

State of Nevada
Nevada State Rehabilitation Council
Bylaws
Revised November 3, 2016

Article I

Name, Geographic Coverage, Administration, Composition, Appointment, Qualifications,
Terms of Appointment, Vacancies, and Recruitment.

Section 1. Name. The name of the organization shall be Nevada State Rehabilitation Council (referred to hereafter as the Council).

Section 2. Geographic Coverage. The Council shall cover the entire State of Nevada.

Section 3. Administration. The Department of Employment, Training and Rehabilitation (referred to hereafter as the Department), Rehabilitation Division (referred to hereafter as the Division), will provide administrative support to the *Council*. The Director of the Department shall appoint the Administrator to the Rehabilitation Division in accordance with established protocol or policies developed by the Department. Other staff may be employed as authorized by the State Legislature.

Section 4. Composition. Council membership shall be composed of but not limited to:

- A. At least one representative of the statewide Independent Living Council established under section 705 of the Rehabilitation Amendments of 1998, such representative may be the Chair or other designee of the Statewide Independent Living Council;
- B. At least one representative of a parent training and information center established pursuant to section 682 (a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17);
- C. At least one representative of the Client Assistance Program established under 34 CFR part 370 of the Rehabilitation Act;
- D. At least one qualified Division rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an *ex-officio*, non-voting member of The Council. (This position may be rotated among Rehabilitation Counselors to assure full representation and dissemination of information.)

- E. At least one representative of community rehabilitation program service providers;
- F. At least four representatives of business, industry and labor;
- G. Two representatives of disability advocacy groups representing a cross section of:
 - a. Individuals with physical, cognitive, sensory and mental disabilities; and representatives of individuals.
 - b. Representatives of individuals with disabilities who have difficulty in representing themselves or are unable to represent themselves due to their disabilities.
- H. Current or former applicants for, or recipients of, vocational rehabilitation services;
- I. One representative of the director of projects, American Indian Vocational Rehabilitation Services;
- J. At least one representative of the State of Nevada Department of Education, which is responsible for the public education of students with disabilities who are eligible to receive services under Title IV of the Workforce Investment Act, in which is Title I of the Rehabilitation Act (hereinafter referred to as the Act);
- K. At least one representative of the State Workforce Development Board;
- L. The Division Administrator as *ex officio*, non-voting member.
- M. The membership may include other individuals or categories who/which, as determined by the Council, might contribute to the employability of individuals with disabilities.

Section 5. Appointment. Members of the Council shall be appointed by the Governor after the Council solicits recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In recruiting members, the Council shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

Section 6. Qualifications. Council members must meet the requirements of 34 CFR Part 361.17. A majority of Council members must be individuals with disabilities who are not employed by the designated state unit or persons who represent service provider organizations for people with disabilities.

For the purposes of Council membership, an “individual with a disability” is anyone who:

- A. Has a physical or mental impairment that substantially limits one or more major life activities;
- B. Has a record of having such impairment; or
- C. Is regarded as having such an impairment.

Section 7. Terms of Appointment. No member of the Council other than a representative of the Client Assistance Program (CAP), the Division Administrator and the representative from the American Indian Vocational Rehabilitation Services programs funded under part C, may serve more than two, full consecutive terms. This exception is in recognition of possible limited staff associated with these programs. 34 CFR Part 361.17 (e) (1).

Except as set forth in subsections A and B below, each member of the Council may serve for a maximum of two, full consecutive terms. A term of appointment may be up to three years.

- A. A member who has served the maximum number of terms may be reappointed to the Council, after a meaningful break in service has passed. However, he or she cannot be re-appointed to the same membership slot previously filled. For these purposes a meaningful break of service is defined as a minimum of three years.
- B. 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 then additionally be eligible to serve for a maximum of one, full term.

For the initial appointment of the Council, the Governor shall set terms so as to provide for term expiration on a staggered basis.

Section 8. Vacancies

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

Section 9. Recruitment

- A. NSRC support staff will maintain a list of member categories as required under the Rehabilitation Act. Those categories will be posted on the Department of Employment, Training and Rehabilitation (DETR) website.
- B. In anticipation of a vacancy at the end of a given member’s term or upon the resignation of a member, the category vacancy will be posted on the DETR website and appropriate outreach to stakeholders will take place.

- C. Members will actively recruit to fill their own membership category prior to the end of their terms.
- D. Applications for Council membership will be provided upon request. When appropriate, the application link (<http://gov.nv//Boards/Vacancies/>) or physical application will be shared with potential members.

Article II

Meetings, Attendance, Elections and Officers, Quorums, Rules of Order, Hearings and Forums, Public Notice and Accessibility, Committees, and Expenses

Section 1. Meetings. The Council shall convene four meetings a year at least one meeting per quarter, per year and other meetings as determined necessary by the Council to conduct Council business, forums or hearings.

Section 2. Required Attendance. All members of the Council serve for terms certain and at the pleasure of the Governor. However, members should be responsible for upholding their duties and their regular attendance at meetings. Members must notify the council liaison or chair of they cannot attend a meeting. Failure to attend any three consecutive meetings in a rolling twelve (12) month period during a term of office may result in removal by the Governor for lack of participation.

Section 3. Elections. Elections shall be held at the last regularly scheduled meeting of the State fiscal year. Council members will nominate and elect officers to the offices of Chair and Vice-Chair from its members eligible to vote. Voting members of the Council may serve as Chair or Vice-Chair. If Co-Chairs are elected, the Council will define and publish in its minutes the duties of each of the officers *as are differentiated from Chair and Vice-Chair*. The new officers shall take office on the first day of the succeeding State fiscal year. New members shall be required to attend and participate in the Council, New Member Orientation and Training.

Section 4. Duties of Officers. The Chair shall direct all Council business. In addition, the Chair shall be responsible for communication with Division Liaison regarding Agendas, Training and Meeting minutes. The Vice-Chair shall act in the stead of the Chair when the Chairman is not available to fulfill his/her duties. The Vice-Chair shall Chair the State Plan/Needs Assessment Committee.

Section 5. Quorum. A quorum shall consist of a simple majority of its voting and non-voting members exclusive of any vacancies. If a quorum is not present, the Chair may adjourn the meeting, recess the meeting or take measures to obtain a quorum or continue the meeting while not acting on designated "action items". Where an important opportunity

would be lost unless acted upon immediately, the Chair may act in the emergency, consistent with the provisions of the Nevada Open Meeting Law.

Section 6. Rules of Order. Except as otherwise provided in these Bylaws, Robert's Rules of Order *Newly Revised*, September 2011 (11th Edition) govern the affairs of the Council standing committees and subcommittees.

Section 7. Hearings and Forums. The Council is authorized to hold such hearings and forums as it may determine necessary to carry out the Council duties.

Section 8. Public Notice and Accessibility. Meetings, hearings and forums shall be noticed and conducted in accordance of Nevada state laws including Nevada Open Meeting Law. Such notice as well as meetings shall comply with Americans with Disabilities Act Accessibility Guidelines.

Section 9. Committees. The Council may establish standing committees, and subcommittees, assign responsibilities and allocate resources as necessary to perform the work of the Council. The Council may designate a committee as a "Standing Committee" with a specific purpose and/or time limits.

- A. Standing committees will include the State Plan and Assessment Committee.
- B. Standing committee Members will be appointed by the Council Chair for a specific purpose and/or time limit.
- C. The Chair and Vice-Chair will be ex-officio members of all standing committees.
- D. Standing committees will have Council members that represent both rehabilitation and business professionals.
- E. Subcommittee members may be appointed from outside Council membership as appropriate at the Chair's discretion.
- F. All committees will adhere to the Nevada Open Meeting Law.
- G. Committee meetings will be called at the discretion of the committee Chair.
- H. Committees may ask the Council to approve a budget, as may be available.
- I. Committee members shall observe Council meeting attendance standards.
- J. Standing committees will report to the Council Chair items to be reviewed by the Council. The subcommittee Chair will report to the Standing Committee Chair items to be approved or reviewed by the Council.

Section 10. Per Diem and Expenses. The Council may use funds allocated to it by the Rehabilitation Division under the Act (excepting Section 112 funds) and by the Executive and Legislative Branches of the State of Nevada to reimburse members for reasonable and necessary expenses of attending meetings and performing associated duties (inclusive of current state per diem rates).

Article III

Duties and Responsibilities

Section 1. Functions of the Council. The Council shall, after consulting with the State Workforce Development Board, perform the following work:

- A. Review, analyze and advise the Division regarding the performance of the responsibilities, particularly relating to:
 - 1. Eligibility;
 - 2. The extent, scope and effectiveness of services provided; and
 - 3. Functions performed by the Division regarding the vocational rehabilitation program.

- B. In partnership with the Division:
 - 1. Develop, agree to and review the State goals and priorities in accordance with section 101 (a) (15) (c) of the Act; and
 - 2. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner of the Rehabilitation Services Administration in accordance with section 101 (a) (15) (E) of the Act.

- C. Advise the Designated State Agency, and the Designated State Unit regarding activities authorized to be carried out under Title I of the Act, and assist in the preparation of the State plan and amendments to it, applications, reports, needs assessments, and evaluations required by Title I of the Act.

- D. To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:
 - 1. Functions performed by the Division.
 - 2. Vocational rehabilitation services provided by the Division and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Act; and
 - 3. Employment outcomes achieved by eligible individuals receiving services under Title I of the Act, including the availability of health and other employment benefits in connection with such employment outcomes.

- E. Develop and coordinate interagency employment policies and practices for people with disabilities and the Department's efforts with businesses to hire individuals with disabilities.

- F. Prepare and submit an annual report to the Governor of Nevada and the Commissioner of the Rehabilitation Services Administration on the status of vocational rehabilitation programs operated within Nevada and make the report available to the public.
- G. To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with other councils within Nevada, including the Statewide Independent Living Council, the Special Education Advisory, the Nevada Governor's Council on Developmental Disabilities, the State Behavioral Health Planning and Advisory Council, and the State and local Workforce Development Boards.
- H. Provide for coordination and the establishment of working relationships between the Division and the Statewide Independent Living Council and centers for independent living within Nevada.
- I. Perform such other functions, consistent with the purpose of Title I of the Act as the Council determines to be appropriate that are consistent with its other functions.

Article IV

Resource Plan, Resolution of Disagreements, Conflict of Interest

Section 1. Resource Plan. The Council shall prepare, in conjunction with the Division, a plan for the provision of resources, including such staff and other personnel as may be necessary and sufficient to carry out the functions of the Council. The resource plan shall, to the maximum extent possible, rely on the use of existing resources during the period of implementation of the plan.

Section 2. Resolution of Disagreements. To the extent that there is a disagreement between the Council and the Division in regard to the resources necessary to carry out the functions of the Council as set forth in this section, the disagreement shall be resolved by the Department Director.

Section 3. Conflict of Interest. While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the Division or other agency or office of the State that would create a conflict of interest.

A. No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under Nevada law.