

The Office of Administrative Hearings (OAH) responds to COVID-19

Governor Cooper has spoken through his emergency [Executive Order](#) which must be followed by all state agencies as has Chief Justice Beasley spoken through her [Order of the Chief Justice of the Supreme Court of North Carolina](#) dated March 13, 2020 and the subsequent [Memorandum](#) issued by the Chief Justice on March 15, 2020 which must be followed by all state courts.

In addition to these directives, North Carolina's Administrative Procedure Act (APA) requires that contested case hearings remain open to the public. As a corollary to this requirement, OAH itself must remain open to the public. And OAH intends to meet this requirement even in the face of the public health crisis that confronts our state and nation. To achieve this outcome, OAH must take advantage of available technology and implement the alternative measures that follow:

Pursuant to the Governor's and Chief Justice's orders, all OAH personnel have been encouraged to remain at home by telecommuting that allows these employees to connect to all centralized information as would be available from their work stations at OAH and remaining simultaneously connected to their co-workers. A very small number of managerial employees, as safety permits, have elected to be physically present in OAH, mostly on a staggered basis, to ensure coordination of operations and availability for emergency orders.

As emphasized and directed by Chief Justice Beasley, OAH has posted the following notice to the exterior entrances of its headquarters' building in Raleigh.



YOU SHOULD NOT ENTER THE OFFICE OF ADMINISTRATIVE HEARINGS IF YOU:

- **HAVE BEEN IN ANY OF THE FOLLOWING COUNTRIES WITHIN THE LAST 14 DAYS: CHINA, SOUTH KOREA, JAPAN, ITALY, IRAN; OR**
- **RESIDE OR HAVE HAD CLOSE CONTACT WITH ANYONE WHO HAS BEEN IN ONE OF THE COUNTRIES LISTED ABOVE WITHIN THE LAST 14 DAYS; OR**
- **HAVE BEEN DIRECTED TO QUARANTINE, ISOLATE, OR SELF-MONITOR AT HOME FOR THE CORONAVIRUS BY ANY DOCTOR, HOSPITAL OR HEALTH AGENCY; OR**
- **HAVE BEEN DIAGNOSED WITH, OR HAVE HAD CLOSE CONTACT WITH ANYONE DIAGNOSED WITH, COVID-19; OR**
- **HAVE FLU-LIKE SYMPTOMS**

If you fit into any of the above categories, you should not enter the Office of Administrative Hearings. Instead, please call the number listed below, and report your situation for instructions on how to proceed. If you have a scheduled appearance or were otherwise

directed to attend a hearing today, you will not be penalized for your absence provided you call this number. We thank you for your cooperation in the effort to prevent the spread of COVID-19(coronavirus) to others in the community. (919) 431-3000

In addition to these mandatory restrictions OAH strongly urges all visitors to utilize the technology available to them such as e-filing, emailing, telephone, and voicemail to communicate and transact business throughout the OAH three divisions. Most visitors routinely transact business in this manner, but during the current public health crisis these methods should be the primary means of communication. Avoid visiting the OAH headquarters unless required for emergency hearings, a necessity to file documents, or other emergency circumstances.

HEARINGS DIVISION

As emphasized and directed by Chief Justice Beasley, all cases (subject to exception) must be rescheduled no sooner than 30 days after March 16th (April 16, 2020) to minimize the spread of COVID-19 among members of the public who have business before our courts. Orders are being issued and the parties are thus being informed of future dates when these contested case hearings can be safely resumed. Questions can be directed to the OAH Clerk of Court (Maria.Erwin@oah.nc.gov or by calling 919-431-3049) if any individual is uncertain as to the time of a future hearing.

OAH has installed in its courtrooms advance technology and state of the art transmission capabilities for remote access. Judges may order parties, after consultation and preferably by consent, to remain off site and conduct a fair and impartial hearing where no one physically remains in the courtroom. This is possible through the use of both video and telephonic technology for contested cases which require immediate attention to protect public safety or to take other exigent measures.

Medicaid Recipient Appeal hearings are scheduled as telephone hearings in the regular course of business, and, as such, will continue to go forward telephonically as scheduled. Requests to conduct these hearings via videoconferencing technology (such as Skype) can be made by emailing anne.hollowell@oah.nc.gov or by calling 919-431-3069.

The OAH Clerk's Office remains open to the public for document and pleading filings through its web-based e-filing capabilities. For several years now parties and attorneys have established access to e-filing by registration whereby paper filings have all but been eliminated. For information and instructions on registering to become an e-filer please click on this link, <https://www.oah.nc.gov/e-filing-registration-guide>. OAH still accepts filings by email attachment and by fax in addition to limited paper filings. During this public health crisis, OAH strongly encourages all parties and attorneys to avoid paper filings (but paper filings will continue to be accepted for certain type filings) as a means of distancing to avoid person-to-person contact.

Information regarding filing a petition, electronic filing or to locate a form may be found on the OAH website at <https://www.oah.nc.gov/hearings-division>.

For immediate assistance or to find answers to questions about a pending contested case, contact the Chief Hearings Clerk, Maria G. Erwin at 919-431-3049 or Maria.Erwin@oah.nc.gov.

RULES DIVISION

The Rules Review Commission (RRC) provides a live audio broadcasts of its meeting every month, and instructions can be found here: <https://www.oah.nc.gov/rules-division/rules-review-commission>

The online agenda for the RRC's monthly meeting is posted on the OAH website. Anyone having specific questions about the rules filed for that month's meeting may contact the assigned attorney, who will be listed on the agenda.

For rulemaking agencies, boards and commissions.

The same as with the directives for all OAH divisions, please avoid paper filings. Effective March 16, 2020 the Office of Administrative Hearings waived rules codified in [26 NCAC 02C](#) requiring rulemaking agencies to file a print original and print copies for submissions to OAH for emergency, proposed temporary, temporary, and permanent rules. The agency is to submit rules, including a scanned copy of the signed submission forms, to the Rules Division by email to oah.rules@oah.nc.gov. Please contact Molly Masich at 919-431-3071 or Dana McGhee at 919-431-3075 to confirm receipt of the emailed submissions. This includes adopted temporary and permanent rules submitted to OAH for review by the Rules Review Commission.

Rulemaking Coordinators are encouraged as a first resort to use the e-filing system for submitting proposed permanent rules for publication in the NC Register. A link to the instructions follows at <https://files.nc.gov/ncoah/documents/Rules/E-Filing-Training-071019.pdf> and the link to connect to the e-filing system <https://www.enocrats.oah.state.nc.us/Login.aspx>

For questions about rescheduling public hearings, contact Molly Masich at molly.masich@oah.nc.gov or 919-431-3071.

For questions about filing emergency rules, contact Molly Masich at molly.masich@oah.nc.gov or 919-431-3071. Links to the statute for adopting an emergency rule ([G.S. 150B-21.1A](#)) and the OAH [emergency rulemaking flowchart](#).

For any other questions, please email oah.rules@oah.nc.gov

CIVIL RIGHTS DIVISION

In response to the COVID-19 crisis, all the Civil Rights Division Staff are teleworking. The Civil Rights Division will continue to receive and investigate complaints.

For questions about the Civil Rights Division, contact Lamont Goins at lamont.goings@oah.nc.gov or 919 431-3017

For questions about employment discrimination, contact June Melvin at june.melvin@oah.nc.gov or 919-431-3021.

For questions about housing discrimination, contact Gene Troy at gene.troy@oah.nc.gov or 919-431-3032.

To file a complaint, please complete the Intake Form located as follows:

- Employment Discrimination Section
<https://www.oah.nc.gov/documents/employment-charge-intake-form>
- Housing Discrimination Section
<https://www.oah.nc.gov/documents/housing-discrimination-complaint-form>.

Once the form is completed and submitted, a member of the staff will contact you.

For Respondents having questions or needing to submit information, please contact the assigned Investigator for assistance.

For all other issues, please refer to the Division's webpage for information.
<https://www.oah.nc.gov/civil-rights-division>

HUMAN RELATIONS COMMISSION (HRC)

The next scheduled meeting of the HRC is currently scheduled for April 30, 2019. However, it is unlikely that this meeting will be held as scheduled. The HRC members and public will be notified if this meeting (and future meetings) will be rescheduled in response to this crisis.

This posting is dated, March 18, 2020, and is reflective of the crisis circumstances as they currently exist. Since the situation is fluid and evolving, this posting is likely to be updated and modified as OAH receives further directives from North Carolina's Governor and Chief Justice.

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