

Board of Barber Examiners Guidance Document

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*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. §84-901.03.

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| LESSEE-LESSOR | <p>Once this relationship has been determined between the lessee and lessor, the following Board guidelines apply:</p> <p>The Board sees two different methods of operations occurring:</p> <ol style="list-style-type: none">1. owner of shop with employees (standard employee/employer relationship)2. lessees who are independent contractors and who have their own shop license (a "shop within a shop") <p>The Board recommends that all parties contact the IRS, SS and the Federal and State Departments of Labor for specific criteria used to determine independent contractor status.</p> |
| BOYS TOWN OR HIGH SCHOOL | <p>In reviewing and clarifying the requirements for examination of Boys Town or high school students, the two-year requirement will be implemented from the date of high school graduation and enrollment as a full time barber school student.</p> |
| IMMEDIATE FAMILY | <p>Licensee's immediate family defined: Spouse, father, mother, grandfather, grandmother, sister, brother, child, adopted child, stepchild, grandchild, and spouse of any of theirs. Source: 71-202, clarification of immediate family members.</p> |
| CORRECTION FACILITY BARBERING SERVICES | <p>Board position concerning correction facility offenders offering and providing services to other offenders is permissible. Rationale: Board interpretation as a work of necessity.</p> <p>To provide barbershop services to employees and non-offenders, the facility barbershop shall be licensed and each offender who provides such services shall be licensed by the Board of Barber Examiners of Nebraska.</p> |
| SERVICES FOR INCAPACITATED | <p>Hospital/convalescent home/residence: Defined as barbering services rendered to persons who are incapacitated which prevents them from leaving their residence to conduct routine affairs of daily living. Rationale: Board interpretation as a work of necessity.</p> |
| LICENSE PRORATED, NEW IN THE SECOND YEAR OF LICENCING PERIOD | <p>The Board will reduce all license renewal fees by fifty percent of the initial price, to each new license issued in the second year of a license period. License Issuance fees are not to be reduced. 4/24/2016</p> |
| CUT-A-THONS | <p>Requests from licensees to perform barbering services for Cut-a-thon type events shall be reviewed on an individual basis. Considerations: (1) voluntary, (2) no compensation to the licensee, (3) all proceeds must benefit charitable institutions only.</p> <p>Charitable institution defined: An established not-for-profit organization dedicated to public service.</p> |

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AGENCY REFUND POLICY

AGENCY - MONEY TO WHICH IT HAS AN INTEREST

1. Any application/service authorized by 71-219, for which the person qualifies.
2. Agency - receipt/processing of applications.
3. Fees of insufficient amount are continuously appropriated to that license until the proper fee is submitted.

AGENCY - HAS NO LEGAL RIGHT TO MONEY (Full Refund Issued)

1. A duplicate payment.
2. Payment of a fee when none is required.
3. Payment of an amount in excess of the required fee.
4. Renewal fee, if a licensee dies before the first day of a new licensing period.
 - 4a) Copy of death certificate or a doctor's statement is required before refund.
5. Application/issuance fee denied because person did not qualify

ONE MODEL

One model may be used for both phases of the practical exam provided the model is acceptable in fulfilling the needs and requirements of the examinee.

MANNEQUINS

Mannequins shall not be allowed as models during the practical portion of the examination.

PRACTICAL EXAM MODELS

No instructor of barbering shall be permitted in the practical area while examinations are being conducted by the Board.

STUDENT TRANSFER OF HOURS, CONTENTS OF ORIENTATION, HOURS CREDITED

Where a school offers barbering and cosmetology courses, the indoctrination/orientation periods are identical, the classes are taught by a licensed instructor and the contents are in accordance with and as prescribed by Chapter 12 of the Rules and Regulations 002.01 through 002.14, a maximum of 500 orientation hours may be credited after review of credentials by the Board or its appointed agent, the Director.

DUPLICATE LICENSES

The Board shall make available duplicates of licenses which are lost, mutilated, or for any just cause, for a fee to be set by the Board, except that no fee shall be charged if the licensee is operating at multi-locations, required for attendance at an educational seminar, purchasing of product and supplies or proof of no delivery of the license.

EXAMINATION TRANSLATION

A translating dictionary in a foreign language may be used on a limited basis provided it is not a definition dictionary and is reviewed by the examiner prior to use.

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| AMERICANS WITH DISABILITY ACT | Requests for examination accommodation or alternative examination formats will be honored when accompanied by verification of need for accommodation from a recognized service provider knowledgeable about the disability. Time and location to be determined by the Board. |
| IDENTIFICATION OF EXAMINEE | A driver's license with photo identification will be accepted as sufficient evidence to identify the applicant appearing for the examination. Two photographs with his/her signature must accompany the application, as required by 71-209. |
| EXAMINATION ELIGIBILITY CRITERIA | <p>Board clarification to existing policy ensuring consistency of the criteria used when determining examination eligibility. (origination date of policy: 3/25/79).</p> <p>Applicant's request for consideration of examination - hours short: (A) Review of attendance time card - tardiness/absenteeism. Review of documented evidence that circumstances for absence were beyond student control, including but not limited to: illness, court appearance, transfer, etc. (B) Number of hours needed to meet the hours required. (C) Release form signed by examinee.</p> <p>To determine eligibility, a sufficient amount of time must be given for review of supporting documents. 4-01: 6 weeks max.</p> |
| CANDY MACHINES | In reviewing sanitary concerns involving products dispensed from candy machines, the Board determined that although items are dispensed individually, they are stored in an enclosed container and therefore, acceptable. |
| FLOOR SURFACE: HOW TREATED | When licensing a barbershop area of a salon that is currently licensed under the Nebraska Cosmetology Act (Dept. of Health), the floor surfaces in the work area shall meet the same requirement as if holding a valid barbershop license prior to the effective date of this rule. (RE: Chapter 3, 005.08) |
| WORK AREA SHARED | Barber and cosmetology licensees sharing the same work area on different days/hours: a work area may be shared if the certificates of registration are displayed in accordance with 71-215 of the Barber Act and the barber practical work area is clearly identified to the public by a sign as required in Chapter 3, section 003.04 of the Rules and Regulations. |
| EXAMINATION RESTRICTIONS | No examinee or model shall have a cellular phone on person or used while engaged in or with the practical and written examinations. |
| CELL PHONE STUDENT | Functioning cell phones being used while students of barbering are earning hours in theory or practical classes is prohibited. |
| STUDENT/EXAM FEES | The \$100.00 student/examination and license issuance fee are non-transferable. |

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RENEWALS: LATE,
INSUFFICIENT
AMOUNT,
INACTIVE, HOW
TREATED, WHEN

Any licensee who fails to renew his/her license on or before the expiration date may renew:

Late: By payment of the renewal fee and a late fee on or before the 60th day of the license expiration date.

Insufficient Amount: Fees of insufficient amount are continuously appropriated to that license until the proper fee is submitted.

- Submitted on or before June 30th: insufficient amount due, no additional fee.
- Submitted after June 30th: insufficient amount and a late fee due.
- Submitted after the 60th day of its' expiration date: insufficient amount and a restoration fee due.

Inactive: By payment of the renewal and the annual restoration fees for an inactive license or registration within five years of it's expiration date.

Any barber or registered instructor who fails to renew his or her license on or before the 60th day of it's' expiration date shall be considered as an inactive licensee.

MILADY REVIEW
BOOK

Board will discontinue the purchasing and lending of Milady's Review Book to examinees. Remaining supply of books will be sold, once the current supply is exhausted, a phone number will be provided to individuals wishing to purchase the book directly from Cengage Learning.

ASSISTANT
INSTRUCTOR
LICENSING

The Board will allow barbers to participate in the Alternate Instructor Program with out applying for assistant instructor licensure as long as the barber does not performing actual barber instruction to students. 4/24/16

MEETING
MATERIALS
SUBMITTED SEVEN
DAYS PRIOR TO
BOARD MEETING

All material for Board review must be submitted to the Barber Board Office at least seven (7) working days prior to the Board Meeting to be included on the meeting agenda. 4/23/2023