



## MEMORANDUM

TO: All Local Presidents, Secretaries, and Treasurers  
FROM: Jeremy R. Ferguson, SMART-TD President  
DATE: February 13, 2025  
RE: Locals Permitted to Adopt Use of Video Conferencing for Meeting Attendance

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In accordance with SMART Constitution Article 21B, Section 55:

*A Local shall hold at least one regular meeting each month at the time and place specified in its bylaws.*

Further, Article 21B, Section 45, requires that members:

*...keep from outsiders the private proceedings of SMART.*

This memo is to advise that Locals will now be permitted to allow their members to attend meetings using videoconferencing methods. **Although privacy must remain a top priority**, it was necessary to establish procedures for Locals that decide conducting secure online meetings will benefit their members.

To be clear, **this is not intended to replace in-person meetings**. Locals must continue to meet in person in accordance with the above provision of Article 21B, Section 55, and the regular meeting location must be accessible for members wishing to attend in person. However, action may be taken by the Local to allow members not physically in attendance at the regular meeting location the option to (1) attend in person at a **satellite location** established by the Local or (2) **attend online** using their personal devices. Information related to each is addressed below.

### **Satellite Meetings**

A Local may establish one or more satellite meeting locations at which smaller groups of members can meet to simultaneously participate in the Local's regular meeting through video conferencing. Rather than using personal devices, members will share a common audio/visual setup at each location. The satellite location(s) must be attended by at least one Local officer, Safety and Legislative Representative, Vice Safety and Legislative Representative, or LCA committeeperson who will be responsible for: verifying that only members are in attendance; keeping a register of attendees and providing such to the Local Secretary; maintaining order; ensuring there is an internet connection and a screen sufficient for viewing and participating in the meeting, for connecting to the meeting; and other such duties as may arise.

**What are some considerations prior to moving forward with establishing a satellite location?**

One such consideration is figuring out how to manage additional locations and attendees. Because the Secretary is already tasked with recording the meeting minutes, it is recommended that the Local President appoint one or more members (other than the Secretary) to manage the video conferencing tasks such as admitting satellite locations to the meeting. Consideration should also be given to who will store the equipment and be responsible for setting it up at the meeting location.

Additionally, steps should be taken to ensure that non-members cannot hear or see the meeting. Accordingly, these locations should not be in a public venue, such as a restaurant, where outsiders can see or hear the proceedings.

**Who decides whether a Local will permit satellite meetings?**

The Local's members decide whether to permit satellite meetings. Proposals to establish a satellite location for a certain meeting date or for all regular and special meetings will be considered by the membership at a meeting of the Local. A Local that wishes to establish a satellite location for a specific meeting date may do so by conducting a vote at a prior meeting. Locals wishing to establish a satellite meeting location for all regular and special meetings shall first conduct an in-person vote using the two-meeting process described in Article 21B, Section 39. Once adopted, the Local will be required to conduct satellite meetings until such action is reversed. Accordingly, before taking action to permanently establish a satellite meeting location, Locals are encouraged to first conduct them on a meeting-by-meeting basis to determine whether conducting compliant meetings in this manner will be feasible. Such actions should be documented in the meeting minutes, and the Transportation Division should be notified.

**Who is responsible for notifying members of satellite meetings?**

The Local Secretary shall post notice(s) advising of the satellite meeting's time, date, and location. The notice shall also contain the Local Secretary's contact information.

**Do members attending satellite meetings have the same rights as members attending in person?**

They may be permitted to speak when recognized and may vote on Local issues. However, elections will continue to be handled in accordance with the Local's bylaws, and, in instances where elections are conducted at a meeting of the Local, such voting will be conducted at the regular meeting location only.

**May certain portions of the meeting be blocked from satellite locations?**

Provided at least one Local officer, Safety and Legislative Representative, or LCA committeeperson is present to verify that only members are in attendance, the full meeting shall be accessible to satellite attendees, except as noted herein. While most meeting platforms have a screen sharing feature, for privacy, some documents should not be shared, including Treasurer's Reports and meeting minutes. In the absence of at least one Local officer, Safety and Legislative Representative, or LCA committeeperson who can verify that only members are in attendance, no portion of the meeting shall be shared with the satellite location. Management officials are not permitted to attend any portion of a meeting at the regular location or satellite location - even if they are members.

**Should satellite meeting locations be contained in the Local's bylaws?**

If a Local takes action to permanently establish a satellite meeting location, the bylaws should be updated to reflect such action. The satellite location can be recognized and added to the Section of the bylaws containing the meeting time, date, and location (typically Section I): For example:

*Regular meetings shall be held on the third Thursday of each month at 1 p.m. in the meeting hall at 100 Alfred Lerner Way, Cleveland, OH 44114, and in the meeting hall at the satellite location at 411 Woody Hayes Dr., Columbus, OH 43210, subject to change as provided in Article 21B, Section 55, of the SMART Constitution.*

**May satellite attendees vote on secret ballot issues (other than elections)?**

Yes. These votes should be conducted simultaneously with those being conducted at the regular meeting location. The Local President may appoint the attending officer, representative, or committeeperson, and any other members to serve as Tellers. **Again, please note that this does not apply to elections.**

**Is a physical quorum required at the satellite meeting location?**

No, satellite attendees will count towards the overall meeting quorum requirement. As a reminder, a quorum is five members in good standing.

**What videoconferencing applications are permissible to use to conduct the meetings?**

Zoom and Microsoft Teams are examples of permissible options. Other applications may be used if they allow all members to hear and see each other. The application should have sufficient features and settings to allow proper control of the meeting, such as the ability to mute those who do not have the meeting chair's permission to speak. The Local should obtain the proper subscriptions required, if any, on their chosen application to ensure the video stream will last for the duration of the meeting.

Locals conducting satellite meetings should only share the link to the meeting with the officer, representative, or committeeperson responsible for the location.

**What audio/video requirements are necessary to conduct a satellite meeting?**

All members should be able to see and hear one another. Accordingly, external microphones and cameras, and either a screen and projector or large monitor, will be necessary. The built-in camera and microphone on a laptop, for example, will not suffice to deliver the audio and video of the in-person meeting to the satellite location. All equipment purchases must be approved by the membership at a regular or special meeting of the Local. Such equipment purchases will be the property of the Local.

**May a non-member be present to assist with audio and video?**

No. The meeting must be recessed in the event a non-member's presence is required for technical assistance.

**Members attending satellite meetings** have the following responsibilities which shall be read by the Local President (or presiding chair) immediately following the opening of the meeting:

- No part of the meeting may be recorded or captured in any way.
- They must view and hear the meeting in a secure manner and must not allow any non-members to see or hear the meeting.
- Each attendee must be prepared to identify themselves, which may include presenting a photo I.D. or their membership card via the SMART App.

Members failing to comply with privacy requirements or engaging in disruptive behavior may have their satellite attendance privileges revoked by the Local President (or presiding chair), subject to the appeal of the Local, and may be subject to charges in accordance with SMART Constitution Article 17 and Article 21B, Section 74(a).

### **Individual Online Attendance**

This section addresses matters relevant to Locals considering granting members the ability to attend meetings online using their personal devices.

#### **What are some considerations prior to moving forward with permitting members to attend online?**

One such consideration is figuring out how to manage what may be a sizeable group of online attendees. Because the Secretary is already tasked with recording the meeting minutes, it is recommended that the Local President appoint one or more members (other than the Secretary) to: keep a register of all online attendees, admit attendees after verifying that they are members, enforce camera requirements, and assist the meeting chair with recognizing “raised hands.”

Consideration should also be given to identifying who will store the equipment necessary for permitting virtual attendance, who will be responsible for setting it up at the meeting location, and who will maintain the meeting application account and retain its username and password.

#### **Who decides whether a Local will permit online attendance?**

The Local’s members decide whether to permit online attendance. Proposals to permit online attendance on a certain meeting date, or at all regular meetings and special meetings, will be considered by the membership at a meeting of the Local. A Local that wishes may permit online attendance for a specific meeting date by conducting a vote at a prior meeting. Locals wishing to permit online attendance at all regular and special meetings shall first conduct an in-person vote using the two-meeting process described in Article 21B, Section 39. Once adopted, the Local will be required to conduct regular and special meetings online until such action is reversed or revoked. Accordingly, before taking action to permanently adopt online meetings, Locals are encouraged to first conduct them on a meeting-by-meeting basis to determine whether conducting compliant meetings in this manner will be feasible. Such actions should be documented in the meeting minutes, and the Transportation Division should be notified.

**Do members attending online have the same rights as members attending in-person?**

Members attending online shall have the same rights (ability to participate such as speaking or voting on local issues) as in-person attendees, provided they comply with requirements listed on page 7 of this document. However, elections will remain handled in accordance with the Local's bylaws, and, in instances where elections are conducted at a meeting of the Local, such voting will be conducted at the regular meeting location only. Further, while most meeting platforms have a screen sharing feature, in order to maintain the requisite privacy of the proceeding set forth in the Constitution, some documents may not be shared, including Treasurer's Reports and meeting minutes.

**Who is responsible for providing online meeting access information to members?**

The Local Secretary is responsible for providing online meeting access information to members. Monthly meeting invitations should be sent to members at least ten (10) days prior to the regular meeting date. The Secretary shall ensure that notice is posted at on-duty locations advising of the meeting's time, date, location, the meeting application that will be used (Zoom, Teams, etc.), and contact information for the Local Secretary. Meeting invitations will be sent to each member's email address on file in TD Connect, and should contain the following disclaimer:

*By clicking the meeting link, you agree: not to attend while on duty with the carrier; not to allow carrier officials to see or hear any part of the meeting, even if the carrier official is a member; not to record or capture any part of the meeting; not to use filters or avatars, or have any type of distracting background; and not to share the meeting link. By clicking the meeting link, you also agree: to identify yourself by name on the meeting platform; to keep your camera on at all times; and to view and hear the meeting in a secure manner so as not to allow any non-members to see or hear the meeting. By clicking the meeting link, you understand that: you are responsible for securing your own functional device and a reliable internet connection; you must be prepared to identify yourself to meeting administrators, which may include presenting a photo I.D.; you must keep your current email address on file with the Transportation Division; and you are responsible for monitoring your inbox (including spam folders) and for contacting the Local Secretary prior to the day of the meeting in the event you do not receive the meeting link. By clicking the meeting link, you acknowledge that failing to comply with all requirements or engaging in disruptive behavior may result in: your removal from the meeting; having your online privileges revoked by the Local President (or presiding chair), subject to the appeal of the Local; and charges in accordance with SMART Constitution Article 17 and Article 21B, Section 74(a).*

**Which members, specifically, must the Local Secretary send the meeting link to?**

The link must be sent to active and E49 members of the Local. It should also be shared with DIPP and UTUIA representatives who request to attend. The link shall not be shared with any managers, including managers who are members.

### **May certain portions of the meeting be blocked from online attendees?**

The full meeting shall be accessible to online attendees. However, the Local shall have discretion over which portions of the meeting shall be viewable to guests attending from other SMART-TD Locals. Only under extenuating circumstances may a certain portion be blocked from members of the Local attending online to ensure the privacy of a sensitive matter. Further, online attendees may be removed for failing to comply with the requirements listed on page 7. Management officials are not permitted to attend any portion of in-person or online meetings, even if they are members.

### **Should online participation be contained in the Local's bylaws?**

If a Local takes action to permanently permit online attendance at its regular meeting, the bylaws should be updated to reflect such action. The following language can be added to the Section of the bylaws containing the meeting time, date, and location (typically Section I): ***"Members may attend online and participate in the proceedings."***

### **May online participants vote on secret ballot issues (other than elections)?**

Yes. However, the meeting application or other electronic voting application must have the capability to conduct secret ballot voting. When such balloting is being conducted, the Local President shall appoint Tellers, who must oversee the process to ensure secrecy. Tellers shall document the voting results of each secret ballot issue, sign the report, and provide it to the Local Secretary for the Local's records. **Please note that this does not apply to elections. Elections require additional secrecy measures subject to Federal regulations, and may not be conducted using meeting application voting, such as the polling feature on Zoom.**

### **Is a physical quorum required at the meeting location to conduct the meeting?**

Sufficient membership must still be present to facilitate the audio/video functions at the physical meeting location, but online attendees will count towards the quorum requirement. As a reminder, a quorum is five members in good standing.

### **What applications are permissible to use to conduct the meetings?**

Zoom and Microsoft Teams are examples of permissible options. Other applications may be used if they allow the ability to identify each attendee. The application should have sufficient features and settings to allow proper control of the meeting, such as the ability to mute those who do not have the meeting chair's permission to speak. It must also be able to potentially support 100% member attendance and be able to last as long as necessary in duration for the Local to conduct its business. A secret polling feature is required to permit those attending online the ability to participate, so it may be necessary to purchase a subscription.

### **What are the audio/video requirements necessary to conduct a meeting online?**

Each member attending online should be able to see and hear a member who is in-person and speaking at the meeting. Accordingly, it will be necessary to have external microphones and cameras. The built-in camera and microphone on a laptop, for example, will not suffice to deliver the audio and video of the in-person meeting to the individual online attendees. Additionally, members attending in person should be able to see and hear those participating online, which may necessitate items such as a screen and projector or a large monitor. All equipment purchases must be approved by the

membership at a regular or special meeting of the Local. Such equipment purchases will be the property of the Local.

**May a non-member be present to assist with audio and video?**

No. The meeting must be recessed in the event a non-member's presence is required for technical assistance at the regular meeting location.

**Members attending online** have the following responsibilities, which shall be read by the Local President (or presiding chair) immediately following the opening of each and every meeting:

- Under no circumstances may a member be in attendance while on duty with the carrier.
- Members may not attend while on carrier property.
- Members must not allow management officials to see or hear any part of the meeting, even if the management official is a member.
- Members shall identify themselves on the meeting platform by entering their name as their screen name for other participants to view.
- No part of the meeting may be recorded or captured in any way.
- Cameras must be kept on at all times. This is not a conference call. Those who cannot be identified by camera must be removed.
- Members may not use filters or avatars or have any type of distracting background.
- Members must view and hear the meeting in a secure manner and must not allow any non-members to see or hear the meeting.
- Earpieces should be used to maximize privacy, and participants should mute microphones unless recognized by the chair to speak.
- By attending virtually, members consent to the terms provided with the invitation link (disclaimer provided above) and agree to not share the link.
- Members are responsible for securing their own functional device and a reliable internet connection.
- Members must be prepared to identify themselves to meeting administrators, which may include presenting a photo I.D.
- The member must keep their current email address on file with the Transportation Division.
- The member is responsible for monitoring their inbox (including spam folders) and for contacting the Local Secretary prior to the day of the meeting in the event they do not receive the meeting link.

Members failing to comply with privacy requirements or engaging in disruptive behavior may have their online privileges revoked by the Local President (or presiding chair), subject to the appeal of the Local, and shall be subject to charges in accordance with SMART Constitution Article 17 and Article 21B, Section 74(a).

### Applicable to Both Satellite and Online Attendees

**Special meetings** shall be conducted in the same manner as regular meetings. A Local that allows online attendance or attendance at a satellite location at regular meetings shall allow the same at special meetings. As a reminder, members must be provided at least five days' notice prior to special meetings. However, if the purpose of the special meeting is to accept nominations, vote on amendments to bylaws, or vote on items covered in Article 21B, Section 48 (dues, salaries, rates of pay, and assessments), 10 days' notice must be provided.

In the months when **nominations** are held, eligible online and satellite attendees may nominate verbally. However, online participants may wish to submit a nomination petition prior to the meeting to secure their nomination in the event technical difficulties arise during the meeting.

In the months when **elections** are conducted, the method of voting shall be that specified in the Local bylaws. Under extenuating circumstances, a majority vote of those in attendance at the nomination meeting may change the method of voting from in-person to mail (or vice versa). Under no circumstances will election voting be conducted using the voting or polling features of the video conference application.

A Local may, if capable, permit both online attendance and the use of satellite meeting locations. In these instances, precautions should be taken to ensure satellite attendees' votes are counted only once.

Please keep in mind that due to the size or specific circumstances of some Locals, video conferencing may not be beneficial, feasible, or policeable. Accordingly, as a condition of this memorandum, this office reserves the right to revoke or modify a Local's ability to conduct meetings using video conferencing when it believes that such is not in the Local's best interest.

Local Presidents are reminded of the requirements of Article 21B, Sections 76 and 77, regarding Rules of Order and the order of business. Robert's Rules of Order must be followed to the extent possible during online meetings. Attendance will likely increase as a result of online accessibility. With such, a greater degree of formality will likely be required to maintain order. Further, the order of business should be adhered to for efficiency, to permit the Secretary to record proper minutes, and to ensure important portions of the meeting are not overlooked. More information about the order of business may be found in the guide entitled "Local Meeting Basics," available on the Local Toolbox page in the Member Portal of our website.

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Further questions regarding these matters should be directed to the office of the SMART Transportation Division President by calling (216) 228-9400, or by emailing [President\\_TD@smart-union.org](mailto:President_TD@smart-union.org).