



Oregon

Kate Brown, Governor

Workers' Compensation Board

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Hello Colleagues,

I hope this email finds you all well! As Board Chair Wold indicated, we will be starting to make shifts in WCB Hearings Division processes in accordance with the state's May 1 re-opening date. We understand that our current processes have been developed over time during the twenty-five months since we stopped in-person events and shifted to remote hearings and mediations. We developed these processes to enable WCB to continue performing our statutory duties, while ensuring the safety of stakeholders, parties, and staff. In that time, despite the challenges presented by the pandemic, WCB was committed to continuing to provide timely dispute resolution and that goal was accomplished.

Now, we are as equally committed to a smooth transition back to in-person hearings, and this will take some time to accomplish. In doing so, we will be bringing with us the new tools we utilized the last two years. Specifically, we will continue to have available the enhanced use of telephonic proceedings, as well as videoconferencing. Please find below what the WCB Hearings Division transition process will look like in the months ahead, and going forward.

HEARINGS:

1. May 1 Through July 31

- a. The default for all hearings will remain by telephone.
- b. The parties may continue to request videoconference hearings consistent with established processes.
- c. **NEW:** The parties may now bring a request that a case be heard in-person directly to the assigned ALJ. Disputes will be handled by the assigned ALJ.

2. August 1 Forward

- a. All hearings will default back to in-person events (with the exception of those cases where there has been a determination to proceed in an alternate manner).
- b. Telephonic and videoconference hearings will remain available options for conducting hearings.
- c. Requests that a hearing be conducted by telephone or videoconference should be addressed directly to the assigned ALJ.
- d. If either by decision or agreement, it is established that a hearing will be by phone or videoconference, that status will be retained for that case.
- e. **NEW:** Please keep your eye open for new hearing notices indicating that a case will be conducted telephonically or by videoconference.



HEARING LOCATIONS:

1. May 1 Through July 31

- a. WCB can accommodate in-person requests for our staffed locations (Portland, Salem, Eugene, Medford).
- b. WCB may be able to accommodate requests for in-person events for unstaffed locations (Pendleton, Bend, Coos Bay). However, we have not docketed as if we were traveling. Consequently, there will be limitations to a judge's ability to get to those locations during this time.
- c. WCB potentially may be able to accommodate locations where we have a lease agreement (The Dalles, Ontario, Roseburg, Klamath Falls). However, we are in the process of confirming the readiness of these facilities to host our events. The availability of these sites will be the most restricted in this timeframe.

2. August 1 Forward

- a. It is anticipated that we will start docketing cases in all locations in usual fashion starting August 1 forward.

BISCOM

Because we acknowledge that there may be instances where electronic file transfer may be necessary, WCB Hearings Division will continue to allow electronic submissions where approved by the ALJ.

MEDIATIONS:

Throughout the pandemic, mediations have continued to be conducted effectively, efficiently, and without interruption, utilizing telephonic and videoconferencing methods. That said, as of May 1, our offices will be prepared to accommodate in-person mediations. Please submit requests for telephonic, videoconference, or in-person appearances for mediation directly to your mediator.

SAFETY PROTOCOLS:

Mandatory masking for in-person events at WCB will be lifted as of May 1, 2022. We acknowledge that some employees, stakeholders and parties, especially those who are high-risk for infection or live with a high-risk person, may feel most comfortable continuing to wear a mask. We support individuals' decisions to continue wearing masks, if they prefer. Further, while physical distancing guidance has also 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 will also continue to be available, if needed, in each office.

THANK YOU:

Thank you for your ongoing patience during these last two years. Please continue to offer grace and understanding to those around you. This will be an adjustment period for all of us, and it may take some time for us to adapt and reacclimate. Please do not hesitate to reach out to Board Chair Wold at connie.l.wold@wcb.oregon.gov or me at joy.m.dougherty@wcb.oregon.gov if there are questions or concerns.

All my best to you and yours,

Joy Dougherty
Joy Dougherty, Presiding Administrative Law Judge
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