



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.

EXECUTIVE ORDER NO. 93-05

**GUAM REHABILITATION ADVISORY COUNCIL**

**WHEREAS**, pursuant to Section 101(a)(36) of the Rehabilitation Act of 1973, as amended, by the Rehabilitation Act Amendments of 1992, to be eligible to receive financial assistance, Guam must establish a Rehabilitation Advisory Council; and

**WHEREAS**, the Department of Vocational Rehabilitation, is a designated State Agency, which administers the State Plan under Vocational Rehabilitation Services.

**NOW, THEREFORE, I, JOSEPH F. ADA**, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

There is created the Guam Rehabilitation Advisory Council which composition and appointments shall be as follows:

- (1) **Composition** - The Council shall be composed of -
  - (a) at least one representative of the Independent Living Council, which representative may be the Chairperson or other designee of the Council;
  - (b) at least one representative of a parent training and information center established pursuant to Section 631(c)(9) of the Individuals with Disabilities Act (20 U.S.C. 1431(c)(9));
  - (c) at least one representative of the client assistance program;
  - (d) at least one vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who shall serve as an ex-officio, non-voting member of the council if the counselor is an employee of the Department of Vocational Rehabilitation;
  - (e) at least one representative of community rehabilitation program service providers;
  - (f) four (4) representatives of business, industry and labor;
  - (g) representatives of disability advocacy groups representing a cross section of -
    - (i) individuals with physical, cognitive, sensory, and mental disabilities; and
    - (ii) parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves; and



- (h) current or former applicants for, or recipients of, vocational rehabilitation services.
- (2) **Ex Officio Member.** - The Director of the Department of Vocational Rehabilitation shall be an ex-officio member of the Council.
- (3) **Appointment.** - Members of the Council shall be appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.
- (4) **Qualifications.** - A majority of Council members shall be persons who are:
  - (a) individuals with disabilities; and
  - (b) not employed by the Department of Vocational Rehabilitation.
- (5) **Chairperson.** -  
  
The Governor shall appoint a member of the Council to serve as the Chairperson of the Council.
- (6) **Terms of Appointment.** -
  - (a) **Length of Term.** - Each member of the Council shall serve for a term of not more than three (3) years, except that -
    - (i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and
    - (ii) the terms of service of the members initially appointed shall be (as specified by the appointing authority) for such fewer number of years as will provide for the expiration of terms on a staggered basis.
- (7) **Vacancies.** - Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

**Functions of Council.** - The Council shall -

- (1) review, analyze, and advise the designated territorial unit regarding the performance of the responsibilities of the unit under the Rehabilitation Act, as amended, particularly, responsibilities relating to -
  - (a) eligibility (including order of selection);
  - (b) the extent of scope, and effectiveness of services provided; and
  - (c) functions performed by territorial agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives under this title.
- (2) advise the designated territorial agency and the designated territorial unit, and, at the discretion of the designated agency, assist in the preparation of applications, the Plan, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by the Rehabilitation Act, as amended.



- (3) to the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with -
  - (a) the functions performed by territorial agencies and other public and private entities responsible for performing functions for individuals with disabilities; and
  - (B) vocational rehabilitation services -
    - (i) provided, or paid for from funds made available, under the Rehabilitation Act or through other public or private sources; and
    - (ii) provided by territorial agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities.
- (4) prepare and submit an annual report to the Governor and the Commissioner on the status of vocational rehabilitation programs operated within Guam, and make the report available to the public.
- (5) coordinate with other councils within Guam, including the Independent Living Council, the advisory panel established under Section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. Subsection 1413(a)(12)), the State Planning Council described in Section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), and the State mental health planning council established under Section 1916(e) of the Public Health Service Act (42 U.S.C. Subsection 300x-4(e)).
- (6) advise the territorial agency designated under Section 101(a)(1) of the Rehabilitation Act of 1973, as amended and provide for coordination and the establishment of working relationships between that agency and the Independent Living Council and centers for independent living within Guam; and
- (7) perform such other functions, as the Guam Rehabilitation Advisory Council determines to be appropriate, that are comparable to the other functions performed by the Council.

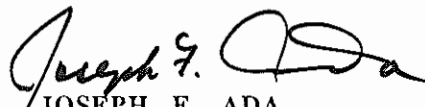
**Resources.**

- (1) **Plan.** - The Council shall prepare, in conjunction with the Department of Vocational Rehabilitation, a plan for the provision of such resources, including such staff and other personnel, as may be necessary to carry out the functions of the Council under this section. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.
- (2) **Supervision and Evaluation.** - Each Council shall supervise and evaluate such staff and other personnel as may be necessary to carry out its functions under this section.
- (3) **Personnel Conflict of Interest.** - While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the Department of Vocational Rehabilitation or any other agency or office of the Territory, that would create a conflict of interest.
- (4) **Conflict of Interest.** - No member of the Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

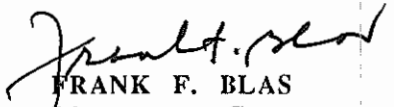


- (5) **Meetings.** - The Council shall convene at least four (4) meetings a year in such places as it determines to be necessary to conduct Council business and conduct such forums or hearings as the Council considers appropriate. The meetings, hearings, and forum shall be publicly announced. The meetings shall be open and accessible to the general public unless there is a valid reason for an executive session.
- (6) **Compensation and Expenses.** - The Council may use funds appropriated under the Rehabilitation Act of 1973, as amended, to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (including child care and personal assistance services), and to pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.
- (7) **Hearings and Forums.** - The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

SIGNED AND PROMULGATED at Agana, Guam this 23rd day of April in the Year of Our Lord, Nineteen Hundred and Ninety-Three.

  
JOSEPH F. ADA  
Governor of Guam

COUNTERSIGNED:

  
FRANK F. BLAS  
Lieutenant Governor of Guam