

ALABAMA WORKFORCE INVESTMENT SYSTEM
Department of Commerce
401 Adams Avenue
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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

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.

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB147

Senate 09-FEB-22

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

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 05-APR-22

Senate concurred in House amendment 05-APR-22

By: Senator Orr

APPROVED

TIME

Alabama Secretary Of State

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