

**Capital Region Workforce Development Board**

**Workforce Innovation and Opportunity Act**

**Administrative Policy #120 –Virtual Meetings and Electronic Participation for In-Person Meetings**

**References:**

Code of Virginia § 2.2-3708.3.

Virginia Board of Workforce Development Policy #20-02

**Effective Dates: December 12, 2025 – December 12, 2026 (Original adoption March 23, 2023).**

**Background and Purpose:**

The Capital Region Workforce Development Board (WDB) is a public body subject to Virginia Freedom of Information Act requirements, and seeks to ensure that it conducts business in a manner that is open and transparent to the public. As a result of ongoing advancements in technology and an evolution in the manner in which meetings can be conducted, this policy is intended to outline the manner in which virtual (electronic) meetings may be conducted by the Board or its committees, and when members may participate at in-person meetings through electronic means.

**Policy**

**A. All-Virtual Meetings**

Under § 2.2-3708.3 of the Code of Virginia, certain public bodies such as the Workforce Development Board are permitted to conduct all-virtual meetings upon the annual adoption of a local policy that meets Code provisions. As such, by adoption of this policy it is established for the WDB and any of its committees that:

1. The maximum number of virtual meetings in a calendar year will not exceed the greater of two or 50% of the total meetings in the year.
2. Reasoning for all-virtual meetings may include local or state emergency declarations, inclement weather where it is predicted to be unsafe for member travel, or instances where a majority of items on a particular agenda do not require board or committee action.
3. Notice that a meeting will be either in-person or all-virtual must be provided publicly in accordance with Sect. 2.2-3707 of the Code of Virginia with information on how the public can access the meeting and make comments. Audio access at a minimum is required for all-virtual meetings, audio and visual features are preferred.
4. As with in-person meetings, advance materials must be made available to the public at the same time they are made available to the members, unless exempted by other provisions in Virginia's Freedom of Information Act. In addition, the public must be afforded the opportunity to provide public comment through electronic means as at an in-person meeting.
5. Staff shall make available to the public and monitor a designated means of communication

during the meeting where the public can communicate if the audio or visual transmission fails, so that the Board or Committee can take a recess until public access is restored. Email, text or phone are acceptable means for such communication.

6. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public must resume before the Board votes to certify the closed meeting as required by subsection D of § 2.2-3712.
7. Minutes of all-virtual public meetings held shall be taken as required by § 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.
8. If more than two members of the Board participate from the same location, that location must be made known and available to public access.

#### **B. Individual Member Participation in a Meeting by Electronic Means**

Under certain circumstances, a Board or Committee member may participate in an in-person meeting electronically, provided a quorum is physically established at the meeting site and one of the following is established through advance notice to the Chair either directly or by way of staff:

1. The member has a temporary or permanent disability or other medical condition that prevents 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. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If electronic participation is approved, the Board or Committee shall record in its minutes the remote location from which the member or members are participating by general description. (Such locations need not be open to the public, unless more than two members are at the same location). The justification of electronic participation from the list above must also be included in the minutes.

If remote participation is disapproved because it does not meet policy provisions, the disapproval shall be recorded in the minutes. .

*Note: The Board's present bylaws do allow for a member who cannot attend in person to designate an alternate to attend in their absence and grant a proxy vote to that person.*