

Quick Reference Guide: Videoconference Hearings

OCALJ videoconference hearings are conducted using Zoom for Government. The setting of the hearing, including timing, is at the discretion of the Commission Judge. Procedural Rule 51, 29 C.F.R. § 2700.51. Virtual hearings will be conducted according to the Court's rules in all respects, including the administration of oaths.

Preparing for Hearing: Parties and witnesses must have access to a computer, tablet, or mobile device with audio and video capabilities. All participants must have access to a strong internet connection or enough data to complete the hearing. Zoom requires bandwidth between 800 kbps to 3 Mbps. (Reference: System Requirements, https://support.zoom.us/hc/en-us/articles/201362023-System-requirements-for-Windows-macOS-and-Linux#h_d278c327-e03d-4896-b19a-96a8f3c0c69c). Devices must have enough battery for the entire hearing and participants should have a charger within reach. It is recommended that devices remain plugged in. Participants should set up their equipment in a quiet area with minimal background noise. Parties should work with an IT professional prior to a videoconference hearing to ensure no known bandwidth, equipment, or software issues will impede the hearing. Zoom provides a test meeting environment where participants can familiarize themselves with Zoom and verify that equipment is functioning correctly. (Reference: Joining a Test Meeting, <https://support.zoom.us/hc/en-us/articles/115002262083-Joining-a-Test-Meeting>). Participants should be flexible and have a back-up plan if unable to connect using their desired device. In some situations, participants may prefer to connect to the video using a computer or tablet while using a phone to connect to the audio feed.

Connecting to Zoom for Government: It is not necessary to create a Zoom account in order to participate. Prior to the hearing, the Court will send each party a link to join the video conference. All parties must be logged onto the Zoom meeting by the start time of the hearing, if not a few minutes prior to the start of the hearing to avoid connection issues. Participants may remain in the waiting room until the Judge begins the meeting. The waiting room serves as an additional layer of security by preventing unknown individuals from joining hearing. The waiting room may also be used to sequester witnesses.

Party representatives should work with witnesses before hearing to ensure they understand how to connect to the videoconference. It is good practice for representatives to have witnesses available to testify with only 10 minutes notice prior to joining the videoconference hearing.

The Virtual Courtroom: Participation in a virtual hearing is no less significant than participation in an in-person hearing. Parties and witnesses are expected to conduct themselves according to the Court's standing rules in all respects. Parties and witnesses should dress and conduct themselves professionally and respectfully. Audio and video recording of this hearing is strictly prohibited. This hearing will be recorded by an official court reporter. Counsel should avoid interrupting each other or talking over each other, as this may affect the audio capabilities of Zoom. A party may use the "raise hand" feature or interject as they would at an in-person hearing in order to gain the Court's attention. Participants should mute audio when not speaking.

During the hearing, the Judge may have an IT professional either on the videoconference or on standby. The IT professional would be available to troubleshoot issues and to ensure the hearing runs smoothly.

During the hearing, the Judge may send participants back to the waiting room so that she or he can confer with staff. The Judge may also send participants to separate breakout rooms to facilitate private conversations between representatives and parties or negotiations between parties.

When taking a break and stepping away from the screen, participants should remember to "Stop Video" and "Mute" audio. Video and audio must be toggled back on when returning back to the Zoom videoconference.