



Andy Beshear
Governor

Jaime Link
Education and Labor Cabinet Secretary

Bylaws (Adhoc) Committee **Minutes**

April 3rd, 2023
03:00pm – 04:00pm
Zoom
Meeting ID: 884 8934 9689

Members Present: Chair, Katie Wolf Whaley, Vice Chair, Frank Huffman, Anette Jett, Tal Curry

Members Absent: Amanda Owen, Dina Klimkina, Jeff Edwards

Staff Present: Kentucky Office of Vocational Rehabilitation (KYOVR) Administrator, Nanci Howard, KYOVR Administrative Specialist, Pepper Caudill

Staff Absent: KYOVR Deputy Executive Director, Susie Edwards

Special Guest(s) Present: None

Subcommittee Discussion:

Chair, Katie Wolf Whaley began by sharing the working “Bylaws” draft on her screen. She opened meeting and asked Administrator, Nanci Howard if there had been any response from legal team regarding the blue highlighted items in the working “Bylaws” draft. Nanci responded that there had been no information received from the legal team regarding this however she offered to reach out to the legal team immediately, if this is what the Committee wished. Katie responded that she would like to complete the draft and send it to the legal team for complete review as to avoid an administrative burden in the interim. Katie went on to explain that there were issues in the formatting of the document and requested that Administrative Specialist, Pepper Caudill re-format the document and send updated copy to her for distribution. Member, Tal Curry requested that Katie increase the font size in the document that she was screen sharing and she made the accommodation. Discussions began at the “Quorum/Voting” section of the working “Bylaws” draft, which is where the Committee had left off at the prior March 3rd, 2023 meeting. Discussions of the working document were held amongst Committee members. Nanci asked for further clarification regarding the Committee’s experience with proxy/substitute voting and suggested that the legal team be involved in this language. Katie provided historical knowledge of how prior Council handled voting by proxy/substitute and made mention that in past years this, historically had been “less formal”. There was discussion regarding an example of Patricia Sebold using Justin Jeter as a proxy/substitute for her transition out of that position and how the newly onboarded representative Johnny Calles would step into this role, through the Bylaws. There was further discussion regarding proxy/substitute section of the working

Bylaws draft, and how this translated to the time allotted for Council members to give notice for a potential absence or need for proxy/substitute/designee. There was discussion of an individual versus an organization actively using the proxy/designee section of the working Bylaws draft. There was further discussion of the consistency of the proxy/designee to be used. There was discussion of whether a proxy/designee can cast votes. Administrator, Nanci Howard provided historical KYOVR legal definition of proxy versus designee. There was discussion regarding casting email votes. Nanci stated that this matter should be brought to Cabinet Legal Team for further recommendations. There was further discussion regarding “Article VII – Committee” and its subcategories as presented in the working Bylaws draft. There was discussion around the open meetings laws and Robert’s Rules and whether those aspects have any bearing on committee meetings. There was discussion to the rigidity of these types of rules and alleged barriers that these rules may impose as it pertains to participation. There was discussion amongst Committee members regarding whether the working Bylaws draft would be ready for April 14th meeting and it was decided that it would not however it should be presented during the July 2023 meeting. Chair, Katie Wolf Whaley stated that she would send the working Bylaws draft to Administrative Specialist, Pepper Caudill for formatting and then Katie would distribute to other committee members for review and preparation for the next committee meeting. (A copy of the working Bylaws draft has been attached to this report as reference of items discussed during this meeting.)

Future areas of focus:

Finish Bylaws draft

Public Comment: None

Next Meeting Date:

TBD

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Preamble

As stated in KRS Chapter 28..., enacted July 14, 2022, The General Assembly finds and declares that it is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.

Definition: "competitive integrated employment" means work that is performed on a full-time or part-time basis for which an individual is: (a) Earning compensation at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience; (b) Receiving the same level of benefits provided to other employees without disabilities in similar positions; (c) Working at a location where the employee interacts with other individuals without disabilities; and (d) Receiving opportunities for advancement when appropriate similar to other employees without disabilities in similar positions.

Article I - Name

This organization, established under authority of KRS Chapter 28.... shall be known as the Employment First Council.

Article II – Purpose

- A. The Employment First Council is hereby established within the Office of Vocational Rehabilitation as an advisory council to the executive and legislative branches of government on matters pertaining to increasing meaningful opportunities for competitive integrated employment for citizens with a disability seeking employment, regardless of their level of disability.
- B. The Employment First Council shall:
 - 1. Identify state policies that create disincentives for the employment of people with disabilities and develop recommendations to address and eliminate those disincentives;
 - 2. Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of competitive integrated employment of workers with a disability;
 - 3. Recommend the development and implementation of policies and effective practices for providers of supported employment services that increase employment opportunities for workers with a disability;
 - 4. Utilize appropriate metrics to assess progress of efforts to increase the competitive integrated employment of workers with a disability; and
 - 5. Submit an annual report by December 1 to the Legislative Research Commission, the secretary of the Education and Workforce Development Cabinet, and the Governor summarizing its findings and recommendations.

Article III – Membership

- A. Members

The Employment First Council shall be composed of twenty-eight (28) members. Members of the council shall be appointed by the Governor in a manner that is geographically and culturally representative of the population of the Commonwealth and shall include:

1. One (1) representative from the Office of Vocational Rehabilitation;
2. One (1) representative from the Kentucky Workforce Innovation Board;
3. One (1) representative from the Department of Education;
4. One (1) representative from the office of Career and Technical Education;
5. One (1) representative from the Department for Medicaid Services;
6. One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities;
7. One (1) representative from the Commonwealth Council on Developmental Disabilities;
8. One (1) representative from Kentucky Protection and Advocacy;
9. One (1) representative from the Department for Income Support, Disability Determination Services;
10. One (1) representative from the Division of Behavioral Health;
11. One (1) representative from the Kentucky Autism Training Center;
12. One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities, Office of Autism;
13. One (1) representative from the University of Kentucky Human Development Institute;
14. Two (2) representatives from a state vocational rehabilitation provider agency;

B. Acts of the General Assembly

1. One (1) representative from Statewide Council for Vocational Rehabilitation;
2. One (1) representative from the Kentucky Chamber of Commerce;
3. One (1) representative from the Council of State Governments;
4. Four (4) representatives each having at least one (1) of the following qualifications:
 - a) A physical or mental impairment that substantially limits one (1) or more major life activity;
 - b) A history or record of such an impairment; or
 - c) A person who is perceived by others as having such an impairment;
5. Two (2) representatives who have an immediate family member with a disability; and
6. Four (4) representatives of business, industry, and labor.

C. Term and Expectations

1. After the initial appointments, members of the Employment First Council shall serve terms of three (3) years. Members shall be eligible to succeed themselves and shall serve until their successor is appointed.
2. Members of the Employment First Council shall not be paid for their service as council members, and shall not be reimbursed for any expenses involved in attending council meeting.

THIS IS WHERE WE STOPPED OUR MEETING ON 2/6/23

Article IV – Administration of Council

- A. The council shall receive assistance in carrying out its administrative functions from the Department of Workforce Development and shall be attached to the Education and Workforce Development Cabinet for administrative purposes.

- B. Per KRS Statute the Employment First Council is hereby established within the Office of Vocational Rehabilitation.
- C. OVR Administrator will be in regular communication with the Chair, support Executive Committee meetings, and ensure there is OVR staff representation in committee meetings.
- D. OVR Administrator will take the lead on facilitating meetings of the EF Council, taking minutes and assuring adherence with Open Meetings Act.

Article V – Leadership

- A. Officers: The Employment First Council shall elect a chair, a vice chair, and a legislative liaison from its council members.
- B. Officer Terms: The elected chair, vice chair and legislative liaison shall serve 3-year terms. Officers may serve consecutive terms.
- C. Duties of Officers
 - 1. The Chair shall preside at Employment First council meetings, communicate with Executive committee and OVR Administrator on meeting agenda and administration of Council meetings and may serve as an ex officio member of all E1 subcommittees. The Chair shall maintain communication with the OVR Council Administrator.
 - 2. The Vice Chair shall assist, as needed, the chair in carrying out duties; to preside at meetings in the absence of the chair; and serve on the Executive Committee.
 - 3. The legislative liaison shall communicate with the legislative and executive branch about the Council's progress and ensure that the work of the council is separate and distinct from the work of the Statewide Council for Vocational Rehabilitation. They shall serve on the Executive committee.

Article VI – Meetings

A. Schedule

- 1. The Employment First Council shall meet quarterly, upon the call of the chair, or at the request of the secretary of the Education and Workforce Development Cabinet.
- 2. The council shall be subject to the provisions of the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.
- 3. The date, time, and place of all regular meetings shall be set by the Employment First Council and shall be published on the website in accordance with the Kentucky Open Meetings Act. The date, time, and place of special meetings shall be set by the officers and shall be published at least seven (7) days in advance in accordance with the Kentucky Open Meetings Act. **Emergency meetings may be called in accordance with the Open Meetings Act.** Meeting notices containing pertinent information shall be distributed in writing to Council membership not less than ten (10) days prior to any regular meeting and as soon as possible prior to any special meeting in compliance with the Kentucky Open Meetings Act. ***I added this after our committee meeting. This emergency meeting question will align with other questions about emergency meetings, EC authority in urgent timeframes and email votes.***

B. Attendance

1. Council Members who represent an agency are permitted to name a consistent designee to serve as a proxy, upon advance notice to the Chair, if they will not be able to attend. Notice should be given at least 10 days prior to the regularly scheduled meeting.
2. Failure to attend three (3) consecutive quarterly Council meetings may constitute grounds for recommendation for replacement of that member pursuant to law. Such recommendation requires a two-thirds vote by eligible Council members.

This is where we stopped at the end of the March 3rd meeting

C. Quorum/Voting

1. A majority of all currently appointed council members shall constitute a quorum for the purposes of conducting business.
2. All members present are able to cast a vote.
3. Proxy members are permitted to vote.
4. Voting may occur during officially called meetings. A simple majority of members present is needed for passage.
5. Email votes may be permitted..... non-binding advisory? What is allowed? OR can some urgent matters be decided by Exec Committee

D. Parliamentary Procedure

1. Meetings shall be conducted in accordance with Robert's Rules of Order, current version to the extent possible. However, the Employment First Council shall attempt always to reach a consensus.

Article VII – Committees

A. Standing Committees

1. Standing Committee actions are subject to approval by Full Council, or in the event of the need for immediate action, the Executive Committee.
2. Standing Committee shall meet at least once in between the regularly scheduled quarterly meetings of the full Council.
3. Standing Committees shall include: The Executive Committee, Transition Committee, Employer Education & Engagement Committee, Provider Capacity Committee, and Advocacy & Education Committee.
4. Chairperson or Co-chairpersons of committee shall be appointed members of the Employment First Council and elected by the full Council. The Council chair shall be the chairperson of the Executive Committee.
 - a) Chairpersons are responsible for:
 - 1) Submitting a report to the Chair and Administrator at least 2 weeks prior to quarterly meetings
 - 2) Presenting committee reports at each quarterly meeting of the full council.
 - 3) Submitting information, based upon the charge of the Council (Article II B, 1-5) to the Council Chair and Administrator for the annual report.
 - 4) Standing committee chairs shall serve on the Executive Committee.
5. Committee members shall be named by the Council Chair. Each committee must have at least four (4) Governor appointed Council members. Each Council member is expected to serve on at least one (1) standing committee.

6. is open to the public to serve in an advisory capacity.

B. Executive Committee

1. Shall consist of the Council Chair, Vice Chair, Legislative Liaison and Chairs of standing committees. Shall include a representative of a person with a disability.

This is where we got at the end of the 4/3 meeting

2. Acts as an advisor to the Chair and approves appointments of standing committees and ad hoc work groups.

3. The committee conducts the affairs of the council in between regularly scheduled quarterly meetings, on issues that cannot wait for the next meeting. Such actions shall be reported at the next scheduled meeting.

4. The OVR Administrator assigned to the Council shall attend all meetings.

C. Transition Committee

1. This committee shall focus on the main charges of the Council around the issues of school to work transition services.

2. School to work transition includes times in the school system, IEPs and relevant vocational goals, Pre-ETS, summer jobs, internships, and may include transition to post-secondary education, etc.

3. The committee includes issues around exiting the school system and entering the adult service system – OVR and other relevant disability support systems/programs/agencies.

D. Employer Education and Engagement Committee

1. This committee shall focus on the main charges of the council around business/employer/workforce/hiring side of the Employment First issue.

E. Provider Capacity Committee

1. The committee shall focus on the main charges of the council around issues of developing capacity within the service system to meet the needs of Kentuckians with disabilities who seek help finding employment.

F. Advocacy and Education Committee

1. This committee shall focus on the main charges of the Council around sharing information with Kentuckians with disabilities, their families, and the public at large as it pertains to employment.

G. Ad hoc work groups

1. Work groups may be created, as needed, to address specific needs of the council. These groups will be formed by the Council Chair with the approval of the Executive Committee. They may also be established at the request of OVR.

2. Work group members will be named by the Chair.

Do we want more info under each committee? This may be info sought from current committee chairs.

Article VIII – Election of Officers

A. Officers will be elected at the first quarterly meeting, every 3 years. Nominations will be taken from the floor. Majority vote approves.

B. Committee chairs will be elected at the first quarterly meeting, every 3 years. Nominations will be taken from the floor. Majority vote approves.

- C. Should a vacancy occur in an office or Committee chair, the Council may hold a special election, as appropriate, at any regular meeting.

There has been some discussion of selecting a nominating work group every 3 years as an alternative.

Article IX – Approval of Council Materials and Resources

- A. Per the charge of Employment First legislation, the Council is to “Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of competitive integrated employment of workers with a disability.” [likely need to insert reference to this line]
- B. These resources may be created within committees, ad hoc work groups, or the full Council, and presented to the full Council for vote before using Employment First name and branding.

Article X – Amendments

- A. These bylaws may be amended at any regular meeting of the Employment First Council, wherein a quorum is present, by a two-thirds majority vote of members present and voting, provided that:
 - 1. The proposed amendment has been submitted previously to the Executive Committee for review.
 - 2. Both the original and amending language has been shared with full Council membership not less than fourteen (14) days prior to the meeting.