



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

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In Re Administrative Hearing Office) **ADMINISTRATIVE ORDER NO. 20-04**
 Operations and Proceedings in Response to)
 COVID-19)
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) **GENERAL ORDER**
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Pursuant to the ongoing COVID-19 public health emergency, the undersigned finds that altered operations are necessary to protect the health and safety of the public, as well as maintain meaningful access to services. In order to mitigate confusion and streamline proceedings, the Administrative Hearing Office issues to the following orders and instructions to parties and counsels:

1. **Operations & Public Health Measures:** The Administrative Hearing Office shall be open Monday through Friday from 8:00 a.m. to 4:00 p.m., except for legal holidays. In order to prevent spread and exposure in the small office and hearing spaces, public entry is strictly prohibited without authorization. Authorization is granted only in limited and extenuating circumstances where access to services cannot be achieved through the service window, telephone, or online means. The Administrative Hearing Office shall comply and enforce all applicable mandates, directives, and health guidelines (i.e., submitting to temperature checks, wearing a facial covering, and practicing social distancing) in preventing the spread of COVID-19. Individuals exposed or likely to have been exposed to COVID-19 are 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 Microsoft Teams to conduct online hearings.

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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 camera, and additional equipment will likely not be needed to participate in hearings. If you do not have any of these devices available, please contact our office at the email and phone numbers listed above.

ii. **How to Access Microsoft Teams:** For computers, the Microsoft Teams program can be downloaded from the Microsoft website for free at <https://teams.microsoft.com/downloads>. For tablets and mobile devices, the application can be downloaded for free at the App Store or the Google Play Store and installed to your device. Please note that certain web browsers may not be compatible.

iii. **Instructions for Entering Online Hearings:** To ensure that the online hearing runs smoothly, all participants shall abide by the following procedures:

1. All parties and participants should download the Microsoft Teams App at least two business days prior to the scheduled hearing.
2. The Administrative Hearing Office will send you an invitation to the Microsoft Teams meeting to the hearing participants, based only on the emails provided by counsel and self-represented parties. Please ensure your contact information is complete and accurate.

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3. Parties and participants will click on the meeting link invitation provided by the clerk at least five minutes prior to the scheduled time of the online hearing.

4. Parties and participants will be waiting in the virtual Microsoft Teams “lobby” until the Administrative Hearing Officer initiates the online hearing.

c. General Procedures:

i. Parties and participants should use a phone/device with a good connection. Additionally, parties should call or log in from a quiet location with minimal distractions to avoid background noise and interruptions.

ii. At the beginning of the hearing, the Administrative Hearing Officer will call the case and instruct all the participants to announce themselves for the record.

iii. Participants are required to identify anyone that may be participating or observing the proceedings with them. This is essential for the rule of sequestration to be effective and ensure the credibility of testimony.

iv. Participants shall place their microphones on mute unless they are speaking or wish to make an objection.

v. If an interpreter is necessary, all participants shall speak slowly, in short, complete sentences, and allow time for translation. No one shall respond to a question posed by another participant until the question has been translated.

1 vi. The Administrative Hearing Officer will adjourn the hearing and close
2 the record. If a party or participant is disconnected during the proceeding,
3 the Administrative Hearing Office will attempt to reconnect with you.

4 **d. Rules:**

5 i. Parties and all other participants should listen to instructions and follow
6 directions from the Administrative Hearing Officer. All parties are
7 expected to comply with the applicable laws and general standards of
8 conduct and participate in telephonic or online hearings in the same
9 ethical and respectful manner of in person hearings.

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

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

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

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