

**PROCEDURES GOVERNING COMMISSIONER AND PUBLIC
REMOTE ATTENDANCE AT PUBLIC MEETINGS**

In compliance with Public Officers Law (POL) Article 7, also known as the Open Meetings Law, § 103-a(2)(a), the New York City Equal Employment Practices Commission, following a public hearing, authorized by adoption of Resolution #2023/266-R1, the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations, under extraordinary circumstances, must establish written procedures governing member and public attendance.

1. Equal Employment Practices Commission members shall be physically present at any meeting of the Equal Employment Practices Commission unless such member is unable to be physically present at the designated public meeting location due to disability (a physical or psychological impairment) or extraordinary circumstances (such as childcare responsibilities or illness).
2. For purposes of these procedures, the term “extraordinary circumstances” includes illness, caregiving responsibilities, or any other significant or unexpected factor or event that precludes the Commissioner’s physical attendance at such meeting.
3. If there is a quorum of members participating at a physical location open to the public, the Equal Employment Practices Commission may properly convene a meeting. A Commissioner who is participating from a remote location that is not open to in-person physical attendance by the public due to extraordinary circumstances shall not count toward a quorum of the Equal Employment Practices Commission but may participate and vote if there is a quorum of members at a physical location open to the public.
4. Notwithstanding the in-person quorum requirements set forth above, any Commissioner who has a disability as defined in Executive Law § 292, where such disability renders such Commissioner unable to participate in-person at any such meeting location where the public can attend, shall be considered present for purposes of fulfilling the Equal Employment Practices Commission’s quorum requirements for meetings conducted through videoconferencing, provided, however, that the remaining criteria set forth in these procedures are otherwise met.
5. If a Commissioner is unable to be physically present at the designated public meeting location and wishes to participate by videoconference from a private location due to disability or extraordinary circumstances, the Commissioner must notify the Chair or Executive Director of the Equal Employment Practices Commission no later than five (5) business days prior to the scheduled meeting for proper notice to the public to be given. The notice provided must include the specific extraordinary circumstances that preclude their in-person attendance. If

extraordinary circumstances present themselves on an emergent basis within five (5) days of a meeting, the Equal Employment Practices Commission shall update its notice as soon as practicable to include that information.

6. Except in the case of executive sessions conducted pursuant to POL § 105, the Equal Employment Practices Commission shall ensure that its Commissioners can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to disability or extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
7. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to disability or extraordinary circumstances.
8. The public notice for the meeting shall inform the public: (i) that disability and/or extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
9. The Equal Employment Practices Commission shall provide that each open portion of any meeting conducted using disability and/or extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Equal Employment Practices Commission website within five (5) business days following the meeting and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
10. If Commissioners of the Equal Employment Practices Commission are authorized to participate by videoconferencing from a private location due to disability or extraordinary circumstances, the Equal Employment Practices Commission shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Equal Employment Practices Commission shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in person participation or testimony.
11. Open meetings of the Equal Employment Practices Commission conducted using disability and/or extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, “disability” shall have the meaning defined in Executive Law § 292.

12. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state disaster emergency declared by the governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the New York City Mayor pursuant to § 24 of the Executive Law if the Equal Employment Practices Commission determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Equal Employment Practices Commission to hold an in-person meeting.
13. These procedures shall be conspicuously posted on the Equal Employment Practices Commission website.
14. These procedures may be amended by the Equal Employment Practices Commission at any time consistent with Article 7 of the Public Officers Law, provided that such amendments shall not be effective until they are approved by majority vote of the Board and posted publicly on the Equal Employment Practices Commission's website.