Administrative History:** Original rule filed August 30, 1978; effective November 29, 1978. Amendment filed May 25, 1983; effective June 24, 1983. Amendment filed November 6, 1985; effective December 6, 1985. Amendment filed December 11, 1986; effective January 25, 1987. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Repeal filed April 8, 2005; effective June 22, 2005.

1240-06-04-.04 REPEALED.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-4-604(c), and 34 C.F.R. 395 et seq. **Administrative History:** Original rule filed May 25, 1983; effective June 24, 1983. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Repeal filed April 8, 2005; effective June 22, 2005.

1240-06-04-.05 REPEALED.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-4-604(c), and 34 C.F.R. 395 et seq. **Administrative History:** Original rule filed May 25, 1983; effective June 24, 1983. Amendment filed March 10, 1989; effective April 24, 1989. Repeal and new rule filed April 27, 1998; effective August 28, 1998. Repeal filed April 8, 2005; effective June 22, 2005.

1240-06-04-.06 REPEALED.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-4-604(c), and 34 C.F.R. 395 et seq. **Administrative History:** Original rule filed March 10, 1989; effective April 24, 1989. Repeal filed April 8, 2005; effective June 22, 2005.

1240-06-04-.07 REPEALED.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-4-604(c), and 34 C.F.R. 395 et seq. **Administrative History:** Original rule filed March 10, 1989; effective April 24, 1989. Repeal filed April 8, 2005; effective June 22, 2005.

1240-06-04-.08 REPEALED.

Authority: T.C.A. §§ 4-5-201 et seq., 49-11-601 et seq., 71-1-104, 71-4-604(c), and 34 C.F.R. 395 et seq. **Administrative History:** Original rule filed March 10, 1989; effective April 24, 1989. Repeal filed April 8, 2005; effective June 22, 2005.