

**GUIDELINES FOR IN-PERSON MEDIATIONS**  
**GEORGIA STATE BOARD OF WORKERS' COMPENSATION**  
**June 2021**

The ADR Division's goal is to provide fair and impartial mediations in a timely fashion to resolve disputes in workers' compensation cases while following current health guidelines. Mediations may be conducted virtually via Zoom, or in-person.

To help protect the health and safety of participants for in-person mediations, please observe the following procedures. Attorneys should share these guidelines with all participants (parties, interpreters, adjusters, etc.).

1. **COVID-19:** Attorneys should ask all screening questions below of each participant he/she anticipates bringing to the mediation, and be prepared to provide answers to the mediator at the required pre-mediation conference call for a determination of whether they and all their participants qualify to attend the in-person mediation under these guidelines.

Attorneys and all participants are advised of the following:

- a. Any participant with a temperature above 100.0 shall not appear in person.
- b. Any participant with a temperature under 100.0 *and* who has been fully vaccinated for COVID-19 (fully vaccinated means 2 or more weeks since receipt of the last dose required by the manufacturer) may attend if he/she has remained asymptomatic following any COVID-19 exposures since becoming fully vaccinated.
- c. Any participant scheduled to attend a mediation and to whom any of the following applies shall not appear in person:
  - i. Who is currently being treated for COVID-19 illness or pending test results for COVID-19
  - ii. Who is experiencing 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/ or vomiting. (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>)
  - iii. Who is not fully vaccinated *and* within the 14 days before the mediation has traveled, or had a household member travel, on an airplane or in a high-risk area for transmission of COVID-19; or
  - iv. Who is not fully vaccinated *and* has been in close contact with someone under evaluation for COVID-19 or with confirmed infection of COVID-19 within the last 14 days
- d. **Procedure:** Parties disqualified from attendance should immediately notify their counsel who should contact the ADR Division Director's office for further direction.

Screening questions will be asked upon arrival and those with symptoms or risk factors as described above will be denied entry. If possible, a scheduled in-person mediation for which a party becomes disqualified under the above guidelines will be transitioned to Zoom for the disqualified participant or all parties. If not, ADR will assist the parties to have the mediation rescheduled in a timely manner.

2. **REQUIRED PRE-MEDIATION CONFERENCES:**

- a. **Scheduling Conference:** Consideration will be given to scheduling mediations on a first-come-first-served basis, at the Division Director's discretion. Both counsel must be in agreement for an in-person mediation to take place, and both sides must have appropriate settlement authority before requesting that the mediation be scheduled. Parties wishing to schedule an in-person mediation should contact ADR by email. A scheduling conference will be set to discuss the logistics, including number of participants, estimated time required, and to determine the date and time that the mediation will take place.
- b. **Pre-mediation Conference with Mediator:** On the business day before the scheduled mediation, the mediator will schedule a conference call with both counsel to ask screening questions and address other pertinent details. If during that conference it becomes clear that one or more participants cannot pass the screening criteria listed above, the scheduled mediation may be transitioned to Zoom for the disqualified participant or all parties. Otherwise, ADR will assist the parties to have the in-person mediation rescheduled in a timely manner.

3. **HAND WASHING/SANITIZING:** Prior to entering the mediation space, 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:** Fully vaccinated participants are not required to wear a face cover. All unvaccinated participants are strongly encouraged to wear a face cover at all times while in the building unless directed otherwise by an ALJ. If any participant has a medical, religious, or other reason for not wearing a face cover, please notify ADR prior to the date of the mediation. Any unvaccinated person permitted to not wear a face cover must remain at least ten feet away from others.
5. **SOCIAL DISTANCING:** All unvaccinated participants should stay at least 6 feet (about 2 arms' length) from other people at all times. For unvaccinated participants, every effort should be made by parties and counsel to arrange the seating in the mediation rooms to maintain this social distance. At this time, children will not be permitted to attend an in-person mediation. Non-essential people will be allowed only to the extent social distancing may be maintained.
6. **MEDICALLY AT-RISK INDIVIDUALS:** If any attorney or participant is at risk for severe illness, the participant shall notify the ADR Division at least three days prior to the scheduled mediation and shall propose an accommodation. The Division Director or other ADR ALJ will consider the request within the ALJ's discretion and rule upon the accommodation as appropriate.
7. **INDIVIDUALS' RESPONSIBILITY:** Please remember your health and safety is your responsibility. The SBWC and/or ADR Division 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. **DOCUMENTS:** All documents to be exchanged or discussed at a mediation must be shared electronically at least 2 business days before the mediation. If you must bring paper documents, bring a copy for opposing counsel as well as yourself.
9. **FIELD MEDIATION 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 ADR's main office. The phone number is on your mediation notice.
10. **ALJ AUTHORITY:** The ADR Division Director or other ADR ALJ has authority to vary the guidelines as circumstances dictate.
11. **ISOLATION, QUARANTINE, AND NOTICE:** State Board of Workers' Compensation employees who (1) have received a positive lab-confirmed test for COVID-19, or (2) are suspected to have COVID-19 based on symptoms recognized by the CDC, or (3) who are not fully vaccinated and have been in close contact with a person with known or suspected COVID-19 must isolate or quarantine themselves from the workplace in accordance with the Department of Public Health's *most recent Amended Administrative Order for Public Health Control Measures* and their *Return to Work Guidance After COVID-19 Illness or Exposure for Persons Who Are Not Healthcare Personnel*.  
<https://dph.georgia.gov/isolation-contact>

Furthermore, all visitors who have reason to believe they may have had COVID-19 while at a Board facility, hearing, mediation, or other event, shall contact the Chief ALJ or ADR Division Director and follow the most recent Georgia Department of Health Guidelines outlined at: <https://dph.georgia.gov/contact>.

## **ATLANTA**

The number of people allowed in the building's elevators is limited to two, so staggered elevator trips to get to the 7th floor may be necessary. To provide a more sanitized environment for the parties in the next mediation, participants are requested to use cleaning supplies available in the mediation spaces to wipe down their respective areas when the mediation is over. COVID-19 and fever screening will take place prior to entry into the mediation space. Participants who do not pass the COVID-19 screening, as outlined in Section 1 will be denied entry. Once admitted, please remain in your designated room(s). You are welcome to bring bottled water with you.

## **DALTON**

Please call 706-272-2284 upon your arrival. COVID-19 and fever screening will take place prior to entry into the mediation rooms. Participants who do not pass the COVID-19 screening as outlined in Section 1 will be denied entry. Once admitted, please remain in your designated room(s). You are welcome to bring bottled water with you.

## **GAINESVILLE**

Please call 770-531-5625 upon your arrival. COVID-19 and fever screening will take place prior to entry into the mediation rooms. Participants who do not pass the COVID-19 screening as outlined in Section 1 will be denied entry. Once admitted, please remain in your designated room(s). You are welcome to bring bottled water with you.

## **SAVANNAH**

Please call 912-650-7859 upon your arrival. COVID-19 and fever screening will take place prior to entry into the mediation rooms. Participants who do not pass the COVID-19 screening as outlined in Section 1 will be denied entry. Once admitted, please remain in your designated room(s). You are welcome to bring bottled water with you.

**PLEASE ARRIVE ON TIME FOR ALL MEDIATIONS TO  
ACCOMMODATE THE DELAYS CAUSED BY ENTRY PROCEDURES.**