

ALABAMA WORKFORCE INVESTMENT SYSTEM
Department of Commerce
401 Adams Avenue
Post Office 304103
Montgomery, Alabama 36130-4103

July 14, 2022

GOVERNOR'S WORKFORCE INNOVATION DIRECTIVE NO. PY2022-01

SUBJECT: State and Local Workforce Development Boards Electronic Meetings Policy

1. Purpose. To provide the State's Workforce Development Boards with guidance to determine which meetings can be held electronically and the guidelines by which they must be held, in order to remain in compliance with the Alabama Open Meetings Act.

2. Discussion. Senate Bill No. 147 (SB147) amends the Alabama Open Meetings Act to allow for electronic meetings to be held by the State and Local Workforce Development Boards statewide. The Bill was passed by the House and the Senate and signed into law by Governor Kay Ivey on April 15, 2022. According to the bill's language, the act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law. Therefore, the bill and the requirements of this directive become **effective on July 1, 2022.**

Senate Bill No. 147 establishes procedures by which governmental bodies can meet electronically and provide for attendance and participation by its members and the general public. As the bill relates to Alabama's State and Local Workforce Development Boards, hereafter referred to as Boards, those procedures are listed as follows:

- Boards must be comprised of members from two (2) or more counties.
- Boards may conduct meetings by means of telephone, video platforms, or other similar communications equipment.
- Board meetings must allow for all persons (Board members) participating in the meeting to hear each other at the same time.
- Participation by electronic means shall constitute presence in person at the meeting for all purposes.
- A minimum of three (3) persons (Board members), or a majority of the quorum as defined by the Board's bylaws, whichever is less, are physically present at the physical meeting location.
- If a Board member is participating in a meeting by electronic means, the Board shall ensure that an electronic means of access to the meeting is published in the same manner as the notice of the meeting.
- The means of access shall allow members of the public to hear the meeting. The Board is not required to allow the public to participate by electronic means to any extent beyond being able to hear the meeting.

- Every meeting shall have one (1) physical location available for persons wishing to be physically present, at which any interested member of the public shall be able to hear all persons who are participating remotely. That location shall be published in a manner consistent with the current requirements of the Alabama Open Meetings Act.
- Any vote taken at a Board meeting where Board members are attending electronically, shall be taken as a Roll Call Vote that allows each participant to vote individually in a manner audible to all persons participating, including those present at the physical location. Documentation confirming that a Roll Call Vote has been taken shall be made part of the meeting minutes.
- A Board member participating in a meeting by electronic means may not claim any form of reimbursement for expenses relating to that meeting.
- If the electronic communications fail or are in any way interrupted during a meeting that is otherwise in compliance, that failure shall not be grounds to challenge any action taken during the meeting.

The attached document (SB147) contains the official wording used to amend the Alabama Open Meetings Act as approved by the House and Senate. Any discrepancies in terminology will be decided based on the wording used in the legislation as signed by the Governor.

3. Action.

The Department of Commerce Workforce Development Division will work with the State Workforce Development Board and the staff from the State's Local Workforce Development Areas to develop technical protocols that will enable effective electronic communication while maintaining compliance with the requirements of this directive and SB147. All Local Workforce Development Areas and their Boards, as well as the State Workforce Development Board, are subject to the requirements of this directive as of **July 1, 2022**.

4. Contact.

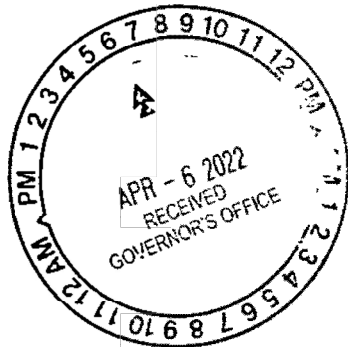
Questions regarding the State Workforce Development Boards Electronic Meetings Policy should be directed to Danny Cheek, Workforce Development Division, at (334) 353-5163 or daniel.cheek@commerce.alabama.gov.

Tammy Wilkinson

Tammy Wilkinson, WDD Director
Alabama Department of Commerce

ACT #2022 - 421

1 SB147
2 219536-2
3 By Senators Orr and Holley
4 RFD: Governmental Affairs
5 First Read: 01-FEB-22



1 SB147

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4 ENROLLED, An Act,

5 Relating to meetings of governmental bodies; to
6 amend Section 36-25A-5.1, Code of Alabama 1975, relating to
7 meetings of governmental bodies by electronic means, to
8 further provide for the participation by members of a
9 governmental body at a meeting held by electronic means; to
10 provide further for public participation at a meeting held by
11 electronic means; to add Section 36-25A-5.2 to the Code of
12 Alabama 1975, to provide for electronic attendance at meetings
13 of local governmental bodies by members and the public; and to
14 make nonsubstantive, technical revisions to update the
15 existing code language to current style.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 36-25A-5.1, Code of Alabama 1975,
18 is amended to read as follows:

19 "§36-25A-5.1.

20 "(a) (1) Except as provided in subsection (d),
21 members of a governmental body as defined in Section 36-25A-2,
22 that is comprised of members from two or more counties, may
23 participate in a meeting of that governmental body by means of
24 telephone conference, video conference, or other similar
25 communications equipment which allows all persons

1 participating in the meeting to hear each other at the same
2 time. Participation by ~~such~~ these electronic means shall
3 constitute presence in person at the meeting for all purposes
4 ~~except for the establishment of a quorum; provided, that at~~
5 least three members, or a majority of a quorum of members,
6 whichever is less, are physically present at the physical
7 meeting location required by subsection (b).

8 "(2) If a member is participating in a meeting of a
9 governmental body by electronic means as authorized in this
10 section, the governmental body shall ensure that means of
11 access to the electronic communication is published in the
12 same manner as the notice of the meeting is published pursuant
13 to this chapter.

14 "(3) The means of access shall allow members of the
15 public to hear the meeting. A governmental body is not
16 required to allow the public to participate by electronic
17 means to any extent beyond being able to hear the meeting.

18 "(b) Every meeting shall have one physical location
19 available for persons wishing to be physically present, at
20 which any interested member of the public shall be able to
21 hear all persons who are participating remotely, and that
22 location shall be published in a manner consistent with this
23 chapter.

24 "(c) ~~Utilization~~ Except as otherwise provided by
25 this section, use of electronic communication shall be done in

1 a manner that complies with this chapter ~~and allowing members~~
 2 ~~of the public to be present at the physical location required~~
 3 ~~by subsection (b) is sufficient for compliance with this~~
 4 ~~chapter and the electronic communication does not have to be~~
 5 ~~otherwise made available to members of the public.~~

6 "(d) The members of the following governmental
 7 bodies are prohibited from participating in meetings and
 8 deliberation via electronic communications as otherwise
 9 authorized by this section:

10 "(1) The Board of Pardons and Paroles, ~~the~~.

11 "(2) The Public Service Commission, ~~standing~~.

12 "(3) Standing committees of the Legislature while
 13 the Legislature is in session, ~~a~~.

14 "(4) A governing board taking any action under the
 15 Students First Act of 2011, ~~any~~.

16 "(5) Any state board or agency acting in any quasi
 17 judicial capacity involving employment actions or the
 18 ~~promulgation~~ adoption of rules pursuant to statutory
 19 authority, ~~any~~.

20 "(6) Any state board, agency, or other governmental
 21 body conducting a hearing which could result in loss of
 22 licensure or professional censure, ~~and the~~.

23 "(7) The Alabama Ethics Commission.

24 "~~(e)~~ ~~Any other provision of this section to the~~
 25 ~~contrary notwithstanding, a majority of a quorum of the~~

1 ~~members participating in any given meeting shall be physically~~
2 ~~present at the location noticed and called for the meeting in~~
3 ~~order to conduct any business or deliberation, and only those~~
4 ~~members who are physically present may participate in an~~
5 ~~executive session of the governmental body.~~

6 "~~(f)~~(e) Any vote taken at a meeting utilizing the
7 equipment contemplated by subsection (a) shall be taken as a
8 roll call vote that allows each participant to vote
9 individually in a manner audible to all persons participating
10 or present at the physical location provided for in subsection
11 (b).

12 "~~(g)~~ ~~No member utilizing this section~~ (f) A member
13 participating in a meeting by means provided by this section
14 ~~shall~~ may not claim any form of reimbursement for expenses
15 relating to that meeting, including mileage and per diem.

16 "(g) If the electronic communications fail or are in
17 any way interrupted during a meeting otherwise in compliance
18 with this chapter, that failure shall not be grounds to
19 challenge any action taken during the meeting.

20 "(h) Any governmental body comprised of members from
21 two or more counties with specific statutory or constitutional
22 authority to meet via electronic means under a procedure
23 different than that set forth in this section may ~~continue to~~
24 operate under the requirements of that specific authority or

1 may adopt a resolution opting to come under the requirements
2 of this section."

3 Section 2. Section 36-25A-5.2 is added to the Code
4 of Alabama 1975, to read as follows:

5 §36-25A-5.2.

6 (a) Any governmental body as defined in Section
7 36-25A-2 that is of a county or a municipality or is an entity
8 established by or whose members are appointed by a county or
9 municipality may allow participation in a meeting of that
10 governmental body by means of telephone conference, video
11 conference, or other similar communications equipment that
12 allows all participants to hear one another at the same time;
13 provided, that both of the following are fulfilled:

14 (1) No less than a quorum of the members of the
15 governmental body are physically present at the physical
16 location required by subsection (d).

17 (2) The members of the body participating by
18 electronic means as provided in this section are unable to be
19 physically present at the meeting due to illness.

20 (b) Participation by electronic means as authorized
21 in this section shall constitute presence in person at the
22 meeting for all purposes, except for the establishment of a
23 quorum.

24 (c) At least 45 days before the first meeting that a
25 governmental body uses electronic means of communication as

1 authorized by this section, the body shall adopt an electronic
2 meeting policy detailing the procedures and communications
3 equipment that will be used, how the public may access the
4 meeting, and how voting will be conducted.

5 (d) Each meeting in which members of a governmental
6 body are participating by electronic means as authorized in
7 this section shall be held at a physical location available
8 for persons wishing to be physically present, at which any
9 interested member of the public shall be able to hear all
10 persons who are participating remotely.

11 (e) Any vote taken at a meeting utilizing the
12 equipment authorized by subsection (a) shall be taken as a
13 roll call vote that allows each participant to vote
14 individually in a manner audible to all persons participating
15 or present at the physical location provided for in subsection
16 (d).

17 (f) A member participating in a meeting by
18 electronic means as provided by this section may not claim any
19 form of reimbursement for expenses relating to that meeting,
20 including mileage.

21 Section 3. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate



Speaker of the House of Representatives

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SB147

Senate 09-FEB-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

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House of Representatives
Amended and passed 05-APR-22

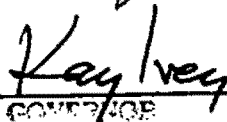
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Senate concurred in House amendment 05-APR-22

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By: Senator Orr

APPROVED 4-14-2022
TIME 5:00 pm



Alabama Secretary Of State

Act Num....: 2022-421
Bill Num....: S-147