

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 28-19
<b>Date:</b>	November 19, 2019
<b>Keyword:</b>	Administration
<b>Effective:</b>	Immediately

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** **Local Workforce Development Board Virtual Meetings**

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**PURPOSE:**

The purpose of this WD Letter is to provide information and guidance to Local Workforce Development Boards (Boards) on conducting virtual Board meetings.

**RESCISSIONS:**

None

**BACKGROUND:**

The Texas Open Meetings Act requires that state and local governmental entities conduct public business responsibly and in accordance with the law. The Act was enacted to ensure that Texas government is transparent, open, and accountable to all. Texas Government Code Chapter 551 allows the use of videoconferencing as a method for a governmental body to conduct meetings and provides the requirements for using videoconferencing at open meetings. Other methods of virtual meetings, such as the use of teleconferencing technology, present options for conducting meetings; however, this WD Letter is focused on the use of and requirements associated with videoconferencing.

**PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

**LF:** Boards may conduct Board meetings using videoconference.

**NLF:** Boards that choose to use videoconferencing to conduct a Board meeting must

be aware that the requirements differ for Boards that serve fewer than three counties and those that serve three or more counties.

**NLF:** Boards must be aware of the following definitions:

- **Videoconference:** a meeting in which participants communicate with each other through audio and video transmitted over a telephone network, data network, or the internet.
- **Quorum:** the minimum number of members of the Board that must be present at its meetings to make the proceedings of that meeting valid.
- **Remote location:** any location where a Board member is participating in a meeting that is not the host location. A governmental body is not required to, but may, allow a member of the public to testify at or observe a meeting from a remote location. A remote location that is made available to the public will need to adhere to the same audio and visual requirements as the host location.
- **Host location:** the location of the meeting that is open to the public during the open portions of the meeting. For Boards that serve fewer than three counties, a quorum of the Board must be physically present at the host location. For Boards that serve three or more counties, only the presiding member must be physically present at the host location.

**NLF:** Boards must be aware that Board members may participate remotely in a Board meeting by means of a videoconference call if the video and audio feed of the Board members' participation is broadcast live at the meeting and complies with the other requirements of this WD Letter.

**NLF:** Boards must be aware that a Board member who participates in a meeting by videoconference call must be:

- counted as present at the meeting for all purposes, if the Board serves three or more counties; and
- considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The Board may continue the meeting only if a quorum of the Board remains present at the host location or, if applicable, a quorum of the Board continues to participate in the meeting by videoconference call.

**NLF:** Boards must be aware that:

- the Board member presiding over the meeting must be physically present at the host location;
- for Boards that serve fewer than three counties, the quorum of the Board must be physically present at the host location;
- the meeting notice must specify the host location; and
- each portion of the meeting held by videoconference call that is required to be open to the public must be visible and audible to the public at the host location.

**NLF:** If a video recording of a videoconference meeting will not be made, Boards

must make at least an audio recording of the meeting, and the recording must be available to the public.

**NLF:** Boards must be aware that the host location and each remote location from which a Board member participates must have two-way audio and video communication with each other location during the entire meeting. Each participant's face in the videoconference call, while speaking, must be clearly visible, and the participant's voice must be audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the host location and at any other location of the meeting that is open to the public.

**LF:** Boards may use videoconferencing technology at public meetings to allow any member of the public to testify at a meeting from a remote location.

**NLF:** Boards must be aware that the host location will be open to the public during the open portion of a meeting, pursuant to Texas Government Code, Section 551.127.

**NLF:** Boards must be aware that Attachment 1, Videoconferencing Guidelines, provides technical and operational standards and recommendations to enable Boards to deploy videoconferencing technology in facilitating open meetings.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.state.tx.us](mailto:wfpolicy.clarifications@twc.state.tx.us).

**ATTACHMENTS:**

Attachment 1: Videoconferencing Guidelines

**REFERENCES:**

Texas Government Code Chapter 551, Subchapter F (§§551.121–551.131), Section 551.127, [Videoconference Call](#)<sup>1</sup>  
[Open Meetings Handbook 2018](#)<sup>2</sup>  
[Texas Department of Information Resources Videoconferencing Guidelines](#)<sup>3</sup>  
[Texas-Open-Meetings-Act-Laws-Made-Easy](#)<sup>4</sup>

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<sup>1</sup><https://statutes.capitol.texas.gov/Docs/GV/htm/GV.551.htm>

<sup>2</sup>[https://www.texasattorneygeneral.gov/sites/default/files/2018-06/OMA\\_handbook\\_2018.pdf](https://www.texasattorneygeneral.gov/sites/default/files/2018-06/OMA_handbook_2018.pdf)

<sup>3</sup>[http://publishingext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Videoconferencing Guidelines.pdf](http://publishingext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Videoconferencing%20Guidelines.pdf)

<sup>4</sup><https://www.tml.org/DocumentCenter/View/420/Texas-Open-Meetings-Act-Laws-Made-Easy-PDF>