

# PENNSYLVANIA REHABILITATION COUNCIL BY-LAWS

## **Article I: NAME**

The name of this organization shall be the Pennsylvania Rehabilitation Council.

## **Article II: MISSION**

The mission of the Council is to inform and advise the Office of Vocational Rehabilitation, the State Board of Vocational Rehabilitation, the Legislature, and the Governor on the diverse issues affecting employment of people with disabilities.

## **Article III: DEFINITIONS**

- (A) "Council" shall mean the Pennsylvania Rehabilitation Council.
- (B) "Act" shall mean the Rehabilitation Act of 1973 as amended by the Workforce Innovation & Opportunity Act (WIOA) of 2014.
- (C) "OVR" shall mean the Pennsylvania Office of Vocational Rehabilitation.
- (D) "Fiscal Year" shall mean the state fiscal year, July 1st through June 30th.
- (E) "Officers" shall mean the Chair, Vice-Chair and Member-at-Large.
- (F) "Executive Committee" shall mean the Officers and Chairs of Standing Committees.
- (G) "Committee Chair" shall mean the Chairperson selected by standing committee members to lead the committee during the fiscal year.
- (H) "State" shall mean the state of Pennsylvania.
- (I) "State Agency" shall mean the Pennsylvania Office of Vocational Rehabilitation.
- (J) "State Workforce Development Board" shall mean a State Workforce Development Board established under section 111 of the Workforce Investment Act of 1998 as amended by WIOA of 2014.
- (K) "Designated State unit" shall mean the Pennsylvania Office of Rehabilitation.
- (L) "State Board of Vocational Rehabilitation" shall mean the board that is mandated by State law to be the policy making body that shapes and is responsible for the overall success of the vocational rehabilitation program in Pennsylvania.

- (M) "Support Project" shall mean the organization with which OVR contracts for provision of support services to the Council.
- (N) "Support Project Staff" shall mean employees assigned by the contracting organization to provide the contracted services.

## **Article IV: FUNCTIONS OF THE PENNSYLVANIA REHABILITATION COUNCIL**

### **Section I**

- (A) The Council shall function as a partner with the State Workforce Development Board, Pennsylvania State Board of Vocational Rehabilitation, and the Governor in accordance with the Rehabilitation Act, as amended by WIOA of 2014. The scope of the Council's responsibilities includes, but are not limited to:
- (1) matters of general policy development
  - (2) implementation
  - (3) administration of the OVR State Plan as well as the efforts of any other state unit or contracted program which addresses the vocational training and employment need of persons with disabilities.
- (B) The Council shall have the powers and responsibilities granted to it by S105 of the Act as amended by WIOA of 2014 and any other responsibilities that it might from time to time accept.

## **Article V: OFFICERS**

Officers shall preside according to established policies, standards, procedures, and guidelines.

### **Section I Duties**

- (A) **Chair:** The Chair shall preside at all Council meetings, may sign, or authorize all letters, reports, and other communications of the Council, and generally be responsible for directing and coordinating the affairs of the Council. The Chair shall also serve as the principal point of contact between the Council and the Support Project as well as between the various Committees of the Council.
- (B) **Vice-Chair:** The Vice-Chair shall assist the Chair as point of contact in coordinating the activities of the Council and shall have additional duties and responsibilities as may be assigned by the Chair and/or the Council. Specifically, the Vice Chair will assist the Chair with the order of the agenda during the Full Council meetings and ensure that questions and

discussions are kept within a specific timeframe so that all agenda items can be covered satisfactorily in a timely manner. In the absence of the Chair, the Vice-Chair shall substitute for and have all the powers and duties of the Chair.

- (C) **Member-at-Large:** The Member-at-Large shall work with the Chair to coordinate development and management of the Council's Annual Report with Support Project staff and shall present a financial report at Council meetings. In the absence of both the Chair and Vice-Chair, the Member-at-Large shall substitute for and have all the powers and duties of the Chair.

## **Section II Nomination of Officers**

- (A) The Governance Committee shall establish a slate of officers for election. All members will be informed of the duties, responsibilities, and limitations of officers, and requested to indicate their interest in being nominated for a specific office and fulfilling all obligations of that office, if elected. Allowing sufficient time for a response from members, the Governance Committee will close the nominations, seek approval of the slate by the Executive Committee, and present the slate to the membership no less than 2 weeks prior to the May council meeting.
- (B) All members who express interest will be placed on the slate by the committee, provided they are in compliance with these by-laws and can meet the term commitments of the office they seek.
- (C) The members of the Governance Committee shall be eligible to be nominated and elected to Council Officer positions. However, Governance Committee members that accept nomination for any Council officer positions may not participate in the Committee's nomination or election process duties.

## **Section III Election of Officers**

- (A) The Council shall annually elect a Chair, Vice-Chair, and Member-at-Large.
- (B) The election shall take place at the last regularly scheduled meeting of the current fiscal year. Terms will begin effective July 1 of each year. Proxy votes will not be accepted.
- (C) The method of voting during each election shall be determined by the Governance Committee. The Governance Committee shall inform the council of the process for each year's election of officers.

## **Section IV Terms of Officers**

- (A) The Officers shall serve terms of one year or until each successor has been elected by the Council.

- (B) A member shall serve as officer no more than three times during the tenure of their appointment.
- (C) Additionally, no member may serve more than 2 consecutive times in any 1 office.

### **Section V Removal of an Officer**

- (A) An Officer may be deposed from office for just cause.
- (B) Discussion of motions to censure or remove an Officer shall take place in Executive Session – that is all non-members will be asked to leave the room.
- (C) Censure or removal of an Officer requires a two-thirds majority vote of the Council members present at a regularly scheduled Full Council meeting. The vote shall be conducted by roll call and be held during a Full Council meeting and/or Special Meeting.

### **Section VI Filling a Vacancy of an Officer**

- (A) A vacancy in the Chair's office will be filled by the Vice-Chair.
- (B) A vacancy in the Vice-Chair's office will be filled by the Member-at-Large.
- (C) A vacancy in the Member-at-Large's office shall be filled by a vote of Council members at the next regularly scheduled Full Council meeting following the existence of the vacancy. In such a case the Governance Committee will request nominations for the vacancy using the process described in this Article, Section II (a) prior to the election.
- (D) A member elected to fill a vacancy shall serve only the unexpired term of the member who is replaced. Time spent filling an unexpired term shall not count toward the term limitations set forth in Section IV, (b) above.

## **Article VI: EXECUTIVE COMMITTEE**

### **Section I Composition**

- (A) The Executive Committee shall be comprised of the Officers, as described in Article V and Chairs of Standing Committees. Chairs of Ad-Hoc Committees shall not be members of the Executive Committee.
- (B) Individual members may only carry one vote on the Executive Committee.
- (C) If the total membership of the PaRC falls below the total minimum required number of members, the PaRC may vote to waive the requirement in section (A) and (B) above, by a simple majority vote. If a Standing Committee elects a co-chair, they shall share one seat and share one vote on the Executive Committee.

### **Section II Duties**

- (A) The Executive Committee duties include facilitating decision making between Council meetings and advising on decisions and business matters to include strategic planning, establishing the agenda of Full Council meetings, reviewing and authorizing correspondence and reports, providing input into the performance reviews of staff and as needed, reviewing material considered controversial, as to if and how it should be disseminated. The procedure for dissemination of information in the Members Handbook should be followed by staff. The Executive Committee prioritizes issues for the Full Council to review and is responsible for oversight of the PaRC budget and annual report.
- (1) Full Council members may join an Executive Committee meeting as a non-voting member for the purpose of review and recommendation of the agenda for each Full Council meeting and other activities of the Council as deemed appropriate however, the Executive Committee maintains the right to conduct a closed session should issues related to personnel and membership status need addressed.

## **Article VII: GOVERNANCE COMMITTEE**

### **Section I Duties**

- (A) The Governance Committee shall be responsible for the following:
- (1) Reviewing By-Laws annually and making recommendations for amendments
  - (2) Reviewing policies within the PaRC Member Handbook annually and making recommendations for amendments
  - (3) Establishing the slate of candidates for the annual election of PaRC Officers
  - (4) Determining the method of voting during the election of PaRC Officers
  - (5) Monitor attendance of all PaRC meetings
  - (6) Monitoring recruitment
  - (7) The Governance Committee will monitor member resignations and term expirations to assure that the composition of the Council is maintained as stated in the Act. When vacancies occur or are anticipated, the Governance Committee will be responsible for assuring the composition of the Council.
  - (8) The Governance Committee will monitor any waiting lists required for any Standing Committees that have reached their maximum number of Committee members.

- (B) Recruitment Procedures have been developed to establish a method for filling vacancies on the Council. The Recruitment Procedures are part of the Member Handbook.

### **Article VIII: STANDING COMMITTEES**

#### **Section I Formation**

- (A) The Council shall identify and define standing committees annually, based on the goals and objectives in the Annual Report as adopted no later than the final Full Council meeting of the current fiscal year.
- (B) Standing Committees shall include:
- (1) Action / Social Media
  - (2) CareerLink / WIOA Committee
  - (3) Legislative and Public Awareness Committee
  - (4) OVR Policy / State Plan / Customer Satisfaction Committee
  - (5) Transition and Education Committee
  - (6) Governance Committee
- (C) Each Standing Committee shall be required to have membership consisting of a minimum of 3 members and a maximum of 9 members. The Council Chairperson will appoint members as necessary to meet the minimum and maximum committee membership requirements, if necessary.
- (D) Council members are required to join and actively participate in at least 2 Standing Committees. Members that have not joined 2 Standing Committees will be appointed by the Council Chairperson, as deemed appropriate to fulfill this requirement.
- (E) Standing Committees will elect Chairs and Vice Chairs at a regularly scheduled committee meeting by June 30 of the current fiscal year. Terms will begin on July 1 each year. The Committee Vice Chairs shall carry out the duties and responsibilities of Committee Chairs upon any circumstances that are deemed necessary such as the Chair being unavailable to attend meetings or completing other duties and responsibilities.
- (F) The appointment of a Chair and Vice Chair are mandatory for each Standing Committee. If by July 1 of each fiscal year a Chair and/or Vice Chair have not been elected to any Standing Committee, the Council Chairperson shall appoint a Committee Chair and/or Vice Chair, if necessary.
- (G) Committee Chairs shall count toward a quorum of membership during each committee meeting and thus are voting members of the committee.

- (H) Each Standing Committee will provide a brief report in writing that summarizes committee work and activities on a quarterly basis in conjunction with Full Council Quarterly Meetings to be shared with the public via newsletter, social media, and/or other Council distributions.
- (I) The Chair of the Council is an ex-officio (i.e., non-voting) member of all standing committees; provided Council is at full membership.
- (J) Committee chairs can only chair one committee.
- (K) The Chair of Council shall establish such Ad-Hoc committees as shall from time to time be necessary to carry out the duties and responsibilities of the Council.
- (L) At the beginning of each Fiscal Year Committees will establish a regular meeting time to meet on a monthly basis.
- (M) Committees must have a quorum (51%) of members during a meeting to conduct business and to vote.
- (N) All meetings shall be open to the public, in accordance to the Sunshine Act.

## **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.

(D) Composition and Appointment - The Council shall be composed of:

- (1) at least one representative of the Statewide Independent Living Council established under section 705, which representative may be the chairperson or other designee of the Council
  - (2) at least one representative of a parent training and information center established pursuant to section 682 (a) of the Individuals with Disabilities Education Act (20 U.S.C.1431(c)(9))
  - (3) at least one representative of the Client Assistance Program established under section 112
  - (4) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex officio, nonvoting member of Council, if 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 individuals with physical, cognitive, sensory, and mental disabilities; veteran, young adult, and parents, family members, guardians, advocates, or authorized representatives' 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) Ex Officio Member - The Director of the designated State unit shall be ex-officio member of the Council
  - (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 Subchapter I of Title 29 and part B of the Individuals with Disabilities Education Act
  - (11) at least one representative of the State Workforce Development Board
- (E) The Council Support Project office will maintain a list of persons interested in being appointed to the Council. A duplicate list will be maintained by OVR Central Office. Individuals may be placed on the list by their own request, or they may be nominated by organizations or individuals. An individual seeking to join the council will be given the opportunity to speak at a Full Council meeting. To ensure consistency, each nomination packet will include a letter of interest and a current resume or vitae. Additionally,

two written letters of recommendation will be requested. Packets will be reviewed by the Governance Committee (within a ninety (90) day time period). Individuals recommended by the Governance Committee will be sent forward to the Executive Committee and finally the Full Council for approval for nomination to the Governor. Support project staff will submit approved packets to OVR. OVR will provide a copy of approved packet(s) to the Governor's Office. Also, see Recruitment Procedures located in the Member Handbook.

## **Section II Responsibilities**

- (A) Council members shall serve without compensation; however, members will be reimbursed for all expenses associated with attending Council meetings and performing Council duties, in accordance with applicable federal and state policies.
- (B) Council members are expected to actively participate in all aspects of the Council's mission to fulfill its federal requirements by:
  - (1) Attending four (4) scheduled Full Council meetings in the fiscal year. If a member has a medical condition that will not allow them to travel to the meetings, arrangements should be made for this accommodation with the Project Staff. Severe weather and personal emergencies are understandable exceptions.
  - (2) Actively participating on at least 2 standing committees during the fiscal year. This is a requirement. Actively is defined as participating in Committee meetings and in-between activities such as responding to correspondence. Lack of attendance of Committee meetings is defined as missing more than two meetings for Committees that meet quarterly and more than four meetings for Committees that meet more frequently during a Fiscal Year. If unable to attend a scheduled Committee meeting members must notify their Committee Chair within 48 hours of the meeting taking place. At the discretion of the Committee Chair, those members not able to maintain active participation will be provided a written warning to reconsider their commitment and potentially asked to resign from the committee and/or any position held within the Council. Members serving on more than two Committees who are unable to actively participate in all their Committees will be asked to reconsider their commitment to more than two Committees. Failure to respond will be considered a voluntary resignation of the position held. Members that are given a warning letter regarding a violation of the Bylaws will also be provided with a phone call or other preferred method of communication by Committee leadership or Council Officers within 2 business days of receiving the warning letter.

- (3) Responding to action items during or between Council meetings. Examples may include, but are not limited to:
    - (a) Review of support documents for meeting action items.
    - (b) Review and return of surveys, draft documents, etc. when requested.
    - (c) Review, research, or follow up from a Full Council meeting discussion will be shared with Full Council to enable other members to provide feedback and further discussion.
  - (4) Attending Office of Vocational Rehabilitation public meetings, Workforce Development Board meetings, Citizen Advisory Committee meetings, etc., each year.
  - (5) Attending standard annual conferences to include the National Coalition of State Rehabilitation Councils (NCSRC) Conference, the National Rehabilitation Council (NRA) Conference, and the Pa Training & Technical Assistance Network (PaTTAN) Conference.
  - (6) Attending at least one meeting per Fiscal Year with a State or Federal Legislator to inform and educate about the Council's mission.
- (C) If a Rehabilitation Council member is attending a meeting, conference, workgroup, and/or legislative visit where they officially or de-facto represent the Council:
- (1) The Council member shall state that s/he is representing the Rehabilitation Council.
  - (2) The Council member shall state the Council's official position on the subject being discussed if one exists or is known.
  - (3) If the Council's official position is unknown or has not been developed, the Council representative shall indicate that s/he will request the Council's office to forward the position or ask the Council to review the subject and render an official position if one is needed.
  - (4) The Council member may have a different opinion on the subject being discussed. If this is so, the Council member should state that it is an opinion and not the official position of PA Rehabilitation Council.
- (D) Council member shall not commit financial support and/or other resources of the Council to any non-RC committee, workgroup, function, etc., without the previous authorization of PA Rehabilitation Council.
- (E) To receive reimbursement for expenses occurred while acting as a designated Council spokesperson, the member shall follow established procedures for obtaining reimbursement which can be found in the Member Handbook.

- (F) Members who represent the Rehabilitation Council at meetings, events, etc. are expected to provide a report to the Full Council or designated committee. This may be an oral report at a meeting, or a short report (one or two paragraphs) submitted to the staff for distribution. The Council reserves the right to reconsider the requests of a member that habitually fails to meet this requirement.
- (G) Reimbursement requests and reports, when applicable, are due within 30 calendar days of the event. Requests that exceed the 30-day time frame will require approval of the Executive Committee prior to processing by staff.
- (H) Regarding PaRC sponsored attendance at conferences and meetings, including Full Council meetings, the Council member is expected to attend all scheduled activities/meetings, unless ill.
- (1) If ill, members must notify the PaRC office staff and Chair, personally or by leaving a message by voicemail and cancel any room/travel arrangements.
  - (2) If the member does not attend as scheduled and does not have a valid reason for their absence, the member will be asked to reimburse the PaRC for the apportioned cost of any scheduled activities/meetings they did not attend. That cost would also include travel, subsistence, and accommodations associated with the event. The Executive Committee would determine the amount of reimbursement and discuss/decide about any future conference participation requests by that member.

**Please Note:** Individuals appointed to the Council by the Governor, are considered Public Officials and therefore are required to complete a Financial Interest Statement annually that is submitted to the State Ethics Commission and the Secretary of Administration.

### **Section III Resignation**

- (A) A Council member may resign by sending written notice to the Council Chair. Notice will be forwarded to OVR, who will notify the Governor and request a new appointee to fill the vacancy.
- (B) Members who were appointed to represent specific organizations cited in the Act as amended by WIOA of 2014 (such as the SILC and State Workforce Development Board) may request reclassification if they cease their relationship with that organization. The request shall be made in writing to the Chair.

### **Section IV Transferring a Member to Another Category of Representation**

- (A) A Council member may request a transfer (if an opening exists) to another category of representation, due to a job change, etc. by sending written notice to the Council Chair in care of the Council Support Project office. Notice of the request will be forwarded to OVR, along with appropriate reappointment paperwork. OVR will notify the Governor of the request and forward the appropriate paperwork.

### **Section V Recommendation to Remove a Member from the Council**

- (A) The Council may recommend that a member be removed for just cause including, but not limited to, noncompliance with these By-laws. Lack of attendance of Committee meetings is defined as missing more than two meetings for Committees that meet quarterly and more than four meetings for Committees that meet more frequently during a Fiscal Year. If unable to attend a scheduled Committee meeting or Full Council meeting members must notify their Committee Chair, Council Chair, and/or PaRC Support Personnel within 48 hours of the meeting taking place. Failure to attend two out of the four Full Council meetings within each Fiscal Year without appropriate 48-hour prior notification, or valid notification of illness, is just cause for removal from the Council. Exigent circumstances will be taken into consideration.
- (B) It is the responsibility of the Governance Committee to monitor Full Council meeting attendance and provide guidance for staff to issue a written warning. Those members not able to maintain active participation will be provided with a written warning and asked to reconsider their commitment and potentially asked to resign from the Council. Members that are given a warning letter regarding a violation of the Bylaws will also be provided with a follow-up phone call or preferred method of communication within 2 business days of the letter being sent electronically by Governance Committee leadership or Council Officers.
- (C) Recommendation for removal of a member requires a two-thirds majority vote of the Council members present at a regularly scheduled Full Council meeting and/or Special Meeting. The vote shall be conducted by roll call.
- (D) After the Council has voted to recommend removal of a member, the Support Project Staff will notify OVR in writing. OVR will ensure that the decision is communicated to the Governor's office.

### **Article X: MEETINGS**

All meetings will follow OVR Regulations, and Requirements, [Sunshine Act Law](#), and [Roberts Rules of Order, Revised, latest edition](#).

### **Section I Full Council Meetings**

- (A) In accordance with S105 of the Act as amended by WIOA of 2014, the Council shall meet no fewer than four times per year. The number of regular meetings, above four, to be held in any one year shall be determined by the Council, consistent with applicable OVR policies and resources. The dates of such regular meetings shall be established no later than December 31 of the preceding year, and such dates shall be distributed promptly to all Council members. Any change in the date, time, or location of a meeting must be given special notice. (If a meeting is canceled, due to inclement weather or other emergency, members should follow the cancellation procedure for meetings in the Member Handbook). The decision to cancel a meeting is by vote of those officers' present at the meeting location or reachable by telephone at the time the decision must be made.
- (B) All meetings shall be open to the public in compliance with the Sunshine Act.

## **Section II Special Meetings**

- (A) Special meetings may be called by the Council Chair or majority of the Executive Committee or by one quarter of the of Council membership.
- (B) Council members shall be notified of all special meetings at least five (5) business days prior to such meetings.

## **Article XI: ADOPTING, AMENDING AND REPEALING OF OPERATING PROCEDURES (MEMBER HANDBOOK) AND BYLAWS**

- (A) The Governance Committee shall be responsible to review the Bylaws and member Handbook documents annually.
- (B) The Operating Procedures and/or Bylaws may be adopted, amended, or repealed, if the proposed procedure and/or bylaw is introduced at a regular meeting and has been sent to Council members for their review at least ten (10) days prior to the meeting.
- (C) Adopting, Amending or Repealing of the Operating Procedures and/or Bylaws must be approved by a two-thirds majority vote of the membership present at a duly called Council meeting.