

**THE INDUSTRIAL ACCIDENT BOARD  
OF THE STATE OF DELAWARE**

**REOPENING ORDER**

**WHEREAS**, on March 11, 2020, in response to the serious health threat posed by the novel coronavirus (“COVID-19”), the Industrial Accident Board (“the Board”) issued an order (“First Board Order”) setting forth certain precautionary measures to protect the health of the Board Members, Hearing Officers, staff, litigants, witnesses and the public, while still allowing Board hearings to proceed in-person; and

**WHEREAS**, on March 12, 2020, Governor John Carney declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19 and imposing certain travel restrictions as well as social distancing and face-masking requirements; and

**WHEREAS**, on March 16, 2020, in response to further developments concerning the COVID-19 outbreak, the Board issued another order (“Second Board Order”) which suspended/continued all workers’ compensation hearings through April 3, 2020, subject to review and extension and subject to further order of the Board; and

**WHEREAS**, the Delaware Supreme Court declared a Judicial Emergency that went into effect on March 16, 2020, and which has been periodically extended since then, and in connection with that Judicial Emergency the Court issued a directive that, in part, indicated that “[a]ll non-emergency and non-essential telephonic and video hearings shall proceed at the discretion of each court;” and

**WHEREAS**, on March 31, 2020, the Board issued another order (“Third Board Order”) which extended the suspension of workers’ compensation hearings through April 10, 2022, but which advised that, effective April 13, 2020, using WebEx Meeting technology, workers’ compensation hearings (including merit hearings, evidentiary hearings and motion hearings) could proceed, by stipulation of the parties, in front of a Workers’ Compensation Hearing Officer, provided that certain technical requirements were met; and

**WHEREAS**, on May 11, 2020, the Board issued a COVID-19 Emergency Order instructing that, effective May 18, 2020, and subject to further order of the Board, scheduled matters before the Board were to proceed by video hearing before two Board Members in accordance with title 19, section 2301A(c) of the Delaware Code (or, if the parties so stipulate, before a solo Hearing Officer in accordance with title 19, section 2301B(a)(4)); and

**WHEREAS**, although the Governor maintained and renewed the State of Emergency after March of 2020, with various modifications over time as the health situation changed, with the development and widespread distribution of effective vaccines there has been a steady downward trend in new COVID-19 cases, such that, on May 18, 2021, Governor John Carney significantly eased various distancing and face-masking requirements; and

**WHEREAS**, in response to further downward trends on COVID-19 cases and the fact that 68.3 percent of Delaware adults had received at least one shot of the vaccine, the Governor

announced on June 15, 2012, that he intended to lift the COVID-19 State of Emergency Order on July 13, 2021, allowing resumption of normal life; and

**WHEREAS**, on June 29, 2021, the Delaware Supreme Court similarly announced that the Judicial Emergency shall also be lifted as of July 13, 2021, although it did encourage all courts, after the expiration of the Judicial Emergency, to continue using audiovisual devices to the extent such measures are consistent with constitutional and statutory requirements, as well as with court rules, procedures, and practices.

**NOW, THEREFORE, it is HEREBY ORDERED**, that as of August 2, 2021, the Board shall resume conducting all hearings “in person” at both the Wilmington and Dover locations, with certain safety protocols as set forth in the exhibits attached to this Order. For the period from July 12 through July 30, 2021, hearings may continue to proceed by video with the consent of the parties.

**IT IS SO ORDERED** this 12<sup>th</sup> day of July, 2021.

**INDUSTRIAL ACCIDENT BOARD**

  
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MARK A. MUROWANY  
Chair, Industrial Accident Board

  
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CHRISTOPHER F. BAUM  
Chief Hearing Officer

# Industrial Accident Board Wilmington

## In-Person Hearings Procedures

**Every person entering the Department of Labor ("DOL") MUST adhere to the following general guidelines:**

- 1) Members of the public should provide their own face covering.
- 2) Everyone must maintain appropriate social distancing.  
Currently at least 3 feet
- 3) Only two people are permitted in the elevator at one time.
- 4) Everyone must use hand sanitizer and wash their hands frequently.
- 5) The proper occupancy rate, as determined by DOL Administration, will always be maintained.

**While the DOL facility is closed to the public except for the scheduled IAB Hearings:**

**Upon arrival at the DOL Facility**

- 1) When all members of the party/group have arrived, one person (on behalf of each party/group) is to check in with Security via cell phone. That designated person will leave a cellphone number with Security so that the party/group maybe contacted when the room is available. Entrance into the building is prohibited until the party/group has been notified that the room is available. Entry will be through the main entrance, unless otherwise directed.

2) Check in contact numbers are:

- Fox Valley DOL security 302-761-8037 and front desk secretary 302-761-8042.
- Consultants: **PRIMARY CONTACT:** Chris Wynn: 761-8179, Allison: 761-8215; Rob: 302-761-8177; Jean:302-761-8193

3) A list of all people attending the hearing must be filed with the appropriate Workers' Compensation Specialist at least 2 business days prior to the IAB hearing. This list will be provided to the Consultant by the WC Specialist. All visitors must be on an approved list for allowable entry.

4) All visitors must have their temperature taken upon entry into the building.

5) Temperature readings will be evaluated as follows:

- If the thermometer/temperature reading shows a green indicator or normal, entry will be permitted.
- If the thermometer/temperature reading shows a yellow indicator, a re-reading will be taken, and entry will be allowed when/if the reading shows a green indicator.
- If the thermometer/temperature reading shows a red indicator, the visitor will not be allowed entry and the parties shall consult with the Board/Hearing Officer to determine if the hearing should be rescheduled.

## **Upon entry into the IAB Hearing Rooms:**

All parties will:

- Utilize the provided hand sanitizer prior to taking a seat.
- Maintain appropriate social distancing.  
Currently 3 feet
- Refrain from moving any furniture, which has been spaced appropriately.
- Provide their own supplies, including paper, pens, tissues, etc.

## **Mask Wearing:**

On June 15, 2021, Governor Carney announced that the State of Emergency related to the COVID-19 pandemic will expire on July 13, 2021. Therefore, effective July 13, based on the CDC guidance, employees and visitors will not be required to wear masks in the state facilities.

It is **strongly recommended** that employees and visitors who are not fully vaccinated continue wearing masks in the presence of others. As a reminder, individuals are considered fully vaccinated two weeks after receiving the second shot of their 2-dose vaccine (Pfizer or Moderna) or two weeks after receiving their single dose of the Johnson & Johnson vaccine.

Those who are not comfortable being in an environment where masks are not mandated may elect to continue wearing a mask if they so choose.

## **Witness Sequestration:**

Witnesses can wait in the second hearing room, or if a room is not available, witnesses may wait in chairs in the hallway. A chair will be placed at the far end so witnesses cannot hear the testimony. There are 4 witness chairs outside of the Hearing rooms.

**Stipulation of Facts:**

24 hours prior to the scheduled hearing, the parties are required to submit an electronic version of the Stipulation of Facts to the DOL DIA WCEXHIBITS@delaware.gov in box, and provide the hard copy thereof at the hearing.

**Other Information:**

Each hearing room will be stocked with disinfectant spray and wipes.

The hearing rooms will be cleaned nightly and locked after cleaning.

The waiting area outside of the hearing room (FV) will be cleaned and spaced accordingly.

# Industrial Accident Board Dover In-Person Hearings Procedures

**Every person entering the Department of Labor ("DOL") MUST adhere to the following general guidelines:**

- 1) Members of the public should provide their own face covering.
- 2) Everyone must maintain appropriate social distancing  
Currently at least 3 feet.
- 3) Everyone must use hand sanitizer and wash their hands frequently.
- 4) The proper occupancy rate, as determined by DOL Administration, will always be maintained.

**While the DOL Facility is closed to the public except for the scheduled IAB Hearings:**

**Upon arrival at the DOL Facility**

- 1) When all members of the party/group have arrived, one person (on behalf of each party/group) is to check in with Security via cell phone. That designated person will leave a cellphone number with Security so that the party/group maybe contacted when the room is available. Entrance Into the building is prohibited until the party/group has been notified that the room is available. Entry will be through the main entrance, unless otherwise directed.
- 2) Check in contact numbers are:
  - Dover DOL security 302-857-5827-**DO NOT GIVE OUT TO THE PUBLIC**



- Consultants: **PRIMARY CONTACT:** Peggy Ryals 430-7723
- 3) A list of all people attending the hearing must be filed with the appropriate Workers' Compensation Specialist at least 2 business days prior to the IAB hearing. This list will be provided to the Consultant by the WC Specialist. The Consultant will also provide this list to Security. All visitors must be on an approved list for allowable entry.
  - 4) All visitors must have their temperature taken upon entry into the building.
  - 5) Temperature readings will be evaluated as follows:
    - If the thermometer/temperature reading shows a green indicator or indicates normal, entry will be permitted.
    - If the thermometer/temperature reading shows a yellow indicator, a re-reading will be taken, and entry will be allowed when/if the reading shows a green indicator.
    - If the thermometer/temperature reading shows a red indicator, the visitor will not be allowed entry and the parties shall consult with the Board/Hearing Officer to determine if the hearing should be rescheduled.

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All parties will:

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- Provide their own supplies, including paper, pens, tissues, etc.

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Those who are not comfortable being in an environment where masks are not mandated may elect to continue wearing a mask if they so choose.

**Witness Sequestration:**

Witnesses can wait in the front lobby area.

**Stipulation of Facts:**

24 hours prior to the scheduled hearing, the parties are required to submit an electronic version of the Stipulation of Facts to the [DOL\\_DIA\\_WCEXHIBITS@delaware.gov](mailto:DOL_DIA_WCEXHIBITS@delaware.gov) in box, and provide the hard copy thereof at the hearing.

**Other Information:**

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The hearing rooms will be cleaned nightly and locked after cleaning.