

**WORKFORCE DEVELOPMENT AND
ADVANCEMENT STAKEHOLDER
ADVISORY GROUP**

Policy Area: State Governance	
Title of Policy: Member Participation by Electronic Means	Number: DWDA 001
Effective Date: July 25, 2023	Review by Date: July 25, 2025
Approved Date: July 25, 2023 Revision History: N/A	Approved by:

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.

III. Policy

a. Meetings Held Through Electronic Communication Means During Declared States of Emergency (Va. Code § 2.2-3708.2)

It is the policy of the Workforce Development and Advancement Stakeholder Advisory Group that it may meet by electronic communication without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, or the locality in which the public body is located has declared a local state of emergency pursuant to Va. Code § 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.

Any Workforce Development and Advancement Stakeholder Advisory Group meeting held by electronic means in accordance with Va. Code § 2.2- 3708.2 shall provide public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Stakeholder Advisory Group, provide for public access to such meeting through electronic communications means, including videoconferencing if already used by the public body, provide for public comment at such meetings of the public body when public comment is customarily received, and otherwise

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comply with the provisions of the Virginia Freedom of Information Act as set forth in Va. Code § 2.2-3700, *et seq.* The minutes of any electronic meeting held in accordance with this provision shall state the nature of the emergency, the fact that the meeting was held by electronic means, and the type of electronic communication means by which the meeting was held.

b. Individual Member's Remote Participation Instead of Attending an In-Person Public Meeting (Va. Code § 2.2- 3708.3(B))

It is the policy of the Workforce Development and Advancement Stakeholder Advisory Group that members may participate in meetings of the Advisory Group by electronic means as permitted by Va. Code 2.2-3708.3. All persons attending remotely shall be afforded the same opportunity to address the public body as persons attending the primary or central location. This policy shall also apply to all subcommittees of the Workforce Development and Advancement Stakeholder Advisory Group.

An Advisory Group member may participate in a meeting through electronic means from a remote location if, on or before the date of the meeting, the member requesting remote participation notifies in writing the Secretary of Labor of the need to participate remotely due to one of the following reasons:

- i. The member has a temporary or permanent disability or other medical condition that prevent the member's physical attendance;
- ii. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;
- iii. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
- iv. 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 Secretary of Labor and shall be documented in the meeting minutes as described in Va. Code § 2.2-3708.3. The Secretary shall apply this policy strictly and uniformly, without exception, to the entire membership and without regard to the identity of the Member. The remote location need not be open to the public and may be identified in the minutes by a general description. Further, a quorum of the Advisory Group must be physically assembled at the primary or central meeting location and the Advisory Group shall arrange for the voice of the member who is participating remotely to be heard by all persons at the primary or central meeting location.

c. All-Virtual Public Meetings (Va. Code § 2.2-3708.3(C))

The Workforce Development and Advancement Stakeholder Advisory Group may hold all-virtual public meetings. The decision to hold an all-virtual public meeting shall be made by the

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Secretary of Labor. The basis for the decision to hold an all-virtual public meeting shall be documented in the Stakeholder Advisory Group's minutes.

An all-virtual public meeting must adhere to guidance in Va. Code § 2.2-3708.3(C).

- i. The required meeting notice must identify that the meeting will be all-virtual and include a statement that the meeting method will not change unless the public body;
- ii. Provides a new meeting notice in accordance with the provision of Va. Code § 2.2-3707;
- iii. Public access to the all-virtual public meeting is provided via electronic communication means;
- iv. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and when audio-visual technology is available, to see the members of the public body as well;
- v. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body take a recess until public access is restored if the transmission fails for the public;
- vi. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;
- vii. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings which public comment is customarily received;
- viii. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;
- ix. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by Va. Code § 2.2-3712(D);
- x. The public body does not convene an all-virtual public meeting
 - (a) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or
 - (b) consecutively with another all-virtual public meeting; and
- xi. Minutes of all-virtual public meetings held by electronic communication means are taken as required by Va. Code § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location is disapproved the disapproval shall be record in the minutes with specificity.

d. All Workforce Development and Advancement Stakeholder Advisory Group meetings, including all-virtual meetings, will comply with Va. Code §2.2-3707 to include:

- i. For in-person meetings, a quorum is physically assembled at one primary or central meeting location (Va. Code § 2.2-3701); for all-virtual meetings, members do not need to be assembled at one primary or central location to establish a

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- quorum.
- ii. Appropriate notice of the meeting has been provided at least three working days in advance of the date scheduled for the meeting and the notice identifies the meeting as either in-person or all-virtual.
- 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. Minutes of all meetings shall be recorded as required by Va. Code § 2.2-3707.