

## **MAINE CIVIL SERVICE APPEALS BOARD**

### **REMOTE PARTICIPATION IN PUBLIC PROCEEDINGS POLICY**

**POLICY:** After public notice and hearing, in accordance with to 1 M.R.S. § 403-B, it is the policy of the Maine Civil Service Appeals Board (“CSAB”) to allow CSAB members to participate remotely using synchronous telephonic or video technology which allows simultaneous reception and exchange of information pursuant to this policy.

1. It is the expectation that all members of the CSAB must be physically present for public proceedings at the public meeting location, except when being physically present is not practicable.

2. Circumstances in which the physical presence of one or more of the CSAB members is not practicable include, but are not limited to:

A. The existence of an emergency or urgent situation that requires the CSAB to meet by remote methods. The existence of an emergency or urgent situation under this situation shall be determined by the Board Chair, or if the Chair is unavailable, by the Board Secretary. An “emergency” or “urgent situation” includes but is not limited to:

- i. A declaration of emergency issued by the Governor of the State of Maine or the President of the United States;
- ii. a situation such that holding an in person public CSAB board proceeding or requiring in person participation places the health or safety of any person in immediate jeopardy;
- iii. meteorological conditions that impede safety of travel, including but not limited to significant weather events such as hurricanes, snowstorms, ice storms or other extreme weather;
- iv. the risk of disease transmission based upon data from the Maine Center for Disease Control and/or other State or federal agencies or other governmental sources of information.

B. Illness or other physical condition [or situation] as determined by the individual CSAB member that causes the member to face significant difficulties traveling to or attending an in-person CSAB meeting.

C. Absence from the State or distance from the in-person meeting that would cause the CSAB member to face significant difficulties traveling to and attending the in-person CSAB meeting, as determined by the individual CSAB member.

3. Notice to Chair. A member must notify the CSAB Chair as far in advance as possible if the member will be unable to physically attend a meeting of the CSAB.

4. Public access. The public will be provided a meaningful opportunity to attend the meeting via remote methods when any member of the body participates via remote methods. Reasonable accommodations will be provided to any individual with a disability upon request. Members of the public will also be provided an opportunity to attend the meeting in-person.

5. Remote Only Participation. The CSAB may meet solely by remote means if an emergency or urgent situation requires that all members of the body meet only by remote methods. In that circumstance, public attendance may be restricted to remote access only at the public proceeding.

A. The chair, in consultation with other members if appropriate and possible, is

authorized to make a determination that an emergency or urgent situation requires the body to meet only by remote methods and to limit public attendance at the proceeding to remote means only. The chair's determination will be put in writing and attached to the record of the meeting. Public notice of the determination will be provided as soon as practicable consistent with Section 6.

B. Reasonable accommodations will be provided to any individual with a disability upon request.

6. Public Notice. Notice of all CSAB meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable rule, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which members of the public may access the meeting by remote methods and will provide a method for disabled persons to request necessary accommodation to access the meeting. The notice will identify the time of the meeting as well as a location where the public may attend the meeting in person, unless in-person participation is limited in a case of emergency under Section 5.

7. A member of the CSAB who participates remotely in a CSAB proceeding is present for purposes of a quorum and voting.

8. All votes taken by the CSAB during a public CSAB proceeding using remote methods for participation by any CSAB Board member must be taken by roll call vote that can be seen and heard if using video technology, and heard if using audio only technology, by the other members of the CSAB and the public.

9. Documents and Materials Made Available. The CSAB will make all non-confidential documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

10. Public Input. In proceedings where the CSAB is required to provide an opportunity for public input during the public proceeding, an effective means of communication between the members of the body, participating by remote methods and in-person, and the public, participating by remote methods and in-person, will be provided.

A. The body will accept written comments from the public prior to the meeting, which will be read at a subsequent meeting.

B. The body will make microphones or other technology available at the in-person location which will ensure those meeting by remote methods can hear the public comment and speakers to allow those meeting in-person to hear public comments from those meeting remotely. Other accommodations will be made upon request.

This policy will remain in force indefinitely unless amended or rescinded.

Dated: 9/28/2023

Signed: Susan P. Herman

Bryan D. Pelletier  
Colt Quinn

Angie Taylor  
Haley G. Ponder