

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

IN THE MATTER OF
CORONAVIRUS/COVID-19
IMPACT ON HEARINGS FROM
NOVEMBER 1, 2021, THROUGH
JANUARY 28, 2022

ORDER

FILED
SEP 15 2021
WORKERS' COMPENSATION

1. The Iowa Division of Workers' Compensation (DWC) is monitoring the situation regarding the novel coronavirus/COVID-19.
2. On March 13, 2020, in an effort to help mitigate the spread of the novel coronavirus/COVID-19, the Commissioner issued an order suspending in-person hearings in regular procedure contested case proceedings before the agency from March 16, 2020, through at least June 16, 2020.
3. The Commissioner has since issued subsequent orders extending the suspension of in-person hearings. Those orders, including the one governing regular procedure contested case proceedings in which a hearing is scheduled to occur between July 24, 2021, and October 29, 2021, as amended, remain in full effect and are available online at: www.iowaworkcomp.gov/coronavirus-covid-19.
4. The Commissioner hereby extends the suspension of all in-person hearings, as modified by the amended order of July 29, 2021, in regular procedure contested case proceedings before the agency from November 1, 2021, through January 28, 2022, as follows:
 - a. All regular procedure workers' compensation hearings scheduled during the time period identified in this paragraph will be scheduled to take place via Internet-based video.

b. Notwithstanding Paragraph 4(a), no less than seven business days prior to the scheduled hearing date, the parties to any regular procedure workers' compensation case scheduled during the time period identified in this paragraph, may file a joint Motion for In-Person hearing to request that their hearing be held in person at the offices of the Iowa Division of Workers' Compensation located at 150 Des Moines Street, Des Moines, Iowa.

c. In the exercise of discretion, for good cause shown, or otherwise by agreement of the parties, the presiding Deputy Commissioner may permit individual witnesses in an in-person hearing to testify via live Internet-based video or telephone.

d. If the Motion for In-Person Hearing is not filed seven business days or more prior to the scheduled hearing date, the right to request an in-person hearing shall be waived.

e. A party shall promptly notify all opposing parties and the presiding Deputy Commissioner if the party learns that an anticipated hearing participant has tested positive for COVID-19, developed symptoms consistent with COVID-19, or been in close contact with someone who has tested positive for COVID-19. The agency may reconsider a ruling granting a Motion for In-Person Hearing after receiving such notification.

f. The agency may reject a Motion for In-Person hearing if:

i. The motion is not timely filed;

- ii. All parties do not agree to and join in the request for an in-person hearing;
- iii. The agency does not have a hearing room available at the date and time of the scheduled hearing;
- iv. A party notifies the presiding deputy and all other parties that an anticipated hearing participant has tested positive for COVID-19, developed symptoms consistent with COVID-19, or been in close contact with someone who has tested positive for COVID-19; or
- v. For other good cause.

5. All hearing assignment orders that schedule an in-person hearing to occur during the time period identified in Paragraph 4 are hereby amended with respect to the method of holding the hearing.

6. All regular proceeding hearings before this agency scheduled for the time period identified in Paragraph 4 of this order shall be held by Internet-based video, unless this agency grants a continuance under rule 876 IAC 4.23, or grants a Motion for In-Person Hearing under Paragraph 4 of this order.

7. For regular proceeding hearings held during the time period identified in Paragraph 4 by Internet-based video using CourtCall, DWC shall pay all fees associated with using CourtCall.

8. For more information about participating in a hearing using CourtCall, please visit: www.iowaworkcomp.gov/courtcall.

9. See Exhibit A, attached to this Order, which by this reference is incorporated herein.

10. This Order does not amend any hearing assignment order for a telephone hearing concerning an application for alternate care, independent medical examination (IME), etc. Agency procedures regarding these hearings remain unchanged. They will continue to take place via telephone. However, if a party requests an in-person hearing instead of a telephone hearing to take place during the time period identified in Paragraph 4, the hearing will be held via Internet-based video.

11. As circumstances change, this Order may be updated.

Signed and filed this 15th day of September, 2021.

Joseph S. Cortese II

JOSEPH S. CORTESE II
WORKERS' COMPENSATION COMMISSIONER

EXHIBIT A

Order

In the Matter of Coronavirus/COVID-19 Impact on Hearings From November 1, 2021, Through January 28, 2022

By requesting and agreeing to participate in an in-person hearing at the Iowa Division of Workers' Compensation (DWC), you consent to the conditions of the workplace environment at that location. Limiting close face-to-face contact with others is the best way to reduce the spread of the COVID-19 virus, according to the federal Centers for Disease Control (CDC). Social distancing means keeping a safe space between yourself and others who are not members of your household. To practice social or physical distancing, the CDC recommends you stay at least six feet away from others who are not members of your household, in both indoor and outdoor spaces.

The hearing rooms at the DWC offices are not large enough for individuals to observe the social distancing guidelines as recommended by the CDC. Communal restrooms and waiting room spaces are used by staff and members of the public, resulting in an inability to guarantee observance of social distancing guidelines in these areas as well. The surfaces in the hearing rooms, including the table tops and chairs will be wiped down with a disinfectant spray before every hearing. A mask will be provided by DWC upon request if you do not bring one. Parties are encouraged to mask, avoid touching your face with unwashed hands, and frequently wash your hands with soap and water for at least 20 seconds. If you will be testifying at the hearing, you will have the option of wearing a clear plastic face shield while you testify so your face can be observed during your testimony. A clear plastic face shield will be provided by DWC upon request if you do not bring one.

If you are sick with COVID-19, have symptoms consistent with COVID-19, or have been in close contact with someone who has COVID-19, please contact the agency to make alternate arrangements for your hearing.

Please be aware that you may be risking exposure to COVID-19 by attending an in-person hearing at the DWC offices, 150 Des Moines Street, Des Moines, Iowa.