

**GUIDELINES FOR PERSONS ATTENDING NORTH CAROLINA INDUSTRIAL
COMMISSION WORKERS' COMPENSATION AND TORT HEARINGS DURING
THE COVID-19 PANDEMIC**

I. ANY PERSON WITH SYMPTOMS OF COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER

Any person with symptoms of COVID-19 shall not enter a courthouse/courtroom or building/hearing room for an Industrial Commission hearing. Any such person who would otherwise attend the hearing shall contact the presiding Deputy Commissioner directly by email or telephone at the earliest opportunity possible to receive further instruction.

Based on guidance from the Centers for Disease Control (CDC), the symptoms of COVID-19 include:

- Fever or 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
- Diarrhea

II. ANY PERSON WHO HAS TESTED POSITIVE FOR COVID-19 AND WHO HAS HAD SYMPTOMS OF COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS THE PERSON HAS BOTH RECOVERED FROM COVID-19 AND THE CDC-RECOMMENDED AMOUNT OF TIME HAS PASSED SINCE ILLNESS ONSET AND RECOVERY

Any person who has tested positive for COVID-19 shall not enter a courthouse/courtroom or building/hearing room in which an Industrial Commission hearing is scheduled, unless the person has both recovered from COVID-19 (as defined below) and the CDC-recommended amount of time has passed since illness onset and recovery (as described below). Any such person who would otherwise attend the hearing shall contact the presiding Deputy Commissioner directly by email or telephone at the earliest opportunity possible to receive further instruction.

“Recovery” from COVID-19 is defined as: (1) resolution of fever without the use of fever-reducing medications; and (2) progressive improvement or resolution of other symptoms. As of July 1, 2020, the CDC-recommended amount of time that must pass since illness onset and recovery is: (1) at least 10 days after illness onset; and (2) at least 3 days (72 hours) after

recovery (meaning no fever for at least 3 days (72 hours) and progressive improvement or resolution of other symptoms). Please check current CDC guidelines for updated information regarding relevant COVID-19 illness onset and recovery time periods.

III. ANY PERSON WHO HAS TESTED POSITIVE FOR COVID-19 BUT WHO HAS HAD NO SYMPTOMS OF COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS AT LEAST 10 DAYS HAVE PASSED SINCE THE POSITIVE TEST

Consistent with CDC guidelines, any person who has tested positive for COVID-19 but has not had any symptoms, shall not enter a courthouse/courtroom or building/hearing room in which an Industrial Commission hearing is scheduled unless at least 10 days have passed since the positive test.

IV. ANY PERSON WHO HAS HAD A KNOWN CONTACT WITH ANOTHER PERSON DIAGNOSED WITH COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS AT LEAST 14 DAYS HAVE PASSED SINCE THE KNOWN CONTACT

Any person who has had a known contact with another person diagnosed with COVID-19 shall not enter a courthouse/courtroom or building/hearing room in which an Industrial Commission hearing is scheduled, unless at least 14 days has passed since the known contact. Any such person who would otherwise attend the hearing shall contact the presiding Deputy Commissioner directly by email or telephone at the earliest opportunity possible to receive further instruction.

V. ANY PERSON WHO HAS TRAVELED INTERNATIONALLY SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS AT LEAST 14 DAYS HAVE PASSED SINCE RETURNING HOME FROM THE INTERNATIONAL TRAVEL

Any person who has traveled internationally shall not enter a courthouse/courtroom or building/hearing room in which an Industrial Commission hearing is scheduled, unless at least 14 days has passed since returning home from the international travel. Any such person who would otherwise attend the hearing shall contact the presiding Deputy Commissioner directly by email or telephone at the earliest opportunity possible to receive further instruction.

VI. SOCIAL DISTANCING, HAND HYGIENE, AND FACE COVERINGS

A. Social Distancing

All persons in the hearing room should maintain a distance of at least six feet from all other individuals. The Deputy Commissioner will limit the number of individuals in the hearing room to allow for proper social distancing.

B. Hand Hygiene

All persons in the hearing room should wash their hands and/or use hand sanitizer in a manner consistent with CDC guidelines. Special attention should be given to sanitizing hands prior to entering the hearing room, after using the restroom, and after touching high-traffic surfaces.

C. Face Coverings

For all times during which there is a statewide and/or local order requiring the wearing of a face covering in the county or municipality where the hearing is held, every person in the hearing room shall wear an appropriate face covering over the mouth and nose in a manner consistent with CDC guidelines, unless the person maintains a distance of at least six feet from all other individuals, is actively participating in the hearing, and wearing the face covering impedes communication.

For all times during which there is not a statewide and/or local order requiring the wearing of a face covering in the county or municipality where the hearing is held, every person in the hearing room is strongly advised to wear an appropriate face covering over the mouth and nose in a manner consistent with CDC guidelines, unless the person maintains a distance of at least six feet from all other individuals, is actively participating in the hearing, and wearing the face covering impedes communication.

In addition to the circumstances stated above, face coverings are not required to be worn by persons who should not wear a face covering due to a medical or behavioral condition or if another exception contained in a statewide and/or local order is applicable.

Per CDC guidelines, children under two (2) years of age should not wear a face covering.

VII. EXHIBITS

- A. Except for hearings involving *pro se* (non-represented) litigants, all stipulated and proposed exhibits shall be uploaded via EDFP at least 48 hours prior to the scheduled hearing and exchanged with the other party or parties. This requirement shall not apply to proposed exhibits contemplated exclusively for use in potential rebuttal, surrebuttal, or impeachment. When a party appears *pro se*, the Deputy Commissioner will determine in his or her discretion how to receive exhibits and how to rule on the admissibility of exhibits.
- B. Unless otherwise ordered by the presiding Deputy Commissioner, all hearing participants (attorneys, parties, witnesses, etc.) shall bring their own copies of the exhibits to the hearing (i.e. all exhibits exchanged between the parties and

submitted to the Commission prior to the hearing). If it is necessary to use a paper or electronic copy of an exhibit to examine a witness, the following procedure should be followed: When examining the witness, the questioning attorney should place the paper exhibit (or the electronic device containing the exhibit) on a surface while maintaining a distance of at least six feet from all other individuals. The witness may then approach the surface to examine or read the paper exhibit or exhibit on the electronic device, while maintaining a distance of at least six feet from all other individuals. If the witness needs to touch the paper exhibit or the electronic device, the witness should use clean gloves to do so or should properly sanitize his or her hands before and after touching the exhibit. The presiding Deputy Commissioner will consult with the parties in cases involving *pro se* (non-represented) litigants and will order exceptions as warranted based upon the ability of the *pro se* litigant to comply with this exhibit policy.

VIII. STATE AND LOCAL GUIDELINES

All hearing participants and observers are expected to observe all COVID-19 guidelines applicable to the State of North Carolina and applicable to the county and municipality where the hearing is held, as well as any guidelines adopted for the courthouse/courtroom or building/hearing room where the Industrial Commission is conducting hearings.

IX. ADDITIONAL PRECAUTIONS

The foregoing guidelines are not a substitute for personal responsibility. The CDC recommends that every person take affirmative measures to avoid contracting COVID-19 by: knowing how it spreads, washing hands often, avoiding close contact with other persons, covering mouth and nose with a cloth covering when around others, covering coughs and sneezes, cleaning and disinfecting, and monitoring your health.