

**GUIDELINES FOR IN-PERSON HEARINGS
GEORGIA STATE BOARD OF WORKERS' COMPENSATION**

The Board's goal is to provide fair and impartial hearings in a timely fashion to resolve disputes in workers' compensation cases. The world-wide COVID-19 pandemic has led to a temporary suspension of in-person hearings across the State of Georgia. Effective July 13, 2020, hearings may be conducted in-person. To help protect the health and safety of participants, please observe the following procedures. Attorneys should share these guidelines with all participants (parties, witnesses, interpreters, etc.).

1. **COVID-19:** a) Attorneys should ask all these screening questions of each participant he/she anticipates bringing to court and be prepared to provide answers to the ALJ during the required prehearing conference.

b) Any participant scheduled to attend a hearing who has experienced the following should comply with the procedure below:

- Are currently being treated for COVID-19 illness or pending test results for COVID-19;
- Experienced flu-like symptoms or any other symptoms related to COVID-19 within the past ten days such as fever above 100.0 in the past 72 hours, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and/or diarrhea. (This list does not include all possible symptoms. CDC will continue to update this list at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>);
- Within the 14 days before the hearing traveled, or had a household member travel, on an airplane or in a high-risk area for transmission of COVID-19; or
- Been in close contact with someone under evaluation for COVID-19 or with confirmed infection of COVID-19 within the last 14 days.

c) Procedure: Parties should immediately notify their counsel who should contact the ALJ's office for further direction. Subpoenaed witnesses who are not parties may contact the ALJ's office for further direction. Participants with the above symptoms or risk factors will not be allowed to attend the hearing in person unless the participant has received a negative COVID-19 test result since his/her exposure or positive test. Screening questions will be asked upon arrival and those with symptoms or risk factors will be denied entry.

2. **REQUIRED PREHEARING CONFERENCES:** Only one hearing will be scheduled at a time in each courtroom. Consideration will be given to scheduling hearings on a first-come-first-served basis, at the judge's discretion. Initially, the Board can only accommodate one hearing per day at each hearing location. When the parties agree that a case is ready to be heard, they should notify the judge's assistant immediately. The judge will schedule a pre-hearing conference to discuss the logistics, including number of witnesses, estimated length of the hearing and **to determine the actual date and time that the hearing will take place.** A conference call is also appropriate when one party is ready to go forward with the hearing, and the other party objects to proceeding.
3. **HAND WASHING/SANITIZING:** Prior to entering the courtroom, participants should wash their hands with soap and water for at least 20 seconds or use hand sanitizer that contains at least 60% alcohol by covering all surfaces of their hands and rubbing them together until they feel dry. Participants are encouraged to bring their own hand sanitizer (and/or gloves if desired).
4. **FACE COVERS:** All participants must wear a face cover at all times while in the building unless directed otherwise by the ALJ. If someone has a medical, religious, or other reason for not wearing a face cover, please notify the ALJ's office prior to the date of the hearing. Any person permitted to not wear a face cover must remain at least ten feet away from others.
5. **SOCIAL DISTANCING:** All participants should stay at least 6 feet (about 2 arms' length) from other people at all times. Every effort should be made by parties and counsel to arrange the seating in the hearing room to maintain this social distance. Calculate room capacity using the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person. Use your best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together. Absolutely no children will be permitted. Non-essential people will only be allowed to the extent social distancing may be maintained.
6. **MEDICALLY AT RISK INDIVIDUALS:** If any participant is at risk for severe illness as defined by the CDC (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/groups-at-higher-risk.html>), the participant shall notify the ALJ's office at least three days prior to the scheduled hearing and shall propose an accommodation. The ALJ will consider the request within his or her discretion and rule upon the accommodation as appropriate.

7. **INDIVIDUALS' RESPONSIBILITY:** Please remember your health and safety is your responsibility. The SBWC cannot guarantee an environment that is free from contagion. Here is guidance from the CDC on protecting yourself: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>
8. **EXHIBITS:** All exhibits or other documents to be exchanged or submitted at a hearing must be shared electronically at least 2 business days before the hearing using a OneDrive link provided by the ALJ. If you wish to share a document with a witness during the hearing, you must have a copy to give the witness and a separate copy for opposing counsel and the judge, if necessary; paper documents are not to be shared among individuals during the hearing.
9. **ALJ AUTHORITY:** Each ALJ has discretion to vary the guidelines as circumstances dictate.
10. **FIELD HEARING LOCATIONS:** Each location will likely have rules for entry into their buildings. Participants should respect and comply with these rules. If any participant is denied entry, please call the ALJ's office. The phone number is on your hearing notice.
11. **ZOOM HEARINGS:** The SBWC continues to encourage the use of remote hearings using Zoom by consent of the parties. Here is the link to the sample consent order. (Please consult with the ALJ before submitting a proposed consent order). <https://sbwc.georgia.gov/virtual-hearings-and-submission-issues-record>. We also encourage parties to agree to present a witness by Zoom at an in-person hearing where appropriate (for example, a medically fragile or elderly person). The judges will also consider issues on stipulated facts and exhibits by agreement of the parties.

ATLANTA

Participants are asked to wait in the building's first floor lobby until notified to go to the 7th floor for the hearing. The number of people allowed in the building's elevators is limited to two people, so staggered elevator trips to get to the hearing floor may be necessary. To provide a more sanitized environment for the litigants in the next hearing, participants are requested to use cleaning supplies available in the courtrooms to wipe down their respective areas when their hearing is over. COVID-19 and fever screening will take place prior to entry into the courtroom. Participants who do not pass the COVID-19 screening, including those with a temperature of 100.0

or higher, will be denied entry. Participants are strongly encouraged to use a CLEAR bag and limit documents and possessions to those necessary for the hearing.

ALBANY

Participants are asked to wait outside until notified to enter the hearing room. Please call 229.430.4280 upon your arrival. COVID-19 and fever screening will take place prior to entry into the courtroom. Participants who do not pass the COVID-19 screening, including those with a temperature of 100.0 or higher, will be denied entry.

GAINESVILLE

Participants are asked to wait outside until notified to enter the hearing room. Please call 770.531.5625 upon your arrival. COVID-19 and fever screening will take place prior to entry into the courtroom. Participants who do not pass the COVID-19 screening, including those with a temperature of 100.0 or higher, will be denied entry.

PLEASE ARRIVE EARLY FOR ALL HEARINGS TO ACCOMMODATE THE DELAYS CAUSED BY ENTRY PROCEDURES.