

**OKLAHOMA  
REHABILITATION  
COUNCIL**

**BY-LAWS**

Ratified November 15, 2018, as amended  
(Amended – May 19, 1994, Amended – July 22, 1999)

**ARTICLE I                    NAME**

This council shall be known as the Oklahoma Rehabilitation Council (herein to be referred to as the Council), in compliance with the provisions of the Rehabilitation Act of 1973 and as amended in the Rehabilitation Act of 1998, Section 105, (herein to be referred to as the Rehabilitation Act).

**ARTICLE II                    FUNCTIONS OF THE COUNCIL**

The Council shall, after consulting with the State Workforce Development Board -

**SECTION I**

review, analyze, and advise the Department of Rehabilitation Services regarding the performance of the responsibilities of the agency under this title, particularly responsibilities relating to eligibility (including order of selection); the extent, scope, and effectiveness of services provided; and, functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under this title;

**SECTION II**

in partnership with the Department of Rehabilitation Services, develop, agree to, and review State goals and priorities in accordance with section 101(a)(15)(C) of the Rehabilitation Act; and 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 Rehabilitation Act;

**SECTION III**

advise the Department of Rehabilitation Services regarding activities authorized to be carried out under this title, and assist in the preparation of the State plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this title;

**SECTION IV**

to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with the functions performed by the Department of Rehabilitation Services; vocational rehabilitation services provided by State agencies and other public and private entities-responsible for providing vocational rehabilitation services to individuals with disabilities under the Rehabilitation Act; and employment outcomes achieved by eligible individuals receiving services under this title, including the availability of health and other employment benefits in connection with such employment outcomes;

**SECTION V**

prepare and submit an Annual Report to the Governor or appropriate state entity and the Commissioner of the Rehabilitation Services Administration, on the status of vocational rehabilitation programs operated within the state and make the report available to the public;

#### SECTION VI

to avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the state, including the Statewide Independent Living Council, the advisory panel of the Individuals with Disabilities Education Act, the State Planning Council of the Developmental Disabilities Assistance and Bill of Rights Act, the State Mental Health Planning Council established through the Public Health Service Act, the State Workforce Development Board and with the activities of entities carrying out the programs under the Assistive Technology Act of 1998.

#### SECTION VII

provide for coordination and the establishment of working relationships between the Department of Rehabilitation Services; the Statewide Independent Living Council, and Centers for Independent Living within the State; and

#### SECTION VIII

Perform such other functions, consistent with the purpose of this title, as the Council determines to be appropriate, that are comparable to the other functions performed by the Council.

### **ARTICLE III            MEMBERSHIP**

#### SECTION I

Membership shall be by appointment by the Governor or the appropriate entity in the State responsible for making appointments with each member serving a term of appointment up to three (3) years as specified in the Rehabilitation Act.

#### SECTION II

A majority of Council members shall be persons who are individuals with disabilities and not employed by the Department of Rehabilitation Services.

#### SECTION III

The membership of the Council shall have two (2) classes of members, voting and non-voting, and other rights, interests, and privileges of each member shall be equal of those appointed by the Governor.

#### SECTION IV

The Council must be comprised of at least one representative of -

- a the Statewide Independent Living Council;
- b a parent training and information center established under the Individuals with Disabilities Education Act;
- c the Client Assistance Program;
- d qualified vocational rehabilitation counselor, with knowledge of, and experience with vocational rehabilitation programs, who shall serve as an ex-officio, non-voting member(s) of the Council if employed by the Department of Rehabilitation Services;
- e community rehabilitation program service providers;
- f the directors of the Section 121 projects;
- g the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this title and part B of the Individuals with Disabilities Education Act; and
- h the State Workforce Development Board.

#### SECTION V

In addition, the Council is to be comprised of -

- a four (4) representatives of business, industry, and labor;
- b representatives of disability advocacy groups representing a cross section of individuals with physical, cognitive, sensory, and mental disabilities;
- c representatives of persons with disabilities, who have difficulty representing themselves; and
- d current or former applicants for or recipients of vocational rehabilitation services.

#### SECTION VI

The Director of the Department of Rehabilitation Services is to be an ex-officio, nonvoting member of the Council. In addition, anyone who serves as an Impartial Hearing Officer cannot serve as a member of the Council.

## SECTION VII

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

## SECTION VIII

Associate members may be proposed as candidates and voted upon by the Council to act in an advisory capacity. Any member of the Council is allowed to bring a candidate for associate membership before the Council. The term of an associate member cannot be longer than a Council member's term. An associate member is an ex-officio, nonvoting member, not entitled to reimbursement of any expenses incurred with Council meetings.

## **ARTICLE IV           LENGTH OF TERM OF MEMBERS**

### SECTION I

Each member of the Council is to serve for a term of not more than two (2) consecutive terms of three (3) years each except that -

- a       a member appointed to fill a vacancy occurring prior to the expiration of a member's term is to be appointed for the remainder of the term; and
- b       the terms of service of the members initially appointed are to be set by the appointing authority so that expiration of terms will occur on a staggered basis.

### SECTION II

No member of the Council, other than the representatives of the client assistance program and Section 121 projects, can serve more than two (2) consecutive full terms, if a member wishes to continue they shall reapply after a period of ninety (90) days has elapsed since the end of their second term.

### SECTION III

Any vacancy occurring in the membership of the Council is to be replaced in the same manner as an original appointment, and the vacancy is not to affect the power of the remaining members to execute the duties of the Council. All members shall serve until the Governor or his/her designee appoints a replacement in compliance with Article IV.

**ARTICLE V                      OFFICERS**

The officers shall comprise the Executive Committee.

**SECTION I**

The officers of the Council shall consist of the Chairperson, Vice-Chairperson, and three (3) at-large members, who Chair each of the Council's three subcommittees. A quorum will consist of one more than ½ of the Executive members.

**SECTION II**

At the initial meeting of the Council, officers will be elected by those present. Subsequent elections shall be held at the last quarterly meeting of the fiscal year.

**SECTION III**

All officers shall serve for a term of one (1) to three (3) years. Officers shall be eligible to serve two (2) consecutive terms after their first term ends if the Council re-elects them, but shall be ineligible for further re-election to the same office until one (1) year has elapsed.

**SECTION IV**

The Chairperson shall appoint a Nominating Committee consisting of three (3) members. At the third quarterly meeting of the fiscal year, the Program Manager will work with the Executive Committee to bring forward a slate of officers each year to fill any newly created vacancies. Nominations from the floor will also be considered.

**SECTION V**

The new officers shall take office on September 2<sup>nd</sup> or on the date the Governor's Office appoints them.

**SECTION VI**

In the event of a vacancy or temporary absence of any officer, the Council may appoint a member to perform duties of such officer during the absence or vacancy.

**SECTION VII**

Upon adoption of these Bylaws, the Council will vote to keep the slated officers or vote to elect new officers. This term will end at the last meeting of the fiscal year and the Council will choose new officers. Temporary officers can be re-elected for an additional term.

**ARTICLE VI DUTIES OF OFFICERS****SECTION I**

Chairperson - The Chairperson shall preside at all Council meetings, may sign all letters, reports and other communications of the Council, communicate directly with the Department of Rehabilitation Services staff, and shall be considered the spokesperson for the Council. This officer shall perform such duties as the Council shall from time to time require. The Chairperson is an ex-officio member of all committees, except the Nominating Committee.

**SECTION II**

Vice-Chairperson - The Vice-Chairperson of the Council shall be vested with all the powers of and perform the duties of the Chairperson in the absence or inability of the Chairperson. This officer shall, in addition, perform such duties as the Council shall from time to time require.

**SECTION III**

The Past-Chairperson and at-large members will perform at the mutual discretion of the Executive Committee.

**ARTICLE VII RESOURCES****SECTION I**

The Council shall prepare, in conjunction with the Department of Rehabilitation Services, a plan for the provision of such resources, including 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 resources in existence during the period of implementation of the plan.

**SECTION II**

To the extent that there is a disagreement between the Council and the Department of Rehabilitation Services in regard to the resources necessary to carry out the functions of the Council, the disagreement shall be resolved by the Governor.

**SECTION III**

The Chairperson of the Council will supervise the staff. The Executive Committee will evaluate staff and other personnel as may be necessary to carry out its functions.

**SECTION IV**

Staff and other personnel are not to be assigned duties by the Department of Rehabilitation Services or any other agency or office of the state that would create a conflict of interest.

## **ARTICLE VIII            COMPENSATION AND EXPENSES**

No member of the Council shall receive per diem payments or reimbursements for expenses other than those specifically authorized by Sections 500.1 through 500.54 of Title 74 of the Oklahoma Statutes or Section 1501-605 [FN1] of Title 82 of the Oklahoma Statutes or except as otherwise provided by law. The Council may use funds appropriated under this title to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties, including personal assistance services.

## **ARTICLE IX            PROHIBITION ON CONFLICT OF INTEREST**

No member of the Council is to vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State Law.

## **ARTICLE X            MEETINGS**

### **SECTION I**

An annual meeting of the Council shall be held within the last quarter of the fiscal year or at such other time as the Council may decide. At the annual meeting the Council Chairperson will provide the membership with an Annual Report defined in Article IV of these Bylaws. Each voting member shall be entitled to one (1) vote at this Council meeting.

### **SECTION II**

The Council shall meet at least four (4) times annually on the fixed day and place determined at the annual meeting of the Council; and at the call of the Chairperson; or on the request of any twelve (12) members. All meetings and agendas of the entire Council must meet the State Open Meetings Act. Membership meeting schedules will be presented at the annual meeting allowing for adjustments according to the State Law. Follow-up mailings will be made to give members ample time to plan to attend meetings.

### **SECTION III**

Adjournment - All meetings may be adjourned to such other time and place as identified at the annual meeting.

### **SECTION IV**

The Executive Committee shall recommend to the Governor removal of a Council member for failure to carry out responsibilities assumed in accepting appointment to the Council. Responsibilities are carried out during regular meetings of the Council and/or standing committee meetings. Council members shall notify the Program Manager if

the member cannot attend a meeting. Failure to notify will result in an unexcused absence.

## SECTION V

A quorum will consist of seven (7) eligible voting members. If it is determined that a quorum will not be present, members will be notified.

## SECTION VI

The Council shall hold such hearings and forums as the Council may determine necessary to carry out the duties of the Council.

## ARTICLE XI COMMITTEES

The Chairperson may appoint such standing or advisory committees as it deems necessary and shall determine the membership of those committees, however, the Chairperson will appoint as appropriate a committee to assure State Plan compliance's.

## ARTICLE XII FISCAL YEAR

The Fiscal Year of the Council shall be October 1 through September 30.

## ARTICLE XIII CHANGE OF BYLAWS

These Bylaws can be changed, amended, or repealed only by a majority vote of the members present at any meeting of the Council except that any proposed action with respect to the change of Bylaws shall be stated fully in the notice of meeting and shall be mailed to all members at least fifteen (15) days previous to the meeting at which action is to be taken.

## ARTICLE XIV ARTICLE OF SEVERABILITY

Whenever the federal and/or state law changes so that an existing portion of the Bylaws is out of compliance, then this portion will be considered non-valid. The section will be addressed and corrected by the Bylaws Committee.

**The Oklahoma State Rehabilitation Advisory Council Bylaws were ratified on August 16, 2018, as amended.**