

COVID-19 RESPONSE GUIDANCE FOR THE VERMONT JUDICIARY DECEMBER 21, 2020

The Vermont Judiciary has developed and implemented specific protocols to maximize safety for staff and visitors to Vermont courts while also continuing court operations to the greatest degree possible. These protocols are subject to change as more is learned about COVID-19 and as the guidance from the U.S. Centers for Disease Control and Prevention (CDC) and Vermont Department of Health (VDH) evolve.

The Supreme Court issued a Declaration of Judicial Emergency due to the COVID-19 pandemic on March 16, 2020, Administrative Order No. 49, which governs certain aspects of court operations during the pandemic. The order is updated periodically, as conditions warrant. Further administrative procedures are provided for in Administrative Directive No. PG-13, which was issued on June 19, 2020. These procedures deal with health screening and safety protocols for Vermont courthouses and Judiciary facilities during the judicial emergency and address issues relating to health screening and building entry, the use of face coverings, social distancing, courthouse cleaning, and related matters.

Below are protocols for different COVID exposure scenarios.

Reducing, and where possible eliminating, opportunities for “close contact” among staff and between members of the public and staff is a critical component of promoting safe courthouse operations. According to the CDC, the phrase “close contact” means a person must be closer than 6 feet for more than 15 minutes cumulative over 24-hour period. Thus, persons who maintains a distance of more than 6 feet from another person are NOT considered to be in “close contact” according to CDC guidelines. If staff and visitors comply with the Judiciary’s current COVID protocols, it will be extremely unlikely for them to contract the virus while in a courthouse.

UNDER ANY SCENARIO, all employees need to follow the Judiciary’s COVID-19 protocols, which have been established with one goal in mind –to keep themselves and others safe. These are as follows:

- Do not report to work if you are feeling unwell due to COVID related symptoms.
- Complete the daily health survey and submit to your supervisor or designated person.
- When in a Judiciary facility, wear a mask at all times unless alone in an enclosed office or when eating alone.
- Wash hands frequently.
- Avoid congregating with others in places such as elevator, copier, lunch space, etc.

• General Safety Precautions

- All members of the public entering a courthouse are screened at the front door. The screening protocol was developed by the Judiciary in consultation with VDH and the Vermont Occupational Safety and Health Administration (VOSHA). The protocol is intended to identify people who may have been exposed to COVID-19.
- A Court Operations Manager (COM) has been designated as each court’s health safety officer in accordance with VOSHA guidelines.
- All staff must complete a daily health screening every day they report to work. The questions on the survey were developed by the Judiciary in consultation with VOSHA. Health screening results are reviewed by the court’s health officer, and supervisors follow up with any staff whose daily health screening results suggest they may have been exposed to the virus.
- All individuals in a courthouse must wear a mask and observe social distancing. This includes all members of the public and all staff.
- Plexiglass barriers have been installed in all courthouses to inhibit the transmission of the Coronavirus.

- All surfaces and workspaces are cleaned pursuant to CDC guidance.
- The screening officers will maintain a list of visitors for purposes of contact tracing or disclosure of a positive test.

- **COVID-19 Testing**

- When an employee is referred to get a COVID-19 test by their healthcare provider due to symptoms or a close contact, or for any other reason, they should inform their supervisor.
- The supervisor should determine the first day of symptoms and assume the employee was infectious for 48 hours prior to symptoms. The supervisor can then determine which day(s) the employee was at work while potentially infectious.
- The supervisor should ask the employee who has been referred for testing if they have had any known close contacts while at the courthouse.
- While waiting for results of a COVID-19 test due to a close contact or symptoms, the employee shall not report to work at a Judiciary facility. The employee should quarantine until results are known.
- The Judiciary will not share the name of the individual or that they are awaiting test results.

- **COVID-19 Positive**

- When an employee's COVID-19 test is positive, the employee should inform their supervisor immediately. The supervisor will inform the health officer.
- The health officer, or designee if the health officer is not present, will contact all staff who work in the building and all individuals, including lawyers, litigants, other parties to a case, known to have been in the courthouse on the day(s) in which the virus could have spread to let them know of a positive test result. Information will also be sent to all judicial partners on a pre-determined list at each court. Due to privacy considerations, the identity of the employee will not be disclosed.
- The Judiciary will not conduct any contact tracing. Staff from the Vermont Department of Health conduct contract tracing.
- The health officer will contact a representative from the offices of all tenants in the building letting them know of a positive test result.
- Upon learning that there has been an employee who has tested positive for the COVID-19, staff may elect to use their sick time to contact their healthcare provider and get tested. It may be necessary for the Judiciary to close a court to the public. Remote hearings will typically proceed unimpeded in such an event. The reopening of a court to the public will be done incrementally, based on the specifics of the situation.

- **Returning to work after COVID-19**

- An employee who was symptomatic and tested positive for COVID-19 may return to work:
 1. after 24 hours without a fever and without fever reducing medicine, AND
 2. after other symptoms have improved, AND
 3. at least 10 days have passed since symptoms first appeared, AND
 4. with a note of medical readiness from their healthcare provider.
- An employee who was asymptomatic and tested positive for COVID-19, or a person who had a close contact with a person that tested positive for COVID-19, may return to work after 14 days from the date they tested positive. The day of the test is Day 0. The employee may return to work on Day 15. The person may also quarantine for 7 days and take a COVID-19 test. If it is negative the employee may then return to work.