



## Government and Regulatory Systems Subcommittee



### Business Continuity and Continuity of Operations

#### 1.2.1 Develop a centralized Continuity of Operations framework for state agencies.

##### Policy Options

- 1) Budget language or Code language requiring DHRM or VDEM to develop a centralized Continuity of Operations framework for state agencies and require regular review and update every 5 years.
- 2) Section 44-146.18 of the Code of Virginia establishes the powers and duties of the Department of Emergency Management. This section could be amended to add a provision requiring the Department to establish a centralized framework for continuity of operations across all state agencies, mandating the creation and regular updating of agency-specific continuity plans. The framework would include all other components of this recommendation.
- 3) Alternatively, legislation could be introduced directing the Secretary of Public Safety and Homeland Security to convene a work group consisting of relevant stakeholders to develop a centralized Continuity of Operations framework for state agencies. The legislation could either authorize the framework to be implemented by the Department of Emergency Management or provide for the work group to make recommendations to the General Assembly for implementation.

#### 1.2.2 Enhance digital infrastructure and automation.

##### Policy Options

- 1) Section 2.2-205.2 of the Code of Virginia establishes the Commonwealth Broadband Chief Advisor within the office of the Secretary of Commerce and Trade to serve as the state's single point of contact and integration for broadband issues, efforts, and initiatives. This section could be amended to direct the Commonwealth Broadband Chief Advisor to develop, in consultation with the Broadband Advisory Council, the Virginia Information Technologies Agency, and the Department of Housing and Community Development, a strategic broadband investment plan for (i) expanding broadband access in underserved areas and (ii) upgrading the state's digital infrastructure investment. The legislation would require the strategic plan to include specific funding initiatives consisting of state budget requests as well as private sources.
- 2) Section 56-585.1:9 of the Code of Virginia requires the State Corporation Commission to establish pilot programs under which Dominion Energy and Appalachian Power may submit a petition to provide or make available broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth that are unserved by broadband. The General Assembly made the pilot program permanent in 2021. This section could be amended to require the Commission to review the program and recommend incentives to the General Assembly to increase the number of utilities that submit petitions to provide or

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make available broadband capacity in areas of the Commonwealth unserved by broadband.

3) Alternatively, the Joint Subcommittee may wish to consider budget language to support long-term investment in expanding broadband access and upgrading state digital infrastructure

### **1.3.1 Establish consistent statewide telework policies for all state agencies.**

#### **Policy Options**

1) Amend the Code to establish a centralized telework policy for state agencies.  
Budget

2) Section 2.2-203.1 of the Code of Virginia provides for the Secretary of Administration to establish a comprehensive statewide telecommuting and alternative work schedule policy and to update such policy as necessary. This section could be amended to require review of the policies to ensure that they include (i) clear criteria for determining which roles require in-person work, (ii) guidelines for hybrid work arrangements, and (iii) transparent communication to reduce confusion.

The section could also be amended to encourage the use of the model guidelines, rules, and procedures for telecommuting and participating in alternative work schedules and to provide for identification of the broad categories of positions determined to be ineligible to participate in telecommuting by agencies in the legislative and judicial branches.

3) Alternatively, legislation could be introduced to require the Secretary to study or establish a work group consisting of stakeholders to study the use of telecommuting and alternative work schedules across state government and recommend changes to the statewide telecommuting and alternative work schedule policy to ensure equitable treatment of state employees across all agencies.



## Communications

### **2.1.3 Improve coordination with executive offices.**

#### **Policy Options**

1) Amend the Code to require the develop protocols to ensure that information from the Governor's office and other executive branches is communicated to operational staff, including the JIC, in advance. Implement a system for pre-briefings or notifications about upcoming announcements to allow JIC personnel to prepare responses and anticipate public inquiries, ensuring a more coordinated and informed public communication strategy.

2) Section 2.2-221 of the Code of Virginia establishes the powers and duties of the Secretary of Public Safety and Homeland Security. This section could be amended to provide for the Secretary, with the approval of the Governor, to establish protocols to ensure that information from the Governor's office and other executive branch entities is communicated to operational staff. The legislation could also

provide for pre-briefing or notifications to ensure a more coordinated public communication strategy.

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## Financial Management

### 4.1.1 Establish stable and diversified funding streams.

#### Policy Options

1) Section 44-146.18 of the Code of Virginia, which establishes the powers and duties of the Department of Emergency Management, could be amended or, alternatively, a separate section could be created within Chapter 3.2 of Title 44 of the Code of Virginia to require the Department of Emergency Management, with the assistance of the Secure and Resilient Commonwealth Panel, to conduct a comprehensive study of the state's reliance on grants for core emergency management functions and make specific recommendations to the General Assembly for securing adequate funding in the state budget for emergency management and public health preparedness efforts.

2) Alternatively, legislation amending Chapter 15 of Title 2.2 of the Code of Virginia could require the Governor to provide in the Budget Bill, submitted pursuant to § 2.2-1509 of the Code of Virginia, adequate funding for emergency management and public health preparedness efforts.

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## Judicial / Policy / Regulatory

### 5.1.1 Develop a pre-approved legal and regulatory framework for emergencies.

#### Policy Options

1) Amend the Code to require Supreme Court of Virginia and each circuit to develop pre-approved emergency frameworks and a task force to be activated during emergencies.

2) Section 44-146.18 of the Code of Virginia, which establishes the powers and duties of the Department of Emergency Management, could be amended or, alternatively, a separate section could be created within Chapter 3.2 of Title 44 of the Code of Virginia to establish an interdepartmental advisory board composed of representatives of the relevant departments and agencies of state government, including from the legislative and judicial branches of state government, for the purpose of recommending a comprehensive legal and regulatory framework outlining specific emergency standards and processes that would take effect in the event of an emergency. The framework would include the components outlined in this recommendation. The advisory board would periodically review the framework for changes.

3) Alternatively, legislation could be introduced directing the Department of Emergency Management to convene a work group to recommend a comprehensive legal and regulatory framework to take effect in event of an emergency.

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### **5.1.2 Create a rapid response legal and regulatory task force.**

#### **Policy Options**

Legislation could be introduced creating a new section within Chapter 3.2 of Title 44 of the Code of Virginia to establish a Rapid Response Legal and Regulatory Task Force to be activated by the Governor during emergencies. The legislation would establish the membership and lay out the powers and duties of the Task Force.

### **5.2.1 Solicit input on judicial processes.**

#### **Policy Options**

1) Legislation could be introduced requiring the Office of the Executive Secretary of the Supreme Court to establish a process in line with this recommendation. The process would be designed to develop input from the public on methods for implementing judicial processes in instances when public participation is not possible due to an emergency declaration. Such process would include utilization of (i) surveys, (ii) feedback forms, and (iii) virtual, in-person, and written public comment periods.

2) Alternatively, legislation could be introduced requiring the Office of the Executive Secretary to convene a work group to establish this process. The Judicial Council, the Committee on District Courts, and the Virginia Court Clerks' Association could have representation on the work group.

### **5.2.2 Enhance virtual engagement and transparency mechanisms.**

#### **Policy Options**

1) Legislation could be introduced directing the Executive Secretary of the Supreme Court to convene a work group or task force consisting of relevant stakeholders to review the judicial process and opportunities for virtual engagement and transparency mechanisms, including the costs and benefits related to any increased use of these mechanisms. The study entity would make recommendations the Executive Secretary for further action.

2) Alternatively or in conjunction with the study, legislation could be introduced to authorize the establishment of a pilot program providing for an enhanced virtual engagement and transparency mechanism.

### **5.3.1 Review statewide technology standards and protocols.**

#### **Policy Options**

1) Amend the Code to require Courts to standardize electronic filing systems, remote hearing processes, electronic signature requirements, and online scheduling systems across all judicial circuits.

2) Legislation could be introduced directing the Executive Secretary of the Supreme Court, in conjunction with the Virginia Information Technologies Agency, to conduct a comprehensive, statewide review of technology standards and protocols currently used throughout the judicial system as well as available technology to make recommendations regarding improvements

## **5.3.2 Develop and implement consistent policies and procedures to ensure uniformity and efficiency.**

### **Policy Options**

Legislation could be introduced directing the Executive Secretary of the Supreme Court, in conjunction with the Virginia Information Technologies Agency, to establish a group or task force consisting of relevant stakeholders to develop statewide guidelines for the use of technology to standardize practices statewide (**See Recommendation 5.3.1**).

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## **Logistics**

### **6.1.1 Establish a dynamic stockpile strategy.**

#### **Policy Options**

Article 3 of Chapter 11 of Title 2.2 of the Code of Virginia establishes the Division of Purchases and Supply within the Department of General Services. Legislation could be introduced directing the Division to design the dynamic stockpile strategy contemplated by this recommendation

### **6.1.2 Implement a Centralized Resource Management (CRM) system.**

#### **Policy Options**

Legislation could be introduced directing the Division of Purchases and Supply within the Department of General Services, the Virginia Technologies Agency, and the Department of Emergency Management to develop a CRM system for use in times of emergency.

### **6.2.1 Strengthen public-private partnerships.**

#### **Policy Options**

From an aspirational standpoint, partnerships are typically developed at the individual agency level.

### **6.2.2 Establish a flexible and inclusive procurement strategy.**

#### **Policy Options**

Subdivisions 22 of Section 2.2-4343 exempts from the Public Procurement Act the purchase of personal protective equipment for private, nongovernmental entities by the Governor pursuant to subdivision (11) of § 44-146.17 during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. Legislation could be introduced to expand this exemption to include suppliers and types of tests.

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## **Technology**

### **10.1.1 Expand and sustain broadband infrastructure investments.**

#### **Policy Options**

(**See Recommendation 1.2.2**). The directive for the Commonwealth Broadband Chief Advisor to develop a strategic broadband investment plan could specify inclusion of methods for expanding and sustaining broadband infrastructure investments in line with this recommendation

## **10.1.2 Consider implementing technology access programs.**

### **Policy Options**

(See Recommendations 1.2.2). The directive for the Commonwealth Broadband Chief Advisor to develop a strategic broadband investment plan could specify reviewing the feasibility of establishing programs to provide equitable access to digital devices and internet services for underserved populations making recommendations to bring forth findings.

## **10.1.3 Support innovative connectivity solutions for immediate needs.**

### **Policy Options**

Legislation could be introduced establishing a work group consisting of the Department of Emergency Management, the Virginia Information Technologies Agency, and other relevant agencies and stakeholders review technology service gaps that exist during emergencies and develop recommendations for solutions to address such gaps.

## **10.2.1 Develop comprehensive technology training and support programs.**

### **Policy Options**

Legislation could be introduced directing the Virginia Information Technologies Agency or other entity to develop and establish a comprehensive technology training program and support structure to ensure a baseline training regime in line with this recommendation.

Establishing the training regime and support structure will require additional funding. The Joint Subcommittee may wish to consider a budget amendment sufficient to cover such costs.

## **10.2.2 Enhance digital infrastructure and access during emergencies.**

### **Policy Options**

(See Recommendations 1.2.2). The directive for the Commonwealth Broadband Chief Advisor to develop a strategic broadband investment plan could specify the development of recommendations regarding investments to strengthen digital infrastructure with the objective of expanding broadband connectivity.

## **10.2.3 Establish consistent protocols for remote voting and decision-making.**

### **Policy Options**

Legislation could be introduced establishing a task force or work group consisting of the Virginia Information Technologies Agency, Virginia Association of Counties, the Virginia Municipal League, the Department of Professional and Occupational Regulation, The Department of Health Professions, and other effected entities to develop best practices and protocols for remote voting and decision making.

If the Joint Subcommittee determined that the best practices and protocols developed by the task force or work group should be the statewide standard, the legislation could require the entity to make its recommendations to the Governor and General Assembly for possible legislative action.