

BYLAWS
State Rehabilitation Council
Oregon Vocational Rehabilitation Services (OVRs)

These Bylaws govern operating procedures of the Oregon State Rehabilitation Council. The Council was established with identified functions with the passage of the 1992 Amendments to the Rehabilitation Act and the appointment of Oregon's Council by the Governor on September 1, 1993.

Section I

Purpose

The State Rehabilitation Council (hereafter called Council), provides guidance at the systemic and policy level that assures the Office of Vocational Rehabilitation Services (hereafter called OVRs), assists Oregonians with disabilities, achieve meaningful employment and independence.

The Council provides the OVRs with an external, consumer-oriented perspective. The Council advises the OVRs on the vocational programs, policies, services and other issues that affect Oregonians with disabilities.

The Council provides consumers, business representatives, service providers and other citizens with a formal mechanism to influence the direction rehabilitation services in Oregon.

Section II

Functions of the Council – The Council shall:

- A. Review, analyze and advise the OVRs regarding the performance of the responsibilities of the , agency particularly responsibilities relating to:
 - 1. Eligibility (including Order of Selection);
 - 2. The extent, scope and effectiveness of services provided; and
 - 3. Functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives, including due process hearing decisions.

- B. In partnership with the — OVRs
 - 1. Develop, agree upon, and review State Plan, goals and priorities.
 - 2. Evaluate the effectiveness of t OVRs programs and submit reports of progress to the Rehabilitation Services Administration Commissioner.

- C. Advise the Department of Human Services and OVRs regarding activities authorized to be carried out under Title I of the Rehabilitation Act. The Council will assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by Title I of the Rehabilitation Act.
- D. To the extent feasible, conduct a review and analysis of the effectiveness of and consumer satisfaction with:
 - 1. The functions performed by OVRs
 - 2. Vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities; and
 - 3. Employment outcomes achieved by eligible individuals receiving services under Title I of the Rehabilitation Act, including the availability of health and other employment benefits in connection with such employment outcomes.
- E. Prepare and submit an annual report to the Governor and the Rehabilitation Services Administration Commissioner on the status of vocational rehabilitation programs within the State and make this report available to the public.
- F. Coordinate with other Councils within the State, including the Statewide Independent Living Council, the advisory council established by the Individuals with Disabilities Education Act, State Developmental Disabilities Council, State Mental Health Planning Council of the Public Health Service Act, State Workforce Investment Board, and Commission for the Blind.
- G. Provide for coordination and the establishment of working relationships between OVRs and the State Independent Living Council and Centers for Independent Living within the State.
- H. Work jointly with OVRs to designate a pool of qualified individuals to serve as hearings officers who assist in the resolution of disputes between OVRs and an individual with a disability. Council members assisting in this process will reflect the diverse makeup of the group and must include current or former applicants of OVRs services.
- I. Perform such other functions, consistent with the purpose of the Act, as the State Rehabilitation Council determines to be appropriate, that are comparable to other functions performed by the Council.

Section III

Authority

The Rehabilitation Act of 1973 as amended by the Rehabilitation Act Amendments of 1998 and Oregon Revised Statute (ORS 344.735) mandate that there shall be a State Rehabilitation Council which shall perform in a manner consistent with its official purpose as defined by law. These state and federal regulations vest appointment and disagreement resolution authority with the Governor.

Section IV

Composition of the Council

Members of the Oregon State Rehabilitation Council are volunteers, appointed by the Governor. The Council shall be comprised of at least 15, but not more than 30 members.

A. The Council shall be composed of:

1. At least one representative of the State Independent Living Council (SILC) who may be the chairperson or other designee of the SILC;
2. At least one representative of a parent training and information center;
3. At least one representative of the client assistance program;
4. At least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs who, if an employee of the Division, shall serve as an ex officio, nonvoting member of the Council;
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; and
 - b. Representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; by personal designation of an individual with a disability;

8. Current or former applicants for, or recipients of, vocational rehabilitation services.
 9. At least one representative of the directors of Section 121 projects, Native American Rehabilitation Programs.
 10. At least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under the Rehabilitation Act and Part B of the Individuals with Disabilities Education Act.
 11. At least one representative of the State Workforce Investment Board.
- B. Ex officio Member: The Administrator of OVRS shall be an ex officio, nonvoting member of the Council.
- C. Qualifications – A majority of Council members shall be persons who are:
- a. Individuals with disabilities; and
 - b. Not employed by the Division.

Section V

Council Appointment, Termination and Leadership

A. Appointment

Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organization interested in individuals with disabilities. In selecting members, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

1. The Council shall recommend candidates to the Governor.
2. The Governor shall appoint, replace, or reappoint members to terms as defined in these bylaws.
3. The Governor has sole authority to make membership appointments.
4. The Council shall strongly consider the need for diversity of its membership including geographical, cultural, and disability representation when forwarding recommendations to the Governor.

B. Application for Consideration of Appointment

1. Completed application forms are documents of public record subject to applicable policies of confidentiality and shall be kept in the Office of the SRC Coordinator.
2. The Council Coordinator (staff) shall have responsibility for maintaining membership applications in a confidential manner.
3. Application forms shall be available from the Council Coordinator and/or the Office of the Governor.
4. Applications shall be submitted to the Office of the Governor. All applications shall be reviewed by the SRC Membership and Executive Committees with recommendations submitted to the full Council for review and consideration.
5. Applications may be accepted or withdrawn at any time.
6. Applications for membership shall be considered by the Council when pertinent, but not less than annually. Recommendations shall be forwarded to the Administrator and the Governor.

7. Applicants are required to attend at least one quarterly meeting during the application process.
8. New members are strongly encouraged to complete the SRC Online Training Series (developed by RSA in 2007) within the first twelve months of membership.

C. Terms of Appointment

1. Length of Term – A term is three (3) years in length.
2. Number of terms – No member of the Council, other than representatives of the CAP and 121 programs, may serve more than two consecutive full terms. Members must be re-appointed to a second term.
3. Council members appointed to fill a vacancy of a partial completed term may fill the remainder of that term and two additional full terms.
4. Termination at the completion of a member's term shall be automatic and shall not require a formal written resignation.

D. Resignations and Terminations of Membership

The Council shall request that the Governor terminate the membership of any Council member who fails to attend: two (2) quarterly meetings in one appointment year (12/01 – 11/30); failed to attend three standing committee meetings in one appointment year; or has moved out of state.

The Council may waive this requirement in the event of injury or illness. A two-thirds majority vote of the Council will be required for recommendation to the Governor for member removal.

E. Election and Terms of Chair and Vice Chair

1. The Council has two elected officers; they are Chair and Vice Chair. The Chair and Vice Chair must be selected from the Council's membership at large and cannot be an employee of the Division.
2. Chair and Vice Chair will be selected by a vote of the full Council at the August meeting. Terms will begin November 1. Variance from this schedule must be documented in quarterly meeting minutes.
3. The term of office for the Chair is one year. A council member may serve three consecutive terms as Chair.
 - a. The Chair presides at all quarterly meetings of the Council.

- b. The Chair has the power to call special meetings of the Council
- c. The Chair is responsible for coordination of activities, and communication with OVRs and Council.
- d. The Chair will hold monthly meetings with the OVRs Administrator.
4. The term of office for Vice Chair is one year. The Council member may serve three consecutive terms as Vice Chair.
 - a. The Vice Chair will preside over meetings of the Council in the absence of the Chair.
5. If the Chair cannot complete his/her term of office, the Vice Chair will complete the remainder of the Chair's term.
6. If the Vice Chair cannot complete his/her term of office the Chair will call for nominations and election of a new Vice Chair.

Section VI

Procedures

A. Meetings

1. Frequency – The Council will convene at least four meetings per year in such places as it determines necessary for the efficient conduct of the Council business. It may also conduct forums or hearings as it determines necessary to carry out its duties.
2. The Council will meet at the call of the Chair or in the absence of the Chair at the call of the Vice Chair. If both the Chair and Vice Chair are unable to attend, the meeting may be held, but no votes taken.
3. All meetings will be publicly announced, accessible to all and open to the public.
4. The Council will provide for reasonable accommodations requested by its members and will meet only in facilities that are fully accessible.
5. All official records of the Council and committee meetings are subject to state policies regarding public records.

B. Quorum

A quorum for conducting Council meetings shall consist of a simple majority of current voting membership.

1. A quorum shall be required for any official action or vote of the Council.

C. Voting

1. All appointed members of the Council, except ex officio members, have voting privileges.
2. If unable to attend a meeting, council members may give voting proxy once during a calendar year to another voting member. A member can only carry one proxy. The council chair is not allowed to carry proxy votes. Proxy may be submitted in writing or via email to the SRC Coordinator. Proxy votes must be identified at the beginning of each Council meeting.
3. Conflict of Interest – No member of the Council shall cast a vote on any matter that would provide direct financial benefit to, or otherwise create an actual conflict of interest for the member under State law [ORS244]. (Members may refer to the Oregon Government Standards and Practices Laws Guide for more detailed information on conflict of interest issues).

D. Committees

1. Standing Committees

- a. The Standing Committees of the Council shall be:
Executive/Membership, Public Advocacy and Quality Assurance.
- b. Each committee shall be comprised of Council members and may also include ad-hoc members with special interests or expertise. Ad-hoc committee members are not allowed to vote.
- c. Committee Chairs are appointed by the Council Chair.
- d. During regularly scheduled meetings, the Chairs of committees shall report to the Council regarding committee activities.

2. Executive Committee

- a. Executive Committee membership shall include the chair, vice-chair, committee chairs and up to three at-large members who are elected by the whole Council and who may or may not serve as committee chairs.
- b. Executive Committee members will demonstrate a grasp of issues prior to election and will commit to at least one monthly conference call.

- c. Executive Committee membership election confers decision making authority between Council meetings and the results of such decisions are reported at the next Council quarterly meeting.
- d. The Council Coordinator shall be a non-voting member of the Executive Committee.

3. Other Committees

The Council may establish, define and disband such other committees, ad-hoc committees or work groups as may be necessary and appropriate to conduct business. No such group may exist for more than twelve calendar months without a formal vote to establish the necessity of its continued existence and consider the appropriateness of standing committee status.

E. Compensation and Expenses

1. The Council may reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care, personal assistance services and other necessary reasonable accommodations), and may pay compensation to a member of the Council, if such member must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.
2. Council members are not eligible to contract with the Council

Section VII

Council Duties and Responsibilities

A. Duties and Responsibilities of the Council Chair/Vice-Chair.

1. The Council Chair shall preside over meetings of the Council. In the absence of the Chair, the Vice-Chair shall preside.
2. The Chair shall appoint the Chairs of committees.
3. The Chair has the power to call special meetings of the Council.
4. The Chair shall interpret proceedings and rule on matters of protocol.
5. The Chair shall represent the Council at official functions and act as spokesperson on behalf of the Council, or he/she shall delegate responsibility.

6. The Chair with the assistance of the Council Coordinator shall prepare and distribute meeting agenda, and distribute minutes, recommendations, resolutions and other actions of the Council.
7. The Chair may delegate the responsibility for the maintenance of all records and forms to the Council Coordinator.
8. The Chair is responsible for coordination of activities, and communication with OVRs
9. The Chair is responsible to ensure the preparation of the Council's annual report.

B. Duties and Responsibilities of the Vice Chair.

1. The Council Vice Chair will preside over meetings of the Council in the absence of the Chair.
2. The Vice Chair will assume the role of the Chair should the Chair be unable to complete their term of office.

C. Duties and Responsibilities of Council Members.

1. To help form and carry out the objectives and activities of OVRs.
2. To actively participate on at least one standing committee.
3. To observe rules of confidentiality as required of DHS personnel.
4. To provide individual knowledge or expertise which enhance committee roles and/or responsibilities.
5. To represent a geographical area, individuals with disabilities, community partners, and/or businesses.
6. To act as a representative spokesperson between various communities and OVRs
7. Council members must, during their term(s) of office, agree to avoid any activity or appearance that could be interpreted or construed as an actual or potential "conflict of interest".

a. Definition: Conflict of Interest

A conflict of interest is a variance between an individual's private interests and his/her official responsibilities as a Council member in a position of trust.

- (i) Actual Conflict of Interest occurs when the action is reasonably certain to result in a financial benefit or detriment. It will occur when an action is taken that directly and specifically affects land, a business, or any other financial interest of the Council member or Council member's relative.
- (ii) Potential Conflict of Interest exists when a Council member takes action that reasonably could be expected to have a financial impact on that Council member, a relative or business with which the Council member or Council member's relative is associated.

b. Procedures

- (i) A Council member must publicly declare a potential or actual conflict of interest prior to discussion, recommendation, vote or other official action on an issue. He/she shall also explain the nature of the conflict. The declaration and the nature of the conflict must be noted in the minutes.
- (ii) With a potential conflict of interest, a Council member may participate in the action, once the announcement is made. (Under Oregon Revised Statute #244, those with a potential conflict of interest are entitled to vote on an issue but cannot participate in any way if there is an actual conflict of interest.)
- (iii) In the case of an actual conflict of interest, the Council member must, a) declare the actual conflict and announce its nature; and b) refrain from taking any official action on the issue.
- (iv) At each session or meeting at which the issue is addressed, the Council member must make the same public declaration. However the Council member is required to make that announcement only once at each meeting, even if the issue involves a series of votes.

D. Duties and Responsibilities of the OVRs Administrator:

1. The Administrator shall bring matters of general policy and programs to the attention of the Council for study and recommendation.
2. The Administrator shall provide clerical and administrative support necessary to conduct the business of the Council.
3. The Administrator shall provide an annual report to the Council regarding the OVRs implementation of recommendations of Council.

4. The Administrator will include Council recommendations or resolutions into the OVRs decision-making process.

E. Responsibilities of OVRs:

1. To provide staff support for all Council and committee activities.
2. To reimburse allowable expenses for Council members whose expenditures are not covered by other organizations or agencies. (paid out of SRC budget)
3. To extend Worker's Compensation at the rate prescribed for the classification "volunteer worker," to Council members for the hours they attend meetings or while involved in other official Council duties.
4. Upon request, provide SRC information in a timely manner that will enable council members and committees to perform their role as advocates and mandated policy partners.
5. To provide financial support that may be required to perform official Council activities and according to established fiscal policies of OVRs.

Section VIII

Lobbying

Council members may provide information to legislators and other public officials but may not lobby.

(Definition of lobbying: the process of influencing public and government policy at all levels; federal, state, and local).