

GUIDELINES FOR IN-PERSON MEDIATIONS

GEORGIA STATE BOARD OF WORKERS' COMPENSATION

July 2022

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 applicable health guidelines. Mediations may be conducted virtually via Zoom, in-person, or in a hybrid fashion (part virtually via Zoom and part in-person).

For in-person mediations, please observe the following procedures. Attorneys should share these guidelines with all participants (parties, interpreters, adjusters, etc.).

1. **REQUIRED PRE-MEDIATION CONFERENCES:** Pre-mediation conference calls involving the attorneys, unrepresented parties, and the administrative law judge or mediator are required to discuss the logistics, number of witnesses, and estimated length of the mediation. In most situations this conference will occur the business day prior to the scheduled mediation date.
2. **HEALTH GUIDANCE:** 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 may attend if he/she has remained asymptomatic following any COVID-19 exposures unless the participant has had a household member under evaluation for COVID-19 or with a confirmed infection of COVID-19 within the last 5 days.
 - c) Any **unvaccinated** participant scheduled to attend an in-person mediation who has experienced the following outlined in the four sections below shall not appear in person:
 - Are currently being treated for COVID-19 illness or pending test results for COVID-19;
 - Experienced any symptoms such as fever above 100.0 in the past 72 hours, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, new loss of taste or smell, sore throat, nausea and/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>);
 - Been in close contact with someone under evaluation for COVID-19 or with a confirmed infection of COVID-19 within the last 5 days; or
 - Within 5 days before the mediation, have traveled to a high-risk area for transmission of COVID-19.
 - d) For in-person mediations, attorneys and unrepresented parties should be prepared to advise the ALJ or mediator during the required pre-mediation conference whether they and all of their participants qualify to attend the mediation under the guidelines above. ***Attorneys shall notify ADR if any participant's status changes before the in-person mediation.***

3. **PROCEDURE:** Parties who cannot attend under the above guidelines shall immediately notify their counsel who shall contact the ADR Division Director's office for further direction.

If possible, a scheduled in-person mediation for which a party becomes unable to attend under the above guidelines will be transitioned to Zoom for the participant who cannot attend or for all parties. If not, ADR will assist the parties to have the mediation rescheduled in a timely manner.

4. **MEDICALLY AT-RISK INDIVIDUALS:** If any attorney or participant is at risk for severe illness, the participant shall notify the ADR Division at least seven 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.
5. **INDIVIDUALS' RESPONSIBILITY:** Please remember your health and safety are 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>
6. **NOTICE:** All visitors who have reason to believe they may have had COVID-19 while at a Board facility, mediation, or other event, or show any symptoms thereof within five days of shall contact the ADR Division Director and follow the most recent Georgia Department of Health Guidelines outlined at: <https://dph.georgia.gov/contact>.
7. **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.
8. **ALJ AUTHORITY:** The ADR Division Director or other ADR ALJ has authority to vary the guidelines as circumstances dictate.
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. **IN-PERSON MEDIATIONS AT BOARD OFFICES:**

Atlanta

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. 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. 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. 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

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