

CHAPTER 1 ORGANIZATION

431—1.1(216A) Function. The division of persons with disabilities, within the department of human rights, was created pursuant to Iowa Code section 216A.1, and is required to carry on a continuing program to promote the employment of persons with disabilities.

431—1.2(216A) Organization.

1.2(1) Location. The office for the division of persons with disabilities is located in the Department of Human Rights, First Floor, Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515) 242-6172 or (888) 219-0471 (v/tty). The hours of operation are 8 a.m. to 4:30 p.m., Monday through Friday.

1.2(2) Method of contacting the division of persons with disabilities. Citizens may contact the office by telephone, mail or personal visits. Citizens may call the office from within the state, station-to-station collect. Citizens who call the office may ask the staff to return the call on the division's telephone lines.

1.2(3) Composition of staff.

a. Administrator. The governor shall appoint the administrator, subject to senate confirmation. The administrator shall serve at the pleasure of the governor. The administrator is responsible for the overall administration of the program(s). The administrator determines the number and type of personnel and makes staffing and budgetary recommendations to the commission; carries out policies implemented by the commission; recruits, interviews, appoints, trains, supervises, evaluates and terminates staff; plans and oversees execution of the budget; ensures provision of adequate services in the application of policies, rules and regulations as adopted by the commission; develops, establishes and maintains cooperative working relations with public and private agencies and organizations; identifies legislative issues; interprets program objectives and promotes public interest in and acceptance of persons with disabilities; and maintains an adequate reporting system for necessary records.

b. Consultant(s). The consultants provide technical services related to disability in the areas of employment, independent living, physical access, housing, transportation, recreation, and equal opportunity. The consultants act as liaisons with elected officials, governmental agencies, human resource professionals, and local groups in order to clarify the needs of persons with disabilities and to establish and maintain the plans and programs dealing with disabilities. The consultants analyze and report data obtained on programs, issues and services relating to disability issues. The consultants provide education, information and referral services to citizens.

431—1.3(216A) Commission of persons with disabilities.

1.3(1) Commission established. The commission of persons with disabilities is established, pursuant to Iowa Code section 216A.72, consisting of 24 members and 10 nonvoting ex officio members. The members of the commission shall elect a chairperson, vice chairperson, and secretary of the commission by a majority vote at the annual meeting. All members are appointed by the governor to serve a term of two years.

1.3(2) Meetings. The commission of persons with disabilities meets at least once each quarter. The first regular meeting of the fiscal year is the annual meeting. A majority of the members shall constitute a quorum. All meetings will be held in facilities accessible and functional for people with physical disabilities. A good faith effort will be made to have all written materials available in braille or on audiotape if requested by people with visual impairments and to provide sign language interpreters for people who are deaf if requests are received within a reasonable time prior to the meeting. Notice of a meeting is published at least 72 hours prior to the meeting and will contain the specific date, time and place of the meeting. Agenda are available to any interested persons prior to the meeting. All meetings are open to the public unless a closed session is voted by two-thirds of the entire membership or by all members present, pursuant to Iowa Code section 21.5. The operation of a commission meeting will be governed by the following rules of procedure:

a. When a quorum is present, a position is carried by an affirmative vote of a majority of the members present.

b. Persons wishing to appear before the commission shall submit the request to the commission office not less than 14 days prior to the meeting. Presentations may be made at the discretion of the chair and only upon matters appearing on the agenda.

c. Special meetings may be called by the chairperson upon finding good cause and shall be held in strict accordance with Iowa Code chapter 21. Special meetings may also be called by a majority of the membership.

d. Written materials to be presented at commission meetings should be submitted to the office at least seven working days prior to the meeting.

e. Cameras and recording devices may be used at open meetings, provided they do not obstruct the meeting. The presiding officer may request a person using such a device to discontinue its use when it is obstructing the meeting. If a person fails to comply with the request, the presiding officer shall order that person excluded from the meeting.

f. The presiding officer may exclude any person from the meeting for repeated behavior that disrupts or obstructs the meeting.

g. Any vote by mail shall have the tabulated results presented at the next regular meeting of the commission and the ballots retained for a period of six months for confirmation of results.

h. Cases not covered by these rules shall be governed by Robert's Rules of Order (newly revised).

1.3(3) Minutes. Minutes of the commission meetings are prepared and sent to commission members at least two weeks before the next regular meeting. Approved minutes are available at the commission office for inspection during business hours. Copies may be obtained pursuant to 421—2.3(22) by contacting the office.

1.3(4) Duties. Duties of the commission are listed in Iowa Code section 216A.77.

1.3(5) Committees and task forces. Committees comprised of commission members and task forces comprised of commission members and nonmembers may be assigned by the presiding officer to accomplish the duties of the commission.

1.3(6) Executive committee. The executive committee shall be comprised of the officers of the commission and three other members appointed by the chair and approved by the membership. The executive committee shall function as the governing body of the commission between commission meetings and shall make recommendations to the commission for new policies. It is empowered to take action on behalf of the commission when such action is required between regular meetings and deliberation by the full commission is not feasible. Furthermore, the executive committee shall:

a. Screen and recommend two or more candidates to the commission for appointment as administrator, and

b. Conduct the administrator's annual performance evaluation and report to the commission on the evaluation results.

Notice of executive committee meeting shall be provided to all commission members no later than 48 hours in advance of the scheduled meeting.

1.3(7) Powers. The commission shall have all powers necessary to carry out the functions and duties specified in Iowa Code section 216A.77 including, but not limited to, the power to establish committees and task forces, to solicit and accept gifts and grants, to adopt rules according to chapter 17A for the commission and division, and to contract with public and private groups to conduct its business.

1.3(8) Report. The commission shall make a report of its activities and recommendations to the general assembly no later than September 30 of each year.

1.3(9) Conflict of interest. A conflict of interest exists when members of the commission participate in a way that directly affects the personal or financial interests of the commission members. In order to avoid conflict of interest problems, commission members who have a personal or financial interest in an action must abstain from participating in the entire process which would include both discussion and voting. The commission members who have or think they may have a conflict of interest should declare that there is or may be a conflict of interest and request a determination from the commission. Where a

conflict of interest is determined to exist, commission members should abstain from voting and should be recorded as abstaining when votes are taken.

These rules are intended to implement Iowa Code section 216A.71 to 216A.79.

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