

**COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
STATE REHABILITATION COUNCIL  
BYLAWS**

**ARTICLE I  
STATUTORY AUTHORITY**

**1.01 Legal Basis:** The legal basis for the State Rehabilitation Council (referred to as the "Council") is Section 101(a) (21) and 105 of the Rehabilitation Act of, 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA), hereafter to be referred to as the Act.

**ARTICLE II  
PURPOSES**

**2.01 Purposes:** The overall purpose of the Council, in partnership with the Commonwealth of the Northern Mariana Islands Office of Vocational Rehabilitation (CNMI OVR), and in compliance with the Act, and after consulting with the CNMI Workforce Development Board shall be to:

- A.** review, analyze, and advise the Governor and the CNMI OVR "designated state agency" and designated state unit, regarding its performance under the Act, particularly relating to:
- eligibility (including order of selection, if established);
  - the extent, scope and effectiveness of services provided; and
  - the functions performed by CNMI Departments and agencies that affect or that potentially affects the ability of individuals with disabilities in achieving employment outcomes under this title;
- B.** in partnership with CNMI OVR:
- develop, agree to, and review State goals and priorities in accordance with section 105 of the Act and 34 CFR 361.17(h) of the implementing regulations; and
  - evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Commissioner.
- C.** advise CNMI OVR 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.
- D.** to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

- the functions performed by CNMI OVR and other public and private entities in providing vocational rehabilitation services to individuals with disabilities under this 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;
- E. prepare and submit an annual report to the Governor and the RSA Commissioner on the status of vocational rehabilitation programs operated within the CNMI, and make the report available to the public;
- F. coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under section 705, the advisory panel established under section 612(a)(21) of the Individual with Disabilities Education Act (CNMI Special Education State Advisory Panel) (as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17), the CNMI Council on Developmental Disabilities described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), the CNMI Mental Health Planning Council established under section 1914(a) of the Public Health Service Act (42 U.S.C. 300x 4(a)), and the CNMI Workforce Development Board to avoid duplication of efforts and enhance the number of individuals served;
- G. provide for coordination and the establishment of working relationships between CNMI OVR and the Statewide Independent Living Council and Centers for Independent Living within the CNMI and;
- H. perform such other functions, consistent with the purpose of this title, as the State Rehabilitation Council determines to be appropriate, that are comparable to the other functions performed by the Council.

## ARTICLE III MEMBERSHIP

**3.01 Appointment:** Members of the Council are appointed by the Governor in accordance with Section 105(b) (3) of the Act. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

**3.02 Qualifications:** A majority of Council members shall be persons who are:

- A. individuals with disabilities described in section 7(20)(B) of the Act and section 361.5(c)(28) of the implementing regulations:
- *Who has a physical or mental impairment that substantially limits one or more major life activities; who has a record of such an impairment; or who is regarded as having such an impairment.*

B. not employed by CNMI OVR.

**3.03 Composition:** The Council shall be large enough to serve its purposes with no fewer than 15 members and shall be composed of:

- A. one representative of the CNMI Statewide Independent Living Council and may be the chairperson or other designee;
- B. one representative of a parent training and information center established pursuant to section 682(a) of IDEA;
- C. one representative of the Client Assistance Program;
- D. one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs, which shall serve as an ex officio, nonvoting member of the Council if the counselor is an employee of CNMI OVR;
- E. at least one representative(s) of community rehabilitation program service providers;
- F. four representatives of business, industry and labor;
- G. representatives of disability advocacy groups representing a cross section of:
  - individuals with physical, cognitive, sensory, and mental disabilities; and
  - individuals' representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves;
- H. current or former applicants for, or recipients of, vocational rehabilitation services;
- I. one representative of the State educational agency (CNMI Public School System/Special Education Program) responsible for the public education of students with disabilities who are eligible to receive services under Title I of the Rehab Act and part B of the Individuals with Disabilities Education Act; and,
- J. one representative of the CNMI Workforce Development Board.
- K. the director of the designated State unit (CNMI OVR) as ex-officio, nonvoting member of the Council.

**3.04 Terms of Appointment:**

- A. Length of Term: Each member of the Council shall serve for a term of not more than 3 years, except that:
  - 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

- the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis

**B. Number of Terms:** No member of the Council may serve more than two consecutive full terms, except for representatives of the Client Assistance Program and Section 121 Program (American Indians), if ever one should be established.

**C. Vacancies:** Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The term of membership for a replacement member shall be in accordance with Article 3.05(A). A vacancy shall not affect the power of the remaining members to execute the duties of the Council.

**3.05 Recommendation for Appointment:** Consistent with 34 CFR section 361.17(a)(2), the appointing authority must select members of the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interest in individuals with disabilities. In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

**3.06 Removal:** The Council may request for removal of members, by a majority vote, for failure to participate in the work of the Council or for three (3) consecutive unexcused, non-attendance in regular council meetings. The Governor shall decide on recommendations for removal and replacement.

## **ARTICLE IV MEETINGS**

**4.01 Regular Meetings:** The Council shall hold regular meetings at least four (4) times a year. Such meetings shall be publicly announced and shall be open to the public, unless there is a valid reason for an executive session. Each meeting of the Council shall be held in an accessible facility. Every effort will be made to provide meeting materials in alternative formats upon request, provided the requestor gives adequate notice. The Council fiscal year shall run from October 1st to **September** 30th of the following year.

**4.02 Notice for Council Meetings:** Written notice of or reminder for Council meetings shall be given in writing to Council members not less than three (3) days prior to the scheduled meeting.

**4.03 Special Meetings:** The Council may hold special or executive meetings, hearings, and public forum as the Council may determine to be necessary to carry out the duties of the Council.

**4.04 Voting:** Each member of the Council shall have one vote. The CNMI OVR Director and Rehabilitation Counselor(s) employed by CNMI OVR have no voting privileges.

**4.05 Proxy:** A member who is unable to attend a meeting is allowed to designate a proxy. Proxy voting or proxy participation in the activities of the Council is allowed. Proxy

designation shall be in writing and addressed to the Chairperson of the Council prior to the scheduled meeting.

**4.06 Conflict of Interest:** No member of the Council shall cast a vote on any matter that would provide financial benefit to the member or otherwise give the appearance of conflict of interest under Federal and CNMI law.

**4.07 Quorum:** A quorum shall consist of at least one-half of the current membership of the Council. In the event a quorum is not present, an informal meeting may continue but no action may be taken.

**4.08 Executive Sessions:** All regular and special meetings are open to the public and media, but the Council may go into executive session by a two-thirds vote of the members present and in accordance with the provisions stipulated in the CNMI Open Government Act (CMC, Vol. 1, Chapter 9, §9904, Commonwealth Code)

**4.09 Rules of Order:** The conduct of business of the Council shall be transacted in accordance with Robert's Rules of Order as currently revised. **(See Appendix A)**

**4.10 Accessibility of Council Information:** Council information shall be available in alternative format upon request.

## **ARTICLE V RESOURCES**

**5.01 Plan:** The Council shall prepare, in conjunction with CNMI OVR, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of 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.

**5.02 Resolution of Disagreements:** If there is any disagreement between the Council and CNMI OVR in regard to the allocated resources necessary to carry out the functions of the Council as set forth in this section, the Governor shall be asked to review and make the final decision.

**5.03 Personnel Conflict of Interest:** No staff and other personnel of the Council shall be assigned duties by CNMI OVR or any other agency or office of the State that would create a conflict of interest in assisting the Council carry out its duties.

**5.04 Resources:** Resources may include but are not limited to:

- A. meeting expenses (including meeting venue)
- B. clerical staff
- C. professional staff
- D. materials and supplies
- E. postage and mailing services

- F. copying and/or printing services
- G. professional services
- H. advertisement
- I. travel expenses (air/ground transportation, per diem, subsistence allowance)
- J. registration fees (conferences and workshops)
- K. dues, subscription, and membership fees

**5.05 Reimbursement to Council Members:** A Council member may be reimbursed for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care, transportation, personal assistance), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment for each day the member is engaged in performing the duties of the Council.

Reimbursement shall be based upon actual expenses incurred, or in the case of transportation expense, shall be in accordance with established CNMI government travel policies.

The rate of compensation for meetings attended for members of the Council shall be no more than \$60 for a full-day meeting (four (4) hours or more) and no more than \$30 for a half-day or less meeting (not less than two (2) hours nor more than four (4) hours); provided further that compensation for meetings shall be limited to those meetings open and public as required by 1 CMC Section 9904 and for which notice has been published in accordance with 1 CMC Section 9910. A member who is employed by the Commonwealth government shall receive his/her regular salary under administrative leave status in lieu of compensation for meetings held during working hours.

A member shall not be compensated for attendance at a meeting unless a quorum has been established and the minutes of that meeting has been transcribed and adopted.

A member shall not be compensated for attendance at standing committee meetings, subcommittee meetings, ad hoc and informal meetings.

*(source: CNMI Public Law 15-32)*

**5.06 Personal Benefit:** No staff services, property or funds shall be used for the personal benefit of Council members, or any person(s) assisting Council, except for expense reimbursement as provided by Article 5.05 above.

## **ARTICLE VI OFFICERS**

**6.01 Officers:** Officers of the Council shall consist of Chairperson, Vice Chairperson, Recording Secretary, and Fiscal Office.

**6.02 Chairperson:** The Chairperson shall:

- A. be selected by the voting members of the Council;
- B. develop agenda for regular and special Council meetings;
- C. call and preside at meetings of the Council and Executive Committee;
- D. see that all recommendations of the Council are submitted to CNMI OVR;
- E. be the spokesperson for the Council in matters dealing with the public and/or the press;
- F. appoint committee chairperson(s) and member(s) as provided elsewhere in the by-laws;
- G. provide leadership and general direction to the work of the Council;
- H. educate and train Chairperson-elect in skills needed, to provide leadership;
- I. perform such other duties as may be assigned by action of the Council, the appointing authority, or as may be necessary.

**6.03 Vice Chairperson:** The Vice-Chairperson shall:

- A. assist the Chairperson in the discharge of his/her duties;
- B. perform the duties of the Chairperson if Chairperson is absent or otherwise unable to perform his/her duties;
- C. undertake such other duties as directed by the Chairperson;
- D. serve as parliamentarian. **(See Appendix A)**

**6.04 Recording Secretary:** With assistance from CNMI OVR support personnel, the Secretary shall:

- A. prepare public notices for scheduled regular and special meetings, including public hearings;
- B. keep or cause to be kept attendance records and minutes of the CNMI SRC regular/special and Committee meetings;
- C. review records of attendance and consult with members whose attendance and/or participation do(es) not meet requirements;
- D. give or cause to be given notice of meetings;
- E. perform other activities incident to the office of Secretary, and/or assigned by the Council Chairperson or the Council;

**6.05 Fiscal Officer:** With the assistance from CNMI OVR support personnel, the Fiscal Officer shall:

- A. keep records of all Council's financial transactions;
- B. account for all Council's financial transactions;
- C. account for all Council's disbursements made by the Council;
- D. liaison with OVR with regard to all financial matters involving or affecting the Council;
- E. be responsible for preliminary assessment of the funds necessary to sustain the Council's activities;
- F. may authorize to establish such permanent accounts as may be appropriate to the Council's fiscal affairs.

**6.06 Elections:** Officers shall be elected in the last meeting of the fiscal year with the newly elected officers taking office and conducting duties beginning in the new fiscal year.

**6.07 Nominations:** Individuals nominated from the floor to serve as Officers of the Council must be present to give consent.

**6.08 Term of Office:** The term of office consists of one full year. No officer may serve more than 3 consecutive terms in the same office.

**6.09 Removal:** Any officer of the Council may be removed for cause by two-thirds votes of the Council members.

**6.10 Vacancies:** The Chairperson may appoint from the Council, a member(s) to fill a vacancy in the officer(s) of the Council due to death, resignation, removal from office, or term expiration.

## **ARTICLE VII COMMITTEES**

**7.01 Committees:** The following standing committees shall be established by the Council:

### **7.01 A Executive Committee:**

- The Executive Committee shall consist of the Officers of the Council and Committee Chairpersons. The Executive Committee shall have and exercise the authority of the Council in the management of the Council. The Executive Committee shall meet at least four (4) times per year, and shall report to the full membership of the Council at all regular or special Council meetings. The Executive Committee's meetings shall be considered "executive meetings" as that phrase is used in the Act.
- The Executive Committee shall have the authority to act on behalf of the Council if such action is imminently required and, it is not practical for the Council to meet to take such action. All such acts shall be subject to review and ratification by the Council at its next meeting. The Executive Committee shall handle the day-to-day affairs of the Council between meetings and, subject to review and ratification by the Council. The Executive Committee shall take such other actions as directed by the Council as a whole.
- The Executive Committee shall initially screen names of potential SRC members before they are presented to the appointing authority to ensure compliance with federal requirements; and
- The Executive Committee is chaired by the general Council's Chairperson.

#### **a. Principal Tasks**



- Review nominations for Council membership to ensure composition, membership representation, and term status comply with the Rehab Act provisions prior to submission to the Governor.
- Identify training needs of Council and, enlist the assistance of OVR to arrange for formal and informal training on and off island.
- Meet at least once a quarter to set agenda for General Council meeting.
- Assign tasks to committees, as needed.
- Review staff (Council Liaison) performance annually and arrange for appropriate training or counseling when necessary.
- Participate in the development of the SRC and OVR Annual Reports.
- Plan for topics to be covered in the SRC Annual Retreat.
- Develop, in consultation with the SILC Executive Committee, the agenda for the Annual Joint SILC and SRC Meeting.
- Review SRC compliance with the Act and assist RSA with the performance reviews of OVR
- Develop the resource plan with the SRC Fiscal Officer and ensure that the resources are allocated in a manner consistent with the Act.
- Review the membership of other SRC members and the OVR Director or a representative of the DSU on other Councils or Boards to ensure compliance with the Act relating to "networking and collaboration".
- Work closely with OVR to monitor proposed legislation and provide written comments to educate legislators and other public officials about the impact of proposed legislation or policy on persons with disabilities.
- Participate in the State Plan public hearings and ensure that the final State Plan reflects public input.

#### **7.01 B Quality Assurance/Quality Improvement Committee:**

##### **b. Principal Tasks**

- Assure that OVR meets evaluation and assessment requirements under the Rehab Act and to ensure continuous improvement in the quality of services delivered to VR consumers.
- Review and analyze OVR customer satisfaction levels, performance of OVR as measured by RSA Standards and Indicators as well as the new Common Performance Measures, and participate in RSA Section 107 monitoring reviews.
- Provide assistance on the development of staff training (Comprehensive System for Personnel Development).
- Ensure that employment opportunities are consistent with individual informed choices.
- Monitor CAP complaints and Impartial Hearing process and decisions.
- Participate in the planning and conduct of the Comprehensive Statewide Needs Assessment.
- Provide input in the development and improvement of inter-agency agreements and review the status of the implementation of these agreements.
- Facilitate presentations to increase familiarity on ADA requirements

regarding "accessibility" and "reasonable accommodations" for individuals with disabilities to access programs and services, not just physical barriers.

- Monitor compliance by OVR of submission of required federal reports.
- Actively participate in the development or revision of OVR policies, procedures, and data gathering instruments that impact program management and service delivery to consumers.

### **7.01 C Employment and Marketing Committee:**

#### **c. Principal Tasks**

- Advocate for employment of qualified individuals with disabilities by working closely with WIA, Employment Services, OPM and private sector employers.
- Annually update a listing of employers, on island and nationwide, with OVR.
- Provide training and technical assistance to businesses and employers about ADA requirements governing employment of persons with disabilities.
- Monitor successful placement of consumers.
- Collect information relating to employers' issues and, work in addressing these with OVR.
- Monitor economic conditions and, project labor market growth or decrease.
- Review technical assistance services that employer may receive from OVR.
- Participate in job fairs and career day activities with OVR.
- Participate in proclamation signing for National Disability Employment Awareness Month each October.
- Identify resident worker labor laws that may affect employment opportunities or conditions for individuals with disabilities and advocate for protection.
- Explore with OVR marketing opportunities and, recommend strategies for placement.

### **7.01 D Transition and Assistive Technology:**

#### **d. Principle Tasks**

- Provide advice and recommendations to the OVR for strategies that ensure that age appropriate students with disabilities are provided transition information and assistance planning in their Special Education IEPs.
- Ensure that appropriate VR transition services are provided to eligible students of age who are ready to exit the School System.
- Review Transition guidelines and monitor the effectiveness of the working relationships between OVR and PSS/SPED and NMC.
- Assist eligible consumers obtain needed Assistive Technology services

and devices to help them achieve their employment, educational and independent living goals.

- Keep current on AT advances and improvements.

**7.01 E Special Committees:** The Chairman or the Executive Committee may designate special or ad hoc committees for such purposes as may be necessary.

Ad Hoc committees shall dissolve when the purpose for its establishment is fulfilled.

**7.02 Committee Meetings:** Committee meetings will be held at times designated by the Committee Chairperson (or Committee Vice Chairperson in the event of absence or incapacity of the Committee Chairperson).

**7.03 Committee Officers:** Committee Officers shall consist of a Chairperson and a Vice Chairperson.

**7.04 Committee Chairperson:** The Council Chairperson shall appoint the Committee Chairperson(s). Committee Chairperson shall serve for a one-year term concurrent with the Council Chairperson's term of office, unless the committee is discharged due to the completion of the committee objective. Consecutive terms of office are permissible upon recommendation by the Council Chairperson and approval by the general membership of the Council.

Each committee Chairperson is responsible for:

- A. calling and presiding over the committee meetings;
- B. keeping and/or causing to be kept records of committee activities;
- C. making regular reports of the findings and recommendations of the committee during regular and/or special meetings of the Council;
- D. submitting an annual report of the accomplishments of the Committee to the Executive Committee;
- E. completing activities as directed by the Executive Committee.

**7.05 Committee Vice-Chairperson:** Committee Vice Chairperson is selected by the Chairperson of the Committee. The committee Vice-Chairperson shall be responsible for:

- A. assisting the committee Chairperson in planning and conducting committee business;
- B. performing the duties of the Chairperson in the event he/she is absent or unable to perform his/her duties;
- C. serving as committee Parliamentarian. **(See Appendix A)**

**7.06 Committee Membership:** Committee membership shall be made up of committee members appointed by the general Council Chairperson and other members invited to serve by Committee Chairperson.

## **ARTICLE VIII AMENDMENT**

**8.01 Changes to/Amendment of By-laws:** By-laws may be changed/amended by a two-thirds vote of the Council members present and consisting of a quorum at any regular

or special Council meeting, provided notice of the proposed changes was given with the meeting notification. Changes/amendments shall become effective immediately upon approval.

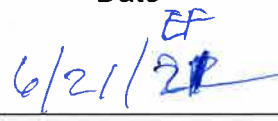
## ARTICLE IX DISSOLUTION

**9.01. Dissolution:** In the event legislative changes no longer mandate the existence of this Council, the Council may be dissolved by action of the appointing authority which is the Governor. At dissolution, funds and/or property held in the name of the Council shall be transferred to an entity of similar purpose or returned to the source from whence they came. The Council's records shall revert to the custody of the appointing authority for disposition, or, in the event of a major reorganization, to the custodian of the CNMI archives.

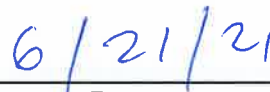
  
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Chairperson, State Rehabilitation Council

  
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Emeterio Fitial  
Vice-Chairperson, State Rehabilitation Council

  
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John Cabrera  
Fiscal Officer, State Rehabilitation Council

  
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Secretary, State Rehabilitation Council

  
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