

Nevada Commission on Services for Persons with Disabilities

~~Subcommittee on Communication Services for Persons who are Deaf or Hard of Hearing and Persons with Speech Disabilities~~

Subcommittee on Integrated Employment

Commented [NS1]: Are we dissolving the Subcommittee on Integrated Employment?

NRS 427A

Mission Statement

“The mission of the Nevada Commission on Services for Persons with Disabilities is to facilitate and enhance the quality of life and services for children and adults with disabilities in Nevada.”

Adopted ~~November, November~~ 2009

Vision Statement

“Become a visible and informed organization, establish priority of needs for Nevadans with disabilities, and advocate for programs and services to meet the needs of people with disability those needs through collaboration and education.”

Adopted ~~November, November~~ 2009

The Nevada Commission on Services for Persons with Disabilities (CSPD) is indebted to the work accomplished by its predecessor committee, the Strategic Plan Accountability Committee (SPAC), whose members worked tirelessly to implement the Olmstead Act provisions in the state of Nevada.

Bylaws

6.1 Article I: Definitions

1. The term "Commission" refers to the Nevada Commission on Services for Persons with Disabilities (CSPD).
2. The term "Department" refers to the Nevada Department of Health and Human Services (DHHS).
3. The term "Director" refers to the Director of the Department of Health and Human Services.
4. The term "Division" refers to the State of Nevada, Aging and Disability Services Division (ADSD).
5. The term "Administrator" refers to the Administrator of the Aging and Disability Services Division (ADSD).
6. The term "Chief" refers to the Chief of the Disability Services Unit within the Aging and Disability Services Division.
7. The term "fiscal staff" refers to the Aging and Disability Services Division fiscal staff in the Carson City office.
8. The term "NRS" refers to Nevada Revised Statutes.
9. The term "persons with disabilities" includes both children and adults with a physical or mental (intellectual or developmental) impairment that substantially limits one or more of the major life activities of the person.
- ~~10. The term "SOCS" refers to the Subcommittee on Communication Services for Persons who are Deaf or Hard of Hearing and Persons with Speech Disabilities.~~
11. Nevada Commission on Services for Persons with Disabilities Taskforce on Integrated Employment Subcommittee known as Subcommittee on Integrated Employment.
12. The term "subcommittee" refers to ~~Subcommittee on Communication Services for Persons who are Deaf or Hard of Hearing and Persons with Speech Disabilities~~ and the Subcommittee on Integrated Employment.
13. "Appointing authority" means an officer or agency having power to make appointments to positions in state service. Membership to Commission (CSPD) is appointed by the Director. ~~Membership to the SOCS is appointed by the Administrator.~~ Membership to the Subcommittee on Integrated Employment is appointed by the Commission on Services for Persons with Disabilities.

Commented [NS2]: Are we still keeping the Integrated Employment subcommittee?

14. "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.
15. "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.
16. "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601. (Added to NRS by 2009, 2377; A 2013, 150; 2015, 886)
17. "Nevada Commission on Services for Persons with Disabilities" means the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211

6.2 Article II: Creation

1. The Commission is created by NRS Chapter 427A.121 through 427A.1217 and shall establish rules for its own governance.
- ~~2. Subcommittee on Communication Services for Persons who are Deaf or Hard of Hearing and Persons with Speech Disabilities NRS 427A.750~~

The Administrator shall consider recommendations made by the CSPD ~~and the SOCS:~~

- ~~1. One nonvoting member who is employed by the Division and who participates in the administration of the program of this State that provides services to persons with communications disabilities which affect their ability to communicate;~~
- ~~2. One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;~~
- ~~3. One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech-impaired;~~
- ~~4. One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;~~
- ~~5. Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;~~
- ~~6. One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; and~~

~~7. One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.~~

Commented [NS3]: Is this relating to SOCS? Not relevant to CSPD?

6.3 Article III: Duties

1. The Commission shall:

- a) Determine and evaluate the needs of children and adults (persons across the lifespan) with disabilities in this State;
- b) Seek ways to avoid unnecessary duplication of services for persons with disabilities by public and private organizations in this State;
- c) Establish priorities for the work of ~~the Division~~ the Division according to the most pressing needs of persons with disabilities as determined by the Commission;
- d) Promote programs that provide community-based services necessary to enable persons with disabilities, to the fullest extent possible, to remain at home and be an integral part of the community;
- e) Review and make recommendations regarding plans for services for persons with disabilities;
- f) Gather and disseminate information relating to persons with disabilities;
- g) Conduct workgroups, meetings, hearings, conferences and special studies on the needs of persons with disabilities and on programs that serve persons with disabilities;
- h) Evaluate existing programs for persons with disabilities, recommend changes in those programs and propose new programs that would more effectively and economically serve the needs of persons with disabilities;
- i) Evaluate any proposed legislation that would affect persons with disabilities;
- j) Carry out the provisions of the Strategic Plan for Persons with Disabilities developed by the Department pursuant to paragraph (c) of subsection 1 of section 1 of chapter 541, Statutes of Nevada 2001G. Recommend to the Legislature any appropriate legislation concerning persons with disabilities; and
- k) Coordinate and assist the efforts of public and private organizations that serve the needs of persons with disabilities, especially in the areas of education, employment, health, housing, welfare and recreation.

l) 439 Report: “On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity”. (NRS 439.630.6)

~~1. The Subcommittee (SOCS) shall:~~

- ~~a) Make recommendations to the Nevada Commission on Services for Persons with Disabilities concerning the establishment and operation of programs for persons with communications disabilities which affect their ability to communicate;—~~
- ~~b) Recommend to the Nevada Commission on Services for Persons with Disabilities any proposed legislation concerning persons with communication disabilities which affect their ability to communicate;~~
- ~~c) Collect information concerning persons with communications disabilities which affect their ability to communicate;~~
- ~~d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Subcommittee must solicit input from various persons, including, without limitation, persons with communications disabilities;~~
- ~~e) Review the goals, programs and services of the Division for persons with communications disabilities and advise the Division regarding such goals, programs and services, including, without limitation, the outcomes of services provided to persons with communications disabilities and the requirements imposed on providers; and~~
- ~~f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of effective language and communication services for children who are deaf, hard-of-hearing or speech-impaired.~~

~~2. The Subcommittee shall make recommendations to;~~

- ~~a) The Nevada Commission on Services for Persons with Disabilities concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS; and~~

~~b) The Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.~~

6.4 Article IV: Membership (NRS 427A.1211)

Composition of membership

Appointing Authority:

Membership to Commission (CSPD) is appointed by the Director.

~~Membership to the SOCS is appointed by the Administrator.~~

Membership to the Subcommittee to Nevada Commission on Services for Persons with Disabilities Taskforce on Integrated Employment Subcommittee is appointed by the Commission.

1. Commission Voting Members:

- a) The Director shall appoint as voting members of the Commission, 11 persons who have experience with or an interest in and knowledge of the problems of and services for persons with disabilities.
- b) The majority of the voting members of the Commission must be persons with disabilities or the parents or family members of persons with disabilities.

2. Non-Voting Ex-Officio Members:

- a) The Director and Chief shall serve as nonvoting ex-officio members of the Commission each may designate an alternate to attend any meeting of the Commission in his/her place.
- b) The Director may appoint as nonvoting, ex-officio members of the Commission such other representatives of State Government as the Director deems appropriate.

~~3. The Subcommittee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons with Speech Disabilities of the Nevada Commission on Services for Persons with Disabilities is hereby created. The Subcommittee consists of nine members appointed by the Administrator. The Administrator shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Subcommittee:~~

- ~~a) One nonvoting member who is employed by the Division and who participates in the administration of the program of this State that~~

Commented [NS4]: SOCS Subcommittee has been dissolved.

~~provides services to persons with communications disabilities which affect their ability to communicate;~~

- ~~b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech impaired;—~~
- ~~e) One member who has experience with or an interest in and knowledge of the problems of and services for the deaf, hard of hearing or speech impaired;—~~
- ~~d) One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;~~
- ~~e) Three members who are users of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;~~
- ~~f) One member who is a parent of a child who is deaf, hard of hearing or speech impaired; and~~
- ~~g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons with communications disabilities in elementary, secondary and postsecondary schools and the laws concerning the provision of those services.~~

4.3. Term of Appointment

- a) The Appointing Authority shall appoint voting members to an initial ~~3~~ year~~3-year~~ term;
- b) After the initial term, the term of each member is 3 years, a member may be reappointed for an additional term of no more than three years;
- c) Each voting member may serve no more than two terms or six years, whichever is greater;
- d) An appointed member serving more than one year of a term to which another person was appointed may serve only one additional full term as an appointed member; and
- e) A vacancy must be filled per the required appointment of the Commission/Subcommittee.

Per SB419

- a) The Director of the Department of Health and Human Services shall, at his or her sole discretion, determine the allocation of existing

members of the Commission to the ~~particular groupings~~groupings established for the expiration of terms in subsection 1.

- b) The terms of members of the Commission appointed after the expiration of the terms of the existing members of the Commission pursuant to subsection 1 must begin on July 1 of the year in which the member is appointed. Sec. 23. This act becomes effective on July 1, 2015.

5. Nomination/Recruitment Requirements

- a) Applications are received through the Appointing Authority process (www.adsd.nv.gov).
- b) All Commission/Subcommittee interested applicants must present to the Commission on their qualifications and interest in joining the Commission or Subcommittee.
- c) Members/applicants must sign and adhere to the Code of Ethics.
- d) Applicant must be a Nevada resident.

6. Removal of a Member Appointing Authority.

- a) All members serve at the pleasure of the Appointing Authority.
- b) The Appointing Authority notifies member, in writing, of their termination from Commission or Subcommittee.
- c) Malfeasance wrongdoing or misconduct especially by a public official or appointed member of a commission or subcommittee.
- d) Absences are unexcused when there is no prior notification by the member to ADSD support staff 48 hours prior to a meeting.
- e) The Appointing Authority may send a letter of termination to the members who fail to appear, or give proper notice of an absence, upon the second unexcused meeting.
 - 1) An excused absence is defined as 48 hours' notice was given to ADSD Commission or Subcommittee support staff.
 - 2) Unexcused absences from two consecutive meetings of the Commission/Subcommittee constitute good and sufficient cause for removal from the Commission or Subcommittee.
- f) Members who do not actively participate in Commission/Subcommittee business; do not return email communication and/or phone calls may be considered for removal from the Subcommittee.
- g) Any member of the Commission/Subcommittee may be removed by the Appointing Authority for appropriate causes that discredit the Commission, Subcommittee or state agency that can compromise its

work, effectiveness and efficiency, create disharmony, or are the result of felonious behavior by the member (including appropriate noting when a conflict between role as a member and other capacity exists).

- h) A member may be removed by the Appointing Authority if it has been found that the member has violated the conflict of interest policy intentionally.
- i) A member may be removed by the Appointing Authority if it has been found that the member has violated the Code of Ethics of the Commission/Subcommittee.

7. Election of a Commission/Subcommittee Chair and Vice-Chair

- a) Election of a Commission Chair and a Vice-Chair shall occur at the regularly scheduled Commission meeting immediately prior to July 1st of each year;
- ~~a)b)~~ Efforts will be made to annually rotate the Election of a Commission Chair and a Vice-Chair to those members who live in the northern and southern part of the state.
- ~~b)c)~~ All voting members attending this meeting are permitted to nominate and vote for a Chair and Vice-chair; and
- ~~c)d)~~ The Commission Chair and Vice –Chair shall be elected by a majority of voting member present.
- ~~d)e)~~ The Vice-Chair shall act in the stead of the Chair when the Chair is not available to fulfill his/her duties.

8. Subcommittees

- a) The Chair of the Commission may appoint Commission members to subcommittees advisory committee for consideration of specific issues or other matters that are related to and within the scope of the functions of the Commission;
- b) A subcommittee or advisory committee must not contain more than five (5) members;
- c) To the extent practicable, the members of such subcommittee or advisory committee must be representative of the various geographical areas and ethnic groups of this state.
- d) Commission subcommittees are not the statutorily created subcommittees set out in NRS Chapter 426.
- ~~e)~~ “Commission subcommittees” are separate from NRS 427A.750 Subcommittee on Communication Services for Persons who are Deaf or Hard of Hearing and Persons with Speech Disabilities; and

~~f)e)~~ ~~Commission subcommittees are separate~~ from the Nevada Commission on Services for Persons with Disabilities Taskforce on Integrated Employment Subcommittee.

6.5 Article V: Meetings

1. The Commission/Subcommittee shall meet at least quarterly and at the times and places specified by a call of the Appointing Authority, the Chair or a simple majority of the voting members;
2. The Chair and members will determine and approve the date and place of the meetings with the support of ADSD staff;
3. Meetings, including subcommittee meetings, are open to the public and subject to the requirements of the Nevada Open Meeting Law;
4. The Commission Chair and Vice-Chair will collaborate with the Chief and Division staff to develop the agenda for each Commission meeting and
5. A Commission member may request that an item be placed on the agenda by contacting the Chair or Vice-Chair no later than 14 days prior to the posting of the meeting notice in accordance with Nevada's Open Meeting Law set out in NRS Chapter 241.

~~5-6.~~ ~~Public Comment~~

Commented [NS5]: Do we want to add Public Comment guidelines?

6.6 Article VI: Minutes

1. The Chief will designate a Division support staff to act as the recording secretary.
2. Preparation of Minutes – Minutes of the previous meeting will be transcribed and made available for inspection by the public within 30-working days after the adjournment of the meeting
 - a) The recording secretary will transcribe minutes from tape recording, notes taken at meeting, and from agenda exhibits.
 - b) After a draft of minutes is prepared, they will be transmitted to members of the Commission for review prior to the next meeting.
 - c) Final approval of the minutes will be made at the next Commission/Subcommittee meeting.
3. Minutes and CART Transcripts of each meeting of the Commission are considered public record and will be maintained in the Administrative Office of the Division.

6.7 Article VII: Financial Reimbursement

1. Each voting member of the Commission is entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while engaged in the business of the Commission, if funding is available for this purpose;

2. While engaged in the business of the Commission/Subcommittee, each appointed member of the Commission/Subcommittee, each person appointed to serve on a subcommittee or advisory committee of the Commission or Subcommittee and each employee of the Commission or Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, if funding is available for this purpose.

6.8 Article VIII: Rules of Order

1. The Commission will generally follow, as a guide, the Roberts Rules of Order where such rules do not conflict with NRS and these Bylaws.
2. Voting:
 - a) Commission/Subcommittee member is allowed one vote per member.
 - b) A simple majority of the voting members of the Commission/Subcommittee constitutes a quorum for the transaction of all business.
 - c) A majority of the quorum present, in any matter within the scope of their duties, is required for the determination of any action to be taken. Within the scope of their duties, a simple majority of the quorum present is required for the determination of any action to be taken.
 - d) Members may abstain from voting.
 - e) The Chair, as a voting member, may make or debate a motion on an action item.
 - f) The Chair will count and announce the results of the vote.
 - g) A vote is not effective until it is announced and may be changed up to the time of the announcement.
 - h) If a roll call vote is made, the vote will be recorded by the secretary with an indication of the names and vote of each member present.
 - i) Proxy voting is prohibited.

6.9 Article IX: Conflict of Interest

1. Personal financial gain and private benefit to a Commission/Subcommittee member or his/her spouse, child, step-child, parent or step-parent through the member's participation on the Commission shall be considered a conflict of interest.
2. The following actions are prohibited:
 - a) No Commission/Subcommittee member or immediate family member mentioned in 6.9(1) above shall seek to influence any vote regarding the awarding of a contract, a grant or other business from the Commission/Subcommittee when the individual knows that he or she

has a direct or indirect financial interest in the awarding of such a contract or grant or other business.

- 1) "Direct financial interest" is a situation that would result in a pecuniary benefit in the form of cash, salary or property to a person or his/her immediate family;
 - 2) "Indirect financial interest" is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
- b) Except as compensation or reimbursement provided for by NRS Chapter 427A, no Commission member, or his/her immediate family, may directly receive funds, including any portion of his/her salary, from any grant or contract funded by the Commission/Subcommittee without first disclosing his or relationship to a person or entity seeking a grant, contract or other business from the Commission.
3. Nothing herein shall be construed to prohibit any firm, agency or organization that any member or immediate family member is associated with from appearing before the Commission/Subcommittee as part of the normal course business by the firm, agency or organization. Nor shall it be construed that employment in any firm, agency, or organization that any member or immediate family member is associated with prohibit any member from engaging in discussion of, presentation on, or vote on business that comes before the Commission/Subcommittee as part of the normal course of its activities.
 4. Any member, or family member of a Commissioner, who is a recipient of services from any division of the Department shall not be construed as having a conflict solely as a result of having a disability, being a recipient of services from any division of the Department or having a familial relationship with an individual with a disability or recipient of services from a division within the Department.
 5. Any member who is also a consumer of services from any agency, organization or project that receives funds through the Division shall not be considered to have a conflict of interest if his or her participation with that agency, organization or project is only as a consumer of services and does not exercise any administrative or decision-making authority in that project or organization.
 6. All members shall disclose conflicts of interest to the Chair of the Commission/Subcommittee, including uncertain or potential conflicts, as soon as the conflict becomes apparent. Members have an ongoing duty to disclose any conflicts of interest.

7. A disclosure of a conflict, including refraining from voting on applicable items, shall be made at all applicable times.
8. If a member is uncertain whether a conflict may exist in a specific situation, the Commission/Subcommittee shall determine if a conflict exists in consultation with the Chief and other Division or Department staff as appropriate.
9. Disclosure of any conflicts of interest shall be recorded in the meeting minutes.
10. A member who discloses or has been found to have a conflict of interest must not participate in any discussion on any matter related to the subject of the conflict or unduly influence or vote in those areas where a conflict has arisen.
11. Any member may bring suspected violations of this policy to the Commission/Subcommittee Chair.
12. Once an allegation of a conflict has been brought to Chair's attention, the Chair shall notify the Chief and the member alleged to have violated the conflict of interest provisions of the allegation. Once a conflict has been reported:
 - a) The Chief or his/her designee will gather pertinent information regarding the alleged conflict of interest violation;
 - b) Provide such information to the Commission.
13. Once the pertinent information has been gathered by the Chief or his/her designee, the information will be forwarded to the Commission for a determination of whether a conflict of interest exists at the Commission's next regularly scheduled meeting.
14. Once the Commission determines if an allegation of a conflict of interest violation has been substantiated, the Commission shall determine if the violation is intentional or unintentional.
15. If it is determined by a majority vote of the Commission that a violation of the conflict of interest provisions was intentional, the Commission shall vote on the appropriate sanction, up to and including recommendation for removal of the member found to have a conflict of interest to the Appointing Authority and Commission or Subcommittee.
16. If it is determined by a majority vote of the Commission that a violation of the conflict of interest provisions was unintentional, the Commission, in consultation with the Chief, and other Division staff as appropriate, shall define the area of the conflict of interest and instruct the Commission member to refrain from participation or discussion when that area is the subject of any Commission actions.

6.10 Article X: By-Laws

These Bylaws represent the rules of governance for the Commission on Services for Persons with Disabilities, ~~Subcommittee on Communication Services for Persons who are Deaf or Hard of Hearing and Persons with Speech Disabilities~~ and **the Subcommittee on Integrated Employment**. They should be reviewed at least every three years to ensure applicability of guidance. When any changes to the by-law occur, they must be presented at the next regularly scheduled meeting, with changes approved by a simple majority of the voting members, with the current date of approval noted as a footer.