


**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: COURT OPERATIONS : **GENERAL ORDER 20-17**
UNDER THE EXIGENT :
CIRCUMSTANCES CREATED BY :
COVID-19, :

AND NOW, this 17th day of June, 2020, the United States District Court for the Middle District of Pennsylvania hereby **ISSUES** and **ADOPTS** the attached COVID-19 Recovery Guidelines which provide guidance and policy effective during the various reopening phases to be instituted by the Court. On June 1, 2020, the Middle District of Pennsylvania entered Phase One of the reopening process as set forth in the attached Recovery Guidelines.

The Recovery Guidelines are subject to modification, rescission, or replacement at any time at the sole discretion of the Court.

BY THE COURT:



John E. Jones III, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: June 17, 2020



MIDDLE DISTRICT OF PENNSYLVANIA COVID-19 RECOVERY GUIDELINES

John E. Jones, III, Chief Judge

Peter Welsh, Clerk of Court

Susan E. Schwab, Chief Magistrate Judge, COVID-19 Operations Coordinator

Debbie Skopek, COVID-19 Human Resources Specialist

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I. CONTACT INFORMATION

A. HELPFUL LINKS

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

<https://www.health.pa.gov/Pages/default.aspx>

<http://jnet.ao.dcn/news-events/coronavirus-covid-19-guidance>

B. COURT CONTACTS

Peter Welsh:
(717) 221-3940
Peter_Welsh@pamd.uscourts.gov

Chief Magistrate Judge Susan E. Schwab:
(717) 221-3980
Magistrate_Judge_Schwab@pamd.uscourts.gov

Debbie Skopek, COVID-19 Human Resource Specialist:
(570) 207-5716
pamd_covid@pamd.uscourts.gov
(This number and email are for COVID-19 related issues only.)

C. GSA CLEANING CONTACTS

Scranton: Courtroom 3: (570) 496-3695
Courtroom 4: (570) 496-3701

Harrisburg: The Court Security Officers (CSOs) will contact Goodwill over the radio system at the completion of a courtroom proceeding for the cleaning. If a CSO is not present, call (844) 963-7155.

Williamsport: (570) 506-3322

Wilkes-Barre: (570) 899-0493

II. PHASED APPROACH

The Administrative Office of the Courts (“AO”) suggests, and we will follow, a four-phased approach to fully reopening our courthouses to unrestricted staffing and the operation of all court proceedings without restrictions. The goal in all phases is to mitigate risk of COVID-19 exposure while protecting any employee, contractor, and member of the public who enters our facilities, particularly those individuals who are vulnerable or high-risk.¹ This guidance is consistent with the Federal Judiciary COVID-19 Recovery Guidelines.

As we move through the phases to full recovery of court operations, please be assured that we are closely monitoring government policy changes, Centers for Disease Control and Prevention (“CDC”) and Pennsylvania Department of Health guidelines, and public health advancements. We also continue to consult with the Pennsylvania Department of Health Bureau of Epidemiology on best practices. We will be periodically updating this guidance as facts develop and we move through the various phases.

During all phases we will continue to:

- ✓ Practice social distancing and use personal protective equipment as required.
- ✓ Implement notification, isolation, and contact-tracing procedures.
- ✓ Sanitize and disinfect common and high-traffic areas and high-touch surfaces.
- ✓ Monitor necessary business travel.
- ✓ Allow for reasonable accommodation for employees in unique situations (e.g. children’s schools or daycare closed, caring for ill or vulnerable relatives in household, etc.).

¹ See Appendix 1: Vulnerable and High-Risk Individuals.

III. PLANNING PROCESS

The Middle District entered Phase One on June 1, 2020. During the month of June, we will monitor the implementation of Phase One and make adjustments as needed. On or about June 15, 2020, we will begin planning to move into Phase Two by assessing the Gating Criteria² and evaluating public health and AO guidance. We will continue to follow a 15-day evaluation cycle as we move through the phases.

A. PHASE ONE

Phase One, the reopening of limited in-court proceedings, is fully explained in our power point presentation dated May 21, 2020. The presentation is posted on our website, was distributed to all employees on May 22, 2020, and is incorporated herein by reference.

The main components of Phase One are:

- ✓ Limited in-court proceedings. All bench and jury trials, petty offense docket, in-person settlement conferences, and mediations will not be permitted.
- ✓ Observance of CDC-compliant cleaning procedures throughout the courthouses and in-between limited in-court proceedings.
- ✓ Strict social distancing and geographic isolation.
- ✓ Maximum flexibility with telework, including telework for high-risk or vulnerable individuals.
- ✓ Chambers staffing at discretion of judicial officers, subject to restrictions for high-risk or vulnerable individuals.
- ✓ Strict observance of best practices regarding hygiene, self-monitoring, social distancing, and wearing of face coverings/masks.³

² See Appendix 2: Judiciary Gating Criteria.

³ See Appendix 3: Face Covering/Masking and Social Distancing Protocols.

- ✓ Implementation of Human Resources protocols for COVID-19 reporting, monitoring, contact tracing and counseling through COVID-19 Human Resources Specialist Debbie Skopek.

Before exiting Phase One and proceeding to Phase Two, we will evaluate the Judiciary Gating Criteria to ensure our readiness to progress to the next phase; to ascertain the need to maintain the current phase; or to determine the need to implement a lower phase based on resurgence of infections in our local areas.

B. PHASE TWO

Courts moving to Phase Two should have no evidence of a COVID-19 resurgence within their local communities and satisfy the Judiciary Gating Criteria a second time. In Phase Two, we will increase our in-court proceedings to include hearings with more than a handful of participants, in-person settlement conferences, mediations, and face-to-face meetings. Criminal and civil bench and jury trials will not be permitted in Phase Two.

The Main Components of Phase Two are:

- ✓ Continued observance of CDC-compliant cleaning procedures throughout the courthouses and in-between limited in-court proceedings.
- ✓ Continued social distancing.
- ✓ Continued flexibility with telework, including telework for high-risk or vulnerable individuals.
- ✓ Chambers staffing at discretion of judicial officers, subject to restrictions for high-risk or vulnerable individuals.
- ✓ Continued strict observance of best practices regarding cleaning, hygiene, self-monitoring, social distancing, and wearing of face coverings/masks.
- ✓ Continued implementation of Human Resources protocols for COVID-19 reporting, monitoring, contact tracing and counseling through COVID-19 Human Resources Specialist Debbie Skopek.

Before exiting Phase Two and proceeding to Phase Three, we will evaluate the Judiciary Gating Criteria to ensure our readiness to progress to the next phase;

to ascertain the need to maintain the current phase; or to determine the need to implement a lower phase based on resurgence of infections in our local areas.

C. PHASE THREE

Courts moving to Phase Three should have no evidence of a COVID-19 resurgence within their local communities and satisfy the Judiciary Gating Criteria a third time.

The main components of Phase Three are:

- ✓ Criminal and civil bench and jury trials may be permitted in Phase Three with appropriate safety protocols for all participants.
- ✓ High-Risk and Vulnerable Individuals should return to work, but should practice 6-foot physical distancing, minimizing exposure to social settings where distancing may not be practical. Continue to observe precautionary measures when social distancing is not possible, such as wearing of face coverings.
- ✓ Unrestricted staffing of all courthouses.
- ✓ Consider termination of certain protocols regarding cleaning, hygiene, self-monitoring, social distancing, and wearing of face coverings/masks, as recommended by public health and AO guidance.

Before exiting Phase Three and proceeding to Phase Four, we will evaluate the Judiciary Gating Criteria to ensure our readiness to progress to the next phase; to ascertain the need to maintain the current phase; or to determine the need to implement a lower phase based on resurgence of infections in our local areas.

D. PHASE FOUR

Courts should move to Phase Four only after a Public Health Announcement that COVID-19 has been suppressed within the United States. In Phase Four, we will resume all court operations and staffing without restrictions.

IV. HUMAN RESOURCES PROTOCOLS FOR COVID-19

If an employee thinks or knows he or she has COVID-19 or has been exposed to COVID-19, the employee should promptly report to the Court's COVID-19 Human Resources Specialist at the number and/or email below.

Phone: 570-207-5716

Email: pamd_covid@pamd.uscourts.gov

(This number and email are for COVID-19 related issues only.)

ALL INTERACTIONS WILL BE COMPLETELY CONFIDENTIAL

- ✓ Any symptoms⁴ will be considered related to COVID-19 unless there is information that the symptom is not related to COVID-19.
- ✓ If you or someone in your household is immunocompromised or you have other concerns related to return to work, please reach out to Ms. Skopek.
- ✓ We will follow CDC contact-tracing guidance for notifying employees promptly of exposure. Individuals will only be notified if they have been exposed to an individual who has tested positive for COVID-19, or who is presenting with COVID-19 symptoms that are not attributable to another reasonable diagnosis. Exposure risk begins when someone has been within 6 feet of the infected person for 15 minutes or more within 48 hours prior to the sick individual showing COVID-19 symptoms.
- ✓ We will use the protocols in the following chart to determine when to return employees to work in the courthouse. As with all of our guidance, these protocols were developed in accordance with public health guidance and specifically in consultation with the Pennsylvania Department of Health, Bureau of Epidemiology.

⁴ Symptoms, as defined by the CDC, may appear 2-14 days after exposure to the virus, and may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, and/or diarrhea. This list may be updated with new guidance from the CDC as it becomes available.

What if you think or know you have COVID-19 or have been exposed to COVID-19? When can you return to work?	
If you...	Then...
A. Think or know you have COVID-19, either because you are exhibiting symptoms or have had a positive test...	Stay home until you are <ul style="list-style-type: none"> - 3 days fever-free (define fever as > 100.4) and - 10 days since symptoms first appeared and - Improvement in symptoms
EXAMPLE: <ul style="list-style-type: none"> • Employee has a fever of 103 on June 1st and it breaks on June 4th. All other symptoms have resolved by then as well. She may return to work on June 11th (3 days fever free – June 8th; 10 days since symptoms first appeared – June 11th) 	
B. Had a positive test but remain asymptomatic...	Stay home until <ul style="list-style-type: none"> - 10 days since your test or - If your doctor recommends another test, 10 days after you have had two negative tests with at least 24 hours between the 2 tests
EXAMPLES: <ul style="list-style-type: none"> • Employee has a positive test on June 1st. If employee has no other symptoms or tests, she may return to work on June 11th. • Employee has a positive test on June 1st. Her doctor recommends another test, and she has a negative test on June 10th. She has another test on June 15th, also negative. She may return to work on June 25th. • <i>If at any point the employee develops symptoms during his or her time at home, the calculation of return to work should be considered under scenario A, above.</i> 	
C. Live with, provide care to, or have been in close contact* with an individual with a positive COVID-19 test or exhibiting COVID-19 symptoms ... * “close contact” is defined as being within 6 feet for > 15 minutes within 48 hours prior to the sick individual testing positive or showing COVID-19 symptoms	Stay home until 14 days after last exposure. If your contact is with someone you live with or provide care to, those 14 days begin to run when the infected person is: <ul style="list-style-type: none"> - 3 days fever-free (define fever as > 100.4) and 10 days since symptoms first appeared and improvement in symptoms OR - 10 days have passed since the infected person’s positive test or if their doctor recommends another test, until that person has had two negative tests and at least 24 hours have passed between the 2 tests
EXAMPLES: <ul style="list-style-type: none"> • Employee goes to a wedding on June 1st and sits next to another guest, not in her household. She learns two days later that the guest has COVID-19 symptoms or has tested positive for COVID-19. She may return to work June 15th (14 days after her exposure) provided she does not develop any symptoms or test positive. • On June 1st, Employee’s son develops a fever of 103, but he does not get tested for COVID-19. His fever breaks on June 8th. Employee may return to work on June 25th (3 days fever-free and 10 days since symptoms first appeared (June 11th) PLUS 14 days since last possible exposure) • <i>If at any point the employee develops symptoms during his or her time at home, the calculation of return to work should be considered under scenario A, above.</i> 	

V. UNITED STATES PROBATION/PRETRIAL SERVICES AGENCY RE-OPENING
PLAN: PHASE ONE

Probation staff will continue to telework and be available to attend in-person Court for cases they are assigned or respond to in-person Court needs or other needs of the agency according to their rotating Skeleton Crew schedule. All vulnerable individuals including those who are caring for any vulnerable family members, have childcare issues, or rely solely on public transportation, will be among the last group of employees to return to the office in the final phases.

All employees, to reduce risk, prior to coming into the office, should conduct a health self-assessment, to include taking their temperature. If an individual's temperature is 100.4 or above, or an individual is feeling ill, or exhibiting other signs of COVID-19 infection, per CDC guidance, the individual should immediately report the same to Probation Office Human Resource Specialist Terry Osborne, stay home, and call his/her physician. Thermometers will be made available in the office for staff should they desire.

Masks shall be worn by employees reporting to the office pursuant to Probation Office protocol, which is consistent with District Court protocol, upon entering the courthouse.

Public access to Probation Office space will continue to be limited to emergent matters only. All other in-person contact with defendants/offenders under supervision will be made outside of the Courthouse. Probation and Pretrial Services Officers will continue to conduct field work focusing primarily on high-risk defendants and offenders.

Probation and Pretrial Services Officers will continue to attend court proceedings via video or teleconference. A duty officer will be available at all times for emergency hearings and proceedings in the appropriate designated courtroom.

Routine in-person office reporting of defendants/individuals under supervision will not occur during Phase One.

VI. UNITED STATES MARSHALS SERVICE RECONSTITUTION PLAN: PHASE ONE

USMS staff will continue to report to work in small teams based upon agency needs and workload requirements. The remaining employees will work remotely and be available for response if and as required. This allows for safer working conditions as it greatly reduces the possibility of cross exposure between employees.

All employees should conduct a health assessment prior to reporting to work. An employee who is feeling ill or exhibiting symptoms should immediately inform his/her immediate supervisor, complete the COVID-19 questionnaire as required, and await guidance. Thermal scan thermometers are available in each office, in the event an employee feels unwell while at work.

Masks or face coverings shall be worn by employees reporting to the office pursuant to the USMS protocol, which is consistent with the U.S. District Court protocol.

In order to maintain proper social distancing, visible means will be used to demark 6-foot distances between cubicles and other common areas in USMS offices. Employees may use common areas (kitchen, conference rooms, etc.) assuming 6-feet of distance can be maintained at all times. Reasonable accommodations will be made for dining when social distancing cannot be accomplished.

Access to USMS office space by non-USMS personnel will be limited unless absolutely necessary (cleaning, repair, etc.).

The USMS will continue to work with judges and support agencies as required with video teleconferencing. However, it is recognized that limited hearings and proceedings will be necessary and conducted in person.

APPENDIX 1: VULNERABLE AND HIGH-RISK INDIVIDUALS

- ✓ People 65 years or older.
- ✓ People of all ages with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.
- ✓ Persons subject to, living with, or caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID- 19.
- ✓ Persons advised by a health care provider to self-quarantine due to concerns related to COVID-19 or living with or caring for an individual who has been advised to self-quarantine.
- ✓ Persons considered “high-risk” or living with or caring for an individual who is considered “high-risk” where local health officials recommend such individuals remain at home due to concerns related to COVID-19.
- ✓ Persons experiencing symptoms of COVID-19 and seeking a medical diagnosis or living with or caring for an individual who is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- ✓ Persons caring for a child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable due to COVID-19 precautions.

APPENDIX 2: JUDICIARY GATING CRITERIA

We will consider each of the below factors before proceeding to the next Phase:

FACILITY EXPOSURE

No COVID-19 confirmed or suspected cases in the court facility within a 14-day period.

OR

Confirmed or suspected cases have occurred, but “deep cleaning” of exposed areas and applicable employee self-quarantine actions have been taken

COMMUNITY CASES

AND Sustained downward trending average of cumulative daily COVID-19 case counts over a 14-day period.

COMMUNITY ACTION

AND Rescission of local restrictive movement and/or shelter-in-place orders

- ✓ If conditions are met, we will consider progressing to the next Phase.
- ✓ If conditions significantly worsen or there is a resurgence of local COVID-19 cases, we will consider implementing a lower Phase or reimplementing full social distancing measures as necessary.

APPENDIX 3: FACE COVERING/MASKING AND SOCIAL DISTANCING PROTOCOLS

Based upon data on the spread of COVID-19, the Centers for Disease Control (“CDC”) and the Pennsylvania Department of Health recommends that people wear a face covering to cover their noses and mouths in community settings because this helps protect people around you if you are infected but do not have symptoms. Maintaining six-foot social distancing is also recommended to slow the spread of the virus. All court employees and visitors, including those in vicinages in counties that have moved to the green phase pursuant to Pennsylvania’s reopening plan, are therefore required to observe the following protocols regarding masks or face coverings:

In General:

- ✓ Employees, court personnel, and visitors are required to wear face coverings or masks when in a community setting including entering and exiting the courthouse, entering and exiting the Clerk's office, and all common areas, including elevators, hallways, restrooms, the jury assembly rooms, and indoor parking garages.
- ✓ Employees are permitted to remove their face coverings or masks during the work day when they are in a cubicle or private office, assuming social distancing guidelines are maintained. Face coverings or masks must be available for wear when coming in close proximity to other staff.
- ✓ Masks will be available to all employees through the Clerk’s office. The Court Security Officers will have a limited supply of masks available for visitors who enter the courthouses without one.
- ✓ Six-foot social distancing is critical to slowing the spread of the virus and must be observed.

In-Court Masking and Social Distancing Protocols:

- ✓ Masking is required when entering and exiting the courtroom.
- ✓ Masking is not necessary if everyone in the courtroom is seated in an assigned area and is at a six-foot social distance from everyone else.
- ✓ Masks must be worn when distributing paperwork/exhibits during court proceedings. It is recommended that all paperwork be distributed at the beginning of proceedings while maintaining a six-foot social distance, or to have relevant individuals put on masks if social distancing is not able to be maintained while distributing paperwork.
- ✓ Masking is required by a witness who is moving to and from the witness stand but may be removed during testimony provided the witness is seated six feet from the judicial officer and other court employees. Counsel should question the witness from counsel table to avoid moving throughout the courtroom.