



State Office of Administrative Hearings

COVID-19 Operating Plan for Re-opening

Objective: To establish protective measures and general operating plan for the State Office of Administrative Hearings in response to COVID-19 - Phased Re-opening.

Legal Cite: Texas Government Code, §§ 2003.022, .041, .050; Governor's Executive Orders; Emergency Orders of the Texas Supreme Court Regarding the COVID-19 State of Disaster; Office of Court Administration Guidance of March 5, 2021.

Recognizing the need to accommodate the health and safety of litigants, attorneys, visitors, agency staff, judges, and other individuals participating in administrative proceedings, the State Office of Administrative Hearings will implement the following protective measures related to COVID-19 re-opening, **effective as of March 10, 2020** and continuing until further notice:

General

1. All judges will comply with the Emergency Orders issued by the Chief Administrative Law Judge.
2. Judges should continue to conduct proceedings remotely as necessary to promote the scheduling of hearings at the earliest available date, unless, upon a showing of good cause, the use of telephone or videoconference is not feasible for a particular hearing, or that justice requires that the parties be permitted to appear in-person.
3. Judges will conduct any in-person proceedings according to the Emergency Orders issued by the Chief Administrative Law Judge, including:
 - Lawyers, parties, and witnesses may be required to wait outside of SOAH's rooms until their hearing is called.
 - Attendance may be limited to necessary participants, and all attendees will be encouraged to follow social-distancing and other standard health measures announced by the ALJ as a matter of courtroom decorum.
 - Parties to in-person proceedings are encouraged, but not required, to wear face coverings where possible and, to the extent hard-copy exhibits needs to be presented, parties should consider use of sanitizer and/or wearing gloves as protective measures for handling documents.
 - Counsel and parties with a positive COVID-19 test, or any flu-like symptoms—including fever, coughing, or sneezing—should contact SOAH prior to the



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proceeding. Lawyers should contact SOAH if they are aware that agency staff, clients, witnesses or others have these symptoms.

- Parties to live proceedings may file a motion to request that the proceeding be conducted telephonically or by videoconference, and/or parties may be permitted to individually appear telephonically or by videoconference.
 - Microphones and any shared surfaces in hearing rooms will be regularly cleaned/disinfected.
4. All pleadings and exhibits for remote hearings will be pre-filed electronically at least 10-days before the hearing, or as required by the judge, unless there is good cause for not doing so. Self-represented parties who are unable to file documents electronically are allowed to submit documents by mail, hand delivery, or fax.
 5. SOAH's General Counsel and Risk Manager will monitor guidance and health protocols issued by the Texas Supreme Court, the Office of Court Administration, and state and local health officials, and will adjust this operating plan as necessary to meet conditions in SOAH offices and remote hearing locations statewide.
 6. On or after **March 10, 2021**, judges may coordinate with SOAH Docketing staff to begin setting a limited number of non-emergency in-person hearings at SOAH's offices, but only if the state district courts in the jurisdiction where the SOAH office resides have resumed similar non-essential in-person proceedings. Prior approval of the Chief Administrative Law Judge is required before scheduling in-person hearings to ensure that the designated hearing location is available and approved for use as an in-person hearing venue, and that appropriate accommodations are available to encourage the health and safety of agency employees and hearing participants.
 7. The maximum number of persons permitted in each hearing room has been determined and posted. The maximum capacity of the hearing rooms will be monitored and enforced by court staff.
 8. The capacity of the hearing rooms has been marked to identify appropriate social distancing in the seating. Seating may be limited to every other row.
 9. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, and court reporter have been arranged in such a way so that there is social distancing of at least 6 feet between each space to the extent feasible.



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Health of Agency Staff

1. All SOAH staff who can perform the essential functions of their job remotely may be permitted to continue to telework to the extent possible. Based upon the needs of the agency and the duties of particular positions, participation in telework may not be available to all SOAH employees, or at all times.
2. Staffing in all SOAH offices statewide may be limited to essential agency personnel. However, all employees are permitted by the Chief Administrative Law Judge to attend work at their regularly-assigned SOAH office location during regular hours of operation, subject to the direction of SOAH management.
3. All SOAH employees shall comply with the requirements of the COVID-19 Employee Health Certification Form distributed by Human Resources to all employees, including, but not limited to, requirements for self-screening prior to reporting for work and self-isolation in the event of COVID-19 symptoms or known close contact with a person diagnosed with COVID-19. All SOAH employees are encouraged, but not required, to wear a cloth face covering over nose and mouth when in common areas.
4. Any agency staff who receive a confirmed COVID-19 diagnosis, or who has had known close contact with a person with a confirmed COVID-19 diagnosis, shall notify SOAH Human Resources at SOAH.HR@soah.texas.gov to ensure that the employee has the support they need, and to enable SOAH to take additional precautions that may be necessary to ensure the health and safety of its other employees and visitors.
5. When in the office, all agency staff are encouraged to implement the following Protective Measures to the extent reasonably possible:
 - Wash/sanitize hands upon arriving at the office;
 - Wear a cloth face covering over nose and mouth when in common or public areas;
 - Maintain at least a 6 feet separation from other individuals;
 - Frequent hand washing for 20 seconds;
 - Avoid touching your face-touching with unwashed hands;
 - Cover coughs and sneezes;
 - Avoidance of hand-shaking;
 - Frequently clean/disinfect commonly-touched objects and surfaces (e.g., desk, keyboard, phone, fax machine, kitchen appliances, reception desks, etc.)
 - Limit occupancy of breakrooms to the extent feasible.



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Scheduling and Staffing

The following procedures and schedules are established to reduce occupancy in the SOAH offices:

1. All offices statewide will be open Monday through Friday 8:00 a.m. – 5:00 p.m., but may continue to operate with reduced in-office staff until further notice.
2. The Austin Headquarters office will have onsite staff available in the Docketing Office to answer the main agency phone line and accept filings during regular business hours.
3. The Austin Headquarters office will be staffed at all times by at least one member of the executive management team, essential Docketing personnel, one Legal Secretary, and one Administrative Law Judge. These people may be present in the office on a rotating basis.
4. Field offices statewide will be staffed by essential personnel in the office to process mail, issue orders, and process filings each business day. Staff may be present in the office on a rotating basis to be determined by the office Lead ALJ in coordination with the Director of ALR and Field Operations.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. SOAH will provide information on its public website and through other notices and communications notifying individuals who are in vulnerable populations of their ability to contact SOAH to identify themselves as a vulnerable individual and timely request accommodations that may be necessary to assist in their ability to safely participate in any in-person hearing at SOAH for which they are scheduled to appear.
3. Vulnerable populations who are scheduled to participate in an in-person hearing on or after March 10, 2021 may be accommodated by means, including, but not limited to:



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- Instructions and assistance with filing a motion requesting to appear telephonically or by videoconference;
- Offering the option, if available, to participate in the hearing from a separate hearing room by use of SOAH-provided videoconference technology;
- Relocating the hearing to a different or larger hearing room to allow for increased social distancing or the use of physical barriers; or
- Informing the judge of the need to impose additional health protocols for hearing participants;

Social Distancing

1. All persons not from the same household who are admitted into SOAH offices are encouraged to maintain adequate social distancing of at least 6 feet, including when waiting in any common reception area, waiting room, or hallways.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to SOAH offices and hearing rooms.
2. Tissues have been placed near the door of each hearing room, at counsel tables, at the witness stand, on the judges' benches, and in the hallways.
3. Signage related to standard health protocols may be posted in multiple locations in SOAH offices and hearing rooms.

Face Coverings

1. All individuals entering SOAH offices are encouraged, but not required, to wear face coverings where possible.
2. Individuals are encouraged to bring cloth face coverings with them, but if an individual who will be required to be in SOAH offices for over 1 hour does not have a cloth face covering, a disposable face mask will be provided so long as supplies are available.

Cleaning

1. Janitorial staff will clean the common areas of SOAH offices at least daily.
2. Janitorial staff and/or SOAH personnel will clean the hearing rooms between each live hearing, between morning and afternoon proceedings, and at the end of each day the hearing room is used.
3. SOAH has been in contact with the Texas Facilities Commission and other building supervisors to ensure that all cleaning staff have been provided cleaning supplies shown to be effective in preventing the spread of viruses.



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4. SOAH personnel who may participate in cleaning of hearing rooms and common spaces should practice proper cleaning techniques and use personal protective equipment.