VIRGINIA CAREER WORKS

PIEDMONT REGION

Title:	Member Participation by Electronic Means	**Policy #:**	31
Effective Date:	October 19, 2022	**Revision Date:**	July 1, 2024

I. Purpose

This issuance provides guidance for member participation by electronic means instead of attending a public meeting in-person and guidance for holding all-virtual public meetings.

II. References

Virginia Freedom of Information Act; Virginia Code Section § 2.2-3708.2
Virginia Freedom of Information Act; Virginia Code Section § 2.2-3708.3
Virginia Freedom of Information Act; Virginia Code Section § 2.2-3707
Virginia Freedom of Information Act; Virginia Code Section § 2.2-3701
VBWD 100-04, Change 1, Change 2, and Change 3

III. Policy

a. Virginia Board of Workforce Development

Meetings Held Through Electronic Communication Means During Declared States of Emergency (Virginia Code Section §2.2-3708.2)

It is the policy of the Virginia Board of Workforce Development that it may meet by electronic communication without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with **§44**-146.17, or the locality in which the public body is located has declared a local state of emergency pursuant to Section **§44**-146.21, provided that:

(i) The catastrophic nature of the declared emergency makes it impractical or unsafe to assemble a quorum in a single location, and

(ii) The purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities.

b. Piedmont Workforce Development Board

It is the policy of the Piedmont Workforce Development Board (PWDB) that members may participate in meetings of the Board by electronic means as permitted by Virginia Code §2.2- 3708.3. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The PWDB may conduct any meeting wherein public business is discussed or transacted through electronic communication means, provided

i. a quorum is physically assembled at one primary or central meeting location,

ii. appropriate notice of the meeting has been provided at least three days in advance of the date scheduled for the meeting, and

iii. a copy of the proposed agenda and agenda packets and, unless exempt, all materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting.

iv. the public body shall make available to the public at any meeting conducted in accordance with this subsection a public comment form prepared by the Virginia Freedom of Information Advisory Council in accordance with § 30-179;

v. minutes of all meetings held by electronic communication means shall be recorded as required by § 2.2-3707. Votes taken during any meeting conducted through electronic communication means shall be recorded by name in roll-call fashion and included in the minutes. For emergency meetings held by electronic communication means, the nature of the emergency shall be stated in the minutes.

An individual member may participate remotely if that member is unable to attend due to being in a remote location, an emergency, or a personal matter. State law requires a quorum of the PWDB to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates will be recorded in the meeting minutes. Such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year, whichever is greater.

c. Local Workforce Development Boards Participation by a member of a local workforce development in a meeting through electronic communication means shall be authorized only if the following conditions are met:

i. The local workforce development board has adopted a written policy allowing for and governing participation of its members by electronic communication means, including an approval process for such participation, subject to the express limitations imposed by this section. Once adopted, the policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting;

ii. A quorum of the public body is physically assembled at one primary or central meeting location; and

iii. The public body makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

iv. In order to count toward quorum, participants must have their cameras on and be seen during the meeting.

1. The member has a temporary or permanent disability or other medical condition that prevent the member's physical attendance;
2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. No member may use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

All remote participation requests and the decision and justification to approve or disapprove remote participation, shall be communicated in writing by the board's Executive Director after consultation with the board's Chair and shall be documented in the meeting minutes as described in §2.2-3708.3. Remote location need not be open to the public and may be identified in the minutes by a general description.

Per the Virginia Board of Workforce Development (VBWD) Policy 100-04, Change 3, Local Workforce Development Boards must have a written policy, which shall be adopted annually by a recorded vote, that describes the circumstances under which an all-virtual public meeting will be held and the circumstances that remote participation at an in-person public meeting will be allowed that adheres to Virginia Code §2.2-3708.3. The policy must describe the process the board members will use to request remote participation, the process for approving or denying requests, and the process for documenting requests and decisions. The policy must state the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitation set forth in §2.2-3708.3.