

TO: All Interested Parties

Date: March 19, 2020

RE: Temporary Dispute Resolution Protocols

FROM: Sheri Bowles, JD, Interim Director

In light of emerging developments and public health concerns regarding the COVID-19 (coronavirus) pandemic and the actions ordered by the Governor, the Department of Industrial Accidents issues the following Case Protocol to protect the public health by reducing the risk of exposure to the virus and slowing the spread of the disease. These restrictions are *temporary* but will remain in place until it is determined to be safe to remove them.

CONCILIATIONS:

- The DIA will conduct conciliations without the parties' appearance.
- All Conciliations will be conducted via conference call.
- The parties shall email all claims or complaints with supporting documents to the assigned conciliator as well as to opposing counsel 48 hours prior to the scheduled Conciliation.
- All files emailed to the Conciliators cannot exceed 5 MB.
- The parties shall include in the email their direct contact phone number.
- The Conciliator will initiate a conference call with the parties at an assigned time.
- The parties are to make themselves available at the assigned time.
- Because the DIA will be operating with a reduced staff during this period of time, the parties may be assigned a Conciliator that differs from the original conciliation notice.
- Please note that all in-person Section 36 evaluations are suspended.
- The Conciliation Unit will accept for approval, via email, efax or US Mail, all Agreements to Pay, Pay without Prejudice extensions and Section 36 agreements.
- The Conciliation Unit will accept for processing, Walk-In Lump Sum request, via email, efax, or US Mail only.

CONFERENCES:

- The Administrative Judges will be conducting Conferences via WebEx from their respective regional offices.

- All Conferences scheduled from March 23, 2020 through April 3, 2020 will be conducted via WebEx.
- The parties will be required to download the free WebEx application.
- The WebEx application is compatible on all platforms. (i.e. laptop, tablet, smartphone).
- The parties must have a platform that has a microphone and a camera.
- The parties must upload all Conference packets 48 hours prior to the scheduled Conference. The required Conference packet protocol remains in place. (OCR, pagination, etc.)
- The parties must email the Conference Memoranda, Form 140, to the Judge 24 hours prior to the scheduled Conference.
- The parties will be provided with a WebEx access number.
- When the Judge is ready to hear the Conference, the parties will receive an email or phone call from the Judge's office instructing the parties to call into the WebEx number.
- Please provide the Judge's office with a direct contact phone number and email address.
- Once the Judge completes a Conference, the Judge's office will contact the parties next on the docket list.
- Because the DIA will be operating with a reduced staff during this period of time, the parties may be assigned to an Administrative Judge that differs from the original Conference notice.

APPEALS:

- The DIA is temporarily suspending the requirement for late appeals and/or appeal fee checks for any Conference held from March 3, 2020 through April 3, 2020.

HEARINGS:

- All Hearings are suspended until it is determined to be safe to remove this restriction.

LUMP SUM SETTLEMENT AGREEMENTS:

- All lump sum settlement hearings are suspended until it is determined to be safe to remove these restrictions.
- All lump sum settlement agreements must be mailed to the Judge with an Employee's affidavit.

AGREEMENTS:

- All other agreements must be emailed to the Judge with an Employee's affidavit.

SECTION 15 PETITIONS:

- All Section 15 Petition will be processed as normal and there will be no change.