

Lake Erie Swimming

House of Delegates - Legislation Proposals

Proposed Amendments to Spring 2014 House of Delegates

No.	Description	Location	Recommendation
B-1	Club Delegate membership clarification.	Article 604	Approval
B-2	Introduction of the LESI Administrative Board of Review. Effective January 1, 2015	Article 610	Approval

P-1	Meet hosts should be able to consider alternative methods of splitting warm-up to properly adapt to their meet formats, entries, etc..	5.7.4.D.2	Approval
P-2	To outline the proper method of feet first entry during general warm ups using one hand in contact with the deck prior to feet entry.	5.7.4.A	Approval
P-3	The current policy is outdated as elite-level meets opportunities for swimmers with a disability have evolved over the years.	8.3	Approval
P-4	To further define what is appropriate discussion between swimmers and parents regarding recruiting.	3.2.1	Rejection
P-5	Suggested procedure change for lead off splits.	5.2.G.1	Rejection

HK-1	Housekeeping, Correction of reference to National Rulebook.	Section 3	Approval
HK-2	Housekeeping, the old language can be removed as the date of its expiration has passed.	5.7.4.D.2	Approval

Lake Erie Swimming Legislative Committee

Proposed Amendments to 2014 Bylaws

B-1 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled
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Location:	Article 604
Proposed by:	Board of Directors
Purpose:	Requiring the additional club delegate to be a member of USA Swimming could pose a hardship on the club and discourage the club from utilizing all three of its votes. Background screening and athlete protection training should not be prerequisites for being a club delegate to the HOD.
Recommendation:	<i>The Legislative Committee recommends the adoption of Article 604 changes.</i>

604.1 MEMBERS- The House of Delegates of LESI shall consist of the Group Member Representatives, the Athlete Representatives, the Coach Representatives, the Board Members designated in Section 605.1, the At-Large Board Members designated in Section 605.2, the Ex-Officio Members designated in Section 605.3, and the At-Large House Members.

- .1 **GROUP MEMBER REPRESENTATIVES-** Each Group Member in good standing and who has registered athletes shall appoint from its membership three (3) Group Member Representatives and alternates. One representative shall be the club's Head Coach or his/her designee who must also be a coach member of LESI; one representative shall be the club athlete representative or his/her designee who must also be an athlete member of LESI; and one additional representative designated by the club who is not required to be a member of LESI, but must be a member of the appointing club. Group members with no registered athletes shall appoint only one representative. The appointment shall be in writing, addressed to the Secretary of LESI and duly certified by the chief executive officer or secretary of the appointing Group Member. The appointing Group Member may withdraw its Group Member Representative or one or more of its alternates and substitute a new Group Member Representative or new alternates by written notice, addressed to the Secretary of LESI and signed by the chief executive officer or secretary of the appointing Group Member.
- .2 **NON-ATHLETE AT-LARGE HOUSE MEMBERS-** Up to ten (10) non-athlete members of the House of Delegates may be appointed as At-Large House Members by the General Chair with the advice and consent of the Board of Directors. The General Chair shall appoint a sufficient number of at-large athlete representatives such that athletes constitute at least twenty percent (20%) of the voting membership of the House of Delegates. The At-Large House Members shall hold office from the date of appointment through the conclusion of the

annual meeting of the House of Delegates following such appointment or until their successors are appointed to the House of Delegates.

.3 ATHLETE REPRESENTATIVES- [no change]

.4 COACH REPRESENTATIVES- [no change]

604.2 ELIGIBILITY- Group members must be members in good standing of LESI in order to be represented by their voting delegates at meetings of the House of Delegates. Only Individual Members in good standing shall be eligible to be elected as officers, athlete representatives or coach representatives or to be appointed as at-large members of, ~~to be heard at or to vote at~~ the House of Delegates ~~in any capacity.~~ Members of the House of Delegates must maintain their status as Individual Members in good standing ~~throughout their terms of office~~ in order to be heard at or to vote at the House of Delegates.

B-2 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled
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Location:	Article 610
Proposed by:	Board of Directors
Purpose:	The proposal is to meant to change article 610 to outline the requirements of an LSC Administrative Review Board to replace the current Board of Review. This action is necessary due to the scheduled change to the Jurisdiction of the Zone Board of Review over all code of conduct hearings.
Recommendation:	<i>The Legislative Committee recommends that this proposal be adopted.</i>

ADMINISTRATIVE REVIEW BOARD

610.1 INTRODUCTION - USA Swimming was organized as the National Governing Body for the sport of swimming under the Amateur Sports Act of 1978, as amended by the Ted Stevens Olympic and Amateur Sports Act of 1998, both federal laws. These laws require USA Swimming to establish and maintain provisions for the swift and equitable resolution of all disputes involving any of its members. This Article, together with Section 602.2 and Part Four of the USA Swimming Rules and Regulations, are intended to provide a mechanism for resolving in an orderly and fair way all manner and kinds of disputes that may arise among its members in connection with the sport of swimming. Accordingly, LESI has established the Administrative Review Board to hear complaints and appeals regarding administrative matters within the LSC. The Administrative Review Board shall have no jurisdiction to hear complaints regarding conduct that may violate the USA Swimming Code of Conduct. This Article, together

with Part Four of the USA Swimming Rules and Regulations, is intended to provide a fair hearing before a group of independent and impartial people. This Article and Part Four of the Rules shall be construed accordingly.

610.2 ADMINISTRATIVE REVIEW BOARD ORGANIZATION -

.1 ESTABLISHMENT - The Administrative Review Board of LESI shall be independent and impartial.

.2 MEMBERS - The Administrative Review Board shall have at least nine (9) regular members, at least two of whom shall be athlete members elected by the athletes, and at least one alternate member. At least three members of the Administrative Review Board shall hear each case, with a sufficient number of athlete members to constitute at least twenty percent (20%) of its membership. No hearing shall proceed without the required athlete representation. The House of Delegates may increase the number of regular or alternate members by resolution but subsequent to the adoption of these Bylaws may only decrease the number of regular or alternate members upon the expiration of the term of office of any incumbent members.

.3 ELECTION; TERM OF OFFICE; ELIGIBILITY

A. Election - The House of Delegates shall biennially elect regular and alternate members of the Administrative Review Board:

B. Term of Office - The term of office shall be two (2) years. Each member and alternate member shall assume office upon election and shall serve until a successor takes office.

C. Eligibility - Each regular and alternate member of the Administrative Review Board shall be an Individual Member of LESI and USA Swimming. In no case shall elected members of the Board of Directors serve on the Administrative Review Board.

.4 CHAIR ELECTED BY BOARD; OTHER OFFICERS - The Chair of the Administrative Review Board (the "Chair") who must be a regular member, shall be elected biennially by a majority vote of the regular members of the Administrative Review Board. The Chair shall biennially appoint a Vice Chair and a Secretary of the Administrative Review Board, each of whom must be regular members.

.5 MEETINGS - The Administrative Review Board shall meet for administrative purposes as necessary, to elect the Chair, to adopt rules and procedures and to conduct other business as may be helpful or necessary to achieve the purposes of the Administrative Review Board and efficiently exercise its duties and powers. Other meetings may be called by the Chair or any two regular members. When meeting for administrative purposes, those provisions of Article

607 that are specified in Section 607.20 shall apply to the Administrative Review Board.

.6 PARTICIPATION THROUGH COMMUNICATIONS EQUIPMENT - Members of the Administrative Review Board may participate in a meeting or hearing of the Administrative Review Board, and any hearing may be conducted, in whole or in part, through conference telephone or similar equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by these means shall constitute presence in person at such a meeting or hearing.

.7 QUORUM - A quorum for any administrative meeting of the Administrative Review Board shall be fifty percent (50%) of its regular members.

.8 RESIGNATIONS - Any regular or alternate member of the Administrative Review Board may resign by orally advising the Chair or by submitting a written resignation to the Chair, the General Chair or the Board of Directors specifying an effective date of the resignation. In the absence of a specified effective date, any such resignation shall take effect upon the appointment or election of a successor.

.9 INCAPACITIES AND VACANCIES - Determination of Vacancy or Incapacity - In the event of a vacancy in the office of the Chair, or other members of the Administrative Review Board, the LSC shall have in place reasonable written and published rules consistent with the laws of the state of incorporation of the LSC to determine when such membership on the Administrative Review Board becomes vacant or a Chair or member becomes incapacitated. The determination as to when the Chair is temporarily incapacitated shall be made, where the circumstances permit, by the Chair and otherwise shall be within the discretion of the Administrative Review Board, subject to any subsequent action of the Board of Directors.

.10 SUBSTITUTIONS FOR MEMBER - In the event that a regular member of the Administrative Review Board is unable or unwilling to promptly act for any reason, recuses herself or himself or is disqualified in any particular circumstance, the Chair (or, if the person so unable or unwilling to act or recused or disqualified is the Chair, the Vice Chair; or failing that, the General Chair) shall appoint the alternate member or, if the alternate member is not available, a disinterested Individual Member to act in the regular member's place and stead in respect of that circumstance.

.11 LEGAL ADVICE - Where appropriate or helpful, the Chair may consult the USA Swimming General Counsel, the Chair of the USA Swimming Rules or Officials Committees or of the Bylaws Subcommittee or an attorney (who need not be a member of LESI, USA Swimming or the Administrative Review Board) retained by the Administrative Review Board or the Chair regarding any issue raised by a proceeding.

610.3 GENERAL

.1 ADMINISTRATIVE POWERS - The Administrative Review Board shall have the powers and the duty to:

A. administer and conduct the affairs and achieve the purposes of the Administrative Review Board.

B. establish policies, procedures and guidelines.

C. elect the Chair.

D. call regular or special meetings of the Administrative Review Board.

E. retain attorneys, agents and independent contractors and employ those persons which the Administrative Review Board may determine are appropriate, necessary or helpful in the administration and conduct of its affairs, and

F. take such action as may otherwise be appropriate, necessary or helpful in the administration and conduct of its affairs, the achievement of its purposes and the efficient exercise of its duties and powers.

.2 RULE MAKING POWERS - The Administrative Review Board shall have the power and the duty to promulgate reasonable rules and procedures consistent with the corporation laws of the LSC with respect to any matter within its jurisdiction or appropriate, necessary or helpful in the administration and conduct of its affairs. Such rules and procedures shall have the same force and effect as if they had been adopted as part of these Bylaws.

.3 EXERCISE OF POWERS AND DECISIONS - Except for authority and power granted to the Chair, the exercise of the authority and powers of the Administrative Review Board and the decision of matters which are the subject of a hearing shall be decided by a majority vote of the Administrative Review Board. The views of any dissenters shall be included in the record of the proceeding if requested by the dissenters. The exercise of the Administrative Review Board's authority and power shall lie solely in its discretion and the interests of justice and the sport of swimming.

.4 TIMELINESS OF PETITION - The Administrative Review Board need not exercise its jurisdiction with respect to a complaint the subject matter of which occurred, or concerns or is founded on events which occurred, more than ninety (90) days prior to the date the complaint is received. A determination not to exercise its jurisdiction as a result of the untimeliness of a complaint may be made by the Chair alone and may be the subject of a request for rehearing

and, thereafter, appeal to the Zone Board of Review pursuant to Part Four of the USA Swimming Rules and Regulations.

.5 Remedies and Penalties – The LESI Board of Directors shall adopt such remedies and penalties regarding administrative matters as it deems appropriate.

Lake Erie Swimming Legislative Committee

Proposed Amendments to 2014 Policy & Procedures

P-1 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled
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Location:	Policy and Procedure - Section 5.7.4.D.2
Proposed by:	Julie Bare
Purpose:	Flexibility in determining the safest and most efficient warm-up for the athletes is currently lacking with the mandate that warm-ups be split by team. Meet hosts should be able to consider alternative methods of splitting warm-up to properly adapt to their meet formats, entries, etc..
Recommendation:	<i>The Legislative Committee recommends that this proposal be adopted.</i>

5.7 Conduct of Sanctioned Competitions

- .4 Warm-up shall be conducted in accordance with the guidelines published by the LESI Safety Committee.

A-C [no change]

D. Length of Warm-up

(1) No Change

(2) Warm-up for timed finals sessions or preliminary sessions shall be split by team, age group, gender, or other means when the average number of swimmers per lane is scheduled to exceed 15 swimmers per lane for Short Course and 30 swimmers per lane for Long Course, into a minimum of two groups, in which case warm-up shall be a minimum of thirty (30) minutes per group for swimmers age 14 and under, or a minimum of forty (40) minutes per group for swimmers age 15 and over. The meet referee may begin competition before the scheduled conclusion of warm-up if athletes have completed their warm-up and all scheduled swimmers for the first heat are available. General warm-up may be conducted concurrent with the competition where a continuous warm-up is available.

(3,4) No Change

P-2 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled
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Location:	Policy and Procedure - Section 5.7.4.A
Proposed by:	Board of Directors
Purpose:	To outline the proper method of feet first entry during general warm ups using one hand in contact with the deck prior to feet entry. This is to avoid leap overs and unnecessary collisions during swimmer entry during warm up sessions and general warm up.
Recommendation:	<i>The Legislative Committee recommends that this proposal be adopted.</i>

5.7.4 Warm-up shall be conducted in accordance with the guidelines published by the LESI Safety Committee.

A. No diving shall be permitted during warm-up except in those lanes designated for sprint starts or relay exchange practice. Swimmers must enter the pool feet first in a cautious manner with one hand in contact with the pool edge.

B. (no change)

C. (no change)

(2) (no change)

(3) There shall be no diving during continuous warm-up. Swimmers must enter the pool feet first in a cautious manner with one hand in contact with the pool edge.

Location:	Policy and Procedure - Section 8.3 Basis for Reimbursement
Proposed by:	Board of Directors
Purpose:	The current policy is outdated as elite-level meets opportunities for swimmers with a disability have evolved over the years. This proposal clarifies for athletes and coaches exactly which meets are eligible for reimbursement for them.
Recommendation:	<i>The Legislation Committee recommends the motion be adopted.</i>

8.3 Basis for Reimbursement

.1-.2 [no change]

.3 Athletes - The base amount on which percentage for reimbursement is determined for any meet listed in Article 207 of USA Swimming Rules and Regulations, U.S. Paralympic Open Championships domestic-national level meets as listed on the U.S. Paralympic web site, or for USA Swimming Sectional Championships or Grand Prix Meets shall be as follows:

- A. USA Swimming Sectional, ~~or~~ Grand Prix Meets or Paralympic Domestic Regional Meets – teams shall be reimbursed at a flat dollar rate of \$70.00 per swimmer. Unattached individuals shall be reimbursed similarly. In order to be reimbursed, the swimmer must compete in the meet. Relay-only swimmers will be considered to be 1/2 of a swimmer. Travel reimbursement for Sectional or Grand Prix Meets shall be given only to teams or unattached swimmers whose base practice pool or permanent residence is located 45 miles or more from the meet site as determined by current MapQuest routing and mileage. A swimmer shall be reimbursed for only one meet (Sectionals or Grand Prix) in the same season.
- B. Junior Nationals or Paralympic Domestic National Meets - \$150.00 or travel cost plus \$50.00, whichever is greater. When Junior Nationals are held within two days of the conclusion of another national meet in the same location, swimmers who are competing in both meets shall receive an additional \$100, but not a second travel cost.
- C. ~~U.S. Paralympic Open Championships – \$150.00, or travel cost plus \$50.00, whichever is greater;~~
- D. National Championships or U.S. Open: \$175.00, or travel cost plus \$150.00, whichever is greater;
- E. Olympic Trials or U.S. Paralympic Trials: travel cost plus \$200.00.
- F. Open Water Championships (5k,10k): travel cost plus \$50.00.

[8.3.3 will be renumbered /relettered. (D) will be moved to (C), etc.]

Location:	Policy & Procedure Section 3.2.1
Proposed by:	Steven Wood BEST
Purpose:	To make the definition of the contact allowed by a coach with regards to recruiting the same as that described in the National Rulebook 2014. But further define what is appropriate discussion between swimmers and parents regarding recruiting.
Recommendation:	<i>The legislative Committee is recommending that this proposal be rejected.</i>

Section 3 Recruitment of Swimmers

3.1 The purpose of this policy is to specify boundaries ~~within which~~ possible punitive actions and accountability for LESI coaches ~~and swimmers and parents may operate~~ when seeking to have swimmers transfer clubs or move to unattached status. ~~join a club or change club attachment, and to protect the rights of swimmers, clubs and coaches.~~

3.2 An LESI coach may not

~~.1 Contact an LESI registered swimmer or the family of the swimmer directly or indirectly (phone, letter, personal visit, email, etc.) for the purpose of recruiting the swimmer, nor may that coach ask another coach, manager, parent or swimmer to do the same.~~

~~.2 Discuss the team, the team's present standing, the team's set-up, or any other information regarding the team that the coach represents when contacting a swimmer for non-recruitment purposes. The coach may not request a later contact from the swimmer to discuss the team details.~~

.1 Action, other than through general advertising, by a coach, owner, officer, volunteer, representative, or employee of a swim club, or a USA Swimming or LSC employee, either through direct contact with an athlete or the encouragement of others, to recruit or otherwise encourage an athlete who is already a member of a USA Swimming member swim club to leave that club, unless the acting party receives prior written approval to recruit or encourage the athlete to change affiliation from the designated club representative of the athlete's existing USA Swimming-member swim club or contact is initiated by the athlete, the athlete's parent or authorized representative. General advertising includes any information that is:

A Distributed to an identifiable general population where there is a reasonable expectation that the majority of that population are not current members of USA Swimming, or

B Placed in or on any item that is sold.

In the event of a violation of this section, a sanction may be imposed against any coach, owner, officer, volunteer, representative or employee of a swim club, or against any such club, or any combination thereof, as appropriate.

.2 Or offer any inducements in exchange for the athlete to transfer or become unattached competitor.

.3 Suggest or infer that help, direction or support in any matter can only be achieved if said swimmer were to become an unattached competitor or transfer clubs.

3.3 An LESI coach may

- .1 Answer questions if the first contact is initiated by the swimmer or the swimmer's family. Such conversation is at the swimmer's discretion and may be held with a parent in attendance.
- .2 Utilize advertising directed solely to the public.

3.4 When a swimmer initiates contact with the intent of changing clubs, an LESI coach should

- .1 Talk to the swimmer on an individual basis; the swimmer's parents may be in attendance.
- .2 Honor the swimmer's right to terminate the discussion at any time.
- ~~.3 Encourage the swimmer to inform the current coach of intent to change teams.~~
- .3 Make a professional attempt via email and phone to discuss with swimmers registered coach the intent to transfer
- .4 Not to use any inducements ~~that cannot be fulfilled.~~

3.5 Swimmer's Rights: A USA Swimming athlete may

- .1 Contact another team for the express purpose of obtaining information regarding program operation, practice times, team philosophy, etc.
- .2 Request that another family member be present during contact.
- .3 Terminate the contact at any time.
- .4 Request printed material concerning the team.
- .5 Refuse any request that the coach makes during or after the contact.

3.6 An LESI swimmers may not

- .1 Contact an LESI registered swimmer or the family of the swimmer directly or indirectly (phone, letter, personal visit, email, etc.) for the purpose of recruiting the swimmer.
- .2 Discuss the team, the team's present standing, the team's set-up, or any other information regarding the team that the coach represents or offer any inducements in exchange for the athlete to transfer or become unattached.

.3 Suggest or infer that help, direction or support in any matter can only be achieved if said swimmer were to become an unattached competitor or transfer clubs.

3.7 An LESI swimmers Parent(s) of a LESI team may not

.1 Contact an LESI registered swimmer or the family of the swimmer directly or indirectly (phone, letter, personal visit, email, etc.) for the purpose of recruiting the swimmer, nor may that parent(s) or agent on behalf of a LESI team ask another coach, manager, parent or swimmer to do the same.

.2 Discuss the team, the team's present standing, the team's set-up, or any other information regarding the team that the coach represents or offer any inducements in exchange for the athlete to transfer or become unattached.

.3 Suggest or infer that help, direction or support in any matter can only be achieved if said swimmer were to become an unattached competitor or transfer clubs.

~~3.6~~ 3.8 Those found in violation of this policy may be brought before the LESI Board of Review and subjected to censure, fine, suspension, expulsion or other action deemed necessary.

Note: 3.6 was renumbered to 3.8

P-5 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Location:	Policy & Procedure Section 5.2.G.1
Proposed by:	Steven Wood BEST
Purpose:	Suggested procedure change for lead off splits.
Recommendation:	<p><i>The legislative Committee feels that this additional language should not be adopted.</i></p> <p><i>The proposal attempts to violate specific rules requiring timing devices and the Admin/Referee Approval of Initial Distance and/or Lead off swims. Please see 102.24.1 C,D,E and 102.24.3 of the USA Swimming Rule Book. Notably – “the primary system shall determine the official time of each swimmer unless a comparison of the primary with the secondary or tertiary system times indicates a malfunction of the primary system...”</i></p> <p><i>The rules therefore indicate that a backup system to the automatic timing be employed, hence the watches.</i></p> <p><i>Just because there is a pad time does not guarantee it is valid. The use of an form to document initial distance or lead off swims is meant to ensure the accurate times are uploaded to SWIMS.</i></p>

5.2 SANCTIONS

G. Final Results

- (1) Final results in the form of a Meet Manger back-up file shall be provided to the LESI Membership/Registration Coordinator within one (1) day of the conclusion of the meet to be posted to the Lake Erie Swimming website and must include all relay lead off splits recorded by electronic timing.
- (2) Final results will not be mailed out at the conclusion of any meets. Teams may request the electronic files from the meet director at the meet. Results will be posted on the Lake Erie website for no less than the course of the season.
- (3) Final results must include the complete name (first and last), age, and team affiliation of each swimmer. Exception: First initial may be used in lieu of first name where meet software is designed to accept only the first initial or where the meet is conducted without benefit of meet management software.
- (4) Final results shall be in the format prescribed by the LESI Records Committee

Housekeeping Items

HK-1 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Location:	Policy & Procedure Section 3
Proposed by:	Sean Jones, Legislative Chair
Purpose:	<i>Housekeeping, the reference to the National Rule Book should be updated to 304.3.17. to reflect the National Rulebook 2014.</i>
Recommendation:	<i>The Legislation Committee recommends the motion be adopted.</i>

SECTION 3 RECRUITMENT OF SWIMMERS

(See ~~304.3.13~~ 304.3.17 of USA Swimming Rules and Regulations)

HK-2 ACTION: Adopted Defeated Adopted/Amended Tabled Postponed Pulled

Location:	Section - 5.7.4.D.2
Proposed by:	Sean Jones, Legislative Chair
Purpose:	Housekeeping, the old language can be removed as the date of its expiration has passed.
Recommendation:	The Legislation Committee recommends the motion be adopted.

5.7 Conduct of Sanctioned Competitions

.1-.3 (No Change)

.4 Warm-up shall be conducted in accordance with the guidelines published by the LESI Safety Committee.

A-C (No Change)

D Length of Warm-up

(1) (No Change)

(2) ~~Effective through December 31, 2013: Warm-up for timed finals sessions or preliminary sessions shall be a minimum of forty five (45) minutes in length, unless warm-up is split by age group, gender, or any other means, in which case warm-up shall~~

~~be a minimum of thirty (30) minutes per group, split by team, when the average number of swimmers per lane is scheduled to exceed 15 swimmers per lane for Short Course and 30 swimmers per lane for Long Course, into a minimum of two groups, in which case warm-up shall be a minimum of thirty (30) minutes per group for swimmers age 14 and under or a minimum of forty (40) minutes per group for swimmers age 15 and over. The meet referee may begin competition before the scheduled conclusion of warm-up if athletes have completed their warm-up and all scheduled swimmers for the first heat are available. General warm-up may be conducted concurrent with the competition where a continuous warm-up is available.~~

Effective beginning January 1, 2014: Warm-up for timed finals sessions or preliminary sessions shall be split by team when the average number of swimmers per lane is scheduled to exceed 15 swimmers per lane for Short Course and 30 swimmers per lane for Long Course, into a minimum of two groups, in which case warm-up shall be a minimum of thirty (30) minutes per group for swimmers age 14 and under, or a minimum of forty (40) minutes per group for swimmers age 15 and over. The meet referee may begin competition before the scheduled conclusion of warm-up if athletes have completed their warm-up and all scheduled swimmers for the first heat are available. General warm-up may be conducted concurrent with the competition where a continuous warm-up is available.

No further changes