



State Office of Administrative Hearings

COVID-19 Operating Plan for Phased Re-opening

Objective:	To establish protective measures and general operating plan for the State Office of Administrative Hearings in response to COVID-19, Phase II 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 for Court Proceedings on or after June 1, 2020.

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, agency staff, judges, and other individuals entering the buildings utilized for administrative proceedings, the State Office of Administrative Hearings will implement the following protective measures related to COVID-19 re-opening, **effective as of June 1, 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 will use all reasonable efforts to conduct proceedings remotely, 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 and guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions, including:
 - Lawyers, parties, and witnesses may be required to wait outside of SOAH's facilities until their hearing is called.
 - Attendance may be limited to 10 persons including SOAH personnel, and all attendees will be expected to follow social-distancing standards announced by the ALJ as a matter of courtroom decorum.
 - Parties to in-person proceedings should wear face coverings where possible and, to the extent hard-copy exhibits needs to be presented, parties should anticipate



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using 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 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 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 **June 15, 2020**, 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.
 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 is 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.



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Health of Agency Staff

1. All SOAH staff who can perform the essential functions of their job remotely will continue to telework to the extent possible.
2. Staffing in all SOAH offices statewide will be limited to not more than 25% of regularly assigned agency personnel until further notice.
3. All SOAH employees shall comply with the requirements of the COVID-19 Employee Health Certification Form distributed by Human Resources to all employees on May 5, 2020, 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.
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 required to implement the following Protective Measures to the extent 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 not more than one person at a time.

Scheduling and Staffing

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

1. Effective **June 1, 2020**, all offices statewide will be open Monday through Friday



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8:00 a.m. – 5:00 p.m., but will 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, but most Docketing staff will continue to work remotely.
3. Employees working on site in the Austin Headquarters office will provide accurate personnel counts to the Texas Facilities Commission by emailing the Docketing Manager upon arrival and departure.
4. The Austin Headquarters office will be staffed at all times by at least one member of the executive management team, one person in Docketing, one Legal Secretary, and one Administrative Law Judge. These people may be present in the office on a rotating basis.
5. Field offices statewide will be staffed by at least one person 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 June 15, 2020 may be accommodated by means, including, but not limited to:
 - Instructions and assistance with filing a motion requesting to appear telephonically or by videoconference;



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- 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 will be required to maintain adequate social distancing of at least 6 feet, including when waiting in any common reception area, waiting room, or hallways.
2. In accordance with restrictions imposed by the Texas Facilities Commission, no more than four persons not from the same household should share an elevator.

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. The Department of State Health Service's "[Stop the Spread of Germs Flyer](#)" has been posted in multiple locations in SOAH offices and hearing rooms.

Face Coverings

1. All individuals entering SOAH offices should 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 have been trained on proper cleaning techniques and provided appropriate personal protective equipment.