



HB 631 OPPOSE as unnecessary

HB 631 would amend an existing exemption in FOIA to allow for a closed meeting for administrative disciplinary hearings related to allegations by "employees of a law-enforcement agency" where such that person is a complainant, witness, or the subject of the hearing

VCOG opposes the bill because it is unnecessary.

Current law – FOIA, § 2.203711(A)(1) – already allows public bodies to hold closed-door discussions about employees: "Public bodies may hold closed meetings only for the following purposes . . . assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body."

This "personnel exemption" applies whether the employee is present or not. The key to the personnel exemption is whether the discussion is about the employee.

Public bodies are already allowed to invite in any individual of their choosing to participate in a closed-door discussion, including a complainant, a witness or the employee him/herself.

There is no need to create a specific exemption for this one topic when an existing exemption will suffice.

Please contact Megan Rhyne (540-353-8264 or mrhyne@opengovva.org) with questions.