

# **Maine State Rehabilitation Council**

## **By Laws 2013**

### **ARTICLE I- NAME**

This organization shall be known as the Maine State Rehabilitation Council, hereafter referred to as the Council.

### **ARTICLE II- MISSION**

The mission of the Maine State Rehabilitation Council is to partner with the Division of Vocational Rehabilitation in the development of State goals, priorities, policy and practice; and to review and analyze the Division's results and performance in support of securing and maintaining integrated and competitive employment, through a process of informed choice, for individuals with disabilities.

### **ARTICLE III- PURPOSE**

The purpose of the Council, in partnership with the Designated State Agency, is to jointly develop, agree to and review annual state goals and priorities. The Council provides a formal mechanism to influence the direction of rehabilitation services in Maine at the systemic and policy level.

### **ARTICLE IV- FUNCTION AND RESPONSIBILITY**

The Council shall:

- (1) Review, analyze and advise the designated State unit regarding the performance of the responsibilities of the unit under Title I of the Rehabilitation Act, as amended, hereafter referred to as Title I, including the following areas:
  - 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 designated State unit:

- a. Develop, agree to, and review State goals and priorities
- b. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner in accordance with Section 101(a)(15)(E)

Advise the designated State agency and the designated State unit, and assist in the preparation of applications, the State Plan, the strategic plan and amendments to the plans, reports, needs assessments and evaluations required by Title I.

(4) Conduct a review and analysis of the effectiveness of and consumer satisfaction with:

- a. The functions performed by State agencies and other public and private entities responsible for performing functions for individuals with disabilities
- b. Vocational Rehabilitation services
  - i. Provided or paid for from funds made available under Title I or through other public or private sources
  - ii. Provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities

(5) Prepare and submit to the Governor or appropriate State entity and the Commissioner no later than 90 days after the end of the Federal 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

(6) Coordinate with other Councils within the State, including the Statewide Independent Living Council established under section 796d of Title I, the advisory panel established under section 1413(a)(12) of Title 20, the State Developmental Disabilities Planning Council in section 6024 of Title 42 and the State Mental Health Planning Council established under section 300x-4(e) of Title 42 , and the State Workforce Investment Board

(7) Provide for coordination and the establishment of working relationships between the State agency and the Statewide Independent Living Council and Centers For Independent Living within the State

(8) And perform additional functions, consistent with the purpose of Title I.

## **ARTICLE V- MEMBERSHIP**

### **Section 1. Composition of the Council (at least 16 members)**

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 designated State agency
- (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
- (10) A representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this Act
- (11) A representative of the State Workforce Investment Board
- (12) The Director of the Division of Vocational Rehabilitation as an ex-officio member, nonvoting member, of the council. Employees of the designated State agency may serve only as nonvoting members of the Council.
- (13) At least one at-large community member with a connection and interest in vocational rehabilitation services

\*The majority of Council members shall be individuals with disabilities.\*

### **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, and the Term of Service. Members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.
- (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 years' absence and the normal nomination process is followed. The CAP representative is exempt from any term limits.
- (3) Re-appointment- Members in good standing may be re-appointed to the Council. The Chairperson will notify the Governor in writing of a member's desire to be re-appointed to the Council. That member retains full voting privileges until officially re-appointed or replaced by the Governor.

### Section 4. Resignation

Any member may resign by filing a written resignation with the Governor with notification to the Chairperson of the Council. The Governor will select re-appointment for resigned members from names submitted by the Executive Committee.

### Section 5. Termination of Membership

Members are expected to be active participants in all Council meetings. Any member who is absent for three (3) regular and sub-committee meetings may be recommended for removal from the Council. The Chairperson will forward the member's name to the Governor and request that the termination process be initiated. The Governor may select re-appointment for vacated members as a result of names submitted by the Membership Committee of the Council. The re-appointment must be filled by an individual representing the terminated member's seat.

### Section 6. Vacancy

Vacancy in the membership of the Council must be filled in the same manner as the original appointment. No vacancy affects the power of the remaining members to execute the duties of the Council. The Governor may delegate the authority to fill such a vacancy to the remaining members of the Council after making the original appointment.

## 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.

## Section 8. Accommodation

The Maine State Rehabilitation 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 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. In the event that a member does not self-disclose, Council members have the responsibility to identify potential conflicts of interests of other members and to bring these to the attention of the Chair. The full Council ultimately will 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 Title I to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties; including child care, interpreting services, and personal assistance services.

Reimbursement rates and the protocol for members to follow are outlined in the Council Reimbursement Policy. Said policy mirrors the State's policy on reimbursement for mileage, hotel accommodations, PCAs and other expenses.

## Section 12. Subcommittees

Standing subcommittees 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. Members to subcommittees shall be assigned by the Chairperson and are not restricted to Council members appointed by the Governor. Subcommittee chairpersons will be assigned by the Chairperson of the Council on a yearly basis.

The Executive Committee has over site responsibility in soliciting and nominating candidates to the Governor for appointment to the Council. The Chair may appoint additional members from the Council's ranks to assist in filling the membership function.

The Executive Committee shall be comprised of Chairperson, past Chairperson(s), ViceChairperson, Treasurer and the Director of VR Programs.

## Section 13. 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**

## 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 Chair, the Vice Chairperson shall substitute for and shall have all the duties and powers of the Chairperson of the Council. It is expected that the Vice Chairperson will serve as an assistant to the Chair and will stand for election to the Chair, if nominated.

The Treasurer oversees the use of Council funds and recommends budget changes necessary to remain within the available funding. The Treasurer also 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 September meeting by a majority vote of the membership present, provided there is a quorum. The officers shall serve one (1) year terms. The Chair and Vice Chair cannot hold the same office for more than two (2) 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, removal due to disqualification or otherwise, shall be filled by the Council through election from existing membership for the unexpired portion of the 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.

## Section 2. Other Meetings

The Annual Meeting of the Council shall occur each September. 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.

## Section 3. Procedures

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

## Section 4. Quorum

A quorum is necessary for conducting the formal business of the Council. A quorum shall consist of 50% plus one of the current Council membership with voting privileges. 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 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. A Council member may not vote by proxy. Absentee voting and/or voting by telephone 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 twenty one (21) days prior to a vote on any proposed changes to the by-laws.

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