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MEMORANDUM

To: Workers' Compensation Bar
From: Michael Harrington, Labor Commissioner
Date: June 16, 2020
Subject: Workers' Compensation Virtual Hearing Notice

Due to the effects of the Covid-19 pandemic on public health in Vermont, the Department of Labor continually strives to minimize the risks of infectious spread among litigants, witnesses, attorneys, Department of Labor staff, and the public at large. Therefore, the Department is not presently open to the public for purposes of conducting in-person formal hearings in workers' compensation claims, workers' compensation penalty cases, or wage and hour cases. The date for the Department's reopening for these purposes has not yet been identified and will depend in significant part on the progression of the pandemic both in Vermont and in our region. Although a full reopening in 2020 remains possible, interested parties should plan as though the Department will not hold any in-person formal hearings until at least January 2021.

Resolving disputes using the formal hearing process continues to play a vital function in the Department's mission. Therefore, unless an administrative law judge orders otherwise, all formal hearings in workers' compensation claims, workers' compensation penalty cases, and wage and hour cases scheduled through December 31, 2020 *will take place as scheduled via video conference, using either Skype or Microsoft Teams software.*

All attorneys and unrepresented parties with formal hearings scheduled to occur in 2020 should download and install the free versions of Skype and Microsoft Teams that are available for download from Microsoft's website. To the extent practicable, parties and attorneys should take steps to ensure that non-party witnesses who would otherwise testify in person at a formal hearing also have access to the relevant video conferencing software. However, the administrative law judges may allow non-party witnesses to appear via telephone.

The administrative law judges may grant continuances or specific accommodations for good cause shown on a case by case basis, except that *no formal hearings will take place using Zoom or other virtual meeting software not supported by the State of Vermont.* The preference of the parties for an in-person hearing, by itself, shall not be considered good cause.

