



NORTH CAROLINA INDUSTRIAL COMMISSION

April 2020 Quarterly Update

Full Commission Section and General / Administrative Updates

- In response to the COVID-19 pandemic, the Commission has instituted several new policies to help protect public health and safety, including new policies for hearings and mediations and new policies for accepting electronic signatures on agreements and accepting written affirmations without notarization. These new policies are posted on the home page of the Commission's website and under the Latest News tab (Breaking News & Important Announcements).
- Attorneys also can visit the Commission's website to review additional COVID-19 Response postings addressing issues such as telehealth coverage and billing, secure leave issues, and the best way to reach Commission staff during this period of time when staff is working remotely to the greatest extent possible.
- All Full Commission oral arguments are being conducted by teleconference due to the COVID-19 pandemic. The Full Commission panel chair is providing the parties with a toll-free number and access code to dial into the conference call. All oral arguments that are normally recorded continue to be recorded by a court reporter.
- A notice of proposed rulemaking by the Commission was published in the April 15, 2020 North Carolina Register. A link to the notice of proposed rulemaking can be found at <https://www.ic.nc.gov/efilingandotheramendments.html>. A **public hearing** on the proposed rule amendments will be held on **Wednesday, May 6, 2020 at 2 p.m.** Out of an abundance of caution and to address protective measures to help prevent the spread of COVID-19, the public hearing will be held via teleconference only instead of being held in person. The **teleconference number** is **1-888-363-4735** and the **access code** is **4465746**. Comments may be submitted through June 15, 2020 to Gina Cammarano, Rulemaking Coordinator, by email at gina.cammarano@ic.nc.gov or by U.S. mail at 1240 Mail Service Center, Raleigh, NC 27699-1240.

- Industrial Commission employees are presently working remotely to the greatest extent possible. The Commission remains open for business but encourages you to contact Commission staff by email instead of by phone. Commission employees working remotely have easy and quick access to their email inbox on their laptops and other devices. By contrast, they do not have real time access to office phone calls when working remotely. Email addresses can be found by going under the “Sections” tab on the Commission’s Home Page and clicking on the appropriate section of the Commission.

Claims Section

- Because the Claims Section is working remotely to the greatest extent possible due to the COVID-19 pandemic, the best way to reach a member of the Claims Section is to email your inquiry to claimsadm@ic.nc.gov.
- Please note that EDFP, EDI, and all other Rule 11 NCAC 23A .0108 requirements remain in effect during the COVID-19 pandemic. For the Commission to efficiently process forms and other filings while working remotely, it is essential that all filers comply with the rule. Information on the rule requirements can be found at <https://www.ic.nc.gov/RULE%20108%20FILING%20REMINDER%204-6-20.pdf>

Deputy Commissioner Section

- Due to the COVID-19 pandemic, all Deputy Commissioner hearings scheduled to be heard in March (beginning March 16th), April or May of 2020 have been continued to be reset on a future docket, with the exception of hearings on medical motions arising under G.S. §97-25(f) or unless the parties are notified otherwise.
- Deputy Commissioner hearings on medical motions arising under G.S. §97-25(f), which are statutorily required to be held within 30 days of the filing of the motion or appeal, will not be continued during the COVID-19 pandemic. These hearings are being conducted with all parties appearing remotely by teleconference, presently through the end of May 2020. The Notice of Hearing contains the conference call toll-free number and access code to dial into the conference call. Attorneys, parties and witnesses may dial into the call from any telephone. Consistent with existing procedure, all testimony will continue to be recorded by a court reporter, who will also be on the call. Witnesses will be asked to affirm. Any exhibits to be offered at the hearing should be uploaded via EDFP two days prior to the hearing so that the Deputy Commissioner may view them. The Deputy Commissioner before whom the hearing is scheduled may excuse the parties from appearing at the G.S. §97-25(f) hearing if the parties and the Deputy Commissioner agree that no lay witnesses are needed to decide the case, based on the parties’ stipulated facts and exhibits. If the parties are excused from appearing at the hearing because no lay witnesses are needed, the parties should

proceed as usual with obtaining any expert medical testimony needed to close the record.

Executive Secretary's Office

- The Executive Secretary's Office is working remotely to the greatest extent possible due to the COVID-19 pandemic. Consistent with normal procedure, all informal telephonic hearings conducted by the Executive Secretary's Office are being conducted by conference call. The best way to reach a member of the Executive Secretary's Office is by email instead of by phone. Email addresses can be found by going under the "Sections" tab on the Commission's Home Page and clicking on "Executive Secretary."

- The Executive Secretary's Office has received phone calls from legal assistants inquiring about the status of orders in cases where the orders already have been emailed to the attorneys. The Commission requests that attorneys working remotely please advise their assistants when orders are received. In the alternative, the Commission will transmit orders to both the attorney and the legal assistant if both email addresses are provided on the proposed order.

Mediation Section

- Consistent with Chief Justice Beasley's April 2, 2020 Order, mediations held in Industrial Commission cases prior to June 1, 2020 are required to be conducted with all parties appearing remotely or, in the alternative, be rescheduled for a date on or after June 1, 2020. If all parties do not consent to appear remotely, then the mediation must be rescheduled for a date on or after June 1, 2020.

- In order to assist attorneys, mediators, and other participants appearing remotely at mediation, a Microsoft Word version of the Form MSC8 has been posted on the website under "Sections," "Mediation," "Mediation Forms."

- Based upon stakeholder feedback, extended compensation claims pursuant to G.S. §97-29(c) will be ordered into mediation under the same procedures that are applicable to other claims upon the filing of a Form 33 Request for Hearing.