

**VIRGINIA:
IN THE WORKERS' COMPENSATION COMMISSION**

ORDER

On March 16, 2020, the Virginia Supreme Court entered an Order declaring a Judicial Emergency in response to the COVID-19 pandemic. On April 6, 2020, the Commission entered an Order directing that all evidentiary hearings be conducted via video conference until in-person hearings could resume subject to the terms and conditions set forth in the Order. On May 6, 2020, the Virginia Supreme Court entered its “Fourth Order Modifying and Extending Declaration of Judicial Emergency in Response to COVID – 19 Emergency” extending the current Judicial State of Emergency through June 7, 2020, but allowing in-person civil proceedings to resume in certain circumstances beginning May 18, 2020. Upon review and consideration of the dictates of the Supreme Court Order and wishing to adopt as much of it as is relevant to the proceedings before the Commission, we hereby ORDER as follows:

- 1. All evidentiary hearings scheduled through June 10, 2020, will remain scheduled as video conference hearings, subject to all of the terms and conditions of the April 6, 2020 Order. Deputy Commissioners retain discretion to allow any attendee at a video hearing who is experiencing technical difficulties with the video portion of the event to participate via telephone.**
- 2. All evidentiary hearings scheduled on or after June 11, 2020 will be conducted in- person subject to the requirements of this Order. Deputy Commissioners retain discretion to allow any attendee to participate in the hearing by video or telephone when requested and where appropriate.**

- 3. Notwithstanding the preference for conducting hearings by video conferencing or telephone, effective June 1, 2020, the Commission will hold in-person hearings upon request if determined it is safe to do so and provided that the parties comply with all of the requirements of this Order to minimize the risk of the spread of COVID-19 from in-person court proceedings.**
- 4. Individuals will be prohibited from entering a Commission office or hearing location if they have a temperature in excess of 100.4 degrees F/ 38.0 degrees C, or if they have within the previous 14 days:**
 - a. Traveled internationally;**
 - b. Been directed to quarantine, isolate, or self-monitor;**
 - c. Been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;**
 - d. Experienced a fever, cough, or shortness of breath; or**
 - e. Resided with or been in close contact with any person in the above-mentioned categories.**

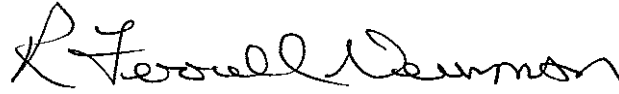
Commission and security personnel will conduct a non-invasive temperature screening prior to entry to Commission facilities and will query visitors regarding the above. Individuals with an excessive temperature or with any affirmative response will not be permitted to enter a Commission office or hearing location. Commission and security personnel shall direct individuals with any affirmative response to contact the Customer Contact Center at 1-877-664-2566. The Contact Center Specialist will direct the call to the appropriate judicial office to receive further

instruction regarding alternate arrangements for access to the Commission offices or participation in hearings.

- 5. Individuals will be required to wear a mask and gloves before entering, and at all times while inside, Commission facilities. Deputy Commissioners may permit witnesses to temporarily lower their face masks when testifying if necessary and appropriate.**
- 6. Occupancy in any one courtroom or waiting area will be limited to ten persons. In order to ensure recommended social and physical distancing, it may be necessary to further limit the number of people present in the courtroom or Commission facility at any given time as this number will necessarily be limited by the size of the courtroom to ensure that those present can remain six feet apart.**
- 7. Hearings conducted in facilities other than the Commission's offices shall be further subject to the requirements and restrictions of those facilities. Some facilities may not be available, necessitating a change in venue or hearing date.**
- 8. Deputy Commissioners are granted broad authority to adopt additional procedures to ensure the safety of persons appearing before the Commission as well as the safety of Commission staff. This discretion will include the granting of continuances if necessary to ensure that safety in light of the ongoing emergency.**

We are conscious of the risks posed to members of the public and to Commission employees by contraction of COVID-19. This Order is intended to balance the need for safety with the needs of litigants to be able to conduct their business before the Commission.

ENTERED this 21st day of May, 2020.



R. Ferrell Newman, Chairman



Wesley G. Marshall, Commissioner



Robert A. Rapaport, Commissioner