

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
DEPARTMENT OF LABOR
ADMINISTRATIVE HEARING OFFICE



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4 In Re Administrative Hearing Office) **ADMINISTRATIVE ORDER NO. 21-01**
5 Operations and Proceedings in Response to)
6 COVID-19)
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9) **GENERAL ORDER**
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16 Pursuant to the ongoing COVID-19 public health emergency, the undersigned finds that
17 altered operations are necessary to protect the health and safety of the public, as well as maintain
18 meaningful access to services. In order to mitigate confusion and streamline proceedings, the
19 Administrative Hearing Office issues to the following orders and instructions to parties and
20 counsels:

- 21 **1. Operations & Public Health Measures:** The Administrative Hearing Office shall be
22 open Monday through Friday from 8:00 a.m. to 4:00 p.m., except for legal holidays. In
23 order to prevent spread and exposure in the small office and hearing spaces, public entry
24 is strictly prohibited without authorization. Authorization is granted only in limited and
25 extenuating circumstances where access to services cannot be achieved through the
26 service window, telephone, or online means. The Administrative Hearing Office shall
27 comply and enforce all applicable mandates, directives, and health guidelines (i.e.,
28 submitting to temperature checks, wearing a facial covering, and practicing social
distancing) in preventing the spread of COVID-19. Individuals who are experiencing
COVID-19 symptoms, have been in close contact with someone diagnosed with COVID-
19, or have been diagnosed with COVID-19 will be prohibited from entering the building.

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2. Filings: Parties may file pleadings, documents, and other exhibits by e-mailing clear and legible scanned copies to hearing@dol.gov.mp or by dropping off the file(s) in person at Building #1357 Mednilla Ave, Capitol Hill, Saipan 96950. Due to the COVID-19 public health emergency, e-mail filings are preferred and encouraged. To the extent possible, the Administrative Hearing Office will execute service of process through electronic means or registered mail.

3. Telephonic and Online Hearings: The Administrative Hearing Office will evaluate all proceedings to determine whether a telephonic or online hearing is possible and appropriate under the circumstances. To the extent possible, the Administrative Hearing Office will conduct proceedings telephonically or online and issue the appropriate notices.

a. Telephonic Hearings: If possible and appropriate, the Administrative Hearing Office will utilize teleconferencing capabilities for telephonic hearings. Due to limitations, telephonic hearings are limited to simpler proceedings that do not require more than two other callers on the line. Parties and participants are responsible for ensuring that the Administrative Hearing Office’s records are complete with accurate and up-to-date contact information and phone numbers. The Administrative Hearing Office will call the parties a couple minutes before the scheduled hearing using the contact information provided by the parties. The Administrative Hearing Office will only call parties within the CNMI.

b. Online Hearings: If possible and appropriate, the Administrative Hearing Office will utilize Zoom to conduct online hearings.

i. Device Needed: A desktop computer, laptop computer, tablet, or smartphone may be used for the hearing. A camera and microphone is required. Please note, most devices have a built in microphone and

1 camera, and additional equipment will likely not be needed to participate
2 n hearings. If you do not have any of these devices available, please
3 contact our office at the email and phone numbers listed on page 6.

4 **ii. How to Access Zoom:** Although you do not need to create an account or
5 login, the Zoom program can be downloaded from the website for free
6 at <https://zoom.us/download>. For tablets and mobile devices, the
7 application can be downloaded for free at the App Store or the Google Play
8 Store and installed to your device. Please note that certain web
9 browsers may not be compatible.

10 **iii. Instructions for Entering Online Hearings:** To ensure that the online
11 hearing runs smoothly, all participants shall abide by the following
12 procedures:
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- 14 1. All parties and participants should ensure they are prepared at least
15 two business days prior to the scheduled hearing. If you are not
16 familiar with Zoom, you may contact our office for assistance.
- 17 2. The Administrative Hearing Office will send an invitation link to
18 the hearing participants, based only on the emails provided by
19 counsel and self-represented parties. Please ensure your contact
20 information is complete and accurate.
- 21 3. Parties and participants will click on the meeting link invitation
22 provided by the clerk at least five minutes prior to the scheduled
23 time of the online hearing.
- 24 4. Parties and participants will be waiting in the virtual ‘waiting
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1 room' until the Administrative Hearing Officer administers the
2 online hearing. Ensure that your full legal name is displayed for
3 keeping track of which parties/participants are in attendance.

4 **c. General Procedures:**

5 **i.** Parties and participants should use a phone/device with a good
6 connection. Additionally, parties should call or log in from a quiet location
7 with minimal distractions to avoid background noise and interruptions.
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9 **ii.** At the beginning of the hearing, the Administrative Hearing Officer will
10 call the case and instruct all the participants to announce themselves for
11 the record.
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13 **iii.** Participants are required to identify anyone that may be participating or
14 observing the proceedings with them. This is essential for the rule of
15 sequestration to be effective and ensure the credibility of testimony.
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17 **iv.** Participants shall place their microphones on mute unless they are
18 speaking or wish to make an objection.

19 **v.** If an interpreter is necessary, all participants shall speak slowly, in short,
20 complete sentences, and allow time for translation. No one shall respond
21 to a question posed by another participant until the question has been
22 translated.
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24 **vi.** The Administrative Hearing Officer will adjourn the hearing and close the
25 record. If a party or participant is disconnected during the proceeding, the
26 Administrative Hearing Office will attempt to reconnect with you.

27 **d. Rules:**

28 **i.** Parties and all other participants should listen to instructions and follow

1 directions from the Administrative Hearing Officer. All parties are
2 expected to comply with the applicable laws and general standards of
3 conduct and participate in telephonic or online hearings in the same ethical
4 and respectful manner of in person hearings.

5 **ii.** To ensure the record is clear, parties and participants should speak loudly
6 and clearly. Parties and participants shall not interrupt or talk over a person,
7 unless to state an objection. If an objection is made, the individual talking
8 should wait until the Administrative Hearing Officer rules on the objection.

9 **iii.** The attorney or self-represented party may not assist the witness with
10 answers in any way, including but not limited to gestures, notes, facial
11 expressions, or otherwise impact or influence the witness' testimony "off
12 line" or "off camera."

13 **iv.** Parties must file and exchange proposed exhibits, documents, or witness
14 lists, in accordance to subsection (e), below, prior to the scheduled hearing.

15 **v.** The parties and other participants are prohibited from recording hearings.

16 **e. Preparing Evidence and Witnesses for Telephonic or Online Hearings:**

17 **i.** Generally, the parties are required to file and exchange stipulations,
18 exhibit/witness lists, and copies of pre-marked exhibits, if any, before the
19 scheduled hearing. Exhibits may be filed by e-mailing clear and legible
20 scanned copies to hearing@dol.gov.mp or by dropping off the file(s) in
21 person at Building #1357 Mednilla Ave, Capitol Hill, Saipan 96950. Due
22 to the COVID-19 public health emergency, e-mail filings are preferred and
23 encouraged.

24 **ii.** In the event a witness must be sequestered during other testimony, the
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witness will be excluded until it is time for their testimony.

iii. If online, parties may share their screen when introducing exhibits into evidence. For added ease in transitions, the parties may elect to provide witnesses with pre-marked exhibits.

4. Questions: This office recognizes that these are new procedures and challenging times for everyone. We are her to help do our best to make sure your case is timely heard. Please do not hesitate to contact our office with any questions about these procedures and preparations for telephonic or online hearings. You may contact our offices at:

Administrative Hearing Office
1357 Mednilla Avenue, Capitol Hill
P.O. Box 10007 | Saipan, MP 96950
Phone: (670) 664-3291/2
Email: hearing@dol.gov.mp

So ordered this **19th** day of November, 2021.

/s/

Jacqueline A. Nicolas
Administrative Hearing Officer