

**NORTH CAROLINA OFFICE OF ADMINISTRATIVE HEARINGS
PLAN FOR SAFE RETURN TO WORKSITE**

On February 15, 2021, the North Carolina Office of Administrative Hearings (OAH) posted its Fourth NC OAH Response to COVID-19, detailing business operations and protocols for OAH and its employees reflective of the then existing circumstances surrounding the COVID-19 pandemic. It was noted therein that the posting would likely be updated and modified upon OAH receiving further directives from North Carolina's Governor and Supreme Court Chief Justice.

On May 13, 2021, the United States Centers for Disease Control and Prevention (CDC) issued new Interim Public Health Recommendations for Fully Vaccinated People that advised that currently authorized COVID-19 vaccines are highly effective at protecting vaccinated people against symptomatic and severe COVID-19, that fully vaccinated people are less likely to transmit COVID-19 to others, and recommended that "indoor and outdoor activities pose minimal risk to fully vaccinated people" and that in most settings, "fully vaccinated people can resume activities without wearing face coverings."

On May 14, 2021, the Governor of the State of North Carolina, in Executive Order No. 215, fully lifted the indoor face covering requirement on most businesses and operations in North Carolina.

On May 14, 2021, the Chief Justice of the North Carolina Supreme Court eliminated Emergency Directive 21 that pertained to face coverings in court facilities, and instead leaves that decision to the informed discretion of local court officials.

On May 25, 2021, consistent with the directives of the Governor and the Chief Justice, OAH posted its Modified Fourth NC OAH Response to COVID-19, amending the requirements for face coverings in the OAH Headquarters Building.

On June 18, 2021, the Governor of the State of North Carolina signed into law Senate Bill 255 that codified essential tools for future use to effectively address the cases accumulated during the COVID-19 pandemic and to administer justice without delay.

On June 21, 2021, the Chief Justice of the North Carolina Supreme Court eliminated all Emergency Directives deemed necessary to reduce the spread of COVID-19 infection and to ensure the continuing operation of essential court functions. There are currently no Emergency Directives in place.

Consistent with the directives of the Governor, the Chief Justice, and guidance from the CDC and state and local health officials, the Director of OAH hereby issues the following North Carolina Office of Administrative Hearings Plan For Safe Return To Worksite. This Plan For Safe Return To Worksite is effective July 23, 2021 and replaces the Fourth NC OAH Response to COVID-19 and the Modified Fourth NC OAH Response to COVID-19 in their entirety.

Employee Return to Worksite

Under previous directives and arrangements, OAH personnel, to the greatest extent possible, have been teleworking remotely and performing their job duties away from their duty stations at the OAH Headquarters Building. On June 20, 2021, the North Carolina Office of State Human Resources (OSHR) issued a Memorandum directing that emergency telework arrangements made during the earlier stages of the pandemic should end. However, agencies may use a grace period to return employees to the office in a safe and organized way. This may include extending temporary telework arrangements past June 20, 2021.

Consistent with the foregoing OSHR directive, OAH employees shall be allowed to continue to perform their job duties away from the OAH Headquarters Building under the temporary telework arrangements made during the earlier stages of the pandemic during a grace period that will expire at the end of the workday on August 31, 2021.

On September 1, 2021, all OAH employees shall be required to return to their duty stations at the OAH Headquarters Building for performance of their job duties at OAH.

OAH employees shall not report to work at the OAH Headquarters Building if they have had symptoms of COVID-19 (fever, cough, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell) within the prior 72 hours; or if they have had a risk of exposure to COVID-19 (have a family member at home with COVID-19; having had contact with someone diagnosed with COVID-19; or living in or visiting a place where COVID-19 is spreading) within the prior 14 days.

Effective September 1, 2021, the teleworking program policy that existed at OAH prior to the COVID-19 pandemic shall be re-instated. Pursuant to this policy, if approved by the employee's supervisor, permanent employees may be permitted to telework, i.e., to perform their job duties away from their duty stations at the OAH Headquarters Building, at most one (1) day per week.

COVID-19 Notice

The following Notice will be posted to the exterior entrances of the OAH Headquarters Building:

NOTICE

Sick individuals or individuals that have been exposed to COVID-19 should not enter the North Carolina Office of Administrative Hearings (OAH) Headquarters Building.

Members of the Public that have not been fully vaccinated are strongly encouraged to wear a Face Covering while inside the OAH Headquarters Building and to adhere to safety precautions to avoid infection.

Prevention of COVID-19 Transmission

1. Temperature Checks

Temperature checks will be performed by an OAH Security Officer or other employee designated by OAH only if requested by a presiding Administrative Law Judge (ALJ) or the Director of OAH. Per CDC Guidelines, any temperature 100.4 F or greater is considered a fever. Individuals with temperatures of 100.4 F or greater will not be allowed to remain in the OAH Headquarters Building.

2. Social Distancing

Social distancing may be required of all persons, regardless of vaccination status, in the discretion of a presiding ALJ or the Director of OAH if deemed necessary to protect the health and safety of all.

3. Face Coverings

Consistent with CDC Guidance and directives of the Governor and Chief Justice, fully vaccinated individuals will not be required to wear face coverings when inside the OAH Headquarters Building. However, OAH employees who are fully vaccinated are welcome to continue wearing face coverings while working at OAH.

Members of the Public who have not been fully vaccinated are strongly encouraged to wear a face covering while inside the OAH Headquarters Building and to adhere to safety precautions to avoid infection.

OAH employees who have not been fully vaccinated are strongly encouraged to wear a face covering while inside the OAH Headquarters Building in common areas (hallways, restrooms, elevators, etc.) and to adhere to safety precautions to avoid infection.

Face coverings may be required of all individuals, including fully vaccinated individuals, in OAH courtrooms if ordered by the presiding ALJ, or in other areas of the OAH Headquarters Building if required by the Director of OAH.

If face coverings are required in OAH courtrooms or other areas of the OAH Headquarters Building, the official requiring the use of face coverings shall ensure that an adequate supply of face coverings is available within the identified space and shall apply the requirement uniformly to all individuals within the space.

4. Shared Equipment

- Employees should carry hand sanitizer, and use it frequently, in addition to frequently washing hands, using soap and water for at least twenty (20) seconds.
- Shared equipment must be decontaminated frequently with an EPA-approved disinfectant that will be provided.

- High touch areas on printers, copiers, fax machines, and other shared equipment must be decontaminated frequently with an EPA-approved disinfectant that will be provided.
- Employees must not use other employees' headsets or other personal items.
- If telephones must be shared, e.g., telephones located in the front desk area or in meeting rooms, they must be decontaminated frequently with an EPA-approved disinfectant that will be provided.

5. Employee Kitchen/Breakroom Area

Employees must wash hands with soap and water or use hand sanitizer before and after touching shared appliances/items, e.g., microwave, coffee pot, toaster oven, refrigerator, etc.

Appliance handles and other high touch areas, e.g., microwave, coffee pot, toaster oven, refrigerator, countertops, etc., are to be sprayed and wiped down before and after each use with an EPA-approved disinfectant that will be provided.

Hearings Division Operations

Consistent with Justice Newby's 21 June 2021 Revocation of the 7 June 2021 Order of the Chief Justice of the Supreme Court of North Carolina and this Plan For Safe Return To Worksite, in-person contested case hearings shall resume at the OAH Headquarters Building, effective September 1, 2021. Temperature checks, face coverings, safe distancing, and other safety measures may be required of all persons, including fully vaccinated persons, in OAH courtrooms in the discretion of the presiding ALJ if deemed necessary to protect the health and safety of all. The presiding ALJ requiring face coverings shall ensure that an adequate supply of face coverings is available within the courtroom and shall apply the requirement uniformly to all persons within the courtroom. ALJs may continue to conduct contested case proceedings utilizing the audio and video transmission technology available at the OAH Headquarters Building. If a party objects to an ALJ conducting a proceeding by audio and video transmission, and if the presiding ALJ finds that the party has demonstrated good cause for the objection, the proceeding must not be held by audio and video transmission. If there is an objection and good cause is not shown, the presiding ALJ may conduct the proceeding by audio and video transmission.

This posting is effective July 23, 2021.

Donald R. van der Vaart
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