



MEMORANDUM

March 30, 2021

To: All Judges and Nonjudicial Personnel of the Unified Court System

From: John W. McConnell *JW*
Nancy Barry *NB*

Subject: Coronavirus – Updated Safety and Operational Protocols

Two recent developments – (1) the extensive COVID-related vaccination program in New York State and around the nation, and (2) the recent change in New York State’s quarantine policy for interstate travelers – have necessitated amendment of several Unified Court System protocols addressing access to court facilities by UCS personnel and the public. Part I of this memorandum will briefly summarize those changes; Part II will restate our updated safety and operational protocols in greater detail. This memorandum supersedes the memorandum of May 15, 2020.

I. Recent COVID-Related Developments

A. Vaccinations and Recovery from Prior COVID Infection¹

New York’s vaccination program continues its remarkable progress.² To date, close to 3 million New Yorkers are fully vaccinated, and an additional 2.5 million have received the first of a 2-dose injection; effective today, all persons aged 30 years or older, and many others in a range of special categories (including all UCS judicial and nonjudicial personnel), are eligible to receive the vaccine. Notwithstanding this progress, the vaccination program is still in an early stage; the impact of the pandemic upon court operations remains severe; and at present, the practical consequence of vaccination in allowing access to court facilities is limited.

Recently, however, the CDC announced that (1) fully vaccinated persons and (2) persons who have themselves recovered from a COVID infection in the last 3 months will no longer be required to quarantine following a close contact exposure to someone with COVID. As a result, court personnel and court visitors who can demonstrate that they fall under one of these two

¹ See March 30, 2021 Memorandum from Division of Human Resources for detailed information regarding the exemptions from quarantine for fully vaccinated individuals and those who have recovered from a previous COVID infection.

² That progress may be monitored at <https://covid19vaccine.health.ny.gov/covid-19-vaccine-tracker>.

exceptions will be permitted to enter court facilities notwithstanding a recent close contact exposure.

B. Travel

1. Travel to U.S. States and Territories: Commencing April 1, 2021, New York State will no longer impose a quarantine upon persons returning to the state following travel to another state or U.S. territory.³ As a result, domestic travel will no longer pose a basis for restricting access to UCS court facilities.

2. International Travel: Federal and state health authorities continue to impose quarantine requirements upon persons returning to New York from foreign nations (see section II(E) below).

II. Updated Coronavirus - Courthouse Procedures

Effective April 1, 2021, the following procedures shall apply to individuals seeking entry into UCS courts and facilities. Signage reflecting these amended policies and practices will shortly be distributed for posting in court facilities throughout the State. Of course, these practices may be further amended as the public health situation evolves.

A. Persons at Risk Shall be Prohibited from Entering Court Facilities

1. A “Person at Risk” is any individual that:
 - has been diagnosed with COVID-19 and has not obtained medical clearance to appear in public; or
 - has had close contact with anyone diagnosed with COVID-19 within the last 14 days, and (a) is not exempt from quarantine (as set forth in par. D below) or (b) has not obtained medical clearance to appear in public; or
 - has been directed to quarantine, isolate and/or self-monitor due to COVID-19 by any doctor, hospital or public health official/agency and has not obtained medical clearance to appear in public; or
 - has traveled internationally in the last 10 days and has not tested-out of quarantine (as set forth in par. E below) or otherwise obtained medical clearance to appear in public; or
 - has any COVID-19 symptoms, e.g. cough, sore throat, temperature of 100.0° or higher, shortness of breath.
2. No Person at Risk should enter any UCS court or facility.

³ The following are U.S. territories: District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the U.S. Virgin Islands. See March 17, 2021 Memorandum from the Division of Human Resources for more information regarding travel.

3. Persons at Risk having business before the court should contact the court by telephone or email and follow instructions on how to proceed.
4. Uniformed court personnel may inquire to ensure that court visitors understand and are in compliance with this directive.

B. Persons at Risk Entering Court Facilities (non-UCS Employees)

If a court visitor who self-identifies as a Person at Risk as described in par. A enters a court facility, court personnel shall take the following steps:

1. court uniformed personnel shall be notified; and
2. uniformed personnel shall notify the visitor of the procedure described in par. A, and request that the visitor leave the court facility immediately and call the contact number for further information.
3. If the visitor declines to leave the building, a uniformed supervisor shall assess the situation and take appropriate steps (including contacting local medical assistance).
4. at earliest opportunity, court personnel shall direct appropriate cleaning of areas contacted by the visitor.

C. Persons at Risk (UCS Employees)

1. If a court employee self-identifies as a Person at Risk as described in par. A, **prior to their work shift** the employee:
 - a. shall not come to work;
 - b. shall notify a work supervisor of the circumstances; and
 - c. shall contact a health care provider, and follow the recommendations of that health care professional, e.g. quarantine, testing, return to work.
2. If a court employee self-identifies as a Person at Risk as described in par. A when they are **present at work**:
 - a. the employee shall immediately notify a work supervisor of the circumstances and shall go home, contact a health care provider, and follow the recommendations of that health care professional e.g. quarantine, testing, return to work
 - b. the supervisor shall immediately notify uniformed court personnel;
 - c. at earliest opportunity, court personnel shall direct appropriate cleaning of areas contacted by the employee; and
 - d. uniformed personnel shall apprise other appropriate supervisory personnel of steps as directed by health authorities.
3. Leave for Quarantine⁴: Any UCS employee that is experiencing COVID-19 symptoms and seeking a diagnosis from a health care provider; is infected

⁴ See March 30, 2021 Memorandum from Division of Human Resources.

with COVID-19; or is otherwise required to isolate and/or quarantine by a health care provider or public health official out of concern that he/she is infected with COVID-19, is entitled to have (substantiated) absences covered by paid leave, i.e. *Leave for Quarantine*.

Questions regarding this leave benefit should be referred to the Division of Human Resources at HR-FFCRA@nycourts.gov

- D. Exemption to Quarantine–COVID-19 Close Contact: Individuals that have been in close contact with someone that has COVID-19 but can show they are fully vaccinated or that they previously tested positive for COVID-19 but have recovered within the last 3 months are permitted to enter UCS courts and facilities (so long as the fully vaccinated or recovered individual has no COVID-19 symptoms).
- A photocopy or photo of a vaccination card will suffice to demonstrate an individual’s full vaccination status.
 - A record from a health care provider will demonstrate recent recovery from COVID.
 - In either case, personal identification sufficient to substantiate that the vaccination and/or medical record corresponds to the presenting party will be necessary.
- E. Testing Out of Quarantine Following International Travel: Individuals that have returned from international travel within the last 10 days but can show that they tested negative on a viral test given between 3 and 5 days from when they returned to the U.S. are permitted to enter UCS courts and facilities (so long as at least 7 days have passed since they returned to the U.S. and they have no COVID-19 symptoms).⁵
- Any hard copy or electronic documentation showing dates of travel as well as the negative test result on either a rapid antigen or PCR test will suffice to show that the individual has tested-out of quarantine.
- F. Receipt of Notification of a Confirmed Coronavirus Diagnosis: In the event that the court receives notice that a courthouse visitor or employee has been diagnosed with the coronavirus:
1. Senior uniformed personnel on site shall inform uniformed command outside the courthouse, and shall prepare an Unusual Occurrence Report/Aided Report (UOR) that includes the name of the diagnosed person. Court managerial personnel shall contact the diagnosed person, inquire whether that person consents to the disclosure of his or her identity as part of follow-up health and safety notifications to UCS judges and staff, and note in the UOR whether such consent has been received.

⁵ Persons who reside in Canada but work in UCS court facilities may cross the Canadian/U.S. borders daily by land without restriction (<https://ca.usembassy.gov/travel-restrictions-fact-sheet/>), and may enter court facilities without proof of quarantine.

2. Court personnel shall review records of any court locations contacted by the diagnosed person, and the duration and nature of such contacts over the prior two weeks.
3. Judges and court staff within these contact areas shall be notified immediately about the diagnosis and the contact. If the diagnosed person has given permission for disclosure of his or her identity, that name may be disclosed in the course of such notification. If not, as required by current law, that identity shall not be disclosed: instead, the diagnosed person shall be described in a general fashion (e.g., “an attorney,” “a court employee working in_,” etc.). In either case, judges and staff shall be provided with all available details about the scope of the diagnosed person’s presence, time and whereabouts in the courthouse, instructed to contact their personal physicians to receive medical advice, provided excused leave to seek medical advice if they choose, and directed to notify the court of any further developments or medical directives.
4. Best efforts shall be made immediately to notify all attorneys and other members of the public who were in the contact areas during the relevant periods, while keeping the name of the diagnosed person confidential.
5. Local administrators shall inform other UCS personnel in the courthouse of the incident at earliest opportunity, while keeping the name of the diagnosed person confidential unless granted permission to disclose it (as described in pars. 1 and 4).
6. At earliest opportunity, court personnel shall direct appropriate cleaning of areas contacted by the person diagnosed.
7. A public statement describing the incident, without disclosing the identity of the diagnosed person, shall be posted on the UCS internal and public websites.

In all instances described above, court uniformed personnel shall be notified and an Unusual Occurrence Report/Aided Report shall be prepared. The report shall describe all courthouse areas visited by the Person at Risk, and time of such visits. Copies of court calendars in such visited areas shall be maintained, in the event that court visitors must be notified of the incident. Appropriate public notice shall issue whenever a Person at Risk is determined to be a high or medium risk for coronavirus contagion according to CDC standards. The Department of Public Safety will follow up with reports of suspected diagnosed courthouse visitor cases as circumstances dictate.

G. Other Health and Safety Protocols

All coronavirus health and safety procedures should continue to be closely followed by all individuals in UCS courts and facilities, regardless of vaccination status or recovery from a prior COVID-19 infection.

As a reminder, all judicial and nonjudicial personnel should continue to start each day with temperature check and self-assessment;⁶ wear masks in all locations outside of

⁶ See March 30, 2021 Memorandum from Division of Human Resources.

private offices (and in those offices when more than one person is present); maintain social distancing from colleagues at all times (including during lunch and other informal moments); avoid meetings in pantries, watercoolers, or other pre-COVID favorite gathering sites; avoid close contact (within 6 feet for a total of 15 or more minutes per day) with any work colleague or visitor; and continue to wash hands frequently.⁷

Requests for personal protective equipment (PPE) should be submitted to each court or facility's PPE Coordinator. Noncompliance with any UCS Coronavirus health, safety and/or operational protocols should be reported immediately to the local uniformed command.

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As always, thank you for your assistance in addressing this ongoing public emergency. No doubt, the prospects for ending this crisis have never been brighter since it began more than a year ago. But it remains imperative that we maintain vigilance and resolve in following these protocols for the health and safety of the public and our colleagues, families and friends.

Stay well and stay safe.

⁷ *See* May 29, 2020 Memorandum Re: *Coronavirus – Additional Safety and Operational Protocols*, for detailed information regarding the use of Personal Protective Equipment; Physical Distancing; Movement and Commerce; and Hygiene and Cleaning, a copy of which is attached (Exh. A).

EXHIBIT A



LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. MCCONNELL, ESQ.
EXECUTIVE DIRECTOR

NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

MEMORANDUM

May 29, 2020

To: All Judges and Nonjudicial Personnel of the Unified Court System

From: John W. McConnell *JWM*
Nancy Barry *NJB*

Re: Coronavirus – Additional Safety and Operational Protocols

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As we continue to address the health and safety concerns created by the COVID-19 pandemic, the following additional safety and operational protocols shall apply to all Unified Court System (UCS) locations for the safety of all judges, nonjudicial personnel and court users. alcohol.¹

A. Protective Equipment and Hand Sanitizer

1. Face Masks. All judges and nonjudicial personnel working in open workspaces, cubicles, or in areas that are not otherwise partitioned/separated from others, must wear face masks any time they are within six feet of another person. Face masks may be removed in private offices but must be worn whenever those offices are occupied by more than one person, even briefly. All judges and nonjudicial personnel must also wear face masks when in transit around the workplace, in common areas, when dealing directly with the public or when distancing of at least six feet is not otherwise possible. e.g., elevators, hallways, locker rooms, restrooms, etc.
2. UCS-issued Face Masks. All judges and nonjudicial personnel will be provided with a face mask for their use during work hours at no cost. Because the court system’s supply

¹ For more information on the protocols addressed in this memorandum and Exh. A, see the New York State Coronavirus (COVID-19) website (<https://coronavirus.health.ny.gov/>) and the United States Centers for Disease Control and Prevention Coronavirus (COVID-19) website (<https://www.cdc.gov/coronavirus/2019-ncov/index.htm>).

of face masks is limited and does not allow for new masks to be issued daily, judges and nonjudicial personnel using UCS-issued face masks are expected to take proper care to allow for reuse of their mask to the fullest extent possible. Generally speaking, face masks should be cleaned or replaced when damaged or soiled, should not be shared, should be properly stored when not in use, and should be safely discarded (in a general trash receptacle) when no longer usable. (See Exh. A, “Mask Guidance,” for recommended steps for use and reuse of face masks.)

3. Personal Face Masks. Judges and nonjudicial personnel are permitted to furnish and wear their own face masks, so long as such masks are professional in appearance. (For example, scarves or bandana-type face coverings should not be used.)
4. Gloves and Hand Hygiene. The UCS will maintain a supply of gloves for use by judges and nonjudicial personnel. While all employees are entitled to use gloves, gloves must be worn when opening mail and/or sharing materials such as court files (especially with the public). Frequent hand washing and/or use of hand sanitizer that contains at least 60% alcohol is strongly encouraged. Hand sanitizer meeting this requirement will be available in dispensers throughout the workplace.
5. Removing Gloves: Because the outside of gloves can be contaminated, they must be removed with care by: (1) using a gloved hand, grasping the palm area of the other gloved hand and peel off the first glove; (2) holding the removed glove in the gloved hand; (3) sliding fingers of the ungloved hand under the remaining glove at the wrist; (4) peeling off the second glove over the first glove.

Judges and nonjudicial personnel should be sure not to touch eyes, nose or mouth while or immediately after removing gloves, and should finish the removal process by washing hands thoroughly with soap and water or, where hand washing stations are not close in proximity, using hand sanitizer that contains at least 60% alcohol.

6. Disposing of Masks and Gloves: Following use (or, in the case of masks, final reuse), masks, gloves and disinfectant wipes should be placed in the trash or household garbage.

B. Physical Distancing

1. Judges and nonjudicial personnel are to make every effort to ensure that a distance of at least six feet is maintained from work colleagues and the public at all times. Where this is not possible, (e.g. while moving prisoners or moving and lifting equipment, or at locations lacking six feet of space for social distancing), face masks must be worn.
2. Employees must not congregate in locker rooms, break rooms, lunchrooms/cafeterias or other confined areas used by multiple people. Crowded elevators should similarly be avoided.
3. Judges and nonjudicial personnel are encouraged to take their lunch break in open outside areas wherever possible.

C. Movement and Commerce

1. To the extent possible, locations for pick-up and delivery of mail, packages, and other items should be designated that minimize foot traffic in the workplace by non-UCS personnel.
2. Public or common areas (e.g. lines, parking areas, conference rooms) should be arranged to maximize social distance among clients and minimize interaction with others in the area.
3. Like all unnecessary court traffic, visitors to court personnel in the workplace for reasons other than necessary in-person court business are strongly discouraged.
4. UCS staff travel will be limited to essential travel only.

D. Hygiene and Cleaning

1. Hand hygiene stations -- including handwashing facilities with soap, water, and disposable paper towels, and/or hand sanitizer containing 60% or more alcohol (for areas where handwashing facilities may not be available or practical) – will be provided for both public and personnel use in all court facilities and should be located in high-traffic areas (elevator locations, central staff locations, etc.).
2. Use of water fountains in UCS facilities is prohibited. Water coolers in the workplace may be used only with clean drinking containers or fresh paper cup.
3. Work locations will be provided with appropriate locally-obtained cleaning/disinfection supplies for use in wiping down frequently touched surfaces in court facilities, e.g. water cooler handles, telephones, chair handles, etc. Judges and nonjudicial personnel (and where appropriate, the public) are encouraged to use these supplies liberally.
4. Regular daily cleaning and disinfection of facilities will continue. More frequent cleaning and disinfection should be performed on high use areas and frequently touched surfaces.
5. In the event of exposure of an area to a person testing positive to COVID-19, such cleaning will include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. vending machines, handrails, bathrooms, doorknobs).

E. Signage and Safety Precautions for Facilities

Appropriate signage will be posted on and throughout UCS facilities memorializing safety concerns and protocols, such as the need to wear face masks, practice social distancing and engage in frequent hand hygiene. Additional safety precautions utilized in UCS facilities may include installation of plexiglass barriers, floor and other markings to denote proper social distancing, reconfiguration of common areas such as conference rooms or workspaces to ensure adequate spacing, and similar steps. All Judges and nonjudicial personnel are asked to adhere to

local guidance and/or safety protocols provided in any of our facilities – for example, signage indicating the maximum number of people that may be in certain areas at a time, floor markings denoting proper distancing, and the like.

F. Testing

While the court system has no independent COVID-19 testing capacity, we highly recommend that court personnel make use of the testing facilities of State, county, and municipal agencies. See, e.g., <https://coronavirus.health.ny.gov/covid-19-testing> (State); <https://www.nychealthandhospitals.org/covid-19-testing-sites/> (New York City); <https://www2.monroecounty.gov/health-COVID-19> (Monroe County); <https://www.wkbw.com/news/coronavirus/coronavirus-testing-where-to-get-a-covid-19-test-in-western-new-york> (Western New York); etc. An internet search should disclose the best available local testing options.

The health and safety of our workforce and of the public remain the top UCS priorities as we return to courthouse and office settings around the State in coming days and weeks. If you have any questions about these protocols, please contact the Division of Human Resources. And as always, thank you for your dedication and cooperation in this effort.

c: County Clerks

Mask Guidance

Pursuant to gubernatorial Executive Orders and UCS policy, face masks must be worn by all members of the public in court facilities, as well as by judges and nonjudicial court personnel who are in direct contact with members of the public or are unable to maintain social distancing (six feet) from other court personnel.

A. Rationale for Mask Guidance

This Guidance is designed to provide judges and nonjudicial personnel with the necessary information on proper mask use and reuse, to ensure maximum protection of court personnel and the public, and to ensure optimal use of the Court System's supply of masks.

B. Distribution, Use and Reuse of Masks

The Department of Public Safety will regularly supply each District or court with the appropriate supply of face masks based upon estimated staffing and in accordance with operational needs. Masks will be securely stored at each worksite/location and shall be issued to employees by a uniformed supervisor.

Because the UCS supply of masks is limited, we ask that all UCS judges and nonjudicial personnel make every effort to store and reuse those masks whenever possible – that is, whenever a worn mask has not become visibly soiled, damp or damaged through extensive use during the day. However, soiled, damp or damaged masks should always be replaced by making a request to a uniformed supervisor.

Masks should not be diverted to persons outside the UCS, unless specifically authorized by a uniformed supervisor or otherwise in accordance with established protocols/procedures.

Face masks that are no longer useable should always be discarded in an appropriate receptacle, e.g., any garbage can or waste basket, but never the hallway or sidewalk.

Questions about this guidance or mask distribution/use, generally, should be directed to the UCS Department of Public Safety.

C. Removal and Re-Use of Mask

To remove a mask with intent to reuse:

1. Perform hand hygiene

2. Remove mask

- Ear-Loop Mask Style: remove mask by holding the ear loops. Because the mask front may be contaminated, remove slowly and carefully.
- Tie Back: remove mask by untying lower ties FIRST; untie upper ties last. Because the mask front may be contaminated, remove slowly and carefully. Ensure ties do not fall into clean interior side of mask.

3. After removing mask, **visually inspect for stains, contaminants, tears, or distortion in shape/form. If soiled, torn, or saturated, the mask should be discarded.**

4. If the mask is NOT visibly soiled, torn, or saturated, **carefully store in a brown paper (lunch) bag**, or if a bag is not available, a paper envelope labeled clearly with the following information: "face mask", date, your name, and "front" and "back" on the two sides. Insert your mask so that the front of the mask faces the side of the bag/envelope labeled "front."
5. **Perform hand hygiene.**

To re-apply used mask:

1. **Perform hand hygiene**
2. **Grasp mask**
Pinch mask at the ear loops or grasp upper ties
3. **Place mask over face**
For ear-loop style mask: secure ear loops behind the ears; secure mask. For tie back style mask: secure upper ties first, behind head; then secure lower ties behind head.
4. **Perform hand hygiene**

****A single mask can be safely worn during several workdays or shifts when these procedures are followed.****

While adherence to these guidelines is expected for UCS-issued masks, employees that are not in direct and/or frequent contact with the public who elect to wear their own mask, including cloth masks, may also find this guidance helpful. Note: personal cloth masks that will be reused by an employee should be laundered at home between each use.

Frequently Asked Questions

Will N95 respirators be provided to UCS personnel?

The UCS supply of N95 respirators is currently out of stock, but we anticipate receiving an additional supply in June. However, N95 respirators are difficult to wear for long periods of time and are impractical for generalized use. Also, because our supply of N95 respirators is anticipated to be much smaller than our supply of surgical and/or cloth masks, *any supply of N95 respirators will be reserved for employees with an elevated risk of coming into contact with the virus. (Guidance about the use of N95 respirators will be provided to such employees upon distribution.)*

Should court visitors be wearing face masks?

Yes. Pursuant to the Governor's Executive Order, all visitors must have a face mask/covering in order to enter our courts, offices and/or facilities. Please refer to the *revised* Courthouse Protocols issued on May 15, 2020, for more detailed information and guidance about members of the public and face masks.

How can I eat/drink when I am supposed to wear a mask?

Proceed to an appropriate location where social distancing can be accomplished and you are able to wash your hands or use hand sanitizer. Perform hand hygiene, remove the mask, eat or drink, and then replace your mask following the above guidelines.

May I use my UCS mask for personal use, including commuting to and from work?

UCS-issued masks are intended for use only for court purposes during business hours.