

## **State Employees' Appeals Commission**

### **POLICY ESTABLISHING PROCEDURES FOR A MEMBER'S PARTICIPATION IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION**

In accordance Ind. Code 5-14-1.5-3.6 and 5-14-1.5-3.7 ("Act") to prescribe requirements by which members of the governing body of a public agency of the State may participate in a meeting by any electronic means of communication, the State Employees' Appeals Commission ("SEAC") adopts this written policy establishing the procedures that apply.

- Section 1. The provisions of the Act, including definitions, apply to this policy.
- Section 2. This policy may be referred to as the "Electronic Meetings Policy" of SEAC and applies to SEAC and any committee appointed directly by the Commission or its presiding chair.
- Section 3. (a) Subject to Section 4 below, any commissioner may participate in a meeting by any electronic means of communication that:
- (1) allows all commissioners of SEAC to simultaneously communicate with each other; and
  - (2) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.
- (b) A commissioner who participates by an electronic means of communication:
- (1) shall be considered present for purposes of establishing a quorum; and
  - (2) may participate in final action only if the member can be seen and heard.
- (c) All votes taken during a meeting at which at least one commissioner participates by an electronic means of communication must be taken by roll call vote.
- Section 4. (a) At least two members of the commission must be physically present at a meeting at which a commissioner will participate by means of electronic communication.
- (b) Each member of the Commission is required to physically attend at least one (1) meeting annually.
- Section 5. The minutes or memoranda of a meeting at which any commissioner participates by electronic means of communication must:
- (a) identify each commissioner who:
    - (1) was physically present at the meeting;
    - (2) participated in the meeting by electronic means of communication; and


- (3) was absent; and
- (b) identify the electronic means of communication by which:
  - (1) commissioners participated in the meeting; and
  - (2) members of the public attended and observed the meeting if the meeting was not an executive session.

- Section 6.
- (a) If an emergency is declared by:
    - (1) the governor under IC 10-14-3-12; or
    - (2) the mayor under IC 10-14-3-29;commissioners are not required to be physically present for a meeting until the emergency is terminated.
  - (b) Commissioners may participate in a meeting by any means of communication provided that:
    - (1) At least a quorum of the commissioners participate in the meeting by means of electronic communication or in person.
    - (2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
    - (3) The minutes or memoranda of the meeting must comply with IC 5-14-1.5-4.
  - (c) All votes taken during a meeting at which at least one commissioner participates by an electronic means of communication must be taken by roll call vote.

Section 7. It is the intent of SEAC that commissioners be permitted to participate in a meeting by electronic means of communication to the maximum extent permitted by the Act as the same may be amended from time to time. Accordingly, this Electronic Meetings Policy (a) shall be deemed to be amended from time to time to incorporate any amendments to the Act without further action by SEAC and (b) be considered and interpreted at all times to permit commissioners to participate in a meeting by electronic means of communication to the maximum extent permitted by the Act, notwithstanding any language herein to the contrary.

Adopted this 12<sup>th</sup> day of May, 2022.

State Employees' Appeals Commission

  
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Frank Sullivan, Jr., Chair