



RHODE ISLAND AND PROVIDENCE PLANTATIONS
Executive Department
**GOVERNOR'S COMMISSION ON
DISABILITIES**

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RULES AND REGULATIONS PERTAINING TO

Chapter N. General Operating Rules

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Link to an endnote are ^{red super script} and web link are [blue](#) as below, move **b** to colored text and click to open. All forms references are available on line at www.disabilities.ri.gov

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I. Description of Organization

RIGL 42-51 State Affairs and Government – Governor’s Commission on Disabilities

42-51-1. Establishment of commission.

There is established within the executive department a permanent commission to be known as the 'governor's commission on disabilities,' hereinafter referred to as the commission.

42-51-2. Composition of commission.

The commission shall be composed of a minimum of twenty-four (24) members, and any additional members the governor may appoint. Insofar as practicable, the commission shall consist of state leaders of industry, labor, business, veterans, women, and federal, state, and local governments, and representatives of religious, charitable, business, labor, industrial, fraternal, civic, educational, medical, legal, veterans, welfare, and other professional groups and organizations.

42-51-3. Officers.

The governor shall designate one member of the commission to serve as its chairperson during the governor's term of office or until he or she appoints another member of the commission to serve in that capacity. The commission shall elect from its own membership a vice-chairperson, who shall serve until his or her successor is elected, and who is authorized to act as chairperson pro tempore of the commission should there be a vacancy for any cause in the office of the chairperson. The commission shall elect from its own membership other officers it deems necessary. The commission shall appoint an executive secretary to serve as executive officer and secretary of the commission, who shall be a full time employee. The commission may appoint additional personnel as may be necessary for the efficient performance of the duties prescribed by this chapter.

42-51-4. Term of office.

Of the number of members appointed originally under this chapter, one-third ($1/3$) shall be appointed for a term of one year; one-third ($1/3$) shall be appointed for a term of two (2) years; and one-third ($1/3$) shall be appointed for a term of three (3) years. Thereafter, vacancies created by the expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves.

42-51-5. Compensation and expenses.

The members of the commission shall receive no compensation for their services, but may, at the discretion of the governor, be reimbursed for traveling and other expenses actually incurred in the performance of their official duties.

42-51-6. Duties.

It shall be the duty of the commission to work in cooperation with the national council on disability and other interested federal, state, and local agencies, organizations, and employers in:

- (1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state;
- (2) Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development;
- (3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;
- (4) Providing technical assistance to public and private agencies, businesses, and citizens in complying with federal and state laws protecting the rights of individuals with disabilities; and
- (5) From time to time, but not less than once a year, to report to the legislature and the governor, describing the investigations, proceedings, and hearings the commission has conducted and their outcome, the decisions it has rendered, and the other work performed by it, and make recommendations for further legislation concerning abuses and discrimination based on disability that may be desirable.

42-51-6.1. Hearing boards.

- (a) The commission's chairperson shall appoint five (5) commissioners as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of title 42 and sections 37-8-15.1 and 42-46-13 within the jurisdiction of the commission.
- (b) Three (3) commissioners shall constitute a quorum of a hearing board.
- (c) The hearing board is empowered to:
 - (1) Receive, investigate, and act upon charges of unlawful practices within its jurisdiction; and
 - (2) In connection with any investigation or hearing held on any matter within its jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and to require the production for examination of any books and papers relating to any matter under investigation or in question before the hearing board.

42-51-6.2. Committees and mediation teams.

- (a) The commission is authorized to create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission.
- (b) The commission may itself, or it may empower these committees and mediation teams to:
 - (1) Study the concerns of people with disabilities in reaching the maximum in independent living and human development and exercising all of the rights and responsibilities accorded to citizens of this state;

- (2) Arouse community interest in the concerns of people with disabilities;
 - (3) Foster through community effort or otherwise good will among the groups and elements of the population of the state towards people with disabilities; and
 - (4) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.
- (c) The committees and teams may make recommendations to the commission for the development of policies and procedures in general.
- (d) Advisory committees and mediation teams created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses.
- (e) Three (3) members of a committee constitutes a quorum for the purpose of conducting the business of that committee.

42-51-7. Gifts, grants, and donations.

The commission is authorized to receive any gifts, grants, or donations made for any of the purposes of its program, and to disburse and administer them in accordance with the terms of its program.

42-51-8. Transfer of personnel.

(a) All of the personnel and employees of the 'governor's committee on employment of the handicapped' shall be transferred to the 'governor's commission on the handicapped'. No person in the classified, non-classified, or unclassified service of the state on May 28, 1985 shall be discharged, separated from service, or downgraded in service by reason of the enactment of this chapter as provided by law or in the personnel rules and regulations of the state applicable to affected personnel.

(b) All of the personnel and employees of the state building commission who enforce § 42-87-5 on the effective date of this act [August 1, 2002] shall be transferred to the governor's commission on disabilities. No person in the classified, non-classified, or unclassified service of the state on the effective date of this act [August 1, 2002] shall be discharged, separated from service, or downgraded in service by reason of the enactment of this act as provided by law or in applicable personnel rules and regulations.

42-51-9. Definitions.

The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(1) "Disability" means a disability as defined in section 42-87-1¹.

(2) 'Federal and state laws protecting the rights of individuals with disabilities' means, but is not limited to, the Americans with Disabilities Act of 1990, 42 USC § 12101 et seq.; title V of the Rehabilitation Act of 1973, 29 USC § 794; R.I. Const., art. I, § 2; the provisions of chapter 87 of title 42 and §§ 23-6-22, 37-8-15, 37-8-15.1 and 42-46-13.

(3) 'State agency' means any department, division, agency, commission, board, office, bureau, council, or authority, either branch of the Rhode Island general assembly or any agency or any committee thereof, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions.

(4) 'Coordinating compliance' means the authority to:

(i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance with federal and state laws protecting the rights of individuals with disabilities;

(ii) Establish a grievance procedure to promptly and equitably resolve complaints of noncompliance with federal and state laws protecting the rights of individuals with disabilities involving state agencies, including the power to investigate possible discrimination and eliminate unlawful practices by informal methods of conference, conciliation, and persuasion;

(iii) Initiate complaints against any state agency that willfully fails to comply with federal and state laws protecting the rights of individuals with disabilities to the appropriate state or federal agency; and

(iv) Develop, make periodic revisions to, and oversee the implementation of a transition plan for the removal of environmental and communication barriers in state-owned facilities.

(5) 'Providing technical assistance to public and private agencies, businesses, and citizens on complying with federal and state laws protecting the rights of individuals with disabilities' means information dissemination and training designed to encourage the voluntary compliance with laws protecting the rights of individuals with disabilities; conducting disability accessibility surveys and providing advice on how to overcome any barriers to accessibility; and a mediation service to assist parties who voluntarily chose to utilize that service to resolve allegations of discrimination on the basis of disability.

(6) 'Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state' means the authority to act and appear on behalf of the people with disabilities to present evidence and make arguments before any federal, state or local agency or public body regarding matters pending before that agency or public body that may have an adverse effect on persons with disabilities.

42-51-10. State coordinating committee on disability rights.

The commission shall establish a state coordinating committee on disability rights to advise and assist the commission to implement self evaluation and compliance plans as required by federal and state laws protecting the rights of individuals with disabilities. The committee shall be composed of thirteen (13) members who shall be as follows: one representative of each of the general officers of the state, appointed by that general officer; one representative of the house of representatives, appointed by the speaker of house; one representative of the senate, appointed by the president of the senate; one

representative of the judiciary, appointed by the chief justice of the supreme court; one representative of each of the boards of education, appointed by the chairperson of that board; one representative of the public transit authority, appointed by the chairperson of the authority, and those additional representatives the chairperson of the governor's commission on disabilities may appoint from the executive branch and the general public. Those persons acting as committee members on July 21, 1992 shall continue to so act until their successors are appointed. Each member shall serve at the pleasure of the appointing authority. The chairperson of the governor's commission on disabilities shall preside at meetings of the committee. The executive secretary of the governor's commission on disabilities shall serve as vice chairperson of the committee.

42-51-11. Mary Brennan fellowship fund.

(a) There is established the Mary Brennan fellowship fund ('the fellowship fund'), which shall be utilized to create a fellowship program for college students with disabilities.

(b) These fellowships shall provide a semester-long, part-time placement with the commission in RI, working on disability policy and research. Each fellow will be assigned to a specific placement, providing assistance to the commission in disability policy. Mentor experiences will introduce the fellows to disability policy issues and actions at the local, state and federal levels. The fellowships will offer students an opportunity to:

- (1) Gain perspective on the role and responsibility of the commission;
- (2) Knowledge of national/state disability programs;
- (3) Policy issues and research;
- (4) Meet with decision makers, experts and critics in disability and related policy fields; and
- (5) Develop networks with local, regional, and national based experts, and researchers who can assist in career development and future endeavors.

(c) The commission will provide each fellow with a stipend of at least one thousand five hundred dollars (\$1,500) and reimbursement for authorized travel.

(d) This fellowship program is designed for individuals with demonstrated leadership and expertise in policy and research affecting people with disabilities. Applicants must have:

- (1) Completed at least three (3) semesters of college-level study;
- (2) Be enrolled as a full or part-time student in an accredited college or university in Rhode Island;
- (3) Leadership ability;
- (4) The endorsement of a current/former supervisor;
- (5) Approval on the part of the college/university to receive credit for the fellowship if selected; and
- (6) The ability to participate in the semester-long program in Providence for at least two hundred and forty (240) hours during the spring and fall semesters or in the summer.

(e) The commission shall give preference in its selection of fellows to Rhode Island residents who are:

- (1) College students with disabilities, and then to
- (2) College students enrolled in a course of study in education and/or human services for persons with disabilities.
- (f) The general assembly shall appropriate ten thousand dollars (\$10,000) for the fiscal year ending June 30, 1998 and annually the sums it deems necessary to implement the purposes of this section.
- (g) The commission is authorized and empowered to receive donations and grants from sources including, but not limited to, the federal government, governmental and private foundations, and corporate and individual donors; these donations and grants to be deposited in the fellowship fund. The commission may create additional fellowships from available funds.

II. Other Statutory Responsibilities

RIGL 37-2.2 Public Property and Works - Disability Business Enterprises Act

37-2.2-1 Short title and purpose.

This chapter shall be known as the "Disability Business Enterprises Act." The purpose of this chapter is to carry out the state's policy of supporting the fullest possible participation of small disadvantaged businesses owned and controlled by persons with disabilities or where sixty percent (60%) of the work hours or direct labor is performed by employees who are persons with disabilities, or non-profit rehabilitation facilities in state funded and state directed public construction, public projects, and in state purchases of goods and services. This includes assisting disadvantaged disability businesses and non-profit rehabilitation facilities throughout the life of contracts in which they participate.

37-2.2-2. Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context shall indicate another or different meaning or intent:

- (1) "Persons with disabilities" or "person with a disability" shall mean any individual who has a physical or mental impairment which constitutes a substantial barrier to employment as certified by the department of human services or the department of mental health, retardation, and hospitals.
- (2) "Products" shall mean any goods or merchandise provided by persons with disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the products are performed by persons with disabilities.
- (3) "Rehabilitation facility" or "rehabilitation facilities" shall mean a facility which is operated for the primary purpose of providing vocational rehabilitation services to and gainful employment for persons with disabilities. The rehabilitation services, listed below, may be provided directly or by the facility's parent corporation. The facility must provide singly or in combination one or more of the following services for persons with disabilities:

- (i) Comprehensive rehabilitation services which shall include under one management: medical, psychological, social, and vocational services;
 - (ii) Testing, fitting, or training in the use of prosthetic and orthotic services;
 - (iii) Pre-vocational evaluation or recreational therapy;
 - (iv) Physical and occupational therapy;
 - (v) Speech and hearing services;
 - (vi) Psychological and social services;
 - (vii) Evaluation;
 - (viii) Personal and work adjustment;
 - (ix) Vocational training in combination with other rehabilitation services;
 - (x) Evaluation or control of special disabilities; and
 - (xi) Transitional or long-term employment for persons who have severe disabilities and cannot be readily absorbed into the competitive labor market.
- (4) "Services" shall mean any services provided by persons with disabilities if not less than sixty percent (60%) of the work hours or direct labor required for the services are performed by persons with disabilities.
- (5) "Small disadvantaged businesses owned and controlled by persons with disabilities " shall mean small business concern, which is at least fifty-one percent (51%) owned by one or more person(s) with disabilities or, in the case of a publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by one or more disabled person, whose management and daily business operations are controlled by one or more person(s) with disabilities, and have fifty or fewer employees.
- (6) "A physical or mental impairment" shall mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (7) "Vocational rehabilitation services" shall mean any goods and services including diagnostic and related services necessary to render a person with a disability fit to engage in a gainful occupation and services to the families of persons with disabilities when those services will contribute substantially to the rehabilitation of those individuals.

37-2.2-3. Preference for products and services produced by persons with disabilities.

- (a) Whenever any products made, manufactured by, or services provided by persons with disabilities in nonprofit rehabilitation facilities, or in profit making facilities where sixty percent (60%) of the work hours or direct labor is performed by employees who are disabled, meet the requirements of any department, institution, or agency supported, in whole or in part, by the state as to quantity, quality, and price, those products shall have preference over products or services from other providers.

(b) All departments, institutions, and agencies supported, in whole or in part, by the state shall purchase articles made or manufactured and services provided by persons with disabilities. Any political subdivision of the state may purchase those articles and services directly from those agencies.

(c) A list describing the styles, designs, sizes, and varieties of articles made by persons with disabilities and describing all available services and subcontract work which can be provided by those persons shall be prepared by the governor's commission on disabilities, disability business enterprise committee in cooperation with the state office of rehabilitation services. The governor's commission on disabilities shall cooperate with various facilities for persons with disabilities by submitting necessary information concerning the products and services to the state purchasing agent.

37-2.2-3.1. Policy and applicability.

It is the policy of the state of Rhode Island that small disadvantaged disability businesses shall have the maximum opportunity to participate in the performance of procurements and projects as outlined in this chapter. This chapter shall apply to any and all state purchasing, including, but not limited to, the procurement of goods and services, construction projects, or contracts funded in whole or in part by state funds, or funds which, in accordance with a federal grant or otherwise, the state expends or administers or in which the state is a signatory to the construction contract.

The director of administration, in consultation with the governor's commission on disabilities, is authorized and directed to establish rules and regulations for awarding contracts to small disadvantaged businesses owned and controlled by persons with disabilities in the procurement of goods, services, construction projects, or contracts funded in whole or in part by state funds, in accordance with [37-2-9\(b\)\(14\)](#).

37-2.2-4. Disability business enterprise committee - Membership - Duties.

(a) There is hereby established within the governor's commission on disabilities a committee, consisting of nine (9) persons, to be known as the disability business enterprise committee.

(b) The committee, shall consist of the director of the department of human services or his or her designee; the director of the department of mental health, retardation, and hospitals or his or her designee; the director of the economic development corporation or his or her designee; the state purchasing agent or his or her designee; and two (2) persons with disabilities and three (3) representatives of rehabilitation facilities in the state of Rhode Island appointed by the chairperson of the governor's commission on disabilities. All members of the committee shall serve without compensation. Of the number appointed originally under this chapter, one-third (1/3) shall be appointed for a term of one year; one-third (1/3) shall be appointed for a term of two (2) years; and one-third (1/3) shall be appointed for a term of three (3) years. Thereafter, vacancies created by expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves. The chairperson of the governor's commission on disabilities or his or her designee shall

serve as chairperson of the committee. The members of the committee shall elect a vice chairperson and other officers as are necessary from amongst themselves annually.

(c) The governor's commission on disabilities shall promulgate such rules and regulations, in accordance with the Administrative Procedures Act, chapter 35 of title 42, as are necessary and proper to ensure responsible management, operation, oversight of the committee, and ensure that all facilities, both nonprofit and profit-making, referred to in §§ 37-2.2-3 and 37-2.2-3.1 meet all applicable government regulations and standards, including those of the United States department of labor, the state department of human services, and the chief purchasing officer with regard to developing a program which involves small disadvantaged businesses as contractors, § 37-2-9(2)(n).

(d) The committee shall establish a procedure to certify small disadvantaged disability businesses and rehabilitation facilities that qualify under their regulation for a preference under § 37-2.2-3 or 37-2.2-3.1 and submit a list of the certified small disadvantaged disability businesses and rehabilitation facilities and the products and services provided by them to the chief purchasing officer at least once a year. The chief purchasing officer shall utilize that list in the program which involves small disadvantaged businesses as contractors established by § 37-2-9(2)(n).

37-2.2-5. Nonapplicability to road and highway construction businesses.

Notwithstanding anything to the contrary, the provisions of this chapter shall not apply to any business whose primary business is road or highway construction.

RIGL 37-8-15.1. Public Property and Works – Public Buildings – Accessibility of leased or rented facilities for people with disabilities.

(a) No governmental body or public agency, as defined in § 37-2-7, acting as lessee, shall lease or rent facilities that are not accessible to and usable by individuals with disabilities. The lessee governmental body or public agency shall provide the state building commissioner with a list of prospective facilities to be leased and shall ensure that accessibility certifications in subdivision (a)(1), (a)(2), or (a)(3) and (a)(4) of this section are completed prior to submission of the lease or renewal of the lease for final approval by the state properties commission or other authorized body. Prior to a governmental body or public agency leasing or renting any facility, or renewing a lease:

(1) The state building commissioner shall certify that the new facility to be leased or rented conforms to the accessibility for people with disabilities provisions of the state building code; or that the existing facility to be leased or rented meets the accessibility requirements of the state building code in effect at the time of first occupancy after January 1, 1978; or if constructed prior to January 1, 1978, meets the requirements of the current state building code; or

(2) The state building commissioner shall certify that construction documents for the proposed facility to be leased or rented conform to the accessibility requirements of the state building code, and the accessibility renovations shall be completed within six (6) months of the signing of the lease; or

(3) The state building code board of appeals grants a waiver from some provisions of the state building code's accessibility requirements for people with disabilities provisions with respect to state agency leasing the facility; and

(4) The governor's commission on disabilities shall certify that the lessee agency's program accessibility plan ensures access to, and use of the facility to be leased or rented for people with disabilities.

(b) The governor's commission on disabilities shall only certify an accessibility plan that:

(1) Would not operationally serve to deny any individual with a disability access to a service or program operated by the governmental body or public agency;

(2) Would not operationally serve to deny an employee with a disability or job applicant with a disability employment or advancement in that governmental body or public agency;

(c) The state building code board of appeals shall only grant waivers when total compliance with the disability accessibility provisions of the state building code was structurally infeasible.

(d) The state building commissioner shall reinspect all facilities leased or rented under subdivision (a)(2) or (a)(3) prior to the date(s) established in the certification or waiver for completion of any renovations required. If the state building commissioner is unable to issue a certification of compliance with the accessibility for people with disabilities provisions of the building code or the variance, then the commissioner shall inform the director of the department of administration that the facility is in noncompliance. The governor's commission on disabilities shall have the right to periodically review the implementation of the accessibility plan, and inform the director of the department of administration of any noncompliance. Upon submission of said notification of noncompliance, the director of the department of administration shall take steps to ensure compliance or forward a report to the attorney general for legal action to terminate the lease.

RIGL 42-46-5. State Affairs and Government – Open Meetings – Purposes for which meeting may be closed - Use of electronic communications - Judicial proceedings - Disruptive conduct.

(a) A public body may hold a meeting closed to the public pursuant to [42-46-4](#) for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

(3) Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices.

(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

(6) Any discussions related to or concerning a prospective business or industry locating in the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

(7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.

(8) Any executive sessions of a local school committee exclusively for the purposes: (i) of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.

Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.

(10) Any discussion of the personal finances of a prospective donor to a library.

(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

(1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.

(2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.

(3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of [title 42](#) and:

(i) Cannot attend meetings of that public body solely by reason of his or her disability; and

(ii) Cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may participate by use of electronic communication or telephone communication in accordance with the process below.

(4) The governor's commission on disabilities is authorized and directed to:

(i) Establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;

(ii) Grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and

(iii) Any waiver decisions shall be a matter of public record.

(c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

RIGL 42-46-13. State Affairs and Government – Open meetings – Accessibility for persons with disabilities.

(a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any

event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

(g) The provisions of §§ 45-13-7 - 45-13-10, inclusive, shall not apply to this section.

RIGL 42-87-5. State Affairs and Government – Civil Rights of People with Disabilities - Enforcement of anti-discrimination provisions.

(a) Except as specifically set forth in subsections (b) and (c), the Rhode Island commission for human rights is empowered and directed to prevent any person from violating any of the provisions of §§ 42-87-1 - 42-87-4, provided that before instituting a formal hearing it shall attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with those sections. Upon the commission's own initiative or whenever an aggrieved individual or an organization chartered for the purpose of combating discrimination or of safeguarding civil liberties or rights of persons with disabilities, the individual or organization being hereinafter referred to as the complainant, makes a charge to the commission that any person, agency, bureau, corporation or association, hereinafter referred to as the respondent, has violated or is violating any of the provisions of §§ 42-87-1 - 42-87-4, the commission may proceed in the same manner and with the same powers as provided in §§ 28-5-16 - 28-5-26, and the provisions of §§ 28-5-13 and 28-5-16 - 28-5-36, as to the powers, duties and rights of the commission, its members, hearing examiners, the complainant, respondent, interviewer, and the court shall apply in any proceedings under this section.

(b)(1) The governor's commission on disabilities is empowered and directed to investigate and hear all complaints relating to alleged violations of this chapter relating to the physical inaccessibility of buildings and structures.

(2) The governor's commission on disabilities shall have the power and duties to adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this section.

(i) Prior to instituting a formal hearing, the governor's commission on disabilities shall attempt by informal methods of conference, persuasion and conciliation, to induce compliance with this chapter. If the complaint or any portion of the complaint cannot be resolved by these informal methods, the governor's commission on disabilities shall conduct a hearing as provided by this section.

(ii) If the governor's commission on disabilities shall upon all the evidence find that the respondent has not engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures,

the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to the respondent.

(iii) If upon all the testimony taken, the commission shall determine that the respondent has engaged in violations of the civil rights of individuals with disabilities caused by the physical inaccessibility of buildings and structures, then the commission shall state its findings of fact and shall issue and cause to be served upon the respondent an order requiring the respondent to cease and desist from such practices, and to take any further action that will effectuate the purposes of this chapter.

(iv) Any complainant or respondent claiming to be aggrieved by a final order of the commission may obtain judicial review of the final order; any party may obtain an order of court for enforcement of a final order of the commission. These proceedings shall be brought in the superior court within any county where the unlawful practices, which are the subject of the commission's order, were committed or where any respondent, required in the order to cease and desist from unlawful practices or to take other affirmative action resides or transacts business.

(c) The Rhode Island department of education is empowered and directed to hear all complaints relating to violations of this chapter in the area of elementary and secondary education. Those complaints shall be heard in accordance with the process set forth in chapter 39 of title 16.

III. Statutory Representation on Other State Boards and Commissions

RIGL 17-9.1-31. Elections – Registration of Voters – Voter registration advisory board.²

RIGL 30-15-6. Military Affairs and Defense – Emergency Management – Advisory Council.³

RIGL 42-66.3-8. Home and community care advisory committee.⁴

IV. Statutory Advisory Role to Other Governmental Entities

RIGL 28-5.1-9. Labor and Labor Relations – Equal Opportunity and Affirmative Action – State employment services.⁵

RIGL 40-14-8. Human Services – Equipment loan fund for people with disabilities – Rules and regulations.⁶

RIGL 42-47.1-5. State Affairs and Government – Commission on state government internships – Summer internships for students with disabilities.⁷

V. Method of Operation

A. Officers' Responsibilities

1. The chairperson

Shall, but not be limited to:

- a) Be the presiding officer and spokesperson of the commission;
- b) Observe and report to the commission upon the execution of its orders and resolutions;
- c) Coordinate the activities of the committees;
- d) Preside at executive committee meetings;
- e) Be an ex-officio voting member of all committees;
- f) Carry or cause to have carried out all duties prescribed by these General Operating Rules and state law;
- g) Oversee the general management of the commission;
- h) Act as its authorized agent, executing on behalf of the commission all vouchers, invoices, requisitions, and other fiscal documents in accord with the budget as appropriated by the legislature and approved by the commission (but not fiscal documents related to the reimbursement of expenses of the chairperson);
- i) Act as its authorized agent, executing on behalf of the commission all personnel documents as directed by the commission;
- j) Appoint committee chairpersons and members, and liaisons to other boards, with the advice and consent of the commission at the annual meeting;
- k) Appoint a commissioner as the Legislation Committee chairperson and at least four (4) other commissioners to the committee;
- l) Designate a member of the Disability Business Enterprise Committee, as Committee chairperson;
- m) Appoint a commissioner as committee chairperson, and at least one (1) other commissioner, for each of the other committees;
- n) Appoint a representative of the Commission on any board or other entity on which the Commission has membership, by statute, executive order or custom;
- o) Appoint a commissioner as chair of the hearing board and four (4) other commissioners as members of the hearing board; and
- p) In case of a vacancy the commission chairperson shall appoint a commissioner to fill the vacancy until the next meeting of the commission, or Executive Committee. At that time the commission or Executive Committee shall give its advice and consent.

2. The vice-chairperson

Shall be elected annually at the annual meeting.

The vice-chairperson shall:

- a) Assume all the duties of the chairperson, in accord with the state laws, whenever the chairperson is unable to perform them;
- b) Be the authorized agent for all fiscal documents relating to the reimbursement of expenses of the chairperson; and
- c) Assume other duties that the commission may assign.

In the event that the chairperson's position is vacant and the Vice Chairperson becomes Acting Chairperson, the Executive Committee shall appoint a Vice Chairperson Pro Tempore to serve until the Governor has appointed a new Chairperson.

3. The executive secretary:

As the commission's secretary, shall be a non-voting member of the commission and shall:

- a) Keep the minutes of all commission and committee meetings, distribute those minutes at least one (1) week prior to the next meeting, and record the actions taken at each meeting;
- b) Notify the members of their meetings;
- c) Call the meetings to order and preside in the absence of the chairperson and vice-chairperson;
- d) Conduct correspondence as directed by the commission or its committees; and
- e) Read important correspondence, and

As the commission's executive officer, shall be responsible for, but not be limited to:

- a) Arranging for support services to all committees and volunteer units;
- b) Implementing the order and resolution of the commission and its committees;
- c) Providing the commission and committees with options and advice on matters pending before them;
- d) Supervising all staff;
- e) Acting as the commission's authorized agent for all vouchers, invoices, requisitions, and other fiscal documents in accord with the budget approved by the commission (but not fiscal documents relating to the reimbursement of expenses of the executive secretary);
- f) Act as its authorized agent, executing on behalf of the commission all personnel documents as directed by the commission; and
- g) Serve as the Commission's Rules Coordinator and Records Custodian.

B. Commission Meetings

1. Annual Meeting

An annual meeting of the commission shall be held yearly in September to:

- a) Adopt the operational plan of the commission including the establishment or retention of committees, in addition to those established by law or these General Operating Rules, and volunteer units;
- b) Allocate resources, adopt a supplemental budget request for the current fiscal year and set fee and complementary gift schedules;
- c) Adopt a budget request following fiscal year;
- d) Elect the vice chairperson; and
- e) Give advice and consent to the Chairperson's appointments of committee chairpersons and members and liaisons to other boards.

2. Fall Legislative Meeting

The commission shall conduct a special meeting, each fall to develop its legislative package for the following General Assembly Session.

The Legislation Committee shall propose a Legislative Package and Scope of Review for the Commission to consider.

The Commission shall review, modify and adopt:

- a) A Legislative Package and transmit to the Governor, and
- f) A scope of review for the Legislation Committee

3. Business Meetings

The Commission shall schedule at least three (3) business meetings annually (schedule to be posted prior to January 1st).

Business Meeting Agendas shall be limited to reports from Committees, Commission Officers and Staff, on activities and actions requiring authorization.

Special meetings of the commission may be called by the chairperson, or one-third (1/3) of the members in accordance with the state laws.

C. Reports

The commission shall adopt and submit to the governor and members of the general assembly a report of its activities annually. Additional reports may be adopted and sent to appropriate officials, as the commission deems necessary. Whenever the commission adopts a report, those members voting in the minority have the right to attach their own report to the commission's majority report.

D. Quorum and Majority Rule

- 1. A quorum for commission meetings shall be [a simple majority of the](#) commissioners.
- 2. All decisions of the commission shall be by majority vote of the Commissioners, who are appointed by the Governor and are qualified and present, except when otherwise specified in these General Operating Rules.

E. Permanent Committees

1. Executive Committee

The Executive Committee shall consist of the officers of the commission and the chairpersons and vice chairperson of all of the committees and subcommittees.

It shall be responsible for the general management of the commission, including:

- a) The development of policy between commission meetings;
- b) The approval, prior to submission, of all grant proposals and applications;
- c) The securing of non-state funding or sponsorship of certain commission activities;
- d) The drafting of the Commission's state budget request, for commission approval, at the annual meeting;
- e) The coordinating of the activities, including public relations, of the committees and volunteer units;
- f) The development of the annual operational plan and assessment of the Commission's goals and objectives;

- g) It shall be responsible for the management of personnel, in accordance with the provisions of section F of these General Operating Rules, including:
 - i. Recommending job descriptions for staff persons, interns, fellows and volunteers to the commission;
 - ii. Recommending personnel procedures to the commission;
 - iii. Hearing any grievance of staff persons, interns, fellows or volunteers and rendering decisions upon such matters;
 - iv. Screening applicants for employment and recommending candidates to the Commission;
 - v. Interviewing exiting staff persons;
 - vi. Screening applicants for appointment to the Commission and recommending candidates to the Governor; and
 - vii. Awarding fellowships.

2. Legislation Committee

- a) The Legislation Committee shall review and comment on local, state, and federal legislation concerning persons with disabilities. A quorum for committee meetings shall be three (3) members, at least two (2) of who shall be commission members.
- b) The Legislation Committee shall conduct public hearings to elicit public comments prior to the development of the Commission's Legislative Package.
- c) The committee shall prepare and mail to all commissioners, at least two (2) weeks prior to the Commission's Fall Legislative Meeting:
 - i. Proposed a Legislative Package for the commission to review; and
 - ii. A Scope of Review that outlines the areas of general assembly legislation that the committee should be empowered to review and comment on during the upcoming legislative session.
- d) The Legislation Committee shall prepare and disseminate statements as to the impact of legislation being considered by the RI General Assembly, on the quality of life of individuals. The committee is authorized to:
 - i. Review all legislation, introduced into the General Assembly, within the approved scope of review;
 - ii. Send a statement concerning the impact (beneficial or harmful) of bills, along with reasons, to the appropriate General Assembly committees, legislative leaders and the Governor;
 - iii. Include comments on the need for amendments to those bills; and
 - iv. Provide statement of impact on any legislation which the Governor's Office or the General Assembly request, even if outside the approved scope of review.
- e) Only the Commission or the Executive Committee is authorized to announce support or opposition to bills.
- f) Any legislation outside the committee's approved scope of review that in the committee's judgment would have a dangerous impact on the mission of the

Commission may be referred to the Commission or Executive Committee along with the committee's comments.

- g) All other reports, statements, etc. of the committee, except for those mentioned in subsection d) above, shall be submitted to the commission for its review, modification, and adoption.

3. Disability Business Enterprise Committee

The Disability Business Enterprise Committee shall be comprised of members and carry out its responsibilities pursuant to RIGL 37-2.2-4.

4. State Coordinating Committee on Disability Rights

The State Coordinating Committee on Disability Rights shall be comprised of members and carry out its responsibilities pursuant to RIGL 42-51-10.

F. Establishment of Committees and mediation teams

1. At the Commission's annual meeting the Commission may create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission and may empower these committees and mediation teams to:
 - a) Study the concerns of people with disabilities in reaching the maximum in independent living and human development and exercising all of the rights and responsibilities accorded to citizens of this state;
 - b) Arouse community interest in the concerns of people with disabilities;
 - c) Foster through community effort or otherwise good will among the groups and elements of the population of the state towards people with disabilities;
 - d) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.
 - e) The committees and teams may make recommendations to the commission for the development of policies and procedures in general.
2. The commission chairperson, with advice and consent of the commission, shall appoint a commissioner as Committee chairperson, and at least one (1) other commissioner as member(s);
3. Advisory committees and mediation teams shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses;
4. Three (3) members of a committee shall constitute a quorum for the purpose of conducting the business of that committee; and
5. At any Commission meeting the Commission may create Ad Hoc committees to conduct specific assignments and report to the commission their results. The commission chairperson, with advice and consent of the commission, shall appoint a commissioner as Committee chairperson and at least one (1) other commissioner as member(s). These ad hoc committees shall only exist for six (6) months and until the next regularly scheduled commission meeting. The commission may extend the life of an Ad Hoc committee for an additional six (6) months.

G. Membership and Officers of Permanent and Other Committees

1. Each committee chairperson shall appoint members from the public to his/her committee for a one (1) year term following the annual meeting. These appointees shall be associate members of the commission.
2. Each committee shall elect a vice-chairperson at its first meeting after the annual meeting who shall serve as chairperson pro-tempore, in the absence of the chairperson.
3. Any Commissioner present may participate and vote on any matter pending before a Committee (except the Executive Committee, State Coordinating Committee on Disability Rights, and Disability Business Enterprise Committee).

H. Procedures for Conducting Meetings

1. The committees shall schedule at least four (4) meetings annually (schedule to be posted prior to January 1st).
2. Special meetings of the Commission or any committee may be called by the chairperson, or one-third (1/3) of the members in accord with the state laws.
3. Commissioners and Associate Members shall be notified in writing of all commission meetings and those meetings of committees of which he/she is a member, at least six (6) business days prior to the meeting. The notice shall include the date and time, location, and agenda. The notice shall not be sent out more than five (5) weeks prior to the meeting.
4. Interpreters, readers, and other support services needed to allow full participation at meetings shall be provided for members and meeting participants, upon request. The executive secretary must receive accommodation requests at least three (3) business days prior to the meeting.
5. A quorum for all committee meetings shall consist of three (3) members including at least one commissioner. All decisions of the committees shall be by majority vote, except when otherwise specified in these General Operating Rules.
6. All meetings shall be conducted in accord with state law and these General Operating Rules. Robert's Rules of Order, Newly Revised, shall be the parliamentary authority whenever not in conflict with state law and these General Operating Rules.
7. No person shall be denied the services or facilities of the commission; nor be denied the right to attend its meetings because of disability, sexual orientation, race, color, creed, religion, national origin, age, or sex. Such discrimination of any kind is expressly prohibited. All meetings will be conducted in accessible facilities.
8. Each member of a committee whether an associate member or commissioner shall be entitled to one (1) vote and may cast that vote on each matter properly before the committee. Proxy and absentee voting are not permitted.
9. Public Comments
 - a. Members of the public are welcomed to attend meetings of the Commission and its committees. Members of the public wishing to comment on any issue listed on a meeting's agenda, must:

- i. Advise the chairperson of the Commission (or committee) when the meeting is called to order, or
 - ii. Contact the Commission's office on last business day prior to the meeting.
- b. The chairperson (or other presiding officer) shall allow comments by the public at any meeting of the Commission (or its committees) when a request to comment has been made, on a matter pending before the body.
- c. The Commission or its committees shall conduct public hearings to elicit public comments concerning proposed regulations and rules of the Commission and may conduct public hearings on other matters, as it deems necessary.

I. Operational Plan and Assessment

1. Annually each committee, volunteer unit, and employee shall participate in the development of an operational plan that will be submitted to the Commission for its approval or modification at the Annual Meeting.
2. The operational plan will describe the goals, objectives and action steps of the Commission, its committees, volunteer units, and staff persons.
3. Each committee's objectives and action steps will be developed by that committee's chairperson, vice chairperson and employee and shall include performance measurements.
4. Each employee will develop his/her objectives, action steps and performance measurements for her/his non-committee supervised activities and any intern, fellow, volunteer, work study student and/or consultants the person supervises.
5. An assessment of the previous operational plans' goals, objectives and action steps will be completed, by the committee or employee who developed them, to identify barriers that prevented the achievement of the goals, objectives and action steps and recommendations to be incorporated in the next year's operational plan.

J. Public Records

1. The term "Public Records" shall be defined by the Access to Public Records Act⁸.
2. Fees For Copying
 - a) The fees for retrieval and/or copying of public records shall be equal to the amount allowed by the Access to Public Records Act⁹; and
 - b) Videotapes from our cable TV series, ABLE TOO ... are available by submitting a request for copy and a check or purchase order. The Commission shall annually set a fee to cover the cost of copying and mailing. The tape will be mailed when copied.
3. Notice of Privacy and Public Records Policy
The Commission's website conforms to the State of Rhode Island Privacy Policy, found at <http://www.ri.gov/help/privacy.html>.
4. Public Records Requests
 - a. The Executive Secretary, as chief administrative officer, shall be the custodian of all Commission records.
 - b. All requests to inspect and/or copy public records shall be addressed to the Commission's Executive Secretary at the Commission's Office:

Governor's Commission on Disabilities

John O. Pastore Center

41 Cherry Dale Court

Cranston, RI 02920-3049

e-mail: disabilities@gcd.state.ri.us

fax: 401-462-0106

c. All requests to inspect and/or copy public records shall be granted or denied in accordance with the provisions of RIGL 38-2.

d. All records shall be maintained or disposed of in accordance with the provisions of RIGL 38-1 to 3.

K. Commissioner, Associate Member and Staff Conduct

1. Ethical Behavior

In accordance with the provisions of Title 36-4-55 of the General Laws of the State of RI, "It is the duty of every [Commissioner, Associate Member and staff person] to conduct her/himself inside and outside the office as to be worthy of the esteem of a public employee must enjoy. Therefore, it is the policy of the State of Rhode Island that no state employee shall engage in any outside business activities, which would in any way, interfere with the [Commissioner, Associate Member and staff person's] performance of his/her regular duties, or embarrass or bring discredit to either the employee or the state".

2. Handling of Confidential Information

a) The term "confidential records" shall include and be limited to all records which are identifiable to an individual applicant for / or recipient of benefits and services, such as:

- i. ADA Equipment (assistive technology);
- ii. Mediation services;
- iii. Disability Business Enterprise (DBE) applicant – medical information and DBE employees' information;
- iv. Technical Assistance for residents; and
- v. ADA reasonable accommodation requests.

b) Confidential information may only be released in the following circumstances:

- i. Pursuant to a court order;
- ii. When shared between or among qualified personnel of the Commission for purposes of conducting official business or coordinating services provided to the person or entity;
- iii. When shared between the Commission and its authorized vendor for services to a client, for the purposes of coordinating services and authenticating fees for services;
- iv. When requested by a federal, state or municipal administrative agency or law enforcement agency pursuant to an investigation or administrative hearing within the authority of the agency and when required by law; or
- v. When a waiver of confidentiality is provided, pursuant to subsection c).

- vi. The subject of the confidential information or his or her authorized representative may waive confidentiality through a written waiver that shall include:
 - A. A statement of the need for the proposed uses of that information;
 - B. A statement that all information is to be released or clearly indicating the extent of the information to be released; and
 - C. A statement of who is to have access to the information being released.

3. Reimbursement

The Commission will reimburse the Commissioners, Associate Members and staff for any expenditure, which have received prior authorization.

Travel Expenses are reimbursed in accordance with the state government's travel regulations.

Out-Of-Pocket Expenses - With authorization from the Chairperson, Vice Chairperson or Executive Secretary out-of-pocket expenses shall be reimbursed. For any expenditure expected to cost more than \$100, the prior approval shall be in writing.

4. Representing the Commission

The Commission chairperson is the spokesperson of the commission. The Chairperson may designate other Commissioners, Associate Members or staff to speak on behalf of the Commission, as necessary.

The Commission through its Operational Plan may annually designate specific staff persons or committee chairpersons and vice chairpersons to "speak" on behalf of the Commission in specific circumstances. If so, the designated spokesperson may in turn designate another individual to make presentations, as circumstances require.

Commissioners, Associate Members and staff shall not make "representations" on behalf of or in the name of the Commission, to the public, media or others, unless authorized by the Commission's Chairperson, Vice Chairperson, Executive Secretary or appropriate committee chairperson or vice chairperson. While members may, for identification purposes only, make known their membership on the Commission or one of its committees, they must, unless authorized, make clear that their comments are their own and not the position of the Commission.

L. Personnel

1. General Personnel Procedures

The Commission shall adhere to the provisions of RIGL 36 "Public Officers and Employees", the State Government's Personnel Rules and applicable collective bargaining agreements.

2. Definitions

The Commission is the "Appointing Authority"¹⁰ as that term is defined by RIGL § 36-3-3.

The term "staff" includes:

- a) Employee The terms “employee”¹¹ and “position”¹² shall be defined by RIGL § 36-3-3.
- b) Intern, a student of a secondary or post secondary educational institution who is receiving credit for the work performed for the Commission
- c) Fellow, a student appointed pursuant to RIGL 42-51-11 the Mary Brennan Fellowship Fund¹³,
- d) Volunteer, an individual who is not financially compensated for his/her services, but could be compensated for expenses incurred when working for the Commission.
- e) Work Study Student, a post secondary education student that is enrolled in the educational institution’s work-study program. The student is compensated for their employment. The Commission may pay a percentage of the student’s salary.
- f) Contract or Consultant, a short-term service contracts for personal service.
- g) The term “staff” does not include members of the Commission (Commissioners) and its committees (Associate Members), when participating in Commission or committee meetings.

3. Equal Employment Opportunity Policy

No person shall be denied the services or facilities of the commission; nor be denied the right to attend its meetings because of disability, sexual orientation, race, color, creed, religion, national origin, age, or sex. Such discrimination of any kind is expressly prohibited.

The Commission follows the Governor’s Executive Orders on Equal Opportunity (Affirmative Action) and the provision of the applicable state and federal civil rights laws.

4. Recruitment of Staff

To promote equal opportunity in the recruiting of staff, the Commission utilizes a variety of recruitment sources, including but not limited to, the RI Equal Opportunity Office’s affirmative action recruitment agency list. Referrals are made to the Executive Secretary.

5. Selection

- a) Interns, Volunteers and Work Study Students - The supervising employee selects interns, volunteers, and work study students. All applicants for employment shall complete an application form and furnish references upon request. Decisions of that employee may be appealed to the Executive Committee.
- b) Fellows - All fellowship applicants shall submit:
 - i. A letter from their college/university indicating that credit would be awarded for successful completion of their fellowship;
 - ii. A resume;
 - iii. Statement of interest; and
 - iv. References.

- v. The Executive Committee shall screen the applications, interview candidates and award the fellowships.
- c) Employees - All applicants for employment shall complete an application form and furnish references upon request. The Executive Committee screens applications, interviews candidates and makes its recommendation to the Commission. With prior authorization from the Commission, the Committee may tentatively select the paid employee. Those employees shall be employed in an acting capacity only until the next meeting of the Commission. The Commission selects, by majority vote of the Commissioners, all paid employees.
- d) Executive Secretary - All applicants for employment shall complete an application form and furnish references upon request. The Executive Committee screens applications, interviews candidates and recommends at least three candidates to the Commission. The Commission interviews those candidates and selects by majority vote of the Commissioners, the Executive Secretary.

6. Orientation / Probation Period

- a) The Orientation/Probation Period is a working test period and a part of the examination process, following an original, promotional or noncompetitive appointment, during which a staff person is required to demonstrate his/her fitness for the position to which she/he is appointed by the satisfactory performance of the duties of said position. Such orientation / probationary period shall be:
 - i. For one hundred and thirty (130) days worked in a normal work schedule in the position to which the employee has been appointed; or
 - ii. Thirty-six (36) hours worked in a normal work schedule in the position to which the intern, fellow, or volunteer has been appointed.
- b) Only upon satisfactory performance of the duties of said position during the orientation / probationary period shall the employee, intern, fellow, or volunteer's appointment become final.
- c) The Executive Secretary may dismiss any employee, intern, fellow, or volunteer for unsatisfactory performance of the duties, at any time during the orientation / probationary period.

7. Contract or Consultant Contracts

The Executive Secretary or State Division of Purchasing will award contract or consultant services in accordance with applicable state purchasing procedures.

8. Work Product

The Commission shall retain ownership rights to all products produced by its staff, while he/she are working for or under the discretion of the Commission. The Commission retains the right to make use of those work products in a manner it deems most appropriate to the goals for their work products (publicly). All work products shown or distributed to others shall include the names of all persons involved directly in their production.

Each staff person shall upon request receive a copy (at no cost) of any material that he/she produced, or one video copy of the ABLE TOO... program of his or her choice that he/she produced.

The Commission Chairperson or Executive Secretary may waive ownership to specific work products (as necessary).

9. Recording of Hours Worked

All employees, interns, fellows or work-study students are expected to maintain a regular work schedule. Each is required to maintain a biweekly record of hours worked on electronic or other forms provided by the Commission.

10. Resignation

An employee shall give the Executive Secretary written notice of plans to resign at least 14 calendar days prior to the termination of services.

The Executive Secretary shall give the Chairperson written notice of plans to resign at least one month prior to the termination of services.

11. Termination

a) Interns, Fellows, Volunteers and Work-Study Students (non-probationary)

i. The Executive Secretary may terminate interns, fellows, volunteers or work-study students, for cause, giving:

A. At least 1 written warning of the cause; and

B. The actions required to avoid termination, at least 15 business days before termination.

ii. A notice of termination shall be presented to the employee, 5 days prior to termination. The Executive Secretary may suspend or assign the intern, fellow, volunteer or work-study student to other duties from the date of notice of termination until the termination or the employee meets with the Executive Committee.

iii. The intern, fellow, volunteer or work-study may appeal the decision of the Executive Secretary, to the Executive Committee. The employee must submit a written appeal to the Chairperson or Executive Secretary within 5 business days of the employee's receipt of the notice of termination.

iv. The Executive Committee shall:

A. Meet to review the action of the Executive Secretary, at which time the employee may make a presentation. Then by majority vote of the members appointed, qualified, and present shall;

B. Uphold;

C. Reject; or

D. Modify the Executive Secretary's recommendation, and

E. May suspend the intern, fellow, volunteer or work-study student, with pay or assign the employee other duties until the date of that termination.

b) Employees (non-probationary)

- i. The Executive Secretary may terminate employees, for cause, giving:
 - A. A least 1 written warning of the cause; and
 - B. The actions required to be undertaken within a specified time period to avoid termination; prior
 - C. To recommending termination to the Executive Committee.
- ii. If the employee's conduct and actions, following the written warning are unsatisfactory, the Executive Secretary shall recommend to the Personnel Committee termination of the employee. The Executive Secretary may suspend or assign the employee to other duties from the date the employee receives notice of the Executive Secretary's recommendation of termination until the termination or the employee meets with the Executive Committee.
- iii. The Executive Committee shall:
 - A. Meet with that employee to discuss the Executive Secretary's recommendation, prior to its taking action. Then majority vote of the members appointed, qualified, and present shall:
 - B. Uphold;
 - C. Reject; or
 - D. Modify the Executive Secretary's recommendation, and
 - E. Provide written notice of termination to the employee at least 14 calendar days prior to the date of termination. The written notice shall explain the cause of the action.
- iv. The Executive Committee may suspend the employee, with pay or assign the employee other duties until the date of that termination.
- v. The employee may appeal the Executive Committee's decision to terminate to the Commission. The employee must submit a written appeal to the Chairperson or Executive Secretary within 5 business days of the employee's receipt of the Executive Committee's decision. The Commission shall:
 - A. Meet with the employee prior to its taking any action, at which time the employee may make a presentation. Then, by majority vote of the Commissioners appointed, qualified, and present shall:
 - B. Uphold;
 - C. Reject; or
 - D. Modify the Executive Committee's decision, and
 - E. May suspend the employee, with pay or assign the employee other duties until the date of that termination.

c) Executive Secretary

- i. The Executive Committee shall provide the Executive Secretary with:
 - A. At least one written warning of the cause; and
 - B. The actions required to be undertaken within a specified time period to avoid termination, prior to recommending termination to the Commission.
- ii. If the Executive Secretary's conduct and actions, following the written warning are unsatisfactory, the Executive Committee may, by majority vote of the

members appointed and qualified recommend to the Commission termination of the Executive Secretary.

iii. The Executive Committee shall provide the Executive Secretary with written notice stating the reasons for their recommendation within two business days of their decision.

iv. The Executive Committee may, by majority vote of the members appointed and qualified, suspend the Executive Secretary with pay or assign the Executive Secretary other duties, pending the meeting of the Commission.

v. The Commission shall meet with the Executive Secretary to discuss the Executive Committee's recommendation, prior to its taking action.

vi. In the event that the Executive Committee suspended the Executive Secretary, the Commission shall convene an emergency meeting within five business days of the suspension to approve the suspension.

vii. The Commission may, by majority vote of the Commissioners, appointed and qualified, terminate the Executive Secretary.

viii. The Commission shall provide written notice of termination to the Executive Secretary at least 15 business days prior to the date of termination.

ix. The Commission may suspend the Executive Secretary, with pay or assign the Executive Secretary other duties from the date of the notice of termination until the date of that termination.

M. Amendments and Forms

These rules may only be amended or suspended by the commission at a regularly scheduled meeting, not an emergency meeting.

The executive secretary is authorized to develop and utilize such forms as are necessary to implement these rules.

N. Endnotes

These endnotes are the text of several general laws and are provided for clarification and are not part of the regulation. They are subject to revision, as amended by the General Assembly.

¹ **RIGL 42-87-1. Civil Rights Of People with Disabilities - Definitions of disability. –**

As used in this chapter:

(1) "Disability" means, with respect to an individual:

(i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(ii) A record of such impairment; or

(iii) Being regarded as having such an impairment (as described in paragraph (4));

(iv) Includes any disability which is provided protection under the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. and federal regulations pertaining to the act 28 CFR 35 and 29 CFR 1630; and

(v) Nothing in this chapter alters the standards for determining eligibility for benefits under workers' compensation laws or under state disability benefit programs.

(2) "Regarded as having such an impairment" for purposes of paragraph (1)(iii) means:

(i) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.

(ii) Paragraph (1)(iii) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six (6) months or less.

(3) "Major life activities" include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(4) "Qualified individual" means:

(i) With respect to employment, a person who, with or without reasonable accommodations, can perform the essential functions of the employment position that such individual holds or desires. For the purposes of this chapter, due consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job;

(ii) With respect to the rental of property, a person with a disability who, personally or with assistance arranged by the person with a disability, is capable of performing all of the responsibilities of a tenant as contained in section 34-18-24;

(iii) With respect to any other program or activity, a person with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of, services or benefits, or the participation in the program or activity;

(iv) The fact that an individual has applied for, received or continues to receive private insurance or government assistance based upon his or her disability shall not be determinative as to whether the individual is qualified as defined herein, nor shall it constitute an estoppel or otherwise serve as a basis to deny the individual the protections of this chapter; and

(v) A qualified individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

(A) In general.--The term "illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the controlled substances act (21 U.S.C. 812). Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the controlled substances act or other provisions of federal law.

(B) Drugs.--The term "drug" means a controlled substance, as defined in schedules I through V of section 202 of the controlled substances act.

(5) "Substantially limits" includes:

(i) An impairment that substantially limits one major life activity but need not limit other major life activities in order to be considered a disability.

(ii) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(iii)(A) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:

(I) Medication, medical supplies, equipment, or appliance, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II) Use of assistive technology;

(III) Reasonable accommodations or auxiliary aids or services; or

(IV) Learned behavioral or adaptive neurological modifications.

(B) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(6) As used in subparagraph (7)(iii)(A)(I):

(i) The term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(ii) The term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

42-87-1.1. Other definitions.

As used in this chapter:

(1) "Auxiliary aids and services" includes:

(i) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments;

(ii) Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments;

(iii) Acquisition or modification of equipment or devices; and

(iv) Other similar services and actions.

(2) "Discrimination":

(i) Includes those acts prohibited on the basis of race by 42 U.S.C. sections 1981, 1983 and those on the basis of disability by 29 U.S.C. section 794, and those on the basis of disability by 42 U.S.C. section 12101 et seq., and those on the basis of disability by chapter 5 of title 28.

(ii) Nothing in this chapter shall provide the basis for a claim by an individual without a disability that the individual was subject to discrimination because of the individual's lack of disability.

(3) "Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

(i) The nature and cost of the action needed under this chapter;

(ii) The overall financial resources of the facility or facilities involved in the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

(iii) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(iv) The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

(4) "Reasonable accommodation" may include:

(i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(iii) Nothing in this chapter shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept.

(iv) An employer, state or local government agency and any person who owns, leases (or leases to), or operates a place of public accommodation, need not provide a reasonable accommodation or a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in subsection 42-87-1(1) solely under subparagraph (4) (iii).

(5) "Reasonable modifications": (i) include modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the covered entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

(ii) Nothing in this chapter shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept.

(iii) Any person or entity covered by section 42-87-2, need not provide a reasonable modification to policies, practices, or procedures to an individual who meets the definition of disability in subsection 42-87-1(1) solely under subparagraph (iii).

(iv) Nothing in this chapter alters the provision, specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved.

(6) "Undue hardship" means:

(i) An action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph (ii) herein.

(ii) In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(A) The nature and cost of the accommodation needed under this chapter;

(B) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(C) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and

(D) The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

42-87-1.2. Qualification standards.

A covered entity shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

² RIGL 17-9.1-31. Elections – Registration of Voters –Voter registration advisory board.

(a) The state board of elections shall establish a voter registration advisory board, subsequently referred to as the advisory board, to assist in the drafting of regulations and the monitoring of implementation of the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg et seq., and to help recruit and train the volunteer registrars. The advisory board shall issue an annual report to the state board, governor, and general assembly on its activities.

(b) The advisory board shall consist of eighteen (18) members. The governor shall appoint one member from the League of Women Voters, one member of the Urban League, one member of Common Cause, one member of Ocean State Action, one member of the National Association for the Advancement of Colored People, one member of the R.I. Black Caucus of State Legislators, and one representative of a state employees' union. The speaker of the house shall appoint two (2) members, not more than one from the majority party. The president of the senate shall appoint two (2) members, not more than one from the majority party. In addition, the following shall be members: the secretary of state or his or her designee; the directors or their designees of the division of motor vehicles, the department of human services, the department of health, and the department of mental health, retardation, and hospitals; and the chairpersons or their designees of the governor's commission on disabilities and the governor's commission on hispanic affairs. The members shall annually elect a chairperson and other officers as are necessary.

(c) Of the number of members originally appointed under this section, one-third ($1/3$) shall be appointed for a term of one year to be chosen by lot; one-third ($1/3$) shall be appointed for a term of two (2) years, to be chosen by lot; and one-third ($1/3$) shall be appointed for a term of three (3) years, to be chosen by lot. Thereafter, vacancies created by expiration of terms shall be filled with appointments for terms of three (3) years. Members whose terms expire may be reappointed to succeed themselves. The members of the advisory board shall receive no compensation for their services, but may, at the discretion of the governor, be reimbursed for traveling and other expenses actually incurred in the performance of their official duties.

³ RIGL 30-15-6. Military Affairs and Defense – Emergency Management – Advisory Council.

(a) There is hereby created the Rhode Island emergency management advisory council (hereinafter in this chapter called the "council"). The council will consist of forty (40) members as follows:

(1) Twenty-two (22) ex officio members as follows:

(i) The lieutenant governor;

(ii) The adjutant general;

(iii) The director of administration/statewide planning;

(iv) The director of health;

(v) The director of transportation;

(vi) The director of human services;

(vii) The superintendent of state police;

(viii) The public utilities administrator;

(ix) The director of the department of environmental management;

(x) The director of mental health, retardation, and hospitals;

(xi) The director of elderly affairs;

(xii) The chairperson of the state water resources board;

(xiii) The chairperson of the governor's commission on disabilities;

(xiv) The chairperson of the Rhode Island public transit authority;

(xv) The executive director of the coastal resources management council or his or her designee;

(xvi) The executive director of the American Red Cross, Rhode Island chapter;

(xvii) The executive director of the Rhode Island emergency management agency;

(xviii) The state court administrator;

(xix) The executive director of the commission on the deaf and hard of hearing;

(xx) The director of the Providence emergency management agency;

(xxi) The executive director of E-911 emergency telephone system division;

(xxii) The federal security director of the transportation security administration for Rhode Island; and

(2) Eighteen (18) members appointed by and serving at the pleasure of the governor, as follows:

(i) Two (2) members of the senate, not more than one of whom shall be from the same political party;

(ii) Two (2) members of the house of representatives, not more than one of whom shall be from the same political party;

(iii) One representative of the electric industry;

(iv) One representative of the gas industry;

(v) One representative of the telephone industry;

(vi) The executive director of the Rhode Island petroleum association or other similarly situated person;

(vii) Two (2) representatives of the general public, one who shall have expertise in disaster preparedness;

(viii) One representative of the Rhode Island league of cities and towns;

(ix) One representative of E-911, the uniform emergency telephone authority;

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- (x) One representative of the media;
 - (xi) One representative of the water supply industry;
 - (xii) One representative of the health care industry;
 - (xiii) One representative of the Rhode Island firefighters association;
 - (xiv) One representative of a private ambulance company; and
 - (xv) One representative of a level I trauma hospital who shall have direct expertise in disaster preparedness.
- (b) It shall be the duty of the council to advise the governor and the adjutant general on all matters pertaining to disaster preparedness. The lieutenant governor shall serve as chairperson of the council and the adjutant general shall serve as vice-chairperson. In providing advice to the governor and the adjutant general, the council shall, among other matters reasonably related to their authority, do the following:
- (1) Establish a regular meeting schedule and form subcommittees as may be appropriate;
 - (2) Review emergency management plans and other matters as may be acted upon or otherwise provided for in this chapter;
 - (3) Establish priorities and goals on emergency management matters on an annual basis;
 - (4) Study emergency management plans in conjunction with the adjutant general, and otherwise conduct such other studies as may be deemed appropriate;
 - (5) Review the coordination of the state's emergency management programs with appropriate authorized agencies and conduct studies on the programs as may be necessary;
 - (6) Review the plans and operations of the various cities and towns in disaster preparedness in conjunction with the director and his or her office as required or necessary; and
 - (7) [Deleted by P.L. 2000, ch. 170, § 2];
 - (8) Provide an annual report on its activities in conjunction with the adjutant general.

⁴ **RIGL 42-66.3-8. Home and community care advisory committee.**

(a) There is established a permanent state committee to be known as the home and community care services advisory committee established for the purpose of advising the director of elderly affairs relative to the needs and concerns of home and community care services care recipients. The commission shall consist of twenty-three (23) members: six (6) of whom shall be representatives of the general public age sixty (60) years of age or older, two (2) to be appointed by the speaker of the house who shall be members of AARP; one to be appointed by the house minority leader; two (2) to be appointed by the senate president; one of whom shall be a member of AARP; and one to be appointed by the senate minority leader; one of whom shall be a representative of the general public, fifty-nine (59) years of age or under to be appointed by the governor's commission on disabilities; six (6) of whom shall be representatives of home and community care providers to be appointed by the director of elderly affairs, including, one representative of adult day services centers; one representative of assisted living residences; one representative of home nursing care providers/home care providers; one representative of case management agencies; one representative of respite care providers; and one representative of a visiting nurses association; one of whom shall be a family caregiver or a person sixty (60) years of age or older to be appointed by the director of elderly affairs; one of whom shall be the long-term care ombudsperson; one of whom shall be the chairperson of long-term care coordinating council or his or her designee; one of whom shall be the health care advocate of the attorney general's department; one of whom shall be the executive director of the Rhode Island Partnership for Home Care Incorporated, or his or her designee; one of whom shall be the director of the Rhode Island Visiting Nurse Network, or his or her designee; one of whom shall be the director of the Rhode Island chapter of the Alzheimer's Association, or his or her designee; one of whom shall be the director of health, or his or her designee; one of whom shall be the director of human services, or his or her designee; and one of whom shall be the director of mental health, retardation and hospitals, or his or her designee.

(b) The members of the committee shall meet at the call of the director and organize and shall select from among themselves a chairperson. Vacancies in the committee shall be filled in the same manner as the original appointment. The membership of the committee shall receive no compensation for their services. The committee may call upon the department of elderly affairs to provide technical and other assistance as it may deem necessary to accomplish its purpose.

(c) All departments and agencies of the state shall furnish any advice and information, documentary and otherwise, to the committee and its agents as is deemed necessary or desirable by the committee to facilitate the purposes of this chapter.

⁵ **RIGL 28-5.1-9. Labor and Labor Relations – Equal Opportunity and Affirmative Action – State employment services.**

All state agencies, including educational institutions, which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any persons because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. The agencies shall advise the commission for human rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination. They shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants from minority groups. In addition, the department of labor and training, the governor's

commission on disabilities, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which will remedy any situations or programs which have a negative impact on protected classes within the state.

⁶ **RIGL 40-14.8. Human Services – Equipment Loan Fund for People with Disabilities – Rules and regulations.**

The director shall, with the advice of the governor's commission on disabilities, promulgate rules and regulations concerning eligibility, interest rates, repayment terms, and such other matters as are necessary and proper to carry out the purpose of this chapter.

⁷ **RIGL 42-47.1-5. Commission on state government internships – Summer internships for students with disabilities.**

The program in consultation with the governor's commission on disabilities and other agencies servicing people with disabilities shall establish a summer internship program for students with disabilities. The student interns shall be placed in state agencies for the purposes of enabling these individuals in establishing an awareness of the governmental process, and also develop academic skills and career goal awareness through experiential education.

⁸ **RIGL 38-2-2(4) Public Records - Access To Public Records Act – Definition**

(4) (i) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A) (I) All records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney relationship and to a doctor/patient relationship, and all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body; provided, however, with respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state or municipality, work location, business telephone number, the city or town of residence, and date of termination shall be public.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of the retirement systems established by the general laws as well as all persons who become members of those retirement systems after June 17, 1991 shall be open for public inspection. "Pension records" as used in this section shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems established in title 8, title 36, title 42, and title 45 and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

(C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be public.

(E) Any records which would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

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- (G) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.
- (H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.
- (I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.
- (J) Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 46 of title 42.
- (K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.
- (L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.
- (M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.
- (N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.
- (O) All tax returns.
- (P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.
- (Q) Records of individual test scores on professional certification and licensing examinations; provided, however, that a person shall have the right to review the results of his or her examination.
- (R) Requests for advisory opinions until such time as the public body issues its opinion.
- (S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court.
- (T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.
- (U) Library records which by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.
- (V) Printouts from TELE - TEXT devices used by people who are deaf or hard of hearing or speech impaired.
- (W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.
- (X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.
- (Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island general law 9-1.1-6.
- (ii) However, any reasonably segregable portion of a public record excluded by this section shall be available for public inspections after the deletion of the information which is the basis of the exclusion, if disclosure of the segregable portion does not violate the intent of this section.
- (5) "Supervisor of the regulatory body" means the chief or head of a section having enforcement responsibility for a particular statute or set of rules and regulations within a regulatory agency.
- (6) "Prevailing plaintiff" means and shall include those persons and entities deemed prevailing parties pursuant to 42 U.S.C. 1988.

⁹ **RIGL 38-2-4. Public Records - Access To Public Records Act – Cost.**

(a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records.

(b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars (\$15.00) per hour and no costs shall be charged for the first hour of a search or retrieval.

(c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body shall provide an estimate of the costs of a request for documents prior to providing copies.

(d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.

(e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

¹⁰ **RIGL 36-3-3(1) Public Officers and Employees - Division of Personnel Administration - Definitions**

"Appointing authority" means the person or group of persons having the power by virtue of the constitution, a state statute, or lawfully delegated authority to make appointments.

¹¹ **RIGL 36-3-3(9) Public Officers And Employees - Division Of Personnel Administration - Definitions**

"Employee" means any person holding a position subject to appointment by an appointing authority.

¹² **RIGL 36-3-3(14) Public Officers And Employees - Division Of Personnel Administration - Definitions**

"Position" means any office or place of employment in the state service.

¹³ See **RIGL 42-51-11 Governor's Commission on Disabilities - Mary Brennan Fellowship Fund** on page 11.