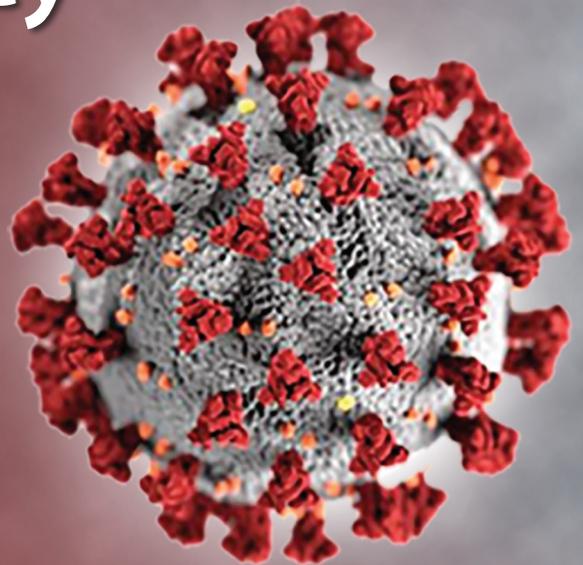


**KENTUCKY COURT OF JUSTICE**

# **Flexible Staffing Guidance During a Pandemic or Public Health Emergency**



**August 21, 2020**

# Court of Justice Flexible Staffing Guidance

## During a Pandemic or Public Health Emergency

**Issued August 14, 2020**

As is noted in the KCOJ Pandemic or Public Health Emergency Staffing Guide, flexible scheduling is a possible staffing strategy that may be implemented to limit the spread of an infectious disease and to ensure continued operations of the Kentucky Court of Justice. This guidance is intended to provide elected officials and AOC executive officers and managers with possible flexible scheduling and staffing options during a pandemic or public health emergency.

**Step One:** Evaluate the essential functions of your office in light of the current operational climate, including:

- (1) Supreme Court Orders 2020-55 and 2020-56, Kentucky Court of Justice Response to COVID-19 Emergency – Health and Safety Requirements and Expansion of Court Proceedings, and any subsequent amended order placing restrictions on court proceedings, jury trials, and jury service;
- (2) If your office works directly with the courts, consider any local court orders entered by the chief district or circuit judges, which may place additional requirements or restrictions on dockets, jury trials, and jury service;
- (3) For circuit court clerks, the extent to which of driver's license services are to be provided; and
- (4) The expected length of these operational restrictions.

**Step Two:** Evaluate the skills and abilities of your staff, taking into consideration employees that may be unavailable.

Based on guidance provided by the Chief Justice located in the Staffing Guide, there are three circumstances in which an appointing authority must grant requested leave to an employee.

- (1) If the employee has tested positive for COVID-19 or may have been exposed to COVID-19 or is exhibiting symptoms such as fever, cough, shortness of breath, chills, fatigue, muscle pain, headache, congestion or runny nose, nausea or vomiting, diarrhea, sore throat, or new loss of taste or smell. If not already exhausted, the employee would qualify for Emergency Sick Leave or Federal Paid Sick Leave, in addition to any accumulated leave.
- (2) If the employee is in a high-risk category, defined as individuals over 65 years of age and/or individuals diagnosed with a serious medical condition identified by the Centers for Disease Control and Prevention (CDC) or a medical condition that results in a compromised or impaired immune system. If the employee cannot perform his or her

job duties remotely, then he or she may be approved for Special Emergency Directed Leave.

- (3) Based on the closure of school or daycare, the employee is unable to report to work in order to care for a dependent. If not already exhausted, the employee may use Federal Paid Sick Leave, Emergency Family and Medical Leave, or his or her own accumulated leave.

**Step Three:** Identify any essential functions that can be performed remotely. Confirm whether there are employees available to perform the work remotely and that there is adequate technology available to support the remote performance of these functions. Make appropriate inquiries to obtain the necessary equipment or software and establish a telework plan for the employees and these job functions. Telework plans may provide for remote work to be assigned on a full-time, part-time, or intermittent basis to meet the operating needs of the office.

**Step Four:** Identify any essential functions that will be performed in-office and determine how many employees will be working in-office to perform these job functions.

Based on the functions to be performed in-office and the number of employees reporting in-office to work, an appointing authority should:

- Evaluate all available work spaces and redesign them, if possible, to ensure appropriate social distancing can be maintained when all employees are present and working and interacting with attorneys and members of the public;
- Evaluate any special cleaning needs for the work spaces and determine a cleaning routine that complies with the KCOJ Health & Safety Requirements;
- Attempt to divide employees amongst multiple separate, self-sufficient work spaces that allow employees to perform work functions without entering into the other work spaces or interacting face-to-face with the employees assigned to the other work spaces; and
- Develop a staffing plan that permits essential work functions to continue in the event of a COVID-19 infection that requires employees within the same work space to self-quarantine.

In those work spaces where social distancing cannot be safely maintained and there are not multiple work spaces available to help separate employees, appointing authorities should consider utilizing alternative work hour schedules or reduced-staff scheduling.

#### Alternative Work Hour Scheduling

Alternative work hour scheduling allows employees to work non-traditional work hours to reduce the number of employees working in the same space at the same time. Additionally, this

type of scheduling may be used to accommodate employees who are unable to work their regularly scheduled hours due to lack of dependent care. The basic parameters of an alternative work hour schedule are that the employees work 37.5 hours over the course of three to six days in a week.

#### Addressing Compensatory Time through Flexible Scheduling

Appointing authorities should schedule employees so that they claim or work no more than 37.5 hours during each week. During the work week an employee may be required to stay late or come in early to work in court or meet the needs of the office. When possible, these variances in work hours should be accounted for in advance when drafting the work schedule. However, if an employee unexpectedly works more than 7.5 hours in a day, the appointing authority or the employee's supervisor should adjust the employee's remaining work hours during that week to minimize or eliminate the accumulation of compensatory time during that week.

#### Reduced-Staff Scheduling

Reduced-staff scheduling involves splitting a group of employees that use the same work space in half and alternating or rotating their use of that space during normal or extended business hours. A reduced-staff schedule typically requires employees to claim Special Leave for the hours that they are assigned to be out of the office due to the reduction in in-office staff. The most common reduced-staff schedules include split-week and week on/week off schedules. You may choose to discuss the positive and negative aspects of potential schedule options with your employees, taking their preferences into account. However, these are but two options and adjustments can be made to start/stop times and the timing lunch periods as necessary. See examples of each below:

##### Split the Week Sample Schedule:

Monday – Team A works 7.5 hours, Team B claims 7.5 Special Leave  
Tuesday – Team A works 7.5 hours, Team B claims 7.5 Special Leave  
Wednesday – Team A works 3.75 hours in the am, Team B works 3.75 in the pm, and both claim 3.75 hours of Special Leave  
Thursday – Team B works 8am to 4:30pm, Team A claims 7.5 Special Leave  
Friday – Team B works 8am to 4:30pm, Team A claims 7.5 Special Leave

##### Week On/Week Off Sample Schedule:

#### Week 1

Monday – Team A works 7.5 hours, Team B claims 7.5 Special Leave  
Tuesday – Team A works 7.5 hours, Team B claims 7.5 Special Leave  
Wednesday – Team A works 7.5 hours, Team B claims 7.5 Special Leave  
Thursday – Team A works 7.5 hours, Team B claims 7.5 Special Leave  
Friday – Team A works 7.5 hours, Team B claims 7.5 Special Leave

## Week 2

Monday – Team B works 7.5 hours, Team A claims 7.5 Special Leave

Tuesday – Team B works 7.5 hours, Team A claims 7.5 Special Leave

Wednesday – Team B works 7.5 hours, Team A claims 7.5 Special Leave

Thursday – Team B works 7.5 hours, Team A claims 7.5 Special Leave

Friday – Team B works 7.5 hours, Team A claims 7.5 Special Leave

## Guidelines for Offices Implementing a Reduced-Staff Schedule

Our priority is ensuring the safety and well-being of our employees, elected officials, and the public while providing essential court functions. Appointing authorities should clearly articulate in writing to their employees the work hours, reporting times, schedule changes, cleaning expectations, etc. and review all previously approved leave requests to determine whether they should be voided.

In conjunction with a reduced-staff schedule, Special Leave has been authorized as a means of protecting the health of employees and ensuring the essential functions of the office can continue uninterrupted in the event of a COVID-19 infection. Employees assigned to a less than full-time schedule must be available during their scheduled Special Leave to report to work within 24 hours of being contacted. Employees are not authorized to work a second job while in paid status receiving Special Leave. While out on Special Leave, employees are expected to adhere to all public health recommendations, including those relating to use of facial coverings, limitations on large gatherings, maintaining social distance, and any quarantines related to travel. In the event that a team member becomes infected with COVID-19 and the infected team member and two or more of his or her team members are required to self-quarantine, other team will be required to report to work and will be expected to work a full 7.5 hour work day until it is safe to re-introduce the quarantined team. If a team or individual employee is directed to report to work for this purpose, he or she will not get extra compensation or be allotted additional Special Leave. All employees should be prepared to resume a normal work schedule, 7.5 hour work day/ 37.5 hour work week.

No team member will be able to claim more special leave hours than the schedule permits within a two-week period, regardless of the circumstance. No team member will be permitted to claim more than 7.5 hours of special leave in any one work day. Further, the total amount of hours claimed by an employee per week must not exceed 37.5 hours. Thus, to the extent that an employee works more hours than he or she was scheduled, the Special Leave hours must be reduced.

Employees that use compensatory time, annual leave, sick leave or other available leave when scheduled to work, are not eligible to use Special Leave for that work cycle. Employees unable to report when scheduled may be able to claim Special Emergency Directed Leave, Emergency Sick Leave, Federal Paid Sick Leave, Emergency Family and Medical Leave or his or her accumulated leave, whichever is applicable to the absence and not otherwise exhausted, to make up for the 37.5 work hours for the week.

**Step Five:** Outline your staffing plan and submit to the AOC HR Department at [COJHR2@kycourts.net](mailto:COJHR2@kycourts.net), to ensure appropriate tracking of employees' work hours and for any assistance needed in implementing the KCOJ COVID-19 Health & Safety Requirements.

Questions regarding staffing, scheduling, leave use, should be directed to AOC's Human Resource Department at [COJHR2@kycourts.net](mailto:COJHR2@kycourts.net).

# COVID-19 Recommended Actions Quick Reference Guide

Administrative Office of the Courts  
1001 Vandalay Drive  
Frankfort, KY 40601  
(502) 573-2350



Legend: Look for *Helpful Hints*      Bold Text = **Action**      Bracketed Text<> = button or link  
Click=Select w/ Mouse or Touch Pad      Italicized Text = *Object of Action*      Single Quotes = Description

Situation #1	Recommended Action
<p><b>Employee is exhibiting symptoms or tests positive for COVID-19</b></p>	<ol style="list-style-type: none"> <li>1. Employee should stay/go home, email their symptoms or test results to <a href="mailto:DailyHealthCheck@kycourts.net">DailyHealthCheck@kycourts.net</a>, and notify his/her appointing authority or supervisor of their absence. If experiencing symptoms, the employee should use the CDC's Coronavirus Self-Checker to determine whether they should seek testing.</li> <li>2. Did the symptomatic or COVID-19-positive employee have prolonged close contact with any other employees? If yes, review Situation #2 to determine whether any other employees need to remain home or seek testing.</li> <li>3. The appointing authority or supervisor should contact the Human Resource Department to inform them of the situation. Email: <a href="mailto:COJHR2@kycourts.net">COJHR2@kycourts.net</a> Phone: (502) 573-2350</li> <li>4. If an employee tests positive for COVID-19 and has been in the work environment within the past 2 weeks, contact Facilities Manager Michelle Evans to schedule a deep cleaning of your work space. Email: <a href="mailto:michelleevans@kycourts.net">michelleevans@kycourts.net</a> or Phone: (502) 573-2350</li> <li>5. Co-workers should continue to monitor themselves for symptoms, wear a facial covering, maintain social distancing, and wash their hands frequently. If symptom free, employees should continue to work.</li> <li>6. If two or more co-workers exhibit symptoms or test positive, contact Human Resources, as an alternate staffing or team may be necessary.</li> <li>7. Recommend that the appointing authority contact the local health department to receive any additional local protocol or guidance.</li> </ol>

Situation #2	Recommended Action
<p><b>Employee has had close personal contact with a person who has tested positive for COVID-19</b></p> <p><b>Note:</b> "Close personal contact" means the person lives with or has spent 10 minutes or more within 6 feet or less of the person that tested positive for COVID-19.</p>	<ol style="list-style-type: none"> <li>1. Employee should stay/go home, email his/her exposure to <a href="mailto:DailyHealthCheck@kycourts.net">DailyHealthCheck@kycourts.net</a>, and notify his/her appointing authority or supervisor of their absence.</li> <li>2. Appointing authority or supervisor should recommend the employee be tested for COVID-19. Coordination of testing, to include a convenient location can be found by calling the COVID19 Hotline at 1-800-722-5725 or by visiting the website: <a href="https://govstatus.egov.com/kycovid19">https://govstatus.egov.com/kycovid19</a>.</li> <li>3. The appointing authority or supervisor should contact the Human Resource Department to inform them of the situation. Email: <a href="mailto:COJHR2@kycourts.net">COJHR2@kycourts.net</a> Phone: (502) 573-2350</li> </ol>

**For additional questions, please email [COVID19@kycourts.net](mailto:COVID19@kycourts.net).**

4. Co-workers should continue to monitor themselves for symptoms, wear a facial covering, maintain social distancing, and wash their hands frequently. If symptom free, employees should continue to work.
5. If two or more other co-workers exhibit symptoms or test positive, contact Human Resources, as an alternate staffing or team may be necessary.
6. Recommend that the appointing authority contact the local health department to receive any additional local protocol or guidance.

### Situation #3

### Recommended Action

**Employee has been in the same location/space as someone who has tested positive for COVID-19**

1. Employee should notify his or her appointing authority or supervisor of a possible exposure, but should continue to work and monitor for symptoms.
2. If the exposure occurred in a KCOJ facility or office, see Situation #1 to determine if a deep clean is necessary.
3. Co-workers should continue to monitor themselves for symptoms, wear a facial covering, maintain social distancing, and wash their hands frequently. If symptom free, employees should continue to work.

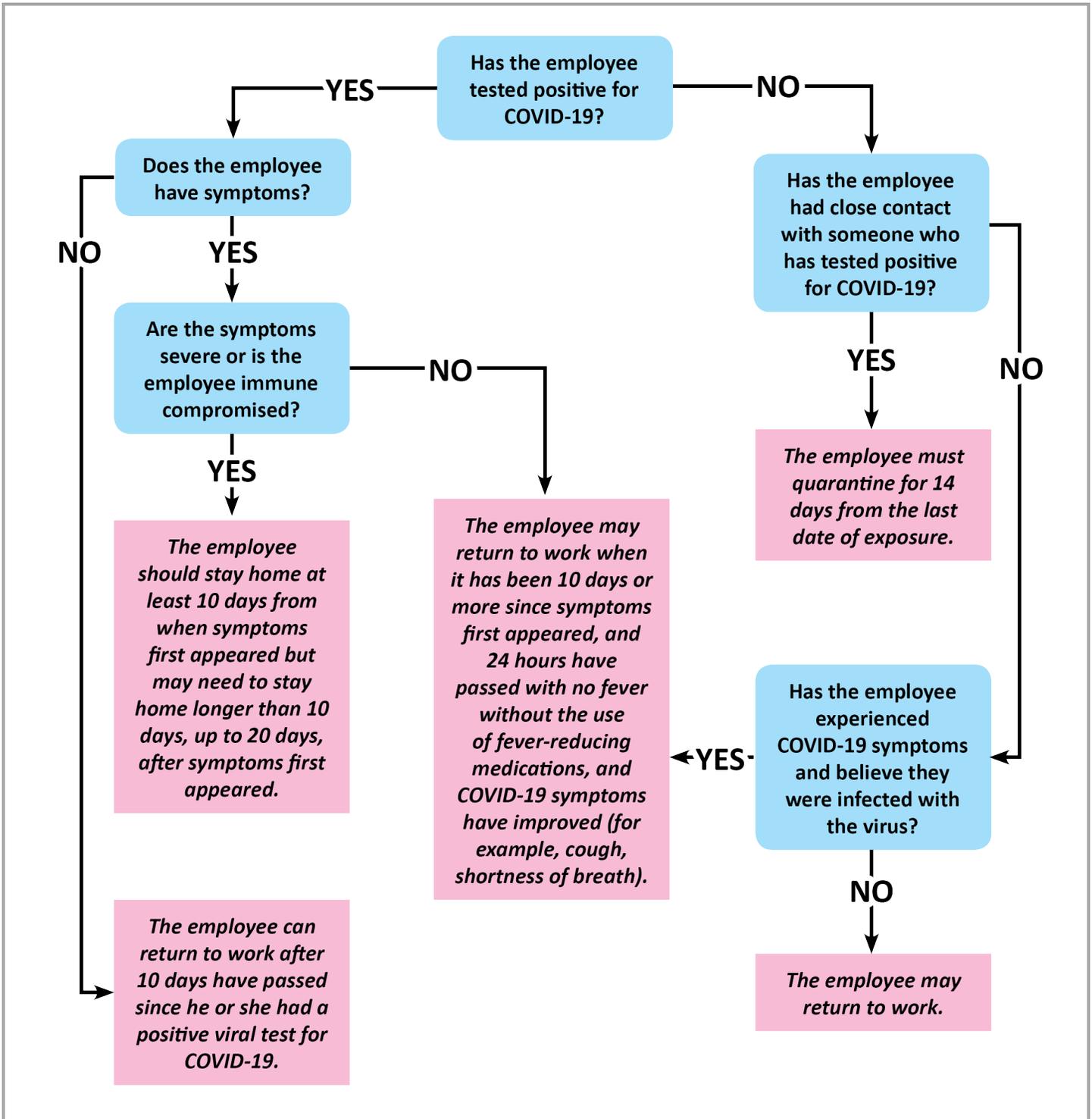
**For additional questions, please email [COVID19@kycourts.net](mailto:COVID19@kycourts.net).**

# COVID-19 Return to Work Flowchart

Administrative Office of the Courts  
1001 Vandalay Drive  
Frankfort, KY 40601  
(502) 573-2350



**IMPORTANT:** The following flowchart reflects the CDC’s general guidance and should be used as a tool for assessing when an employee can safely return to work. However, this is only guidance and does not replace any instruction or recommendation by an employee’s healthcare provider or the local health department.



For additional questions, please email [COVID19@kycourts.net](mailto:COVID19@kycourts.net).

# COVID-19

## Returning to Work

### Quick Reference Guide

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 1001 Vandalay Drive  
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 (502) 573-2350



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 Click=Select w/ Mouse or Touch Pad      Italicized Text = Object of Action      Single Quotes = Description

**IMPORTANT:** *The following outline reflects the CDC’s general guidance and should be used as a tool for assessing when an employee can safely return to work. However, this is only guidance and does not replace any instruction or recommendation by an employee’s healthcare provider or the local health department.*

Step	Objective	Action
1	<b>Returning to Work</b>  <i>Helpful Hints:</i> If an employee has tested positive or been exposed to COVID-19, he/she should notify his/her manager as well as HR immediately. Additionally, the employee may wish to contact the local health department for information regarding self-isolation/quarantine services.	Has the employee tested positive for COVID-19? <ol style="list-style-type: none"> <li>1. Yes, → Did the employee have symptoms?               <ul style="list-style-type: none"> <li>• Yes → Were the symptoms severe or is the employee immune compromised?                   <ul style="list-style-type: none"> <li>○ Yes → Then the employee may should stay home at least 10 days from when symptoms first appeared but may need to stay home longer than 10 days, up to 20 days, after symptoms first appeared.</li> <li>○ No → The employee may return to work when it has been 10 days or more since symptoms first appeared, <b>and</b> 24 hours have passed with no fever without the use of fever-reducing medications, <b>and</b> COVID-19 symptoms have improved (for example, cough, shortness of breath).</li> </ul> </li> <li>• No → The employee can return to work after 10 days have passed since he or she had a positive viral test for COVID-19.</li> </ul> </li> <li>2. No → Did the employee have close contact exposure with someone who has tested positive for COVID?               <ul style="list-style-type: none"> <li>• Yes → The employee must quarantine for 14 days from the last date of exposure.</li> <li>• No → Did the employee experience COVID-19 symptoms and believe they were infected with the virus?                   <ul style="list-style-type: none"> <li>○ Yes → The employee may return to work when it has been 10 days or more since symptoms first appeared, <b>and</b> 24 hours have passed with no fever without the use of fever-reducing medications, <b>and</b> COVID-19 symptoms have improved (for example, cough, shortness of breath).</li> <li>○ If no → The employee may return to work.</li> </ul> </li> </ul> </li> </ol>

For additional questions, please contact [COVID19@kycourts.net](mailto:COVID19@kycourts.net).