



## Ohio Administrative Code

### Rule 3304:1-21-04 Operator's responsibilities, leave and self-employment status.

Effective: [September 22, 2022](#)

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(A) All licensed operators in the BE program are self-employed entrepreneurs who are not employees of the state of Ohio. In addition, or consistent with any terms contained in a BGA for an operator's assigned facility, all operators who choose to participate in the BE program shall:

(1) Comply with Chapter 3304. of the Revised Code and Chapter 3304:1-21 of the Administrative Code.

(2) Comply with the terms in the signed BGA, the signed permit, or the signed contract for the facility they are assigned.

(3) Comply with the terms in the signed BOA.

(4) Operate the assigned facility in a professional manner.

(5) Comply with federal, state, and local laws.

(6) Maintain a high standard of personal hygiene while working, and operators and their employees must at all times wear appropriate attire in a professional manner while present in the facility and comply with all applicable health and safety regulations.

(7) Provide BE with:

(a) A current home address and telephone number;

(b) A current business address and telephone number; and

(c) A social security number or federal employer identification number.



If this information changes at any time, the operator is responsible for providing all updated information to BE in a timely manner.

(8) Maintain a drug-free workplace. Operators and their employees shall not be under the influence of, consume, possess, or distribute illegal substances, illegal drugs, or alcohol at a BE facility. If an alcohol license is required by a BGA, alcohol possession and distribution is permitted.

(9) Maintain active engagement in their assigned facility. In lieu of active engagement, an operator may designate an essential employee to fulfill this function. If such a designation is made, the operator shall notify the BE program of the designated essential employee. During the operator's absence from the facility, all responsibilities remain with the operator.

(10) The licensee shall meet with a BE consultant at least once per calendar year at the assigned facility.

(11) Keep and maintain accurate records of facility and/or site-related monetary transactions.

(12) Be physically present at their facility, or send an essential employee to be physically present at all of the following times:

(a) For equipment moves and equipment deliveries; and

(b) For transitions into or out of a facility.

(13) Pre-arrange access to equipment for any maintenance and repairs. If access is not pre-arranged, the operator or their employee shall be present for such maintenance and repairs.

(14) Subcontract in compliance with the BGA and Ohio law and with notification to the BE program.

(15) Acquire, maintain, and upon request, provide evidence of adequate liability insurance, as required by the BGA, permit, or law, unless liability insurance is procured for the operators by BE using state unassigned income.



(16) Observe any restrictions on the use of OOD's logo, brand names, taglines, slogans, or other trademarks without prior written authorization from OOD.

(17) Maintain gross sales information individually for each BGA for the assigned facility and provide supporting documentation of reported sales to BE on request to detach from a site or facility.

(18) Prepare and submit a monthly operating report to BE in the format prescribed by BE. When BE determines reasonable cause, operator shall provide supporting documentation of information reported on the MOR. Verification of information does not constitute a records review.

(19) New licensees shall be subject to a records review once a year for the first three years of being under a BOA or TBOA. All other licensees may be subject to a records review in conjunction with an operator performance improvement plan under rule 3304:1-21-10 of the Administrative Code.

(20) Licensees should create and maintain contact information of the individual(s) entrusted with operating a facility or site in case of an operator's absence. This information shall be on file with BSVI.