

MONTANA STATEWIDE INDEPENDENT
LIVING COUNCIL
(MTSILC)
POLICIES & PROCEDURES MANUAL
Montana Statewide
Independent Living Council



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MTSILC POLICIES & PROCEDURES MANUAL

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MTSILC POLICIES & PROCEDURES MANUAL

I. PURPOSE:

A. MTSILC's Philosophy

The Statewide Independent Living Councils (SILC) are part of the Independent Living Rehabilitation Program created by Title VII, chapter 1 of the Rehabilitation Act of 1973 as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA).¹ Each state must form its own SILC to promote, statewide, the philosophy of independent living including consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.² This is the purpose of the Montana Statewide Independent Living Council (MTSILC).³

B. Compliance with the Act and the WIOA

In compliance with the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA),⁴ the MTSILC has developed and enacted the following Policies & Procedures Manual by virtue of its Bylaws. These policies are general operating guidelines enacted for the effective operation of the MTSILC. The day-to-day functional implementation of these Policies & Procedures is the responsibility of the MTSILC Program Manager and its Executive Committee, however, all individual members and committees of the MTSILC are committed to upholding them.

C. Amendment of the Policies & Procedures Manual

These organizational Policies & Procedures Manual may be amended at any time through the MTSILC on recommendation by its Executive Committee. The MTSILC Executive Committee, however, will review the Policies & Procedures Manual annually and determine if updates are necessary.

II. INTRODUCTION

A. Mission Statement

¹ <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

² **29 USC 796: Purpose** Text contains those laws in effect on December 12, 2018 – **From Title 29 – LABOR – CHAPTER 16 – VOCATIONAL REHABILITATION AND OTHER REHABILITATION SERVICES – SUBCHAPTER VII – INDEPENDENT LIVING SERVICES AND CENTERS FOR INDEPENDENT LIVING – Part A – Individuals With Significant Disabilities – subpart 1 – general provisions**

³ <https://dphhs.mt.gov/detd/independentliving/MTSILC>

⁴ <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

MTSILC promotes policies, programs, and activities to maximize the independence of people with disabilities by:

- Developing, monitoring, reviewing and evaluating the State Plan for Independent Living (MTSPIL), which is a collaborative effort between the MTSILC and the Montana Centers for Independent Living (CILs). The document is based on substantial input from the CILs and service providers such as the Montana Department of Public Health and Human Services (DPHHS), Disability Employment and Transition (DET), the Montana DPHHS Division of Vocational Rehabilitation (VR), and Blind and Low Vision Services (BLVS), and persons with disabilities residing throughout the state of Montana. It is mandated that the MTSPIL be signed by the Chairperson of the MTSILC, the Designated State Entity (DSE), and 51% of the CILs within the state;⁵
- Supporting and expanding the state network of CILs and services;
- Creating a culture for full integration and independence;
- Advocating systems change for full access and equality in community life;
- Educating policy makers and stakeholders about the importance of independent living;
- Developing strategies for collaboration among stakeholders in the disability community; and,
- Leading to full inclusion and independence of people living with disabilities in the state of Montana, without discrimination based on race, color, national origin, religion, sex (including pregnancy, gender identity, or sexual orientation), age, genetic information, marital status, creed, political affiliation, veteran status, military service, retaliation, or any other factor not related to the merit and qualifications of the individual.

B. The Importance and Authority of the MTSILC

The MTSILC is an independent planning body working with the DPHHS and the CILs to increase the impact of independent living services in the state of Montana.

The MTSILC is composed of gubernatorial appointees who represent people with significant disabilities from across the state, as well as, the interests of other independent living programs and services.

The MTSILC receives its authority from Section 705 of the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA).

⁵ Pursuant to the provisions of 34 CFR 76.104(a)(1) and (2); 34 CFR 364.22(a) The designated State unit (DSU) eligible to submit the State Plan for Independent Living (SPIL or the plan) and authorized under State law to perform the functions of the State under the State Independent Living Services (SILS) and Centers for Independent Living (CIL) programs is the Montana State Department of Public Health and Human Services - DPHHS, Disability Employment and Transitions Division.

The MTSILC relies on research, training, and technical assistance regarding independent living and statewide councils for independent living from the Training & Technical Assistance (T & TA) Center located at the Rural Institute of the University of Montana.

C. WORKFORCE INVESTMENT ACT OF 2014, SEC. 705. Statewide Independent Living Council Composition

(a) Establishment. — The MTSILC’s composition is set forth in Subtitle H, Section 705 of the Workforce Innovation and Opportunity Act of 2014. To be eligible to receive financial assistance under this chapter, each State shall establish a Statewide Independent Living Council (referred to in this section as the “Council”). The Council shall not be established as an entity within a State agency.

(b) Composition and Appointment. —

(1) Appointment. — Members of the Council shall be appointed by the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

(2) Composition. — The Council shall include —

(A) at least one director of a center for independent living chosen by the directors of centers for independent living within the State;

(B) as ex officio, nonvoting members —

(i) a representative from the designated State unit; and

(ii) representatives from other State agencies that provide services for individuals with disabilities; and

(C) A representative of the directors of the Section 121 projects or an Indian Health Services representative located in the State of Montana.

(3) Additional members. — The Council may include —

(A) other representatives from centers for independent living;

(B) parents and guardians of individuals with disabilities;

- (C) advocates of and for individuals with disabilities;
- (D) representatives from private businesses;
- (E) representatives from organizations that provide services for individuals with disabilities; and
- (F) other appropriate individuals.

(4) Qualifications. —

(A) In general. — The Council shall be composed of Members —

- (i) who provide statewide representation;
- (ii) who represent a broad range of individuals with disabilities from diverse backgrounds;
- (iii) who are knowledgeable about centers for independent living and independent living services; and
- (iv) **a majority of whom are persons who are —**
 - (I) individuals with disabilities described in section 7(20)(B); and
 - (II) not employed by any State agency or center for independent living.

(B) Voting members. — A majority of the voting members of the Council shall be —

- (i) individuals with disabilities described in section 7(20)(B); and
- (ii) not employed by any State agency or center for independent living

(5) Chairperson. —

(A) In general. — The Council shall select a chairperson from among the voting membership of the Council.

(6) Terms of appointment. —

(A) Length of term. — Each member of the Council shall serve for a term of 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 Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) Number of terms. — No member of the Council may serve more than two consecutive full terms.

(7) Vacancies. —

(A) In general. — Except as provided in subparagraph (B), 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.

(B) Delegation. — The Governor may delegate the authority to fill such a vacancy to the remaining voting members of the Council after making the original appointment.

(c) Duties. — The Council shall —

- (1) jointly develop and sign (in conjunction with the designated State entity) the State plan required in section 704;
- (2) monitor, review, and evaluate the implementation of the State plan;
- (3) coordinate activities with the State Rehabilitation Council established under section 105.
- (4) ensure that all regularly scheduled meetings of the Statewide Independent Living Council are open to the public and sufficient advance notice is provided; and

- (5) submit periodic reports as requested, and keep such records, and afford such access to such records, as necessary to verify such reports.
- (d) **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.
- (e) **Plan.** —
- (1) **In general.** — The Council shall prepare, in conjunction with the designated State entity, a plan for the provision of such resources, including such staff and personnel, as may be necessary and sufficient 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, consistent with State law, supervise and evaluate such staff and other personnel as may be necessary to carry out the functions of the Council under this section.
- (3) **Conflict of interest.** — While assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agency or any other agency or office of the State, that would create a conflict of interest.
- (f) **Compensation and Expenses.** — The Council may use such resources 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 Council duties.

D. Montana State Plan for Independent Living (SPIL)

The State of Montana qualifies for federal independent living (IL) funds because of the existence of the SILC and its federal mandate to develop a three-year State Plan for Independent Living (SPIL) which outlines IL priorities and identifies IL needs for the citizens of the State of Montana.

The SPIL is jointly developed by the MTSILC and the Directors of the CILs. The MTSILC must receive public input from individuals with disabilities and other stakeholders about the proposed SPIL.

The SPIL is signed by the Chairperson of the MTSILC, the director of the Designated State Entity, and a majority of the directors of the CILs. The Chairperson will designate a subcommittee to develop the SPIL and coordinate the necessary activities.

The past and current SPILs can be found on the MTSILC website.

E. Network of the Montana Centers for Independent Living (CILs)

The CILs are non-residential places of action and coalition, where people with disabilities learn empowerment and develop the skills necessary to make lifestyle choices. Centers provide services and advocacy to promote the leadership, independence and productivity of people with disabilities. Centers work with individuals, local communities, government agencies and the MTSILC to remove barriers to independence and to ensure equality of people with disabilities.

For a current listing of the Montana CILs, refer to MTSILC website or the appendixes to the Manual.

III. MEMBERSHIP AND MEMBER RESPONSIBILITIES

A. Appointment by Governor of the State of Montana

Because members are appointed by the Governor of the State of Montana, all individual interested in serving on the Council should apply for appointment through the Program Manager of the MTSILC encouraged for review through the Montana DPHHS website at <https://dphhs.mt.gov/detd/independentliving/silc>

Resumes, references, and supporting documents are required with the application.

The MTSILC has the responsibility to inform the Secretary of State and other government officer(s) about federal mandates regarding the composition of the MTSILC.

B. Reappointments: nomination form

Existing members who desire reappointment must inform both the Program Manager of the MTSILC and the Director of Appointments in the Governor's Office in a timely manner and follow those directions.

C. Oath of Office

Before a newly appointed member can enter into official duties, he/she is required by to be sworn in by the MTSILC. The original Oath of Office form must be kept on file by the Governor's Appointment Office.

D. Financial Disclosure and Conflict of Interest

(a). A conflict of interest may occur when a MTSILC member's personal or private interest directly gives rise to an appearance of impropriety as to the MTSILC member's influence, benefit, or detriment in regard to the MTSILC's matter.

(b). Members of the MTSILC shall avoid conflicts of interest, and improprieties relating to the role, function, responsibility and authority of the MTSILC.

(c). If any member of the MTSILC shall find himself or herself in a situation involving an actual or potential conflict of interest or impropriety, or the appearance thereof, such member shall immediately make full disclosure of the matter to the MTSILC and thereafter recuse themselves from any discussions and deliberations about the matter, as well as abstain from any vote with respect to the matter.

(d). A MTSILC member found in a situation involving conflict of interest shall not influence the other MTSILC members about the controversial issue; if they attempt to influence other members, they shall be excluded from the MTSILC meeting, discussion and vote.

(e). In the event that any member with an actual or apparent conflict of interest refuses to exclude himself or herself from a vote, a majority of the remaining members may exclude the member from a vote. In this event, the non-voting member may be counted for purposes of establishing a quorum.

(f). Members of the MTSILC will abstain from voting on any specific decision-making relating to grants or contracts deriving from the MTSILC when those grants or contracts are for corporations or businesses in which they have a financial interest or are employees, administrators or board members. Such MTSILC members will, in this situation make clearly known that for them there is a conflict of interest.

E. New Member Orientation Course

Both voting and *ex-officio* members are further required to complete an orientation course wherein they are instructed in regard to conflict of interests. The course must be completed within 60 days of assuming office or employment and once every two years thereafter.

New members are required to be in or participating in an orientation session prior to voting at the first meeting, per MTSILC Bylaws. The orientation is arranged by the MTSILC's Program Manager and sufficient advance notice is provided to the new members.

Links can be found on the MTSILC website <https://dphhs.mt.gov/detd/independentliving/MTSILC> for the SILC by-laws, Policy & Procedures, Manual, SPIL, etc.

F. Attendance

Member attendance at quarterly MTSILC meetings and other activities (as assigned) is mandatory and will be tracked on a yearly basis.

The MTSILC's Program Manager submits the Board Profile to the Governor's office each year by the specified deadline.

The Executive Committee of the MTSILC is charged with monitoring attendance and notifying the Governor's Office under certain conditions, per MTSILC Bylaws.

Members who cannot attend meetings must notify the MTSILC's Program Manager prior to the meeting or within 3 days following a meeting in case of an unexpected absence.

Ex-officio members are permitted to send designees to MTSILC meetings, as appropriate and necessary.

G. Training Opportunities

MTSILC Members are encouraged to continually develop the skills needed to be an effective Council member and to obtain proficiency in independent living philosophy, history and concept of service provision. Links to training resources, by-laws, Policy & Procedures, and Manual are found on the MTSILC website <https://dphhs.mt.gov/detd/independentliving/MTSILC>.

MTSILC Members are encouraged to attend annual conferences such as the NCIL and APRIL Conferences, and the SILC Congress, based on the available funds in the budget and the priority order set forth by the Council.

H. Responsibilities

It is each member's responsibility to:

- Reply by specified deadlines;
- Inform the Program Manager about any changes in personal information for the roster;
- Prepare thoroughly for meetings in order to make informed decisions;
- Allow for sufficient time to fulfill MTSILC duties;
- Arrange for transportation to/from meetings in a timely manner;
- Honor all cancelation policies (for example, lodging); and,
- Adhere to By-Laws, Policy and Procedures, and SILC Board Member Manual

I. MTSILC Representatives to other Boards and Councils

The Chairperson has the responsibility of designating MTSILC representatives to other Boards and Councils as needed.

IV. MTSILC Meetings

Meetings are scheduled by the Council at the fourth quarterly meeting of the calendar year and advanced forward. The meetings are held quarterly and are open to the public. The meetings must adhere to the requirements of the Freedom of Information Act (FOIA), found at 5 U.S.C. § 552, and the Montana Open Meetings Law codified by the Montana Code Annotated (MCA) 2-3-201. Meeting dates and locations will be posted a minimum of four weeks prior to any meeting on the MTSILC Website.

SILC Executive Session meetings (also known as Closed meetings) are closed to the public and follow applicable Federal and State laws. Executive Sessions in special circumstances allowed by FOIA and Montana Open Meetings Law. Minutes are taken at every meeting and are posted to the MTSILC website. Executive Session meetings should be rare and only take place to discuss confidential SILC issues such as but not limited to staffing. Agendas for Executive Session meetings must be made available to the public, although personal identifiable information regarding SILC staff shall not be included. SILC Executive Session meetings will have a minimum of a one-week meeting notice posted on the MTSILC website, Meeting, Events, and Documents page. Further information regarding FOIA can be found at <https://www.foia.gov/> and <https://www.nfoic.org/coalitions/state-foi-resources/montana-foia-laws> .

In order to ensure equal access and participation in all MTSILC activities, auxiliary aids, alternate formats, and services are made available to individuals with disabilities upon a

timely request at least seven days prior to meeting date. Captioning is provided for every meeting, other accommodations will need a seven-day advance notice to arrange for accessibility needs. All meeting notices include accessibility statements.

MTSILC meetings are governed by parliamentary procedure as defined in *Robert's Rules of Order Newly Revised*.

V. MTSILC Council Structure

The Chairperson may form committees, subcommittees, work groups and *ad hoc* committees as needed to carry out the duties of the Council. The Chairperson determines which committees oversee the main goals as specified in the by-laws. Committees include the Executive Committee, Policy and Procedures Committee, Nomination/Membership Committee, and the SPIL Writing/Evaluation Committee. All committees and work groups adhere to the requirements of the FOIA Act and the Montana Open Meetings Law.

VI. Montana State Plan for Independent Living (SPIL)

A. Cycle

The SPIL covers a three-year span. The current SPIL is located in the Appendix and MTSILC Website.

B. Development

The SPIL has in place timelines of activities that are used to implement the current SPIL and to develop the next SPIL. The goals and objectives are monitored by the SPIL Writing/Monitoring Committee (Appendix III).

C. Opportunity for Public Comment

A draft of each SPIL is available for public review and open for comments, in compliance with federal regulations and guidelines. The Program Manager will facilitate a virtual Town Hall meeting to solicit opportunity for public comment. Additionally, links for submitting public comments regarding the proposed SPIL will be available on the MTSILC webpage for a minimum two-week period. Advertising for the Town Hall meeting and webpage commenting link will occur for a minimum of four weeks prior to hosting the meeting and the opening of the commenting link.

D. Oversight and Monitoring

The SPIL Writing/Evaluation Committee oversees the SPIL Implementation Timeline to ensure that deadlines are met and that the activities are outcomes focused.

E. Role of the Designated State Entity (DSE)

The SPIL specifies the Designated State Entity (DSE), which serves as a fiscal agent for the MTSILC. The DSE carries the following authority: receiving, accounting, and disbursing of funds received by the State of Montana based on the SPIL.

F. Part B Funding

The DSE provides administrative support services for Part B programs and is responsible for record keeping and allowing access to such records, as requested.

G. Budget and Financial Statement

The Montana DPHHS, Disability Employment and Transition Department (DETD) functions as the fiscal agent of the Federal Part B funding and maintains accounting records for the Council. DETD provides the data needed for the Program Manager to develop quarterly financial statements and budget worksheets. These reports are submitted to the Council for review and adoption at the quarterly meetings.

H. Program Evaluation

MTSILC is evaluated yearly using a variety of approaches including the SPIL timelines, work plans, stakeholder feedback, and the federal Program Performance Report (PPR). Outcomes and measures are specified and the MTSILC is responsible for monitoring and evaluating MTSPIL results. Each MTSILC committee is responsible for reporting to the MTSILC Program Manager on the objectives achieved and/or the barriers encountered to fulfilling the objectives within the quarter. This information assists the MTSILC Chairperson and Program Manager in preparing the annual PPR.

VII. Administration for Community Living (ACL)

The MTSILC, along with the DSE, submits all reports to ACL, provides information and answers inquiries, as required and requested, by the specified deadlines.

ACL on-site monitoring visits are conducted periodically and according to a schedule set forth by that agency. The MTSILC component of the ACL on-site visits is to monitor compliance with the assurances contained in the SPIL. MTSILC members may be called upon to participate in meetings with ACL representatives as needed and should make every effort to participate. Sufficient advance notice of on-site visits and agenda of scheduled meetings are provided.

VIII. Public Relations and Marketing

A. Website maintenance

The MTSILC Program Manager is responsible for updating the MTSILC website with the assistance of the www.mt.gov Webmaster. The Council has the authority to make changes to the website and/or the information contained therein at any time. Ongoing updates to the MTSILC history portion of the website is reviewed and updated semi-annually. Posted information remains on the website for a time period deemed reasonable by the MTSILC. The website address is <https://dphhs.mt.gov/detd/independentliving/silc>.

B. Correspondences

The Program Manager drafts correspondence according to MTSILC directives and finalizes the documents for the Chair's signature. All letters are open to public review. Any or all correspondence is retained as specified by state records retention guidelines and FOIA.

C. Spokesperson for Council and Individual Advocacy

The Chairperson of the MTSILC has the authority to act or to execute any activity on behalf of the entire MTSILC body, if such authority is granted to him/her by state laws, the MTSILC's Bylaws, or by specific resolution of the MTSILC, including speaking publicly on behalf of the Council. No other member may speak on behalf of the Council. All members are permitted to make comments as individuals about topics of their choice.

IX. Staff

A. MTSILC Program Manager

The Executive Committee evaluates the performance of the Program Manager and completes the evaluation form by the deadline set forth within the performance review cycle. The form is sent to the Program Manager's supervisor as an **addendum** to the overall performance evaluation. The Employee Work Profile (e.g., job description) is reviewed and updated yearly by the Program Manager. The Manager's immediate supervisor signs the profile and submits it to the Human Resources Department of the Montana DPHHS. The most current profile can be found in Appendix VIII.

X. Fiscal Policies and Procedures

A. Fiscal Reporting Requirements, Accounting System and Audit

The Montana DPHHS, as the DSE, provides oversight for the MTSILC budget:

- Grant awarding and management related to the SPIL goals
- Processing of payments for the MTSILC
- Technical assistance to the MTSILC
- Periodic financial auditing of the MTSILC

B. Records Retention

Records that are required for the Montana DPHHS departmental and federal and state regulatory and evaluation purposes shall be made available and maintained according to the provisions of FOIA.

C. Travel Regulations

Council members are reimbursed for reasonable and necessary costs of travel, meal and lodging expenses, provided the trip is pre-approved by the Council. All requests for reimbursement must comply with the State of Montana Fiscal Guidelines. Out-of-state travel requests require further approvals from the Administrator of the DSE and the Director of Health and Human Resources, as appropriate. To be reimbursed for travel, members must save all travel receipts, submit them to the Program Manager, and work with the Program Manager to receive reimbursement. Reimbursements are calculated using the State's current Meals and Incidental Expenses Rate Table.

D. Cancelations of trip reservations

MTSILC members must provide a two-week notice of cancelations or changes to trip reservations. The MTSILC member will be responsible for any incurred charges due to late notices, except in the event of unforeseen emergencies.

E. Disallowed Expenses

Below, is a list of disallowed expenses (not all-inclusive):

- Lost or stolen articles
- Alcoholic beverages
- Damage to personal vehicles, clothing or other items
- Services to gain entry to a locked vehicle
- Movies charged to hotel bills
- All expenses related to the personal negligence of the traveler, such as fines
- Entertainment expenses
- Towing charges
- Expenses for children, spouses and companions while on travel status

Travelers should use prudent judgment and remember that all travel expense accounts are open to the public and must be able to sustain the test of public review.

F. Revision of the Manual

The Program Manager oversees the Manual and alerts the Executive Committee when updates are needed. The Executive Committee reviews the Manual at least annually and refers any revisions to the full Council for a final decision. The Policy & Procedures Manual is officially updated by the Council by simple majority.

POLICY MANUAL TABLE OF APPENDIXES

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