



Oregon

Tina Kotek, Governor

Workers' Compensation Board

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Hello Colleagues,

I hope this email finds you all well! As we move forward into 2023, I wanted to take this opportunity to say thank you for all your patience through the last two years. Six months ago, when we fully reopened the Hearings Division, we were committed to ensuring a smooth transition back to in-person hearings. Thanks to everyone who provided feedback about this process. Your positive and constructive comments helped make our reopening a success.

We all can see how aspects of our post-pandemic world have changed. Going forward, the same can be said of post-pandemic practice in our forum. Some of those changes are noted below, along with a summary of other relevant Hearings Division changes.

HEARINGS:

- a) All initial hearings have defaulted back to in-person events.
- b) Telephonic and videoconference (Zoom) hearings remain available options for holding hearings.
- c) Requests that a hearing be conducted by telephone or video-conference should be addressed directly to the assigned ALJ.
- d) When a decision has been made establishing that a hearing will be by phone or videoconference, that status will be retained for that case.
- e) Subsequent hearing notices should now indicate when a case will be conducted telephonically or by videoconference, if that determination is made before the reset hearing notice is issued.

HEARING LOCATIONS:

All staffed locations are fully functional. We have equipment for in-person, telephonic and Zoom hearings in our Portland, Salem, Eugene and Medford offices.

Unstaffed locations such as Pendleton and Bend are not well equipped for telephonic or Zoom hearings. Therefore, if you have a hearing in an unstaffed location, and you wish to change the manner of appearance from in-person to a remote proceeding, it is likely that the hearing date and time will need to be changed, if the assigned ALJ is still scheduled to travel to that location. With that in mind, please confer with opposing counsel as early as possible if you intend to request that a hearing be conducted either by telephone or Zoom.

We are still facing some challenges in areas where we lease facilities. As always, if you have a need to have a hearing conducted in a specific location, please make a change of venue motion to the assigned ALJ.

BISCOM:

Because we acknowledge that there may be instances where electronic file transfer may still be necessary, WCB Hearings Division will continue to allow electronic submissions where approved by the ALJ. However, Biscom takes time for our staff to process. Requests made less than three days before hearing, even if approved by the ALJ, may not be completed in time for hearing. So, please take processing time into consideration when making your request. Additionally, please note that faxing is not a permissible manner in which to file exhibits with the Hearings Division. OAR 438-005-0046(1)(i). It is not a secure manner in which to transmit personally identifiable health information.

MEDIATIONS:

Mediations will continue to be offered in-person, telephonically, and by Zoom. Please submit requests for the manner of appearance for mediation directly to your mediator.

SAFETY PROTOCOLS:

The mask requirements for the state, generally, were lifted on March 11, 2022. However, we support individuals' decisions to continue wearing masks, if they prefer. Further, while physical distancing guidance has been lifted, we should all continue to keep personal space and comfort in mind when approaching others.

We will also continue to utilize air filters in our offices and we will maintain the availability of plexiglass walls to put between tables. Requests for utilization of safety protocols, such as plexiglass barriers, must be made well in advance of the start of the hearing or mediation to allow staff time enough to prepare the room. Masks and cleaning products continue to be available, if needed, in each office.

THANK YOU:

Thank you for your ongoing patience during these last several years. Please continue to offer grace and understanding to those around you. Please do not hesitate to reach out to Board Chair Wold or me if there are questions or concerns.

All my best to you and yours,

Joy Dougherty
Joy Dougherty, Presiding Administrative Law Judge
Workers' Compensation Board
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