**TEMPORARY EMERGENCY GUIDELINES IN RESPONSE TO COVID-19 OUTBREAK**

In an effort to comply with the COVID-19 public health policy of social distancing, the Workers’ Compensation Commission will be instituting changes in the hearing process for the foreseeable future. Therefore, beginning today, March 16, 2020, we are directing the following **initial changes**:

1. CANCELLATION OF DOCKETS FOR TUESDAY, MARCH 17, 2020 & WEDNESDAY, MARCH 18, 2020.

Beginning today Monday, March 16, 2020 district offices are directed to contact all parties on the dockets for Tuesday, March 17, 2020 and Wednesday, March 18, 2020 to notify them that hearings are postponed. (*Should any parties to any hearing appear in person, the commissioners shall use their discretion on how to proceed*).

Any postponed cases which are deemed to be emergencies by the commissioners shall be scheduled for Thursday, March 19, 2020 or the morning of Friday, March 20, 2020.

**THE PURPOSE** of these hearing postponements is to: (i) allow time for commissioners to go through the currently docketed hearings in order to determine which of those hearings need to go forward and which may reasonably be deferred; and (ii) allow WCC time, together with IT, to work out the logistics of proceeding with telephonic informal and pre-formal hearings. (We are advised by IT that the district phone systems may not be adequately equipped for the volume of conference calls we anticipate.)

1. EXPECTATIONS MOVING FORWARD

While WCC will make all efforts to conduct hearings by telephone, this obviously is less than ideal and has limitations. Although we will attempt to conduct as many telephone hearings as possible, we cannot docket as many cases as we would do in a normal docket. Therefore, to reduce the volume of hearings WCC is taking these steps:

Effective immediately, the three-day rule for cancellation of hearings is suspended.

“Reports” may be made by phone, up to the time of the hearing.

Continuances for cause will be liberally granted, with due consideration of prejudice to affected parties.

Subject to commissioner discretion, out-of-state stipulation procedures may be used for in-state claimants.

Until further notice, there shall be no double docketing going forward in any time slots.

Commissioners and staff are expected to prioritize the scheduling of hearings to ensure that those hearings of the highest priority are docketed. Priority hearings shall include, BUT NOT BE LIMITED TO, hearings where benefits are not being paid (including those where a Form 43 has been filed denying compensability), medical treatment is being denied and is deemed urgent, Form 36 hearings, and hearings resulting from the receipt of Commissioners’ Examinations if the parties indicate the CME did not resolve the issue.

1. EXPECTATION OF THE PARTIES

**The obligation of a party requesting a hearing to first speak with the opposing party will be strictly enforced.** The purpose of this is to determine if the issue can be resolved or, if not, whether a hearing *at this time* is truly necessary.

*As a guide, when deciding if a hearing needs to go forward, ask yourself if the issue is sufficiently important that you would risk exposure of yourself or your family by appearing in person.*

If for the purposes of the hearing, written records or reports are going to be relied upon, those documents should be provided by fax to the district in advance of the hearing*. Parties should only send those documents that are essential and relevant to the issue in dispute.*

**Job searches are waived from Monday, March 16, 2020, until further notice**.

1. HEARINGS BY TELEPHONE EFFECTIVE THURSDAY, MARCH 19, 2020

Beginning Thursday, March 19, 2020, WC hearings will be done by telephone unless determined otherwise by the commissioner. This policy shall remain in place until further notice. Conference calls shall be initiated by staff and/or commissioners at the noticed hearing times.

**Given system limitations, to the extent parties can initiate conference calls themselves it would be helpful and appreciated. If at the time of the hearing WCC has not received a call, commissioners will initiate the call.**

(*Should any parties to any hearing appear in person, the commissioners shall use their discretion on how to proceed. A suggestion would be, when thought necessary, to have the parties directed to a conference room where they can then be conferenced into the hearing room telephonically.*)

1. SCHEDULING OF HEARINGS

Unless directed otherwise by commissioners, no apportionment hearings (unless the 299b party is refusing to pay benefits) shall be scheduled until further notice. For the 8th District Commissioner Schoolcraft will direct staff as to scheduling of asbestos hearings.

1. FORMAL HEARINGS

Only formal hearings of high priority should be scheduled until further notice. Formal hearings WILL NOT be done telephonically unless specifically directed by a commissioner. Commissioners will work with staff to determine which formal hearings are priority hearings.