

MAINE STATE REHABILITATION COUNCIL - DIVISION OF VOCATIONAL REHABILITATION BYLAWS

ARTICLE I- NAME

This organization shall be known as the Maine State Rehabilitation Council (hereinafter referred to as the Council) to the Division of Vocational Rehabilitation (hereinafter referred to as the Division).

ARTICLE II- MISSION

The mission of the Council is, in partnership with the Director for the Division, to formally provide diverse viewpoints in order to effectively develop and evaluate programs, policies and services, and to influence at a systematic and policy level the direction of Vocational Rehabilitation services for individuals with disabilities. The Council will also partner with the Division to identify priorities that help secure and maintain integrated and competitive employment opportunities and increase independence through a process of informed choice for individuals with disabilities and advise the Division on its performance and effectiveness in achieving employment outcomes for individuals with disabilities in Maine.

ARTICLE III- PURPOSE

The purpose of the Council is to serve in partnership with the Division to implement the requirements of and improve the Division's performance under the Rehabilitation Act of 1973, as amended, and the Workforce Innovation and Opportunity Act of 2014.

ARTICLE IV- FUNCTION AND RESPONSIBILITIES

In collaboration with the State Workforce Development Board, the Council will:

- (1) Review, analyze, and advise the Division regarding the performance of the responsibilities, related to:
 - a. Eligibility (including order of selection)
 - b. The extent, scope and effectiveness of services provided
 - c. Functions performed by State agencies that potentially affect the ability of individuals with disabilities in achieving employment outcomes
- (2) In partnership with the Division:
 - a. Develop, agree to, and review the Division's state goals and priorities.
 - b. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary of the Department of Education.
 - c. Advise the Division regarding activities carried out and assist in the preparation of the vocational rehabilitation services portion of the Unified or Combined State Plan and amendments to the plans, application, reports, needs assessments and evaluations.
- (3) Review, analyze and monitor the effectiveness of, and consumer satisfaction with the services provided by the Division, state agencies and other public and private entities responsible for providing services to individuals with disabilities under the Rehabilitation Act; and the employment outcomes achieved by eligible individuals receiving services, including the availability of health and other employment benefits in connection with those employment outcomes.
- (4) Prepare and submit to the Governor and the Secretary of the Department of Education and the Rehabilitation Administration (RSA) no later than 90 days after the end of the Federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the State and make the report available to the public through appropriate modes of communication.
- (5) Coordinate activities with the other Councils within the State, including the Statewide Independent Living Council, the State Developmental Disabilities Planning Council, State Mental Health Planning Council, the State Quality Improvement Council, and the State Workforce Development Board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998.

- (6) Provide for coordination and the establishment of working relationships between the Division and the Statewide Independent Living Council and Centers For Independent Living within the State.
- (7) And perform additional functions, consistent with the purpose of Title I, as the Council determines appropriate and comparable to other functions accomplished by the Council.
- (8) In conjunction with the Division, prepare a resource plan for the provision of resources, including staff and other personnel that may be necessary and sufficient for the Council to carry out its functions. The resource plan must, to the maximum extent possible, rely on the use of resources in the existence during the period of implementation of the plan.
- (9) The Council must, consistent with State law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.
 - a. Those staff and personnel that are assisting the Council in carrying out its functions may not be assigned duties by the Division or any other agency or office of the State that would create a conflict of interest.

(10) The Division will consult with the Council regarding the:

- a. Need to establish an order of selection, including any reevaluation of the need.
- b. Priority categories of the particular order of selection,
- c. Criteria for determining individuals with the most significant disabilities

ARTICLE V- MEMBERSHIP

Section 1. Composition of the Council

To satisfy federal requirements, the Council should consist of 15 members with a majority of individuals with disabilities who do not work for the Division.

The Council shall be composed of the following individuals:

- (1) At least one representative of the Statewide Independent Living Council
- (2) At least one representative of a parent training and information center
- (3) At least one representative of the Client Assistance Program (CAP)
- (4) At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs; who shall serve as an Ex-officio, non-voting member of the Council if the counselor is an employee of the Division
- (5) At least one representative of community rehabilitation program service providers
- (6) Four representatives of business, industry and labor
- (7) Representatives of disability advocacy groups representing a cross section of:
 - a. Individuals with physical, cognitive, sensory and mental disabilities
 - b. Parents, family members, guardians, advocates or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves
- (8) Current or former applicants for or recipients of vocational rehabilitation services
- (9) A representative of the American Indian Vocational Rehabilitation Services (AIVR)
- (10) A representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under the Individuals with Disabilities Act (IDEA)
- (11) A representative of the State Workforce Development Board
- (12) The Director of the Division of Vocational Rehabilitation as an ex-officio member, nonvoting member, of the Council.

Every effort will be made to ensure demographic, geographic, minority, and cross-disability representation within the Council's membership.

Section 2. Appointment of Members

Members of the Council must be appointed by the Governor. The Executive Committee has oversight responsibility in soliciting and nominating candidates to the Governor for appointment to the Council. The Governor may appoint additional members at his/her discretion.

Section 3. Terms of Appointment

- (1) Length of Term - Each member of the Council shall serve for a term of not more than three (3) years, except that a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term.

(2) Number of Terms - No member of the Council may serve more than two (2) full, consecutive terms. Former members may return to serve on the Council provided they have one year of absence and the normal nomination process is followed. The CAP representative and the AIVRS representative are exempt from any term limits.

Section 4. Resignation

Any member may resign by filing a written resignation with the Governor with notification to the Chairperson of the Council.

Section 5. Termination of Membership

Members are expected to be active participants in all Council meetings. Any member who is absent and not excused for three (3) meetings may be recommended for removal from the Council through a motion by a voting member. If the motion passes, The Chairperson will forward the member's name to the Governor and request that the termination process be initiated.

Section 6. Vacancy

Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

Section 7. Leave of Absence

A member who is unable to participate in Council activities may request a leave of absence. The member should put the request for leave of absence in writing and send the request to the Chair of the Council. A leave of absence can be granted for up to three (3) consecutive months. Additional requests for leave of absences of no more than an additional three (3) months or a request for an extension of the original leave of no more than three (3) months must be reviewed and approved by the Executive Committee. If a member who requests the leave is an Officer of the Council, the member must resign that position. The Chair will appoint a replacement on an interim basis until the next election of Officers. Members on a leave shall not count when establishing a quorum.

Section 8. Accommodation

The Council will provide reasonable accommodations, as needed, for Council members to fully participate in all Council activities. Additionally, the Council will provide reasonable accommodations to members of the general public to allow for these individuals to access and

to participate in Council activities that are considered open to the public. Examples of meetings open to the public are all regularly advertised full Council meetings, the Annual Meeting and Public Forums. It is the responsibility of the attendee to give the Council sufficient notice to arrange for the accommodation. Sufficient notice is defined as the Council receiving the request for accommodation at least two (2) calendar weeks prior to the public event.

Notice can be provided either in writing, via email or by phone. The Council will notify the attendee as to the status of the accommodation.

Section 9. Conflict of Interest

No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or to the organization that he/she represents, or otherwise give the appearance of a conflict of interest under State law. In matters that present the possibility of a conflict of interest, Council members are required to self-disclose. The council will ultimately decide if a conflict of interest exists.

Section 10. Confidentiality

All Council members and Council staff are required to protect the confidentiality of any client information that is made available while conducting Council business. Disclosure of any personal client information is hereby prohibited.

Section 11. Compensation and Expenses

The Council will use funds appropriated under this Title to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties. Types of expenses might include but are not limited to child care, personal assistance services, and transportation.

Reimbursement rates and protocols mirror the Maine State policy for reimbursement of mileage, hotel accommodations, PCA's and other expenses.(GSA rates)

In addition, the Council will pay \$50 honorariums for those not otherwise compensated for participation in the regular Council business and committee meetings upon the request of the Council member or nominee.

All reimbursement is made contingent on the availability of Council funds.

Reasonable and necessary expenses are reviewed by Chairperson, Co Chairperson, Treasurer and Division Director at the request of the Treasurer.

Section 12. Committees

Standing committees will be established by the Council when and if the Council determines they are necessary. Ad Hoc subcommittees shall be created by the Chairperson for specific functions and will cease to operate when the need is met. Committee membership shall be assigned by the Chairperson and are not restricted to Council members. Council members must serve on at least one standing committee.

Section 13. Executive Committee

The Executive Committee shall be composed of Chairperson, past Chairperson(s), Vice Chairperson, Treasurer and the Division Director.

The Executive Committee has oversight responsibility in soliciting and nominating candidates to the Governor for appointment to the Council.

Section 14. Staff to the Council

Should the Council hire an administrative assistant; the administrative assistant will provide full clerical support for the work of the Council. The administrative assistant works under the supervision of the Chairperson and shall perform duties stipulated in the job description.

ARTICLE VI- OFFICERS

The Council officers consist of the Chairperson, Co Chairperson , and Treasurer.

Section 1. Duties and Responsibilities

The Chairperson shall preside at all Council meetings. He/she may sign or authorize all letters, reports and other communications of the Council. He/she is generally responsible for directing and coordinating the affairs of the Council.

In the absence of the Chairperson, the Co Chairperson shall substitute for and shall have all the duties and powers of the Chairperson of the Council.

The Treasurer oversees the use of Council funds, authorizes payments submitted by Chair and administrative assistant, maintains accurate financial records, and recommends budget changes necessary to remain within the available funding. The Treasurer,with input from the Executive Committee, prepares an annual budget and a year end financial status report to be presented to the Council.

Section 2. Election and Terms of Office

The officers shall be elected annually at the October meeting by a simple majority vote of the members present and voting, provided there is a quorum. The officers shall serve for a one (1) year term. The officers cannot hold the same office for more than three consecutive terms.

Section 3. Removal

Any officer of the Council may be removed by a two-thirds vote of all members sitting on the Council whenever, in the judgment of the Council, the best interests of the Council would be served thereby.

Section 4. Vacancy

A vacancy in any office because of death, resignation, illness, removal due to disqualification or otherwise, shall be filled by the Council through election from existing membership for the remainder of the unexpired term.

ARTICLE VII- MEETINGS

Section 1. Regular Meetings

The Council shall convene at least four meetings a year in such places as it determines necessary to conduct Council business. The meetings shall be publicly announced and shall be open and accessible to the general public. The Council shall keep true and accurate records of proceedings, and provide minutes and reports to the public on its website.

Section 2. Other Meetings

The Annual Meeting of the Council shall occur each October. Other forums and hearings shall be convened when necessary to conduct Council business. These public forums and hearings shall be announced as such and shall be open and accessible to the general public.

The Executive Committee is empowered to conduct Council business between regularly scheduled meetings when appropriate, or in the absence of a quorum at scheduled Council meetings.

Section 3. Procedures

Meetings shall be conducted in accordance with Robert's Rules of Order, Revised.

Robert's Rules of Order Revised

Section 4. Quorum

A quorum is necessary for conducting the formal business of the Council. A quorum exists when a majority of members with voting rights are in attendance (whether physically or remotely). A member may request a substitute representative to attend a meeting, however that substitute would not have voting privileges.

In situations where it is impossible to convene a quorum of the full Council, the Chairperson or Chair's designee may request a mail or telephone vote. The outcome of any voting must be recorded in the minutes of the first succeeding Council meeting.

Remote participation is to be implemented until such time that the Council deems the need to remove the option by a simple majority vote. The council has enacted the following requirements:

- a. Conference technology must have features that allow participants to be clearly audible to each other
- b. Conference technology must be accessible for participants who are deaf and/or hard of hearing through TTY and/or video relay services
- c. The Chair, or person chairing the meeting, will announce and request introductions or all remote participants; and
- d. All votes taken will be done so by a roll call vote

Prior to meeting, remote participants will be sent all documents electronically.

Section 5. Voting

All appointed members of the Council except Ex-officio members have voting privileges. Only members present at a scheduled Council meeting may vote. Members participating remotely will be considered present at the meeting and will be able to vote on all Council matters. A Council member may not vote by proxy. Absentee voting and/or voting by telephone or email may be permitted when the Council determines such voting to be necessary to conduct Council business.

ARTICLE VIII- AMENDMENT TO BY-LAWS

These by-laws may be altered, amended or repealed by a two-thirds vote of the Council members. Absentee voting or voting by telephone shall be considered a permissible means of achieving the two-thirds requirement. A copy of the proposed changes and/or amendments must be mailed, electronically transmitted (email), or hand delivered to Council members at least (30) days prior to a vote on any proposed changes to the by-laws.

ARTICLE IX - OPERATING YEAR

The Council's operating year shall run concurrent to the Federal Fiscal year from October 1st to Sept 30th.

Revised 9/21/1995

Revised 4/18/1996

Revised 5/16/1996

Revised 2/15/2007

Revised 2/17/2011

Revised 9/15/2011

Revised 8/16/2012

Revised 1/14/2013

Revised 8/2025 update the date once voted on in Sept