

## ADMINISTRATIVE ORDER 2020-02

**WHEREAS**, in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in the State of Maryland, which saw its first reported case in the first week of March 2020, Governor Larry J. Hogan, Jr., issued a Declaration of a State of Emergency and Existence of Catastrophic Health Emergency - COVID-19, <https://governor.maryland.gov/wp-content/uploads/2020/03/Proclamation-COVID-19.pdf> (March 5, 2020); with periodic updates in the interim (see <https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/>); and

**WHEREAS**, in February of this year, the Centers for Disease Control and Prevention ("CDC") issued "Interim Guidance" recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials. (See Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), 28 February 2020, <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html> (last updated February 26, 2020); and

**WHEREAS**, the Maryland Department of Health also has issued (and continues to update) guidance and other information on COVID-19 (see <https://phpa.health.maryland.gov/Pages/Novel-coronavirus.aspx> and <https://governor.maryland.gov/coronavirus/>); and

**WHEREAS**, on March 12, 2020, Governor Hogan moved the state to Elevated Level II - Flexible Operations of the [Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy](#). At this level, the state seeks to minimize the spread of COVID-19 while maintaining State operations. This determination does not result in the closure of State offices, but agencies should:

- Cancel all business-related overnight out-of-state travel for all employees except for individuals engaged in emergency preparedness activities.
- Encourage employees who are sick or caring for sick family members to use their leave to remain at home.
- For employees who do not have adequate leave to cover their absence, permit the use of advanced sick leave (in the case of temporary employees, advanced paid time off).
- Ease all documentation requirements related to the use of sick leave.
- Implement practices that distance employees from each other, customers and the general public, such as employing the use of telephones, telecommunications, emails, etc. to handle day-to-day tasks.
- Permit employees to telework whenever possible to facilitate social distancing and continue to prepare for a time when the State may move to a mandatory telework model for all non-emergency essential personnel.

(See <https://dbm.maryland.gov/employees/Pages/COVID19.aspx>); and

**WHEREAS**, on Thursday, March 12, 2020, the Maryland Workers' Compensation Commission voted to adopt emergency regulations granting certain emergency powers to the Chairman of the Commission whenever the Governor issues Declaration of a State of Emergency and Existence of Catastrophic Health Emergency and the emergency or directives issued by the Governor pursuant to the emergency significantly affect access to or the operations of one or more Commission hearing locations or other

Commission facilities or the ability of the Commission to operate effectively (*see generally*, COMAR 14.09.17); and

**WHEREAS**, the emergency regulations, COMAR 14.09.17, are in effect from March 23, 2020 until September 8, 2020; and

**WHEREAS**, pursuant to COMAR 14.09.17.03A, upon a determination by the Chairman of the Commission that an emergency or other event within the scope of COMAR 14.09.17.01 significantly affects access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, the Chairman, by Administrative Order, may, to the extent necessary:

1. Amend and superintend existing Continuity of Operations (“COOP”) plans;
2. Suspend the operation of rules or regulations that cannot be implemented as intended because of the emergency;
3. Identify and direct the use of alternative locations to conduct Commission business if existing facilities become inaccessible or unusable;
4. Transfer cases pending in one hearing location that becomes inaccessible or unusable to any other hearing location;
5. Permit claims or documents to be filed in alternate location(s) or by alternative means where the normal location – i.e., Baltimore City, is not reasonably accessible or usable;
6. Suspend, toll, or grant relief from time deadlines or filing requirements that otherwise would expire when there is no practical ability of a party to comply with the deadline or seek other relief;
7. Triage claims or issues and categories of claims or issues with respect to expedited treatment;
8. Suspend any Commission business not deemed essential;
9. Designate other Commissioners, “recall” Commissioners or Commission officials to implement directives entered by the Chairman or the Governor; and
10. Take any other appropriate action necessary to assure that essential Commission business is effectively handled by the Commission; and

**WHEREAS**, the undersigned, as Chairman of the Commission, has determined that an emergency or other event within the scope of COMAR 14.09.17.01 significantly affects access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively; and

**WHEREAS**, The impact of the restrictions required to respond to the COVID-19 pandemic has had a widespread detrimental impact upon the administration of justice in the workers’ compensation community, impeding the ability of parties and potential litigants to send and receive mail from sites which may be closed, meet with counsel, conduct research, gather evidence, and prepare claims and responses, including filing issues; and

**WHEREAS**, the detrimental impact of the COVID-19 pandemic is so widespread as to have created a general and pervasive practical inability for certain deadlines to be met within the framework of the Maryland Workers’ Compensation Act, Title 9, Labor and Employment Article of the Annotated Code Maryland.

**NOW THEREFORE**, pursuant to the authority granted the Chairman of the Commission by COMAR 14.09.17 and in accordance with the Executive Order issued by Governor Hogan on March 12, 2020, entitled *Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements*, it is this 1st day of May, 2020, hereby

**ORDERED** that

1. Pursuant to COMAR 14.09.17.03A, all statutory and regulation deadlines related to the initiation of matters required to be filed with the Maryland Workers' Compensation Commission, including statutes of limitations, shall be tolled or suspended, as applicable, effective *nunc pro tunc* March 16, 2020, by the number of days that the Commission remains closed to the public due to the COVID-19 emergency by order of the Chairman of the Commission; and
2. Pursuant to COMAR 14.09.17.03A, all statutory and regulation deadlines related to requirements by workers' compensation insurers to provide certain notice to insureds concerning the termination, renewal, or re-issuance of workers' compensation policies are relaxed to extent that no penalty for technical non-compliance will be imposed by the Commission; and
3. Justice requires that the ordering of the suspension of such deadlines during an emergency as sweeping as a pandemic be applied consistently and equitably throughout Maryland, and no party or parties shall be compelled to prove his, her, its, or their practical inability to comply with such a deadline if it occurred during the COVID-19 emergency to obtain the relief that this Administrative Order provides; and
4. Such deadlines further shall be extended by a period of 30 days beyond the end of the state of emergency, as evidenced by an order reopening the Commission to receive in-person filings at its Baltimore office; and
5. Any such filings made within the period to be described above shall relate back to the day before the deadline expired.

**ORDERED** that these procedures will remain in place temporarily until it is determined to be safe to remove them; and it is further

**ORDERED** that this Order shall be updated as further guidance is received.

**IT IS SO ORDERED.**

[Signature on Original]

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R. Karl Aumann  
Chairman