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COVID-19 Safety and Operational Protocols (revision February 17, 2023)¹

Effective February 17, 2023, the following direction and procedures are in effect in all Unified Court System (UCS) facilities and apply to all judges, non-judicial personnel and all other individuals entering and conducting business in a UCS facility.

A) Symptomatic or COVID Positive Persons Shall be Prohibited from Entering Court Facilities

- 1) A “Symptomatic Person” is any individual who:
 - a) has any COVID-19 symptoms, e.g. cough, sore throat, temperature of 100.0° or higher, shortness of breath within the last 24 hours.²
- 2) A “COVID Positive Person” is an individual who:
 - a) has been diagnosed with or tested positive for COVID-19 within the last 5 days;³ or
 - b) has been directed to isolate and/or self-monitor after testing positive for COVID-19 by any doctor, hospital or public health official/agency and has not obtained medical clearance to appear in public.
- 3) No Symptomatic or COVID Positive Person may enter any UCS court or facility.
- 4) Symptomatic or COVID Positive Persons having business before the court must contact the court by telephone or email and follow instructions on how to proceed.
- 5) Uniformed court personnel may inquire to ensure that court visitors understand and are following this directive.

¹ These COVID-19 Safety and Operational Protocols are regularly updated and posted on www.inside-ucs.org as a guide for judges and non-judicial personnel on the latest UCS COVID-19 directives and guidance. While these protocols contain an overview of UCS COVID-19 protocols, they are not meant to contain every COVID policy currently in effect. For instance, it would be difficult to present all of the current human resources policies and guidance in a summary document such as this. Likewise discontinued protocols and “normal” procedures that have been reimposed are not presented, e.g., the vaccination and weekly testing mandates have been discontinued and there are no longer any social distancing guidelines. Where necessary, these protocols offer reference to controlling memoranda or directives that contain further and detailed information.

² The Centers for Disease Control and Prevention (CDC) recommend that individuals who test positive for COVID-19 may end their isolation after 5 days if they have been fever-free for 24 hours (without the use of fever-reducing medication). For individuals running a fever with flu like symptoms, but testing negative for COVID-19, the CDC recommends staying at home for at least 24 hours after their fever is gone without the use of fever-reducing medications.

³ A positive “Self-Test” is considered presumptive positive – meaning the individual is a potential COVID risk and should be consulting a healthcare professional and taking the precautions necessary to ensure they are not placing others at risk.

B) Symptomatic or COVID Positive Persons Entering Court Facilities (not UCS Judges and Employees) - If a court visitor who self-identifies as a Symptomatic or COVID Positive Person as described in section A enters a court facility, court personnel shall take the following steps:

- 1) court uniformed personnel shall be notified;
- 2) uniformed personnel shall notify the visitor of the procedure described in section A, and request that the visitor leave the court facility immediately and call the contact number for further information; and
- 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) Return from Isolation: Any person returning from isolation after testing positive for COVID-19 entering a UCS facility must wear a well-fitting, non-cloth mask in all areas and at all times in a UCS facility for 5 calendar days from the end of their isolation.⁴

C) Symptomatic or COVID Positive Person (UCS Judges and Employees)

- 1) If a judge or non-judicial employee self-identifies as a Symptomatic or COVID Positive Person as described in section A, **prior to their work shift**, the judge or employee:
 - a) shall not come to work;
 - b) shall notify a work supervisor of the circumstances; and
 - c) should take the necessary precautions to isolate pursuant to the current COVID-19 protocols, or contact a health care provider and follow the recommendations of that health care professional, e.g. further isolation, testing, masking, return to work.⁵
- 2) If a judge or employee self-identifies as a Symptomatic or COVID Positive Person, regardless of vaccination status, as described in section A when they are **present at work**, through the onset of COVID-19 symptoms or any other means:
 - a) the judge or employee shall immediately notify a work supervisor of the circumstances, go home and take the necessary precautions to isolate pursuant to the current COVID-19 protocols, or contact a health care provider, and follow the recommendations of that health care professional e.g. further isolation, testing, masking, return to work;⁶ and
 - b) the supervisor shall immediately notify uniformed court personnel.
- 3) Leave for Isolation or Quarantine: Any UCS employee who tests positive for COVID-19 and is required to isolate, or is otherwise directed to quarantine is entitled to have (substantiated) absences covered by paid leave, i.e. *Leave for Quarantine*.⁷ Questions

⁴ See *Modifications to COVID-19 Quarantine Protocols and Clarifications* (Nancy J. Barry/Justin Barry), August 16, 2022.

⁵ See *Modifications to COVID-19 Quarantine Protocols and Clarifications* (Nancy J. Barry/Justin Barry), August 16, 2022.

⁶ See *Modifications to COVID-19 Quarantine Protocols and Clarifications* (Nancy J. Barry/Justin Barry), August 16, 2022.

⁷ To substantiate the granting of paid leave for quarantine to cover any absences, employees seeking to have COVID-qualifying absences covered by (paid) Leave for Quarantine will be required to submit documentation from a healthcare provider or public health official, directing that the employee quarantine or isolate for “x” number of

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

- 4) Return to Work: Any judge or non-judicial employee returning to work from isolation after testing positive for COVID-19 must wear a well-fitting, disposable, non-woven mask in all areas (public and private) and at all times in a UCS facility for 5 calendar days from the end of their isolation.⁸
- D) Exposure to Someone with COVID-19: After coming into close contact with someone with COVID-19, all individuals, regardless of vaccination status:⁹
 - 1) Must wear a well-fitting, disposable, non-woven mask at all times around others and in all areas of our courts or facilities for the next 10 days; and¹⁰
 - 2) Should get tested at least 5 full days after their exposure; and
 - a) if negative, continue to wear a high-quality mask for the full 10 days; or
 - b) if positive, isolate immediately and consult a healthcare professional.
- E) Receipt of Notification of a Confirmed COVID-19 Diagnosis: In the event that the court receives notice that a courthouse visitor or employee has been diagnosed with COVID-19:
 - 1) Senior uniformed personnel on site shall inform the Department of Public Safety immediately 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.
 - 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 past 48 hours.
 - 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.

days, along with their application. Copies of positive test results, alone, will no longer be accepted for purposes of this paid leave benefit. Leave for quarantine paperwork should be sent to hr-ffcra@nycourts.gov.

⁸ A well-fitting, disposable, non-woven mask is one that fits snugly over the nose, mouth and chin with no air gaps around the edges, such as an N-95 or KN-95. For purposes of use at the end of isolation, cloth masks are not acceptable except as part of double masking with a disposable mask, e.g., surgical mask, underneath.

⁹ Exposure or “close contact” continues to be defined by the CDC as within 6 feet for a cumulative total of 15 minutes within a 24-hour period.

¹⁰ “Day zero” is defined as the day of last exposure to someone with COVID-19 and “Day One” is the first full day after last exposure.

- 4) Local administrators shall inform other UCS personnel in the courthouse of the positive notification at earliest opportunity, while keeping the name of the diagnosed person confidential unless granted permission to disclose it (as described in paragraphs 1 and 3).
- 5) 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 COVID positive person, and time of such visits.

F) Mask Policy¹¹

- 1) Persons Returning from Isolation or Quarantine
 - a) All persons leaving isolation or quarantine, regardless of vaccination status or card/pass eligibility, must wear a well-fitting mask in a UCS facility for the period recommended by the CDC and mandated in sections C.4. and D.1.
- 2) Voluntary Masking – Any person may wear a mask in a court facility if they choose.
 - a) Those individuals who have weakened or compromised immune systems, are at increased risk for severe disease because of age or medical condition or live in the same household as someone with those risk factors, may want to wear a mask in a UCS facility.

¹¹ *See UCS Revised Mask Policy* (Nancy J. Barry/Justin Barry), September 14, 2022