Policy Area: State Governance	
Title of Policy: Member Participation by Electronic Means	**Number:** VBWD 19-02
Effective Date: July 1, 2019	**Review by Date: July 1, 2021**
Approved Date: June 20, 2019 **Revision Date:**	**Approved by:**

I. Purpose

This issuance provides guidance for member participation by electronic means.

II. References

Virginia Freedom of Information Act; Virginia Code Section § 2.2-3708.

III. Policy

a. Virginia Board of Workforce Development

It is the policy of the Virginia Board of Workforce Development (VBWD) that members may participate in meetings of the Board by electronic means as permitted by *Virginia Code §2.2-3708*. 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. This policy applies to all committees and subcommittees of the VBWD.

The VBWD 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) the remote locations, from which additional members of the public body participate through electronic communication means, are open to the public. All persons attending the meeting at any of the meeting locations shall be afforded the same opportunity to address the public body as persons attending the primary or central location;

(iv) 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.

(v) 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**;

(vi) 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.

The VBWD will provide a report to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15th of each year and provide the requisite public comment form at meetings conducted through electronic communication means.

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 VBWD 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. When individual participation is due to an emergency or personal matter, 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 fewer.

b. 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.

Subject to the above requirements, local workforce development board members may conduct any meeting through electronic means if on or before the day of the meeting, the member notifies the chair of the public body that:

(i) The local workforce development board member is unable to attend the meeting due to temporary or permanent disability or other medical condition that prevents the member's physical attendance;

(ii) The local workforce development board member to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. Participation by a member pursuant to this subdivision is limited to two times a year.

(iii) The local workforce development board member's principal residence is more than 60 miles away from the meeting location identified in the required notice for such a meeting.

a. If a member participates through electronic communication means pursuant to this subsection, the local workforce development board shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public.

If a local workforce development board member's participation from a remote location is disapproved because such participation would violate the policy adopted by the local workforce development board, such disapproval will be recorded in the minutes with specificity.