



Pennsylvania Rehabilitation Council (PaRC)

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Governance Committee Minutes for February 22, 2024

Members Present (P)

Not Present (NP)

Julia Grant Barol (P)

Paul Fogle (P)

Susan Tomasic (P)

William Del Toro Vargas (P)

Michelle Mitchell (P)

Passle Helminski (P)

Office of Vocational Rehabilitation (OVR) Staff Present: James Whitonis

Project Staff Present: Chris Todd

CALL TO ORDER

This meeting was conducted through Zoom. Ms. Susan Tomasic called the meeting to order at 2:30 PM.

ADDITIONS TO THE AGENDA

There were no additions.

APPROVAL OF AGENDA AND PAST MEETING MINUTES

MOTION was made by Ms. Julia Barol for approval of today's agenda and past meeting minutes. Ms. Passle Helminski seconded the motion. All were in favor.

AGENDA ITEMS:

Planning

Polling For New Member Orientation

Nominations / Election of Officers FY 24-25

- Members requested that new member orientation be polled for Thursday, July 11, 2024, from 2:30 PM to 3:30 PM.
- Members discussed nominations and elections of officers for Fiscal Year 2024-2025. Nominations will be due by April 19, 2024. Nominations will also be open to all members during the meeting just prior to the election taking place.
- Ms. Tomasic inquired about how to hold the elections of officers through Zoom with the assistance of the meeting moderator so that individual votes remain

anonymous. Ms. Tomasic explained that votes should be monitored by the meeting moderator and Governance Committee Chair, votes could be provided by each member through Zoom with assistance from the meeting moderator, and the results of the meeting should be announced during the meeting.

- Mr. Fogle explained that the May 8th Full Council meeting is hybrid format and inquired about how to hold votes for those attending in person.
- Mr. William Del Toro Vargas explained concerns with conducting votes through paper ballot, alternative format, and virtual ballot. Inquired about conducting the election during a public virtual only Full Council Special Meeting just prior to the May 8th, 2024, Full Council hybrid meeting.
- Ms. Mitchell inquired about the Bylaws requirement to hold the election of officers during the last Full Council meeting of the Fiscal Year.
- Members explained that the Bylaws contain a section about calling special meetings when needed, could provide a change to the Bylaws to allow for a special meeting to hold the election of officers, and that prior to choosing a date holding a special meeting would depend upon the availability of the Council's meeting moderator.
- Mr. Del Toro Vargas inquired if the rewriting of Bylaws requires Full Council approval.
- Ms. Tomasic explained that there is an exemption included within the Bylaws stating that issues that come up between meetings can be handled by the Executive Committee.
- Members agreed to work with staff to schedule the virtual only special meeting to hold the election of officers, with the Council's moderator and go from there.

Attendance / Committees / Membership Update

- Members reviewed attendance of Full Council and Committee meetings along with participation requirements included within the Bylaws and determined that no members are currently out of compliance regarding the attendance of Council meetings.
- Members requested staff to provide a reminder for any members that have not joined at least 2 Committees and include a deadline. The Bylaws require the Chair to appoint members to committees as needed if they do not choose 2 Committees themselves.

Continued Review of Bylaws, Member Handbook, Policies, and Procedures Bylaws - Process for appointing members to represent PaRC in OVR Policy Workgroups and screening / trainings of OVR IHO/Mediators Number of Standing Committees

- Mr. Del Toro Vargas explained that as Chair of the Legislative Committee he has concerns regarding the Bylaws requirement of a maximum of 7 members for each Standing Committee due to lack of participation within the Committee, attendance of meetings with Legislators, and additional members interest in joining the Legislative Committee as it is already at its maximum of 7 members.

- Members agreed to expand the maximum of Standing Committee members from 7 to 9 and requested staff make that change to the Bylaws, Article VIII, Section I (C).
- Members agreed that if the total number of Council members changes in the future the Bylaws Committee membership requirements may be adjusted again as needed.
- Members agreed to change the requirement of all Council members to attend at least 1 meeting with State or Federal Legislators per term to per year or annual. Members requested staff make this change to the Bylaws, Article IX, Section II (B) (6).
- Members requested that staff add language regarding the Governance tracking any members added to a waiting list to join a Committee that is at its maximum membership. This language change should be included within Bylaws Article VII, Section I (A)
- Ms. Passle Helminski stated that she would like to officially put her name in to become member of the Legislative Committee and/or be added to the waiting list.
- Members agreed to hold a vote to ratify any changes made to the Bylaws after their work as a Committee is completed during a future meeting. Mr. Del Toro Vargas retracted his motions for changes to the Bylaws. Staff will record changes to the Bylaws based upon member discussion and provide those changes to the Committee for review.
- Ms. Tomasic explained that language needs to be added to the Bylaws or Member Handbook regarding "Until a Successor is Qualified (USQ)", which allows any member to remain on the Council until the Governor's Office has appointed someone to replace them or if that member resigns.
- Mr. Fogle explained that he is in full agreeance with this and shared concerns that further details or verification need to be provided by the Commonwealth, OVR, and the Rehabilitation Services Administration (RSA) regarding any member's voting status or being provided expense reimbursement that is considered under USQ. There is language included within the Federal law regarding term limits of 2 consecutive 3-year terms.
- Ms. Helminski explained that while she was previously under USQ was allowed to vote and was provided reimbursement.
- Ms. Tomasic explained that this is the Governor's Council and if they have not asked you to resign or you have not been replaced, the Governor's policy will prevail. Members that are considered voting members under USQ should receive expense reimbursement. Agreed to be provided clarification from OVR and RSA but explained language regarding USQ will need to be added to Bylaws or Member Handbook.
- Members agreed that USQ would allow a member to remain on the Council indefinitely until they are replaced or asked to resign by the Governor.
- Members reviewed the following Membership section of the Bylaws:

Article IX: MEMBERSHIP

Section I Nominations, Qualifications, Appointments and Terms

- (A) Membership on, and the composition of, the Council shall be through appointment by the Governor and shall be consistent with the terms of S105 of the Act as amended by WIOA of 2014.
- (B) As stated in the Act as amended by WIOA of 2014, 51% of Council members must be persons who are individuals with disabilities and not employed by the designated State unit.
- (C) A member can serve two three-year terms, if willing and if reappointed by the Governor, except that:
- (1) 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, plus one additional three-year term, thereby maintaining the original intent of staggered terms.
 - (2) No member of the Council, other than a representative of the Client Assistance Program, may serve more than two consecutive full terms.
 - (3) Members upon completion of their terms or resignation from the Council must wait 1 year before applying for reappointment to the Council.

- Mr. Del Toro Vargas explained that the Bylaws Membership section language will need to be changed by the Committee and that information will need to be provided to members regarding those changes along with membership availability to remain on the Council under USQ.
- Ms. Helminski explained concerns she has regarding her term dates and not currently being provided 2 full 3-year terms.
- Ms. Tomasic explained that those term dates will need to be corrected by the Governor's Office. Language within the Bylaws will need to be changed and members should be provided the opportunity to serve 2 full 3-year terms in addition to any term that members are initially appointed to fill in for. Language regarding the 1-year waiting period to re-apply may also need to be changed or eliminated if the Governor's Office does not require members go off from the Council for 1 year following the end of their term regardless of Federal Regulations. Federal regulations require 1 year off but it may be 2 to 3 years until you're re-appointed if you wait a year to re-apply. Language may need to be added that states, these are standard procedures unless the Governor decides another way.
- Mr. Fogle explained that he has no qualms with that language or changes suggested by members however requirements for membership are explained differently depending upon who you talk to. Mr. Fogle explained that he was informed differently about membership term requirements by his contact with the Governor's Office and that there is obviously a misunderstanding that needs to be figured out.
- Mr. Del Toro Vargas explained the Council should follow the Rehab Act regarding any term requirements, explained he is not aware of a requirement for the 2 3-

year terms within the Rehab Act, removing that requirement from the Bylaws members could resubmit their application for Full Council review, and any Council recommendations sent to the Governor's Office can then be accepted or declined. This would allow the Governor's office to make the final decision.

- Ms. Tomasic explained that the Council could also expand the number of members on the Council.

Schedule next meeting

- Members agreed to meet again on Thursday, March 14, 2024, from 2:30 PM to 3:30 PM.

Adjourn

MOTION was made by Ms. Julia Barol to adjourn. Mr. Del Toro Vargas seconded the motion. The meeting was adjourned.