

**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 AN IN-PERSON 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 AN IN-PERSON 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 high-quality mask while attending any in-person 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 AN IN-PERSON INDUSTRIAL COMMISSION 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 high-quality mask while attending any in-person 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. ANY PERSON WHO HAS NO SYMPTOMS OF COVID-19 AND HAS NOT TESTED POSITIVE FOR COVID-19 BUT WHO HAS, AT ANY TIME DURING THE 10-DAY PERIOD PRIOR TO AN IN-PERSON INDUSTRIAL COMMISSION HEARING, HAD A KNOWN CONTACT WITH ANOTHER PERSON WHO HAS COVID-19 SHALL WEAR A HIGH-QUALITY MASK AT ALL TIMES DURING THE HEARING. *(NOTE: IF THE IN-PERSON INDUSTRIAL COMMISSION HEARING IS SCHEDULED FOR DAY 5, 6, 7, 8, 9, OR 10 FOLLOWING THE KNOWN CONTACT, THE RESULTS OF A COVID-19 VIRAL TEST SHALL BE OBTAINED BEFORE ATTENDING THE HEARING).***

Any person who has no symptoms of COVID-19 and has not tested positive for COVID-19 but who has, at any time during the 10-day period prior to an in-person Industrial Commission hearing, had a known contact with another person who has COVID-19 shall wear a high-quality mask at all times during the Industrial Commission hearing.

NOTE: If the in-person Industrial Commission hearing is scheduled for Day 5, 6, 7, 8, 9, or 10 following the known contact, the results of a COVID-19 viral test shall be obtained before the hearing. If the results of the test are positive, the instructions for Guideline #2 on page 1 of these Guidelines shall be followed.

ALSO NOTE: If any symptoms of COVID-19 develop prior to the start of the in-person Industrial Commission hearing, the instructions for Guideline #1 on page 1 of these Guidelines shall be followed.

## **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.