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DLR Hearing Procedures

Procedures for Hearings Conducted In Person

1. Pre-hearing conferences will take place by videoconference. Information on how to log in to the videoconference will be provided to the party representatives by the Department of Labor Relations (DLR) prior to the pre-hearing conference.
2. Hearings will take place in person in the DLR offices at 2 Avenue de Lafayette, Boston, Massachusetts. The DLR will consider requests to allow witnesses to appear remotely via WebEx. All such requests must be filed in writing with the hearing officer 14 days in advance of the hearing and must be supported by good cause.
3. Party representatives are responsible for forwarding the videoconference login information to all of their participants at the pre-hearing conference and, if applicable, any remote witnesses. Party representatives are also responsible for making sure that their participants are able to participate via videoconference and understand basic WebEx functions. Any witnesses appearing remotely must be able to participate in the hearing by a video connection, rather than audio only.

Party representatives are encouraged to have a test session with any remote witnesses on the WebEx platform in advance of the hearing. A link for a WebEx test meeting is included below.

4. In accordance with the Notice of Hearing, the parties must efile the Joint Pre-Hearing Memorandum three (3) business days before the pre-hearing conference. In filing the list of agreed-upon joint exhibits and copies of those exhibits, the parties shall ensure that all documents are clearly marked as JEX3 (for Joint Exhibit 1 etc.). Parties shall submit an electronic copy of each joint exhibit as an individual file. The file names of each joint exhibit should be the same brief descriptor used in the list of joint exhibits. Each party shall also provide a list of exhibits that it intends to introduce at the hearing and copies of those exhibits. All party exhibits shall be clearly marked as CP1, CP2, CP3 (for Charging Party Exhibit 1, 2, and 3), and R1, R2, R3 (for Respondent Exhibit 1, 2, 3), etc. The file names for these documents shall be the same brief descriptor used in the

party's list of exhibits. Any sensitive or personally identifiable information (PII) should be redacted from all exhibits.

5. If, at the hearing, a party representative requests to introduce a new document that was not submitted in advance, this will be allowed only to the extent practicable and at the discretion of the hearing officer. The hearing officer may, for example, briefly recess the proceedings so that the document can be exchanged with other participants.
6. The parties must ensure that any remote witnesses to the hearing have access to all documents that pertain to their testimony during the hearing.
7. Parties must include in the joint pre-hearing memo a list of the names and titles of the individuals who will be attending the hearing, even if some of the individuals listed will not be called as witnesses.
8. The parties are responsible for setting up the means to caucus or communicate privately with any remote witnesses during the hearing. The DLR has limited space where the parties may caucus in person away from the hearing room. Please check the front desk on the day of the hearing to request use of that space.
9. Rules for Conducting the Hearing:
 - a. Recording of the hearing by participants and remote witnesses is prohibited.
 - b. Prior to commencing the hearing, the Hearing Officer will confirm that the audio and video of any remote witnesses is functioning properly. All remote witnesses will be required to identify themselves and indicate who else, if anyone, is in the room with them.
 - c. Remote witnesses may not communicate with anyone by any means during their testimony except for the lawyers and the hearing officer. At the beginning of their testimony, the hearing officer will ask the remote witness to specify who else is in the room with them and to confirm that they are not reviewing any materials during their testimony except as directed by the lawyers and the hearing officer.
10. Best Practices for Remote Witnesses During Hearings:
 - a. Consider your surroundings when selecting a place from which to join the hearing. Backlighting and cluttered backgrounds can be distracting. Avoid places where sounds from surrounding activity may be picked up by your microphone. Witnesses should not use a virtual background.
 - b. To minimize the risk of distractions, silence your cellphone and any other devices in the area that may make noise.
 - c. When you are not presenting or testifying, you should mute your microphone in WebEx so the Hearing Officer does not pick up any extraneous audio from you. If you do not mute yourself, the Hearing Officer may place you on mute. The

Hearing Officer may also stop your video feed while another participant is speaking to limit distractions.

Procedures for Hearings Conducted by Videoconference

1. Pre-hearing conferences will take place by videoconference. Information on how to log in to the videoconference will be provided to the party representatives by the DLR prior to the pre-hearing conference.
2. Party representatives are responsible for forwarding the videoconference log-in information to all of their participants. Party representatives are also responsible for making sure that their participants are able to participate in the videoconference and understand basic WebEx functions. All witnesses must be able to participate in the hearing by a video connection, rather than audio only.

Party representatives are encouraged to have a test session with their participants on the WebEx platform in advance of the hearing. A link for a WebEx test meeting is included below.

3. Party representatives should provide the hearing officer with direct contact phone numbers where they may be reached, if necessary, during the hearing.
4. In accordance with the Notice of Hearing, the parties must efile the Joint Pre-Hearing Memorandum three (3) business days before the pre-hearing conference. In filing the list of agreed-upon joint exhibits and copies of those exhibits, the parties shall ensure that all documents are clearly marked as JEX3 (for Joint Exhibit 1 etc.). Parties shall submit an electronic copy of each joint exhibit as an individual file. The file names of each joint exhibit should be the same brief descriptor used in the list of joint exhibits. Each party shall also provide a list of exhibits that it intends to introduce at the hearing and copies of those exhibits. All party exhibits shall be clearly marked as CP1, CP2, CP3 (for Charging Party Exhibit 1, 2, and 3), and R1, R2, R3 (for Respondent Exhibit 1, 2, 3), etc. The file names for these documents shall be the same brief descriptor used in the party's list of exhibits. Any sensitive or personally identifiable information (PII) should be redacted from all exhibits.
5. If, at the hearing, a party representative requests to introduce a new document that was not submitted in advance, this will be allowed only to the extent practicable and at the discretion of the hearing officer. The hearing officer may, for example, briefly recess the proceedings so that the document can be exchanged with other participants.
6. The parties must ensure that all witnesses to the hearing have access to all documents that pertain to their testimony during the video conference

7. Parties must include in the joint pre-hearing memo a list of the names and titles of the individuals who will be attending the hearing, even if some of the individuals listed will not be called as witnesses.
8. The parties are responsible for setting up the means to caucus or communicate privately during the hearing.
9. Rules for Conducting the Hearing:
 - a. Recording of the hearing by participants is prohibited.
 - b. Prior to commencing the hearing, the Hearing Officer will greet all participants and confirm that the audio and video of all participants is functioning properly. All participants will be required to identify themselves and indicate who else, if anyone, is in the room with them.
 - c. Witnesses may not communicate with anyone by any means during their testimony except for the lawyers and the hearing officer. At the beginning of their testimony, the hearing officer will ask the witness to specify who else is in the room with them and to confirm that they are not reviewing any materials during their testimony except as directed by the lawyers and the hearing officer.
10. Best Practices During Hearings:
 - a. Consider your surroundings when selecting a place from which to join the hearing. Backlighting and cluttered backgrounds can be distracting. Avoid places where sounds from surrounding activity may be picked up by your microphone. Witnesses should not use a virtual background.
 - b. To minimize the risk of distractions, silence your cellphone and any other devices in the area that may make noise.
 - c. Participants should not interrupt or speak over one another. When you are not presenting or testifying, you should mute your microphone in WebEx so the Hearing Officer does not pick up any extraneous audio from you. If you do not mute yourself, the Hearing Officer may place you on mute. The Hearing Officer may also stop your video feed while another participant is presenting or testifying to limit distractions.

DLR Videoconference System Requirements

To attend a virtual DLR proceeding via videoconference, remote witnesses must:

- Have a computer with a web cam, mobile device, or video conference system
 - If any anticipated participant does not have the necessary videoconferencing capability, the DLR must be informed prior to the hearing.
- Have a reliable, high-speed Internet connection (preferably at least 1 - 1.5 megabits/second)
- Disable or delay the sleep/standby mode on your computer or mobile device
- Do **not** set your phone to "Do Not Disturb." DLR staff must be able to contact you if there are connection and/or other issues.

Due to variations in internet speed and connectivity, users with poor internet connections may experience connectivity and/or latency issues. A stable high-speed internet connection is recommended for the best user experience.

To attend a DLR proceeding remotely on a mobile device, users are required to download the Cisco WebEx application prior to the scheduled proceeding. When using a mobile device, a stable WiFi connection is recommended rather than using mobile data service.

At least 24 hours prior to the DLR virtual proceeding, all remote witnesses should test their computer/mobile device to make sure that they can use WebEx. To do so, please click on the link below:

[CONNECT TO A WebEx TEST MEETING](#)

Technical Problems

If there is a technical problem with WebEx during the hearing (e.g., a remote witness inadvertently drops out or is frozen due to a poor internet connection), the Hearing Officer may announce that there is a problem with the hearing and may instruct the participants that the hearing is being suspended momentarily to resolve the problem.

If you happen to drop out of the session or your feed freezes, you should immediately attempt to log back into the hearing. If you have difficulty rejoining, you should call (617) 626-7132 or the Hearing Officer for assistance.