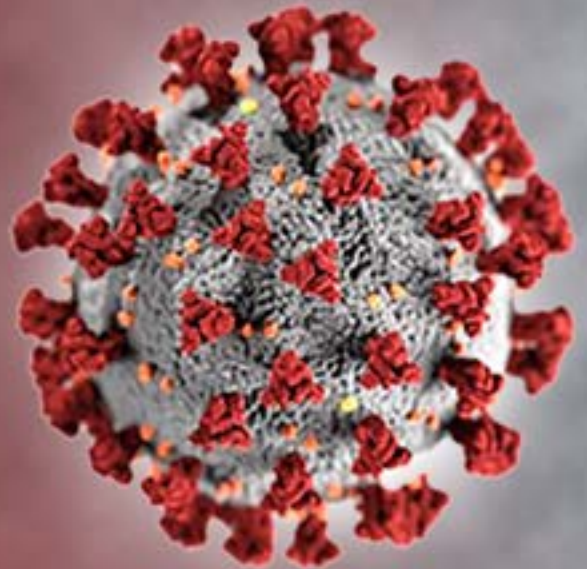


**KENTUCKY COURT OF JUSTICE**

# **COVID-19 Health and Safety Requirements**



**May 15, 2020**

# COVID-19 Health and Safety Requirements

The health and safety of Kentucky Court of Justice staff will remain a top priority as we pivot towards increasing court services to pre-pandemic levels. These health and safety requirements provide the expectations of conduct necessary to protect the health and well-being of judges, circuit court clerks, employees, and the public we serve. Until there is an accessible vaccine or medication for COVID-19, we must use other tools to prevent its spread. The Centers for Disease Control and Prevention (CDC) recommends we use the following methods of reducing illness and the risk of exposure through:

- engineering controls – which involve isolating people from the hazard;
- administrative controls – which involve changing the way work is performed; and
- personal protective equipment – which protect individuals.

## Engineering

- Use floor tape for distancing
- Install plexiglass barriers to public facing work spaces
- Use dropboxes
- Have alternatives to in-person service
- Develop virtual court processes
- Plan physical distancing into court proceedings
- Provide hand sanitizer in key locations
- Evaluate and route public traffic flow for social distancing
- Close spaces that can not accommodate social distancing

## Administrative

- Maximize telework
- Separate work teams
- Rotate schedules
- Require work space sanitation
- Limit the number of employees visiting common areas
- Require employees to conduct health assessment prior to reporting to work
- Provide alternate public access
- Share digital documents and use e-signatures

## PPE

- Require frequent hand washing and use of hand sanitizer
- Require face masks to enter and in all common areas
- Require physical distancing for all meetings
- Use remote meeting tools, even in building

**Supreme Court Administrative Orders** – Chief Justice John Minton has continued to provide guidance to judges, circuit court clerks, employees, and the public by publishing administrative orders that align court services with the recommendations of state health officials. To that end, new guidance has been issued regarding minimum safety requirements for workers and the public as in-person services resume.

Consistent with these requirements, the Supreme Court has issued Administrative Order 2020-39, effective June 1, 2020. This Order promotes the resumption of most court services through remote proceedings and establishes health and safety guidelines for all in-person proceedings.

Additionally, as local court orders or rules are approved, they will be posted on the KCOJ's COVID-19 webpage by county, to provide additional instruction regarding local proceedings and access to specific court facilities.

**General Public Health Guidelines** – When in KCOJ court facilities and offices, all KCOJ officials and employees are expected to:

- maintain 6 feet of physical distance;
- [frequently wash and sanitize hands](#);
- [stay home when sick](#);
- follow isolation and quarantine orders from state or local health officers;
- use facial coverings in common areas or when interacting with others;
- clean and disinfect personal work surfaces before and after work; and
- do not gather in groups greater than has been authorized by the Department of Public Health (DPH).

Employees should be less than 6 feet apart only infrequently and for less than 10 minutes at a time.

Limitations on the number of people who can gather in a single space, as authorized by the DPH, do not apply to total building occupancy, but do apply to rooms or common areas, such as courtrooms, entrances, lobbies, and breakrooms. Court security personnel will assist the courts in limiting large gatherings in common areas of our court facilities. If a space does not allow for appropriate physical distancing, it should be closed.

KCOJ employees may be subject to disciplinary action, up to and including dismissal, for failure to perform their official duties consistent with the above public health guidelines.

**Staffing** – KCOJ offices should have no more than 50% of its employees physically present on a given day, unless a limited exception is approved by the Director of Human Resources or designee. In-office staffing is limited to those employees who:

- are necessary to serve the public or whose physical presence is necessary to perform their duties; and
- can be accommodated with appropriate physical distancing.

The 50/50 Staffing Plan in Circuit Court Clerk Offices will remain in effect to assist with maintaining a reduced on-site staff, subject to limited exceptions if approved by the Director of Human Resources or designee.

Teleworking remains the preferred workplace assignment. If a job can be performed, even partially, by way of teleworking, then every effort should be made to accommodate it. This includes work schedules that require a mix of in-office and telework workplace assignments. To meet operational needs, appointing authorities may require an employee to continue or begin teleworking or report in-office, at least part of the time, beginning June 1, 2020.

**Entry to KCOJ Court Facilities and AOC Offices** – In order to gain entry into any KCOJ court facility or AOC office, KCOJ officials and employees, as well as members of the public, will be required to wear a protective facial covering such as a mask, scarf, bandana, or other cloth, which covers their nose and mouth. If a member of the public seeks entry but does not have an appropriate facial covering and their business cannot be accomplished remotely, then a facial covering will be provided.

Additionally, members of the public will not be permitted to enter if they would answer yes to any of the health screening questions. If an individual is denied entry into a court facility based upon the screening questions, then he or she must be given a phone number or email address to reschedule or complete his or her business.

KCOJ officials and employees are not permitted to report to work if they answer yes to any of the health screening questions. If an official or employee answers yes to any of the questions, they should report this information to [DailyHealthCheck@kycourts.net](mailto:DailyHealthCheck@kycourts.net) and their supervisor, if applicable. KCOJ employees may be subject to disciplinary action, up to and including dismissal, for failure to comply with the above restrictions on entry and reporting.

**Facial Coverings** – All KCOJ officials will be provided at least one reusable facial covering at no cost and are encouraged to keep an extra facial covering to use in the event that the one provided is misplaced or unavailable.

- KCOJ officials and employees are expected to report to work wearing an appropriate facial covering.
- Facial coverings are required to be worn during scheduled work hours while performing job duties on or off the work premises when interacting with co-workers or while in common areas, such as shared workspaces, hallways, conference rooms, bathrooms, entries, and exits.
- Facial coverings are not required to be worn when KCOJ officials or employees are alone in their personal office or partitioned workspace, where the partition is at least six feet tall.
- Face-to-face meetings should be avoided or limited. In the event that face-to-face interaction occurs, individuals are required to wear a facial covering.
- Facial coverings must be consistent with the Dress Code Policy contained in Section 3.09 of the KCOJ Personnel Policies.
- KCOJ officials and employees may submit an accommodation request to the ADA Coordinator for consideration if the employee is unable to wear a mask because of an underlying medical condition.
- While wearing a facial covering, all KCOJ officials and employees should visibly display their KCOJ work badge on their person to assist others with identifying them as a KCOJ official or employee.

Judges are not required to wear a facial covering while conducting court proceedings if either a protective plexiglass barrier is installed or no parties or KCOJ employees are seated within a ten-foot radius of the judge and do not approach the bench during the proceeding.

KCOJ employees may be subject to disciplinary action, up to and including dismissal, for failure to comply with the above facial covering requirements.

**Modifications to KCOJ Court Facilities and AOC Offices** – Each chief circuit judge is responsible for ensuring, to the greatest extent practicable, modifications are made to traffic flow in courtrooms and common areas of court facilities to minimize contacts between elected officials, employees, and the public. Each judge or circuit court clerk is responsible for ensuring, to the greatest extent practicable, modifications are made to traffic flow in their chambers or offices to minimize contacts between elected officials, employees, and the public. Each AOC manager or executive officer is responsible for ensuring the same for offices occupied by their division or department.

- The responsible chief circuit judge, judge, circuit court clerk, manager, or executive officer must restrict use of common areas such as lobbies, waiting rooms, break rooms, lunchrooms, and vending areas to maximize social distancing and reduce congregating.
- If courtroom configurations do not permit at least eight feet of distance between persons at the bench, the witness stand, the podium, or counsel tables, the chief circuit judge should contact [FacilitiesRequest@kycourts.net](mailto:FacilitiesRequest@kycourts.net) to discuss available options for plexiglass solutions.

**Cleaning and Disinfecting Requirements** – Each chief circuit judge is responsible for ensuring that courtrooms and common areas in court facilities are properly cleaned and ventilated. Each judge or circuit court clerk is responsible for ensuring that workspaces are properly cleaned and ventilated in their chambers or offices. Each AOC manager or executive officer is responsible for ensuring that workspaces are properly cleaned and ventilated in their division or department. Minimum cleaning and disinfecting requirements are as follows:

- Frequently touched surfaces must be cleaned and sanitized frequently using appropriate disinfectants. Appropriate disinfectants include EPA registered household disinfectants, diluted household bleach solution, and alcohol solutions containing at least 70% alcohol. The responsible chief circuit judge, judge, circuit court clerk, manager, or executive officer must ensure disinfectant is available at shared equipment.
  - Every two hours – frequently touched surfaces in common areas such as, door knobs, light switches, phones, computers, keyboards, copiers, elevator buttons, toilets, faucets, sinks, countertops, paper towel dispensers, desktops, handrails, counters, tables, cabinets, and knobs, must be cleaned and sanitized.
  - Daily – hard surfaces in each employee’s workstation must be cleaned and sanitized at the end of each day that the employee works in the office.
- When a responsible chief circuit judge, judge, circuit court clerk, manager or executive officer becomes aware that an individual working in or visiting a court facility or office has contracted or is presumed to have COVID-19, the responsible chief circuit judge, judge, circuit court clerk, manager, or executive officer should immediately restrict access to the contaminated areas for at least 24 hours and contact [FacilitiesRequest@kycourts.net](mailto:FacilitiesRequest@kycourts.net) for further instruction on cleaning.
- Any chief circuit judge, judge, circuit court clerk, manager, or executive officer who has concerns regarding proper cleaning and ventilation should contact [FacilitiesRequest@kycourts.net](mailto:FacilitiesRequest@kycourts.net).

**Modifications to Work Performed** – Compliance with the general public health guidelines, mentioned above, will impact the way work is performed. Judges, circuit court clerks, managers, and executive officers must ensure compliance with these general public health guidelines as follows:

- Ensure that employees minimize face-to-face contact with one another and with the public to

the greatest extent practicable. Instruct employees to conduct meetings via telephone or internet if possible.

- Encourage employees use and share digital documents rather than paper formats.
- Encourage employees to complete all paperwork electronically by using e-signature technology for signatures.
- For those employees who operate equipment or vehicles, ensure that the number of employees riding in a vehicle together is limited and allows for appropriate spacing between the employees. Thorough cleaning and disinfecting of vehicles after each trip is required.
- For those court facilities or offices with warehouses or loading docks, ensure minimal interaction between drivers and employees at loading docks, doorsteps, or other locations.

**Daily Self-Administered Temperature and Health Checks** – In order to reduce the spread of COVID-19 to our co-workers and our communities, all KCOJ officials and employees who are not teleworking must conduct a self-administered temperature and health check prior to reporting to work. KCOJ officials and employees should use the [CDC's Self-Checker](#) to determine whether or not they are exhibiting symptoms of COVID-19 and whether they should report to work, seek medical care, and/or seek testing.

If an employee does not have a fever or any COVID-19 symptoms, he or she may report to work. Upon arriving at work, employees will be asked to certify the absence of fever and COVID-19 symptoms when logging in to their KCOJ computer.

If the CDC's Self-Checker indicates that the KCOJ official or employee should stay home and/or seek COVID-19 testing, then the employee must report his or her symptoms and the CDC's recommended actions to [DailyHealthCheck@kycourts.net](mailto:DailyHealthCheck@kycourts.net). All KCOJ employees must also report this information to their immediate supervisor.

KCOJ employees may be subject to disciplinary action, up to and including dismissal, for failure to comply with the requirements of performing a daily temperature and health check or for making a certification or health report which is later determined to be materially false.

**PPE Training** – KCOJ employees are expected to review and be familiar with the training video linked to below regarding use of PPE.

**Facial Coverings** – Ideally, personal and KCOJ-provided cloth facial coverings should be washed each day after use. Cloth facial coverings should be completely dry, as its ability to capture particles is diminished when wet. In the event that the facial covering becomes visibly soiled, saturated, or damaged while working, a new facial covering must be obtained.

Tutorials on proper use of PPE can be found on the KCOJ's intranet and [here](#). Additionally, instructions on how to make a cloth facial covering can be found [here](#).

**Illness or Exposure to COVID-19** – Employees must report exposure or illness to their supervisors. If a supervisor is concerned about possible exposure or observes an employee exhibiting [COVID-19 symptoms](#) in the workplace, the supervisor should communicate that concern to the employee in a confidential setting and request the employee visit the [CDC's Self-Checker](#) to determine whether the employee needs to go home and/or be tested. If needed, the supervisor should provide the employee with a thermometer so the employee can take his or her own temperature. After completing the self-checker, employees must report the symptoms and recommended action to their supervisor confidentially. After sharing the results with the Director of Human Resources, the appointing authority or designee will direct the employee to remain at work or go home and provide guidance on appropriate leave and any necessary follow-up. The AOC's Department of Human Resources is also available to support supervisors and appointing authorities with any concerns regarding illness, exposure, and leave.

**Safety Concerns** – If any KCOJ officials or employees have any concerns about the health and safety of their working conditions or any other health risks posed by their workplace, they should report it to [COJHR2@kycourts.net](mailto:COJHR2@kycourts.net).

**Available Products** – Responsible chief circuit judges, circuit court clerks, managers, and executive officers must supply adequate hand sanitizer (60% alcohol content or higher) for employees and the public and ensure that it is made available near high-traffic and high-touch areas. A catalog of COVID-19 related products sourced by the AOC and available for order, including hand sanitizer, can be found [here](#).

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