



STATE BOARD OF WORKERS' COMPENSATION

Judge Frank R. McKay
Chairman
Judge Benjamin J. Vinson
Director
Judge Terry H. Chastain
Director

Information
(404) 656-3875

ORDER OF THE STATE BOARD OF WORKERS' COMPENSATION

On July 10, 2020, the Honorable Harold D. Melton, Chief Justice of the Georgia Supreme Court, issued a Fourth Order Extending Declaration of Statewide Judicial Emergency which extends the judicial emergency through August 11, 2020. Consistent with the Chief Justice's order, the State Board of Workers' Compensation hereby issues this order with directions and instructions for Board proceedings as follows:

Hearings

As has been the direction since the Chief Justice's original judicial emergency Order, all Georgia courts must continue to conduct proceedings, remotely or in-person, in compliance with public health guidance, applicable statutes and court rules, and the requirements of the United States and Georgia Constitutions. The Chief Justice's order of June 12, 2020 directed each court to develop and implement operating guidelines as to how in-court proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel, and the public. The Board has developed guidelines for in-person hearings in Atlanta and all field locations in which Board hearings are held that follow public health guidance. The guidelines are posted on the Board's website, and the guidelines have been sent to the e-mail addresses of all attorneys registered with the Board. In-person hearings are being scheduled for dates in July 2020 and thereafter, in accordance with the limited availability of time slots and locations for in-person hearings due to Covid-19 safety precautions. Cases on hearing calendars in July and thereafter will continue to be reset in the same manner as before the judicial emergency. However, no hearing will go forward until the parties are ready to proceed to a hearing and they have had a conference call with the presiding judge to discuss the hearing logistics, including in-person hearing guidelines, number of witnesses, estimated length of the hearing and **to determine the actual date and time that the in-person hearing will take place.** A conference call is also appropriate when a hearing has been reset to a date in the near future and one party is ready to go forward with the hearing, and the other party objects to proceeding with the hearing at that time.

Mediations

In-person mediations will also be scheduled at the request of the parties. Parties wanting to proceed with an in-person mediation should contact the Board's Alternative Dispute Resolution Division to discuss the logistics of the mediation, including in-person mediation guidelines, number of people expected to attend the mediation, the estimated length of the mediation and **to determine the actual date and time that the in-person mediation will take place.**

Board Appellate Proceedings

Appellate oral arguments will continue to be held virtually via the Zoom video-conferencing platform. The Board may compel litigants and lawyers to participate in virtual appellate oral arguments until further notice. Parties may also elect to waive oral argument and submit the issues for decision on briefs. **In-person oral arguments will require a conference call with the Appellate Division Director to discuss logistics and determine the actual date and time the in-person oral argument will take place.**

Virtual Proceedings Available and Strongly Encouraged

The Chief Justice's order of July 10, 2020 states that all courts should continue to use and increase the use of technology to conduct remote judicial proceedings as a safer alternative to in-person hearings unless required by law to be in person or unless it is not practicable for technical or other reasons for persons participating in the proceeding to participate remotely. Accordingly, parties to workers' compensation hearings, mediations, and appellate oral arguments are strongly encouraged to utilize virtual proceedings as a preferred alternative to in-person proceedings for safe, prompt, and efficient resolution to disputes during and after the period of the judicial emergency.

Deadline Extensions Terminated

The deadline extensions found applicable to workers' compensation cases in the Board's previous orders of March 17, 2020, April 7, 2020, May 12, 2020, and June 17, 2020, are terminated as of the date of this order. This order reimposes all deadlines and other time schedules and filing requirements (referred to collectively herein as "deadlines") that are imposed by statutes, rules, regulations, or court orders in workers' compensation proceedings. For guidance in calculating time periods that include the period of deadline extensions imposed by previous Board orders, see the Chief Justice's order of July 10, 2020 and the attached appendix.

Payment of Benefits; Provision of Authorized Medical Treatment

Payment of timely weekly benefits, payments pursuant to Board awards and orders approving settlement agreements, and provision of authorized medical treatment constitute essential functions necessary to protect the health and safety of individuals. Therefore, the statutory requirements and Board rules relating to payment of benefits or

provision of authorized medical treatment have not been affected by previous Board orders during the judicial emergency and are not affected by this order.

Professionalism

During this challenging time as always, attorneys practicing before the State Board of Workers' Compensation are reminded of their obligations of professionalism and requirement to comply with the ethical rules of the State Bar of Georgia.

It is so ordered, this 15th day of July, 2020.

Frank R. McKay /s/

CHAIRMAN

Benjamin J. Vinson /s/

DIRECTOR

Terry H. Chastain /s/

DIRECTOR