

GUIDELINES FOR PERSONS ATTENDING NORTH CAROLINA INDUSTRIAL COMMISSION IN-PERSON HEARINGS DURING THE COVID-19 PANDEMIC

1. ANY PERSON WITH SYMPTOMS OF COVID-19 WHO HAS NOT HAD A COVID-19 VIRAL TEST FOLLOWING ONSET OF THE SYMPTOMS SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER

Any person with symptoms of COVID-19 who has not had a COVID-19 viral test following onset of the symptoms shall not enter a courthouse/courtroom or building/hearing room for an Industrial Commission hearing. Any party or attorney of record who cannot attend the hearing shall contact the presiding Deputy Commissioner by email or telephone at the earliest possible opportunity to receive further instructions. Any other witness who cannot attend the hearing shall immediately notify the party or attorney who requested their attendance or participation at the hearing to receive further instructions.

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

2. ANY PERSON WHO HAS TESTED POSITIVE FOR COVID-19 AND HAS HAD SYMPTOMS OF COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS AT LEAST 5 DAYS HAVE PASSED SINCE SYMPTOM ONSET AND 24 HOURS WITH NO FEVER AND WITHOUT THE USE OF FEVER-REDUCING MEDICATIONS HAS PASSED AND OTHER COVID-19 SYMPTOMS ARE IMPROVING

Any person who has tested positive for COVID-19 and has had symptoms of COVID-19 shall not enter a courthouse/courtroom or building/hearing room in which an Industrial Commission hearing is scheduled unless all of the following have occurred: (1) At least 5 days have passed since the COVID-19 symptoms first appeared; and (2) 24 hours with no fever and without the use of fever-reducing medications has passed; and (3) other symptoms of COVID-19 (meaning symptoms other than fever) are improving.

Additionally, any person who has tested positive for COVID-19 and has had symptoms of COVID-19 shall wear a well-fitting mask while attending any Industrial Commission hearing for an additional 5 days after the end of the isolation period.

Any party or attorney of record who cannot attend the hearing shall contact the presiding

Deputy Commissioner by email or telephone at the earliest possible opportunity to receive further instructions. Any other witness who cannot attend the hearing shall immediately notify the party or attorney who requested their attendance or participation at the hearing to receive further instructions.

3. ANY PERSON WHO HAS TESTED POSITIVE FOR COVID-19 BUT HAS HAD NO SYMPTOMS OF COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS AT LEAST 5 DAYS HAVE PASSED SINCE THE POSITIVE COVID-19 TEST

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 5 days have passed since the positive test.

Additionally, any person who has tested positive for COVID-19 but has had no symptoms of COVID-19 shall wear a well-fitting mask while attending any Industrial Commission hearing for an additional 5 days after the 5-day isolation period.

Any party or attorney of record who cannot attend the hearing shall contact the presiding Deputy Commissioner by email or telephone at the earliest possible opportunity to receive further instructions. Any other witness who cannot attend the hearing shall immediately notify the party or attorney who requested their attendance or participation at the hearing to receive further instructions.

4. SUBJECT TO THE EXCEPTIONS STATED HEREIN, ANY PERSON WHO HAS HAD A KNOWN CONTACT WITH ANOTHER PERSON WHO HAS COVID-19 SHALL NOT ATTEND A HEARING AND SHALL CONTACT THE DEPUTY COMMISSIONER, UNLESS AT LEAST 5 DAYS HAVE PASSED SINCE THE DATE OF THE LAST KNOWN CONTACT WITH ANOTHER PERSON WHO HAS COVID-19, FOLLOWED BY A NEGATIVE COVID-19 TEST. *EXCEPTIONS: THIS REQUIREMENT DOES NOT APPLY TO PERSONS WHO ARE VACCINATED AND BOOSTED AGAINST COVID-19, PERSONS WHO ARE VACCINATED AGAINST COVID-19 AND NOT YET ELIGIBLE FOR A BOOSTER, OR PERSONS WHO HAVE RECOVERED FROM CONFIRMED COVID-19 WITHIN THE PREVIOUS 90 DAYS. HOWEVER, PERSONS WHO ARE EXCEPTED FROM THIS REQUIREMENT SHALL WEAR A WELL-FITTING MASK WHILE ATTENDING ANY INDUSTRIAL COMMISSION HEARING FOR 10 DAYS FROM THE DATE OF THE LAST KNOWN CONTACT WITH ANOTHER PERSON WHO HAS COVID-19.*

Subject to the exceptions stated below, any person who has had a known contact with another person who has COVID-19 shall not enter a courthouse/courtroom or building/hearing room in which an Industrial Commission hearing is scheduled, unless at least 5 days has passed since the date of the last known contact with another person who has COVID-19, followed by a negative COVID-19 test.

Additionally, any person who has had a known contact with another person who has COVID-19 shall wear a well-fitting mask while attending any Industrial Commission hearing for an additional 5 days after the 5-day isolation period.

Exceptions: This requirement does not apply to persons who are vaccinated and boosted against COVID-19, persons who are vaccinated against COVID-19 and not yet eligible for a booster, or persons who have recovered from confirmed COVID-19 (meaning COVID-19 confirmed by a viral test) within the previous 90 days. However, persons who are excepted from this requirement shall wear a well-fitting mask while attending any Industrial Commission hearing for 10 days from the date of the last known contact with another person who has COVID-19.

Any party or attorney of record who cannot attend the hearing shall contact the presiding Deputy Commissioner by email or telephone at the earliest possible opportunity to receive further instructions. Any other witness who cannot attend the hearing shall immediately notify the party or attorney who requested their attendance or participation at the hearing to receive further instructions.

5. MASKS, SOCIAL DISTANCING, HAND HYGIENE, AND OTHER COVID-19 SAFETY PROTOCOLS

The Commission will follow the COVID-19 safety protocols for the county courts where the hearing is held or the safety protocols of the building where the hearing is held, whichever are more restrictive, unless otherwise ordered by the presiding Deputy Commissioner. For information on a particular county, go to <https://www.nccourts.gov/locations> and then select the desired county.

Additionally, the Commission will follow the COVID-19 CDC and NCDHHS safety protocols, whichever are more restrictive, regarding masks following a known exposure to COVID-19 and/or a positive COVID-19 test.

6. EXHIBITS

Except for hearings involving *pro se* (non-represented) litigants, all stipulated exhibits shall be uploaded via EDFP at least 48 hours prior to the scheduled hearing and exchanged with the other party or parties. Any exhibit not subject to stipulation shall be proffered at trial. 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.

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).

7. 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.