

DIVISION OF HUMAN RESOURCES GUIDANCE RETURNING TO 100% IN-PERSON STAFFING

As you know, the Chief Judge and the Chief Administrative Judge have directed that the Court System return to 100% in-person staffing on May 24, 2021. While it is up to each Court/District to develop staffing plans for approval by the appropriate DCAJ (or other appropriate authority), to the extent possible/practicable, we recommend working up to the 100% target by incrementally increasing in-person staffing percentages over the next few weeks leading up to May 24th. As all employees will be expected to be physically present at work on May 24th, with limited exceptions as explained below, this approach will not only help to smooth the transition for our employees (court managers and supervisors included) but will also allow time to address any unforeseen issues that might arise relative to spacing, changes in schedule, etc.

Below, please find guidance regarding various policies and procedures that should be considered in planning and implementing the return to in-person staffing, along with a comprehensive list of FAQs that we've developed based on inquiries that have come in and discussions with our colleagues.

If after careful review of this guidance and any documents, memos and/or other resources that are attached as exhibits or otherwise cross-referenced, you are unable to find an answer to your question¹, please reach out to the Division of Human Resources at:

OCA-HR@nycourts.gov or 212-428-2515

A. Management-Initiated Schedule Changes

Consideration should first be given to the overall operational needs and staffing of your court/office to determine whether there are changes in shifts/schedules that have become necessary to support operations and/or minimize the number of staff that will be arriving and/or departing at the same time on any given day.

For example, because our uniformed personnel need time to change in and out of their uniforms before and after their respective shifts and there is limited space in the locker rooms, it is likely that staggering the shifts for such personnel that report to your court will be necessary, e.g. some will need to be scheduled to work 8:30 to 4:30; some from 9:00 to 5:00; and others from 9:30 to 5:30 etc. (these shifts are merely illustrative – the start and end times that make sense for your court will depend on operational needs, the number of uniformed staff reporting on a given day and the space available in your court/facility).

This consideration should be made for all titles reporting to your court or office as a means to minimize the density of staff reporting/ departing at the same time (i.e. to reduce the chance for lines at temperature screening points, elevators, Kronos machines, etc.).

Because management-initiated changes in schedule are by their nature, “involuntary”, any necessary changes in shifts/schedules should be offered to employees in the same title in order of seniority in the same manner as annual leave requests are handled.

¹ Questions about facilities matters, e.g. reconfiguring of workspace, use of other available workspace, plexiglass, air flow, PPE and the like should be directed to the appropriate DCAJ (or other appropriate authority, i.e. Presiding Justice for the Appellate Divisions, Clerk of Court for the Court of Appeals, Chief of Operations for OCA).

For example, if time in title in the Court System is used to resolve conflicts among employees in the same title that request the same days off, employees with the greatest time in title in the Court System should be given first pick of the shifts that are needed/available with any gaps in scheduling being filled through involuntary assignment of those with the least time in title in the Court System. Where there is a conflict among employees with the same time in title in the Court System, the conflict should be resolved by lot.

Please remember that most of the **collective bargaining agreements require at least 2 weeks' notice of a change in an employee's work schedule (CSEA's agreement requires 4 weeks' notice)** which is why it's imperative that management-initiated schedule changes be considered in the very early stages of planning for staff to return. Moreover, this may also help to minimize the number of requests from employees for Alternative Work Schedules (AWS).

Note: that an employee was given a choice to select from the management-initiated schedules available does not obviate the need to provide notice pursuant to the collective bargaining agreements of the change in the employee's schedule.

B. Alternative Work Schedules

Employees may request modified schedules – whether it be different start and end times or a temporary part-time schedule – through the Alternative Work Schedule (AWS) process. An AWS can be requested for any reason that the employee deems appropriate, e.g. childcare issue, elder care issue, transportation difficulties, etc.

Please refer to the attached policy and form required for such requests to be considered. (*See Exhibit 1*) Where there are multiple requests from employees and not all can be granted, conflicts are to be resolved in the same manner as conflicts among requests for annual leave.

C. ADA (Reasonable Accommodations)

Reasonable accommodations under the ADA are modifications or adjustments made to an employee's job or work environment that make it possible for the employee to perform their job duties. Accommodations can consist of any number of modifications but what is reasonable will depend on the particular facts and circumstances of the employee's impairment, their job functions and the operational needs of the employee's court or office.

The ADA does not require that we provide the accommodation specifically requested by the employee. Rather, the ADA requires us to provide accommodations that are reasonable and in doing so, we may choose between any accommodations that are effective. Some examples of accommodations include but are not limited to special equipment, separate office/workstation, change in hours or work location or where there are no modifications that will reasonably permit the employee to perform their essential job functions, a leave of absence.²

There is no "form" or "application" for requests for reasonable accommodations under the ADA. However, where an employee provides a note from a health care provider or otherwise states that he/she cannot report to work (or requires some other modification to their schedule or work environment) due to a medical reason, this should be treated as a request for a reasonable

² Telecommuting may be considered as a reasonable accommodation where the employee's disability prevents the employee from performing the job at the workplace and their job functions can be performed at home without undue hardship. In considering whether telecommuting is reasonable we must consider whether the employee can perform all their essential functions from home. For example, where an essential function of the employee's job is supervision of other employees or where the employee's job requires physical presence at the work site, i.e. in-person attendance, telecommuting is likely not reasonable.

accommodation, which triggers the required interactive process with the employee. Typically, to assess whether an employee has a disability under the ADA and is entitled to a reasonable accommodation, the employee needs to provide documentation from their healthcare provider indicating whether the employee has a physical or mental impairment that substantially limits a major life activity; the extent to which the impairment impacts the employee's performance of their essential job functions; and whether the employee will be able to perform their essential job functions with accommodations. (*See Exhibit 2*)

Local HR Administrators should advise the employee of this requirement. Once the documentation is received, a determination may be rendered as to whether and to what accommodations, including alternatives to the requested accommodation, can be reasonably provided to the employee without imposing an undue hardship on the Court System. If granted, accommodations should generally be provided on a temporary basis, e.g. 60 or 90 days, to allow for periodic review of the employee's condition/impairment in the context of then current operational needs.

Employees who are currently telecommuting under the ADA: Any telecommuting arrangements that currently exist pursuant to the ADA will need to be reviewed to determine whether such accommodation is still necessary and/or reasonable under current circumstances, i.e. we cannot simply terminate telecommuting arrangements that have been provided as reasonable accommodations under the ADA without going through the same interactive process discussed above. In certain instances, requests for new or updated medical documentation may not be warranted.

D. Requests to Telecommute due to Lack of Childcare & At-Risk Household Members

Effective May 24, 2021, requests to telecommute for ordinary childcare issues, i.e. remote school, daycare closed, regular caregiver unavailable, etc. will not be considered (except in the rare instance where an employee is already telecommuting due to childcare issues and they expect to have childcare resolved very shortly thereafter, e.g. where an employee that's been telecommuting due to a lack of childcare asserts that they have childcare arranged starting on June 14th, a brief extension of their telecommuting assignment may be considered). Instead, employees that have childcare issues that prevent them from reporting to work should consider whether an AWS might help address the issue – whether it be modified start/end times or a reduced, part-time schedule – or whether they require a discretionary leave of absence during which they may charge their accruals.

Similarly, requests to telecommute (continue telecommuting) due to family/household members that are in higher-risk populations will not be considered after May 24, 2021. Employees that are unable to report to work out of concern for a family/household member's medical or health condition may request a discretionary leave of absence during which they may charge their accruals. Depending on the circumstances, the employee may be eligible for a leave under the FMLA, i.e. where the employee submits a WH-380-F substantiating the need for the employee to remain home to care for a covered family member with a serious health condition.

E. Requests for Discretionary Leave & Charging Leave Accruals

Employee requests for discretionary leaves of absence or to otherwise charge their accruals, as may be appropriate under the circumstances, should not be unreasonably denied. In other words, unless an employee's absence will significantly impact the operations of the court or office requests to use annual leave should be approved (subject to the provisions in the collective bargaining agreements for resolving conflicts among employees in the same title, where applicable).

Similarly, requests for discretionary leaves of absence due to childcare reasons or a family/household member's medical or health condition should generally be approved. We recommend, however, that such leaves be approved on a short-term basis, e.g. 2 or 3 weeks at a time, subject to renewal, in order to allow for periodic review of the employee's situation in the context of operational needs at the time. (*Employees requesting a discretionary leave of absence must complete the UCS-48*)

Employees may charge leave accruals in accordance with the collective bargaining agreements and existing leave policies. Although an employee may not ordinarily charge family sick leave for absences related to school closures and/or childcare issues, employees that do not have sufficient annual leave accruals to cover their absence may charge sick leave, e.g. where an employee is on a discretionary leave for childcare reasons and runs out of annual leave, the employee can charge their sick leave until such time as they've accrued additional annual leave.

F. FMLA Leaves

Employees who indicate that they cannot report to work due to their own serious health condition must be provided with the WH-380, and related documentation, for completion by their health care provider in order to determine whether they qualify for a leave under the FMLA (this may also trigger the interactive process under the ADA, explained above in Section C).

Where an employee indicates that they cannot report to work because they are required to care for a family member with a serious health condition, the employee should be provided the WH-380-F for completion by the family member's health care provider to determine whether the reason for leave qualifies under the FMLA, e.g. where the WH-380-F substantiates the need for the employee to remain home to care for a covered family member with a serious health condition (and the employee is otherwise eligible for FMLA leave) the employee's leave shall be designated under the FMLA. During an FMLA leave to care for a family member with a serious health condition, the employee is entitled to charge their sick leave without regard to the "family sick leave" cap under the applicable collective bargaining agreement or Rules of the Chief Judge.

G. Tardiness related to Public Transit

Reasonable tardiness should be excused due to mass-transit crowding concerns. Managers and supervisors shall be flexible in excusing tardiness where employees are making good faith efforts to report to work on time. However, where this becomes a consistent/ongoing issue, the employee should be referred to the AWS process, i.e. to request a modification in their start and end times to address the ongoing transportation/transit issue.

H. Leave for Quarantine

The leave benefits previously available under the Families First Coronavirus Response Act ("FFCRA") expired on December 31, 2020. However, nonjudicial employees continue to be eligible for paid leave, i.e. *Leave for Quarantine*, to cover absences attributable to the following COVID-19 qualifying events:

- (i) experiencing COVID-19 symptoms and seeking a diagnosis from a health care provider; or
- (ii) currently infected with COVID-19, i.e. have tested positive, and have been directed by a health care provider or public health official to isolate and/or quarantine to prevent infecting others; or
- (iii) have been directed by a health care provider or public health official to quarantine and/or isolate out of concern that you may be infected with COVID-19.

Attached is a copy of the form that must be submitted to the Division of Human Resources in order to request Leave for Quarantine. (*See Exhibit 3*) Documentation to substantiate that absences were attributable to one of the above three qualifying events will be required for such leave to be granted.

Note: employees that have recovered from a previous COVID infection but continue to test positive for the virus thereafter will only be eligible for paid leave to cover absences attributable to such ongoing positive test results where they have been directed by a health care provider or public health official to isolate and/or quarantine during such period, i.e. where it has been determined that the individual continues to present a risk to the health and safety of others.

Authorization to Telecommute During Asymptomatic Quarantine: Where an employee has been directed to quarantine but is not experiencing any COVID symptoms, i.e. an unvaccinated employee that was in close contact with someone that has COVID and directed by their health care provider to remain home and monitor symptoms, or an employee that has tested positive for COVID but is asymptomatic, may be authorized to telecommute during such quarantine period. In the event the employee is unable or not authorized to telecommute, the employee is eligible to apply for Leave for Quarantine to cover their absences from work.

Questions regarding this leave benefit should be referred to the Division of Human Resources at:

HR-FFCRA@nycourts.gov

Employees who are directed by the Court System to go home, or to stay home following notice from the Court System that they may have been in contact with an individual in their court or office that has tested positive for COVID, shall be entitled to Leave for Quarantine to cover their absence for a reasonable period of time **to consult with a healthcare provider, as required by the protocols**. Thereafter, the employee's absence will be handled in accordance with the recommendations of public health officials or health care providers, i.e. if the employee is directed, in writing, to quarantine, the employee is eligible to apply for Leave for Quarantine to cover their absences.

When Others in the Employee's Household are Subject to Mandatory Quarantine: An employee that resides in the same household with someone that has been directed to quarantine is not entitled to paid Leave for Quarantine unless the employee themselves is subject to such quarantine, i.e. the employee provides documentation substantiating that they have been directed to quarantine. Where the employee is not covered by the quarantine order, the employee should be advised to follow the guidance of public health authorities with regard to quarantine of members in the same household.³ Fully vaccinated individuals are not required to quarantine following exposure to a person that tests positive for COVID so long as the fully vaccinated individual is not experiencing any COVID symptoms.

(FAQs Follow on Next Page)

³ Guidance from the NYS DOH on precautionary quarantine requirements can be found at <https://coronavirus.health.ny.gov/covid-19-travel-advisory> ("Quarantine Requirements" tab). CDC guidance on how to safely quarantine can be found at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/care-for-someone.html>.

FAQs

1. Will there be any exceptions to returning, in-person, for individuals that have childcare issues, e.g. remote schooling, loss of daycare/childcare provider, etc.?

All employees are expected to return, in-person, no later than May 24, 2021 (as directed by their supervisor/manager). There are no exceptions specifically for childcare issues. However, consideration may be given for a brief extension to an existing telecommuting arrangement where the employee's childcare issue is expected to be resolved very shortly after May 24th, e.g. where the employee has childcare arranged starting on June 14th it may make sense to allow that employee to continue teleworking for the extra 2 weeks rather than go out on a leave.

That said, this should be the exception and not the rule - as our employees may be balancing any number of personal obligations/issues outside of work unrelated to childcare, it would not be appropriate (or equitable) to provide special treatment to employees with childcare issues.

2. Will there be any medical exceptions to the requirement to return, in-person, on May 24, 2021?

Telecommuting may be considered in the context of accommodations made pursuant to the ADA. However, whether telecommuting is a reasonable accommodation under the ADA will depend on the particular facts and circumstances, i.e. simply because the employee or the employee's health care provider may request or recommend telecommuting does not mean that telecommuting must be provided.

Otherwise, individuals with medical and/or health issues that may prevent them from reporting to work may need to take a leave of absence, e.g. FMLA, where applicable, or request a discretionary leave with the option to charge their personal accruals.

3. Will we be maintaining social distancing?

Yes. All existing health and safety protocols continue to be in effect, e.g. daily assessment, temperature screenings, social distancing, frequent hand washing, masks in all public or common areas and/or those areas or times where employees cannot maintain at least 6 feet of distance.

Please refer to the March 30, 2021 Memorandum from John W. McConnell and Nancy Barry for more information on the required safety and operational protocols in our courts and offices. (See Exhibit 4)

4. Will employees be required to wear masks at their desks if they can't socially distance?

Yes - masks must be worn anytime employees cannot maintain at least 6 feet of distance from others. However, desks and workstations should be reconfigured to ensure placement of at least 6 feet apart.

5. Will employees still need to do temperature checks and have someone monitor this?

Yes. Employees will be required to undergo a temperature screening upon entry to their court or office. See response to #3

6. Will kitchen and bathroom traffic be restricted? With 100% in person how will everyone share these spaces?

All employees are individually responsible for following existing protocols which prohibit congregating in any areas – whether that be an office, bathroom, kitchen, locker room, etc. The general rule of thumb is that if employees cannot maintain a safe distance from others when they enter, they should wait for someone to exit before doing so. The kitchen should be used strictly to store or heat food or to access water coolers, if applicable. (*See Exhibit 4*)

7. For cubicles without a full wall (half-wall on front), will there be plexiglass installed above the half-wall?

This is a facilities issue that must be handled locally through the DCAJ's office (or other appropriate authority, i.e. Presiding Justice for the Appellate Divisions, Clerk of Court for the Court of Appeals, Chief of Operations for OCA).

8. For employees who share offices, will accommodations be made to put up sufficient barriers?

See response to #7.

9. If an employee or someone in their immediate household has a medical condition with a high comorbidity for COVID, will they be able to ask for an exception to working in person full-time and still be able to work remotely either part-time or full-time?

No. Telecommuting assignments will not be authorized under these circumstances. The employee should consider requesting an AWS – perhaps a part-time schedule – or a leave of absence. Where the employee is caring for a family member that has a serious health condition, the employee may be entitled to FMLA leave, however, this will require documentation from the family member's health care provider substantiating that the reason for leave qualifies under the FMLA.

10. Can employees adjust their hours to accommodate less populated train/subway/bus schedules?

Only through the AWS process, i.e. requesting an AWS with modified start and end times.

AWS are subject to approval by the appropriate DCAJ (or other appropriate authority, i.e. Presiding Justice for the Appellate Divisions, Clerk of Court for the Court of Appeals, Chief of Operations for OCA) based on a number of factors including but not limited to whether operational needs can be met and whether there is adequate supervision during the proposed shift. Where there are more requests for AWS in a particular work unit than can be granted, the collective bargaining agreements require that conflicts be resolved in the same manner as annual leave requests, e.g. time in title in the Court System.

(Refer to Section B, above)

11. Can coworkers inquire of other coworkers whether they have been vaccinated?

No. Under no circumstances should employees attempt to elicit information from colleagues about their vaccination status or any other personal medical information for that matter. If someone wishes to make it known that they have been vaccinated, that's their individual choice, but it is not appropriate to ask colleagues to share information that is medical or otherwise sensitive in nature.

12. What is the impact to other employees if there are employees that have decided not to get vaccinated?

All staff are required to return, in-person, on or before May 24th regardless of vaccination status.

13. Will in-person meetings be permitted?

Yes, however, masks must be worn and socially distancing adhered to.

14. Will travel for work be permitted?

Not at this time, however, this is subject to change depending on the circumstances, e.g. nature of the employee's position, reason for travel, fiscal impact.

15. What happens if an employee's child is exposed to COVID and are under a mandatory quarantine, does the employee also have to quarantine? If yes, can they work from home?

Whether an employee is subject to a quarantine is a matter for the employee's health care provider to determine. However, generally an employee is not required to quarantine simply because their child or another member of their household is subject to a quarantine order. Moreover, there is no quarantine required for fully vaccinated individuals who are exposed to someone with COVID.

Where the employee themselves is subject to a quarantine order, they may be authorized to telecommute -- where they are unable to do so/not so authorized, they are eligible to apply for paid Leave for Quarantine by completing the required form and submitting it along with such supporting documentation as may be required/applicable to the Division of Human Resources. (*See Exhibit 3*)

If an employee needs to remain home to care for their child that is under a mandatory quarantine, authorization to telecommute may be considered for reasons of operational exigency, i.e. where the employee's absence will have a direct, negative impact on the operations of their court or office, when it's determined that: (a) the child is of an appropriate age to require the employee to remain home, e.g. unless there are extenuating circumstances, an employee should not be authorized to telecommute in order for them to remain home with their teenage child; and (2) the care needed for the child will not impede the employee's ability to perform their full job duties, e.g. where the employee's child is of kindergarten age, it is not likely that they will be able to simultaneously care for their child and perform their full job duties and therefore, authorization to telecommute should not be authorized. However, these are merely illustrative examples. These determinations will be made locally on a case-by-case basis by the employee's supervisor or manager in consideration of the specific facts and circumstances.

16. If an employee has a fever and is not permitted to enter their workplace, does the employee have to charge their own time or can they work from home?

Telecommuting is not authorized where an employee is experiencing symptoms of COVID (or is otherwise ill unrelated to COVID). (*Refer to Section H, above*)

If an employee arrives at work and is sent home due to a fever (or any other COVID symptoms), the employee will not be authorized to return to work without proof of a negative COVID (PCR or Rapid Antigen) test or documentation from a health care provider confirming that they do not pose a risk to the health and safety of others.

Employees that are sent home due to a fever (or any other COVID symptoms) and elect not to follow the protocols, e.g. do not get tested for COVID or otherwise follow up with a health care provider within a reasonable period of time, may be considered absent without authorization and approval to charge their sick leave accruals may be denied.

- 17. Some employees are still at home with children doing virtual classes and some schools are not offering in-person attendance. They cannot leave their children and have no one else to care for them. Also, some cannot provide for or afford childcare due to economic difficulties resulting from COVID, e.g. spouse lost job, etc. Will there be consideration to allow these employees to telecommute/continue telecommuting?**

There are no special arrangements available to employees that are experiencing childcare issues. Each individual employee is responsible for making whatever arrangements may be necessary for them to return to work on May 24, 2021. The employee should consider whether an AWS might help alleviate the childcare issue or they may need to request a discretionary leave of absence for a short period of time, e.g. 2 or 3 weeks, and charge their accruals.

- 18. There is no practical way people can socially distance on the New York City subway during rush hour or any hours during the day - can telecommuting be authorized/continued where an employee is concerned about crowding on public transit?**

No. Each individual employee is responsible for determining how they will commute to and from work. If an employee is concerned about rush hour crowds on the subway, trains, buses, etc. the employee might consider requesting an AWS with modified start and end times - or where the employee determines that there is no suitable alternative that allows them to report to work, they may wish to request a discretionary leave and charge accruals.

- 19. Where it is clear that an employee has been able to successfully perform their job remotely over the last several months, why can't they continue working remotely?**

All employees are required to return, in-person, on or before May 24, 2021, as directed by their supervisor/manager. While we certainly hope that all employees that have worked remotely during this time have been productive, there are no special rules or arrangements available based on an employee's productivity.

- 20. What are the circumstances under which employees can continue working remotely?**

There are no established criteria or other defined circumstances under which any employee can continue working remotely after May 24th. Any ADA accommodations consisting of telecommuting assignments must be revisited to determine whether such accommodations are still necessary in light of the employee's impairment/condition and whether telecommuting is a reasonable accommodation under the circumstances.

- 21. What about employees who have been diagnosed with cancer, or the like, and are undergoing treatment and have been working remotely - will they be allowed to continue to work remotely?**

There is no blanket authorization that would allow any employee to continue teleworking after May 24th. Whether telecommuting is reasonable and may be provided to the employee as an accommodation pursuant to the ADA will depend on the specific facts/circumstances of the employee's condition and current operational needs.

Reasonable accommodations can consist of anything from a modified work schedule to a leave of absence. Therefore, there is no one-size-fits-all approach to these situations and determinations will need to be made locally based on the particular facts and circumstances.

(Refer to Section C, above)

22. What do I do if one of my employees asserts an underlying medical/health condition that prevents them from reporting in-person?

Documentation from the employee's health care provider will be required in order to determine whether the employee is entitled to reasonable accommodations pursuant to the ADA. The local HR Administrator is responsible for engaging in the interactive process with the employee as set forth above in the "ADA (Reasonable Accommodations)" section above in order to determine whether accommodations are required and if so, what accommodations are reasonable under the circumstances. Where the ADA does not apply to the employee's condition, or there are otherwise no accommodations that can be reasonably provided to the employee that would allow them to perform their job duties, the employee may be granted a leave of absence and charge accruals. Depending on the circumstances, the employee may be eligible for leave under the FMLA.

(Refer to Section C, above)

23. Will pregnant employees be authorized to telecommute/continue telecommuting?

See responses to #21 and 22. Pregnancy is not a disability in and of itself under the ADA. Therefore, a pregnant person would need to have some pregnancy-related impairment/condition that substantially limits a major life activity/bodily function (e.g. anemia, sciatica, gestational diabetes, preeclampsia, etc.) to qualify for an accommodation under the ADA. And in such case, whether telecommuting is the reasonable accommodation provided would depend on what the limitation is as a result of the impairment/condition. In other words, the impairment/condition would have to tie in somehow to a need for the employee to work from home – as opposed to, for example, something that might require that the employee be given frequent breaks, or not be seated in excess of 3 hours at a time, etc., because these are all things that can be provided in the workplace.

(Refer to Section C, above)

24. What happens if someone in a department or office tests positive for COVID – does everyone in that department/office have to quarantine since they were all present at work and in close contact?

No. Only those individuals who are not fully vaccinated or that experience COVID symptoms are required to leave work/remain out of work pending clearance to return by a health care provider. Fully vaccinated individuals are not required to quarantine following exposure to someone that tests positive so long as the fully vaccinated person is not experiencing any symptoms.

25. If an employee has a note from their physician/medical provider stating that they should work remotely because they have anxiety or are under great stress about returning to work, may they work remotely?

It depends on the nature of the employee's condition, their job functions and current operational needs. Just because an employee's health care provider recommends telecommuting does not mean that telecommuting is required to be provided. This type of request should be considered under the ADA and if applicable, the employee will be provided with whatever accommodation is deemed reasonable which can include but is not limited to a modified schedule, private work space, extra PPE, leave of absence etc.

(Refer to Section C, above)

26. The last COVID memo stated that if an employee came into contact with someone that had COVID, as long as they have been fully vaccinated, they wouldn't have to quarantine -- will this still be in effect on May 24th? How is this managed?

Yes. This is based on guidance from the Centers for Disease Control (CDC) and New York State Department of Health (NYS DOH). Where a fully vaccinated employee is notified outside of work that they've been exposed to someone that tested positive, the employee is not considered to be in a COVID risk category based on close contact and therefore, should respond "NO" to this question on the self-assessment. Where the Court System notifies an employee that they were in close contact with a positive person, the employee will be asked about their vaccination status in order to determine whether the employee may safely remain at work or should be directed to leave work and seek the guidance of a health care provider.

Note: Where an employee that asserts they are unvaccinated is provided with Leave for Quarantine based on exposure to a positive person and it is later discovered that the employee was fully vaccinated and therefore, not required to quarantine or otherwise be absent from work in connection with the exposure, the employee will be required to pay back any paid leave that was provided (by charging their own accruals) in addition to such administrative action as may be appropriate.

Please refer to the March 30, 2021 Memorandum from the Division of Human Resources for more information about exemptions to quarantine following an exposure to COVID.

(See Exhibit 5)

27. What is required for an employee to return to work following COVID?

It depends on the circumstances.

- Employees that are experiencing symptoms of COVID may return to work as soon as the following day upon proof of a negative COVID test (PCR or Rapid Antigen).
- Employees that test positive for COVID must provide documentation from a health care provider that they are no longer a risk to the health and safety of others, i.e. proof of a negative test is not sufficient to return to work.
- Fully vaccinated employees that were notified of their close contact with a person that has COVID may return to work immediately - provided they have no symptoms - upon proof of their fully vaccinated status, i.e. copy of their vaccination card.
- Employees that are not fully vaccinated and were notified of their close contact with a person that has COVID must provide documentation from a health care provider confirming that they are not a risk to the health and safety of others i.e. proof of a negative test is not sufficient to return to work.

(See Exhibit 5)

- 28. If working from home is not allowed when symptoms are present, aren't we concerned that employees might choose to hide/not report their symptoms in order to prevent having to charge accruals?**

Employees that are experiencing symptoms of COVID are eligible to apply for paid Leave for Quarantine. Therefore, there is no incentive whatsoever for an employee to hide/not report symptoms.

- 29. Can there be a gradual increase in staffing (say 50%, then 75%) to ensure that outbreaks are sufficiently contained, instead of jumping directly to 100% on May 24th?**

Yes. As indicated in the outset of this Guidance, where possible/practicable we recommend incremental increases in staffing percentages over the next few weeks. However, staffing plans are ultimately up to local court or office management.

- 30. When there is a COVID infection in a court or office, how will employees be notified?**

In all cases a public notice will be posted on the Court System's webpage and a general notice should be sent out to all staff in the court or office where the positive person works or last visited.

(See Exhibit 4)

- 31. When a COVID infection in a court or office is reported, what will the procedure be and who is responsible for making the determination as to the response?**

(See Exhibit 4)

- 32. Will employees still be required to complete out the daily COVID self-assessment?**

Yes. As indicated above, all safety protocols including the daily self-assessment and temperature screening continue to be in effect. See response to #7.

- 33. Can there be a "team" schedule where employees can work from home a few days a week and then report to the office the other/opposite days? This would allow for representation of the team but helps with social distancing and limiting overall risk by limiting the number of people in the building at one time.**

No. Rotational schedules where staff reported some days/weeks and worked remotely on others have been in effect for many months. It is time to return to in-person staffing. However, we are closely monitoring the situation and should there be a need to change course or otherwise delay our return to 100% in-person staffing, we will advise accordingly.

- 34. Will employee cubicle entries have a barrier? If not, are employees allowed to add a non-permanent one (curtain or something) if there will be just an open door?**

This is a facilities issue that must be handled locally through the DCAJ's office (or other appropriate authority, i.e. Presiding Justice for the Appellate Divisions, Clerk of Court for the Court of Appeals, Chief of Operations for OCA).

- 35. If an employee has to stay home with their child who is out of school due to an exposure/quarantine can the time be charged as FSL or does it have to be charged as annual (vacation) leave?**

Unless the child is actually ill, i.e. tests positive for COVID or is otherwise experiencing symptoms, or the employee has exhausted other leave accruals FSL is not authorized. Sick leave can only be charged for non-sick childcare reasons where the employee has exhausted all AL, CT and PTP. In such case, the employee may only charge SL until such time as additional AL, CT or PTP is accrued.

36. If charging FSL is okay, will documentation be needed to prove quarantine status of children?

The employee will need to provide proof that their child is subject to a quarantine and affirm that they are needed to remain home to care for the child in order for absences to be authorized. Whether FSL can be charged depends on the circumstances. See response to #35.

37. If an employee is subject to a quarantine or fails the temperature screening, will a negative COVID test be required to return back to the office? Is a PCR test required or is a rapid test sufficient?

A negative test is only sufficient to return the employee to work where they are experiencing symptoms. See response to #27 above.

38. Is a flexible/hybrid model available to accommodate school hours, i.e. work in office 8:00 am to 1:00 pm and complete work from home thereafter?

No. Effective May 24, 2021, all employees are expected to report in-person for their full schedule. If an employee needs to leave work mid-day to retrieve children from school, etc. on a regular basis, the employee should consider requesting an AWS (part-time schedule or modified hours) or charging their AL, CT or PTP accruals as may be necessary, subject to the reasonable operating needs of the employee's court or office.

39. Can employees reduce their lunch breaks to ½ hour to minimize the time they must remain at work?

No. There are no reductions in the workday available outside of the AWS process. Moreover, absent extenuating circumstances, an AWS must include at least a 45-minute lunch.

(See Exhibit 1)

40. Will employees be approved for time off over the summer due to childcare issues, e.g. lack of available summer/day camps or childcare provider?

Requests for vacation/use of annual leave should not be unreasonably denied. Unless the employee's absence will have a direct, negative impact on the court or office operations, annual leave should be approved (subject to the provisions of the collective bargaining agreements relative to conflicts among employees seeking to use annual leave).

41. If an employee is unwell and cannot come to work (regular cold or upset stomach, i.e. non-COVID-related) but is well enough to work, can they be authorized to work from home?

No. If an employee is not feeling well enough to report to work, they are not authorized to work from home. Employees that are ill must charge their SL – or if related to COVID, apply for Leave for Quarantine.

EXHIBIT 1



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

RONALD P. YOUNKINS, ESQ.
EXECUTIVE DIRECTOR

MEMORANDUM

February 1, 2018

To: District Executives
New York City Chief Clerks
OCA Directors

From: Ronald Younkings *RY*
Barry Clarke *BC*

Subject: Alternative Work Schedules

This memorandum clarifies the Court System's policies regarding Alternative Work Schedules (AWS). These policies are intended to ensure that an appropriate balance is struck between employees' requests for an AWS and our responsibility to ensure that courts and offices are staffed in a manner that best serves the public. Attached is a revised and streamlined form to be used by employees who are requesting a change in their assigned work schedule.

Management-Assigned Work Schedules

All employees have an assigned work schedule. The standard, full-time work schedule is Monday through Friday, 9:00 a.m. to 5:00 p.m. with a one-hour lunch. Upon proper notice, the court system may, for operational reasons, assign employees to schedules that vary from the standard work schedule. A management-assigned schedule is not an AWS schedule.

Prior to establishing a management-assigned work schedule outside of the standard schedule, local management must first discuss the proposed schedule with the Deputy Chief Administrative Judge (DCAJ) and secure approval to implement the schedule. Once the schedule is approved by the DCAJ, please consult with the Office of Labor Relations with respect to the required process for assigning employees to work the schedule.

A management-assigned work schedule outside of the standard work schedule should be periodically reviewed (in no case less than once a year) to ensure that the schedule continues to meet the operational needs of the court.

Alternative Work Schedules

An AWS is an employee-initiated schedule that deviates from the standard full-time work

schedule or from the employee's assigned work schedule. There are a variety of AWSs. The most common are:

- A full-time, Monday to Friday workweek, with hours outside the standard 9:00 a.m. to 5:00 p.m.;
- A full-time compressed schedule where the employee works 70 hours in a two-week period but in fewer than 10 work days;
- A part-time schedule (less than 70 hours in a two week period); and
- Job-shares where two employees share the same position/line.

Consideration of an AWS request is based on the following factors:

Court Operations Will the proposed schedule have an impact on court operations, service to the public, or the quality or quantity of work performed?

Supervision/Management Will the proposed schedule have any impact on supervision? For example, if an employee is requesting to work from 7:00 a.m. to 3:00 p.m., how will the employee be supervised prior to the start of the standard workday? If the employee requesting the AWS is a supervisor, who will perform supervisory responsibilities when the employee is not at work? For example, if a supervisor is requesting a compressed work schedule, who will supervise employees on the supervisor's day off?

Security Is security present during the requested schedule? If not, what security issues are posed by the AWS? Will approval of the AWS generate security costs?

Overtime Will approving the alternative work schedule generate overtime or compensatory time? In this regard, note that with respect to compressed schedules, compensatory time is generated when the employee's regular day off (RDO) falls on a holiday. For that reason, and because many holidays fall on Monday, absent extraordinary circumstances, Monday should not be approved as the RDO for an employee on a compressed schedule.

Co-workers Will granting the schedule have an impact on or create any issues with respect to other employees? For example, will the requested schedule affect coverage for certain assignments or distribution of work during periods of high volume? Because not every employee is in a title/assignment in which an AWS is possible, would granting a particular request create a perception of unfairness?

The process for seeking an AWS is as follows:

- An employee seeking approval of an AWS completes an Alternative Work Schedule Request Form (UCS-70) and submits it to the administrative office.
- Based on the factors set forth above, the administrative office makes a recommendation to approve or deny the request.
- The administrative office forwards the completed UCS-70 to the Deputy Chief Administrative Judge (DCAJ). The form should not be forwarded to the DCAJ

unless all of the factors set forth above are adequately addressed.

- The DCAJ notifies the administrative office and the employee whether the request is approved or denied.
- AWSs are approved for no longer than 6 months.
- An employee seeking an AWS for a period longer than 6 months must repeat the request process.
- The DCAJ may delegate to the Administrative Judge the authority to approve full-time AWS schedules with start and end times between 8:00 a.m. and 6:00 p.m. Additionally, the DCAJ may determine that such schedules may be approved for as long as 12 months, rather than 6 months.

Finally, please be advised that the policy requiring that all schedules provide for a minimum of 45 minutes for lunch remains intact. This applies to both AWS and management-initiated schedules, except for those management-initiated schedules where a modification to the 45-minute minimum lunch period is currently in effect.

Questions concerning the revised AWS Request form, or how to evaluate the factors to be considered may be directed to the Division of Human Resources at 212-428-2515. Where an employee-initiated request for an AWS requires consideration of employment law (e.g., FMLA, ADA), or a collective bargaining agreement, please contact the Office of Labor Relations at 212-428-2585.

Thank you for your attention to this critically important issue.

Attachment

c: Hon. Lawrence K. Marks
Hon. Michael V. Coccoma
Hon. George J. Silver
Hon. Edwina G. Mendelson
Administrative Judges
New York City County Clerks
John George, Esq.
Maria Logus, Esq.
Scott Murphy
Michelle Smith, Esq.

State of New York Unified Court System
Alternative Work Schedule Request Form (UCS-70)

Part I: Completed by Employee requesting an Alternative Work Schedule (AWS)

Print name

Title

Court or Office

Instructions:

- Do not submit this form for a management-assigned work schedule.
- Submit AWS request form to manager/supervisor and local administrative office.
- Request must be submitted at least six (6) weeks prior to the proposed start date.
- AWS cannot begin until final approval by the Deputy Chief Administrative Judge/OCA Executive Director.
- Employees on probation are not eligible for AWS.
- AWS requests are approved for a maximum of six (6) months.
- Part-time schedules greater than 50% or less than 100% are approved for 12 weeks. Limited extensions may be granted.
- Compressed schedules with Monday as the regular day off (RDO) are not approved absent extenuating circumstances.
- Full-time schedules should include an hour lunch. A request with a minimum 45-minute lunch will only be approved in extenuating circumstances.

AWS Proposed: Start Date _____

End Date _____

Is this an extension of a current AWS?

Yes No

Week 1

Thursday: ___ am ___ pm
Friday: ___ am ___ pm
Saturday: ___ am ___ pm
Sunday: ___ am ___ pm
Monday: ___ am ___ pm
Tuesday: ___ am ___ pm
Wednesday: ___ am ___ pm

Week 2

Thursday: ___ am ___ pm
Friday: ___ am ___ pm
Saturday: ___ am ___ pm
Sunday: ___ am ___ pm
Monday: ___ am ___ pm
Tuesday: ___ am ___ pm
Wednesday: ___ am ___ pm

Is the AWS Request made pursuant to FMLA?

Yes No

Is the AWS Request made pursuant to the ADA?

Yes No

If you checked Yes to either, please contact the human resources professional in your local administrative office prior to submitting this form to discuss your request and ensure that you have the required medical documentation to submit with the form.

Is the AWS request for Part-time 50%

Yes No

If you are requesting a part-time 50% schedule - note that once you have completed a full year (two successive AWS at 50%) you must return to your full-time position. If you request to continue part-time 50% after a full-year, and the request is granted, you will become permanent part-time-50% and will forfeit your right to a full-time position.

Please sign and date before submitting the AWS request to your manager/supervisor and/or local administrative office.

Signature

Date

Part II: Completed by Local Management

Employee Hire Date: _____

Time in Current Title: _____

- If employee is probationary in current title, return the AWS request.
- Complete every question below and provide detailed explanations in the space provided.
- Submit Recommendation to Deputy Chief Administrative Judge/OCA Executive Director.
- If all questions below are not answered in detail, the form will be returned.

Basis for request: What reason, if any, was provided in support of the employee's AWS request?

Court operations: Will the proposed schedule impact service to the public, quality of work and/or quantity of work performed? Yes No

Explain

Overtime implications: Will the proposed schedule generate overtime and/or compensatory time? Yes No

Explain

Management and Supervision: During the proposed schedule, is supervision in place? Yes No

Explain

Does employee requesting AWS have managerial or supervisory responsibilities? Yes No

Explain: If Yes, explain specifically how employee's managerial or supervisory responsibilities will be performed in the employee's absence.

Is security in place at all times during the requested schedule? Yes No

Explain

Does the proposed schedule have an impact on other employees, including work assignment and/or morale? Yes No

Explain:

Recommendation of the Manager/Supervisor completing form:

Recommended Not Recommended

Print name

Signature

Date

Recommendation of Administrative Judge (or designee: Chief Clerk/District Executive)/OCA Director:

Recommended Not Recommended

Print name

Signature

Date

Determination of Deputy Chief Administrative Judge/Executive Director: Granted Denied

Print name

Signature

Date

EXHIBIT 2

Accommodations pursuant to the ADA
Inquiry from local HR Administrator to Employee's Health Care Provider

Any request for reasonable accommodations should trigger the below inquiry from the local HR Administrator to the employee's health care provider, along with a copy of the title standard for the employee's position, i.e. the employee will need to have his/her health care provider submit something in writing addressing the following:

1. Does the employee have a physical or mental impairment?

If yes:

(a) please describe the impairment and its nature; and

(b) what the duration of the impairment is.

2. Does the impairment substantially limit a major life activity, including as to the duration and manner, as compared to most other people?

If yes, what major life activity/major bodily functions is/are affected?

3. Please review the enclosed title standard which details the employee's essential job functions and advise whether:

(a) the employee's condition prevents him/her from performing the essential job functions.

If yes:

(a) identify how the job functions are limited/affected by the employee's impairment; and

(b) whether the employee's condition impacts his/her ability to physically report to the workplace.

If yes:

Please identify how the impairment affects his/her ability to physically report to work.

4. With accommodations, will the employee be able to perform the essential job functions?

If yes:

(a) what possible adjustments to the work environment or position responsibilities would enable the employee to perform these job functions?

5. How long will the employee need the accommodation? _____ # weeks _____ # or months _____ indefinitely.

If uncertain, as to the duration of the accommodation, when will the employee be medically reevaluated?

EXHIBIT 3

Leave for Quarantine Form

To request Leave for Quarantine for one of the COVID-19 qualifying events listed below, please complete this Form and submit it to the Office of Court Administration, Division of Human Resources (OCA-HR), along with such supporting documentation, as indicated or otherwise appropriate, *via* email to:

HR-FFCRA@nycourts.gov

or *via* fax: 212-428-2513

(Please Print)

Name (Last, First): _____ Employee ID: _____

Title: _____ Work Location: _____

Primary Phone: (_____) _____ Primary Email: _____

I am unable to work (including telework) due to one of the conditions/events described below.

I am unable to physically report to work due to one of the conditions/events described below but physically capable of performing duties remotely (i.e. telework) and have requested authorization from my supervisor to do so.

**I AM REQUESTING LEAVE FOR QUARANTINE FROM _____ THROUGH _____
BECAUSE:**

I am experiencing COVID-19 symptoms and seeking a medical diagnosis. (**Attach a copy of documentation from a health care provider**)

I tested positive for COVID-19 and have been directed to isolate and/or quarantine to prevent infecting others. (**Attach a copy of the test result along with documentation from a health care provider explaining what safety precautions you are required to take**)

I have been directed by a health care provider or public health official to isolate and/or quarantine due to concerns that I may be infected with COVID-19. (**Attach a copy of documentation from the health care provider or quarantine order**)

I attest that the above information is accurate and complete to the best of my knowledge. I understand that the granting of leave does not extend my employment beyond a period where it would otherwise terminate by operation of law, rule or regulation. I also understand that it is my responsibility to stay in contact with and to be responsive to my local HR Administrator during my leave and regarding my return to work.

Employee Signature: _____ Date: _____

DIVISION OF HUMAN RESOURCES USE ONLY

This request is: Granted as requested Granted as modified below Denied

By Director of Human Resources or designee (print name/title): _____

Signature _____ Date: _____

cc: Employee OCA Payroll
Local HR Administrator OCA Time Management

EXHIBIT 4



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.

* * *

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



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

=====

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.

EXHIBIT 5



Unified Court System

OFFICE OF COURT ADMINISTRATION


JOHN W. MCCONNELL, ESQ.
EXECUTIVE DIRECTOR

CAROLYN J. GRIMALDI, ESQ.
DIRECTOR, DIVISION OF HUMAN RESOURCES

NANCY J. BARRY, ESQ.
CHIEF OF OPERATIONS

MEMORANDUM

To: All Judicial and Nonjudicial Personnel

From: Carolyn Grimaldi, Esq., Director of Human Resources 

Date: March 30, 2021

Subject: Updated Guidance Regarding Quarantine Requirements for Individuals Exposed to COVID-19, UCS COVID-19 Daily Self-Assessment and Leave for Quarantine Form

This Memorandum provides:

- I. Updated information regarding exemptions to the quarantine requirements for individuals exposed to COVID-19.
- II. Updated UCS COVID-19 Daily Self-Assessment & Instructions for Completion.
- III. Leave for Quarantine Form.

Unless otherwise stated, the below shall be effective April 1, 2021 (and shall supersede the information set forth in Sections VII and VIII in our March 17, 2021 Memorandum).

I. **Exemptions to Quarantine Following an Exposure to COVID-19¹**

If you do not meet all of the criteria in either (1) or (2) below, you are still subject to the quarantine requirements that apply to individuals that have had close contact with a confirmed or suspected case of COVID-19.²

1. ***If you are fully vaccinated and you do not have any COVID-19 symptoms***, you are not required to quarantine following an exposure to someone with COVID-19. The date on which you are considered fully vaccinated is 2 weeks from receipt of your second dose for 2-dose vaccines, or 2 weeks from receipt of one dose for single-dose vaccines.

A copy of your vaccination card showing your name and the date(s) the vaccine was administered is sufficient to demonstrate that you are exempt from the quarantine requirements following an exposure to COVID-19, i.e. that you do not pose a risk to the health and safety of others and may safely report/return to work.

2. ***If you tested positive for COVID-19 within the last 3 months, have since recovered and you do not have any COVID-19 symptoms***, you are not required to quarantine following an exposure to someone with COVID-19.

¹ See *Interim Public Health Recommendations for Fully Vaccinated People* issued by the CDC on March 8, 2021. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>. Questions about whether you meet the criteria for one of the exemptions to the quarantine requirement should be directed to your health care provider.

² See *Public Health Guidance for Community-Related Exposure* issued by the CDC on March 1, 2021. <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

Documentation from a health care provider that either confirms you are exempt from quarantine on this basis or that you do not pose a risk to the health and safety of others will be required to confirm that you may safely report/return to work.

The Court System uses a 14-day period solely as a measurement tool for assessing if individuals may be at risk of infection following close contact with someone that has COVID-19. However, the Court System is neither a public health authority nor a health care provider and therefore, it does not issue quarantine orders or otherwise direct employees to quarantine. Rather, consistent with our existing “Coronavirus – Courthouse Procedures” (since March 2020), whether you are required to quarantine, the specific duration of any such quarantine and/or when it is safe for you to return to work following an exposure to COVID-19 is something that must be determined by a health care provider.³

Accordingly, if you have been in close contact with someone that has COVID-19 and you do not meet the criteria for one of the two quarantine exemptions set forth above, you should not report or return to work until you have consulted with a health care provider regarding the safety precautions you should take based upon the particular facts and circumstances of the exposure, e.g. when you were exposed, how long after the exposure you were notified, whether the person you were exposed to is/was symptomatic (and/or when they tested positive), etc.

UCS personnel that meet the criteria for one of the two quarantine exemptions explained above are not considered to be a “COVID risk” based upon exposure to someone with COVID-19. Therefore, such personnel are not required to leave work upon notice of a COVID-19 exposure from the Court System or otherwise, or to remain home/not report to work following an exposure to COVID-19 so long as they provide proof of their quarantine exemption, as set forth in (1) or (2) above.

All other UCS personnel that receive notice of a COVID-19 exposure from the Court System or otherwise, shall leave work/not report to work until such time as they provide documentation from a health care provider substantiating that they do not pose a risk to the health and safety of others to their local HR Administrator and have been authorized to return to work pursuant to same.

NOTE: Proof of a negative test following exposure to COVID-19 is not sufficient to permit you to report/return to work. Proof of a negative test (alone) is only sufficient to permit you to report/return to work where you are experiencing COVID-19 symptoms or to confirm that you’ve tested-out of quarantine following international travel.

II. UCS COVID-19 Daily Self-Assessment

Effective April 1, 2021, the UCS COVID-19 Daily Self-Assessment will be updated to reflect the above changes to the quarantine requirements following an exposure, the changes to the Travel Advisory set forth in the March 17th Memorandum, as well as other modifications pertinent to assessing whether your presence at work poses a (potential) risk to the health and safety of others.

Attached is a *sample* of the updated UCS COVID-19 Daily Self-Assessment & Instructions for Completion. (See Exhibit 1).

³ See March 30, 2021 Memorandum from John W. McConnell and Nancy Barry Re: “Coronavirus - Updated Safety and Operational Protocols.”

III. Leave for Quarantine

The leave benefits previously available under the Families First Coronavirus Response Act (“FFCRA”) expired on December 31, 2020. However, nonjudicial personnel continue to be eligible for paid leave, i.e. *Leave for Quarantine*, to cover absences attributable to the following COVID-19 qualifying events:

- (i) You are experiencing COVID-19 symptoms and seeking a diagnosis from a health care provider; or
- (ii) You are currently infected with COVID-19, i.e. have tested positive, and have been directed by a health care provider or public health official to isolate and/or quarantine to prevent infecting others; or
- (iii) You have been directed by a health care provider or public health official to quarantine and/or isolate out of concern that you may be infected with COVID-19.

Attached is a copy of the form that must be submitted to the Division of Human Resources in order to request *Leave for Quarantine*. (See Exhibit 2) Documentation to substantiate that absences are/were attributable to one of the above three qualifying events will be required for such leave to be approved.

NOTE: Nonjudicial personnel that have recovered from a previous COVID-19 infection but continue to test positive for the virus thereafter will only be eligible for *Leave for Quarantine* to cover absences attributable to such ongoing positive test results where they have been directed by a health care provider or public health official to continue isolation and/or quarantine during such period, i.e. where it has been determined that the individual continues to present a risk to the health and safety of others.

Questions regarding this leave benefit should be referred to the Division of Human Resources at:

HR-FFCRA@nycourts.gov

EXHIBIT 1

(UCS COVID-19 Daily Self-Assessment & Instructions for Completion)

UCS COVID-19 DAILY SELF-ASSESSMENT

Effective April 1, 2021

Instructions for Completion:

Travel Quarantine

Effective April 1, 2021, there is no longer a quarantine required following return from travel in any U.S. state or territory, i.e. there is no quarantine required following travel from any of the 50 states, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico or the U.S. Virgin Islands. Accordingly, the inquiry regarding travel now pertains only to international travel, i.e. travel to any location that is not a U.S. state or territory.¹ The quarantine period has also been reduced from 14 to 10-days.

Q: Have you traveled outside of the U.S. (to any place other than a U.S. state or territory) in the last 10 days?

A: Answer “NO” if you have traveled outside the U.S. in the last 10 days but you quarantined for 7 days upon your return and have since been approved by the Court System to return to work based upon testing-out of quarantine early.

Quarantine following Close Contact to Someone who has COVID-19

Given the exemptions to quarantine for fully vaccinated individuals and those who have recovered from a COVID-19 infection within the last 3 months, the inquiry regarding close contact with someone that has COVID-19 and whether you have tested positive in the last 14 days will be separated as follows:

Q: Have you had close contact with anyone who has tested positive for COVID-19 in the last 14 days?

A: Answer “NO” if you are either: (i) fully vaccinated and have no COVID-19 symptoms; or (ii) have recovered from a prior COVID-19 infection within the last 3 months and have no COVID-19 symptoms.

OR

Answer “NO” if you have been in close contact with COVID-19 in the last 14 days but you have since been cleared by the Court System to return to work pursuant to documentation from your health care provider that you are not a risk to the health and/or safety of others.

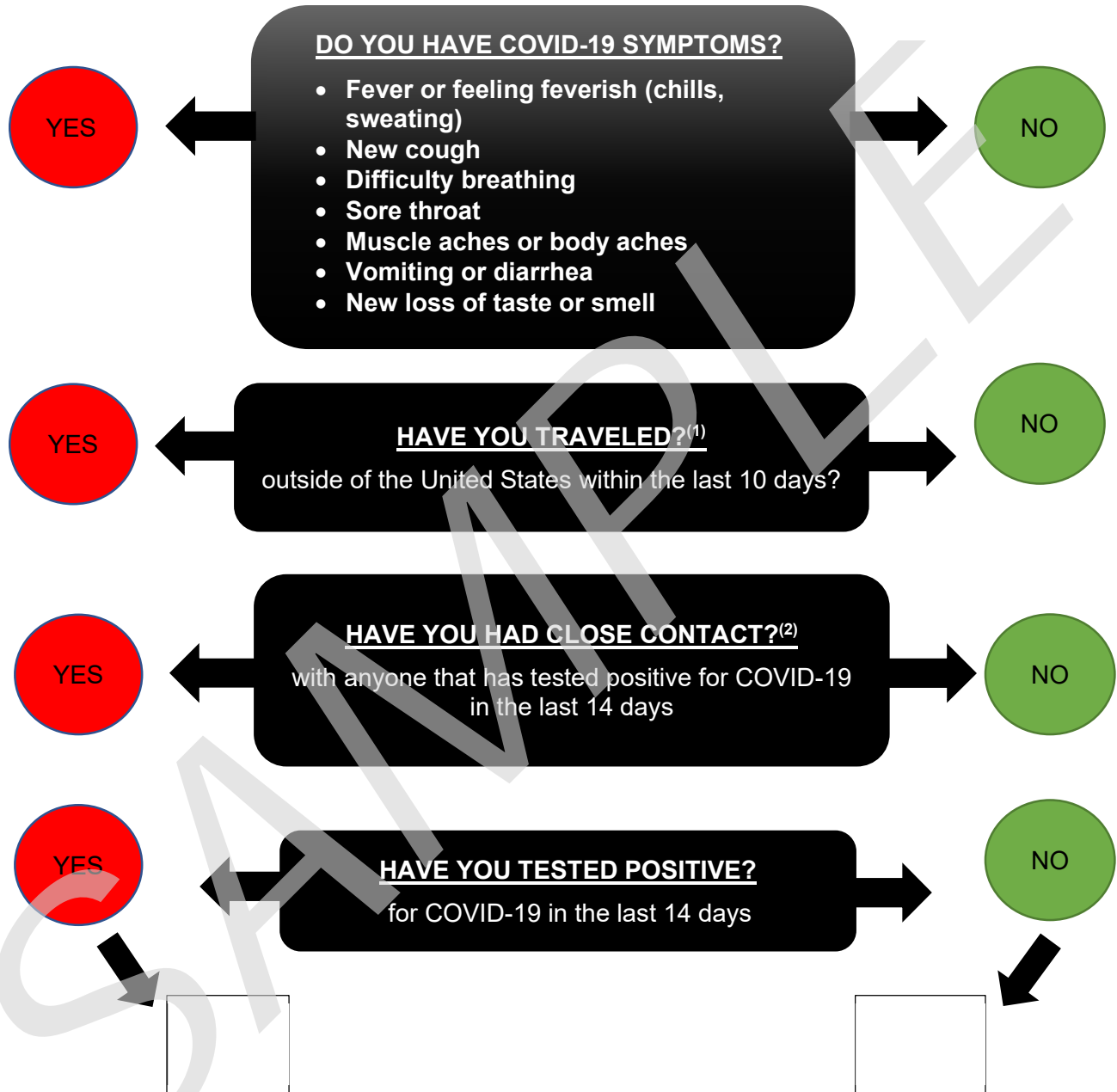
Q: Have you tested positive for COVID-19 in the last 14 days?

A: Answer “NO” if you have tested positive for COVID-19 in the last 14 days but have since been cleared by the Court System to return to work pursuant to documentation from your health care provider that you are not a risk to the health and/or safety of others.

¹ Note, however, that UCS personnel residing in Canada may cross the Canadian/U.S. border (by land) for the sole purpose of reporting to work/returning home without being subject to a quarantine. Accordingly, UCS personnel whose travel outside the U.S. meets these criteria are not considered to be a “COVID risk” and therefore, should answer “NO” to the question: “Have you traveled outside of the U.S. (to any place other than a U.S. state or territory) in the last 10 days?”

UCS COVID-19 DAILY SELF-ASSESSMENT

IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS SELF-ASSESSMENT,
CONTACT YOUR HR ADMINISTRATOR



IF ANY "YES", CHECK HERE

YOU ARE IN A COVID RISK CATEGORY

**YOU MUST LEAVE WORK IMMEDIATELY
AND NOTIFY YOUR SUPERVISOR
UPON SUBMITTING THIS FORM**

IF ALL "NO", CHECK HERE

YOUR ASSESSMENT IS SATISFACTORY

STAY SAFE -- REMEMBER TO WEAR YOUR PPE!!

(1) Outside of the U.S. means: to any other location besides one of the 50 U.S. states, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico or the U.S. Virgin Islands.

(2) "Close contact" is defined by the CDC as being within 6 feet of an infected person for at least 15 minutes starting from 2 days before that person first exhibited COVID-19 symptoms (or, for asymptomatic individuals, 2 days prior to being tested for COVID-19).

<https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html#contact>

EXHIBIT 2

(Leave for Quarantine Form)

Leave for Quarantine Form

To request Leave for Quarantine for one of the COVID-19 qualifying events listed below, please complete this Form and submit it to the Office of Court Administration, Division of Human Resources (OCA-HR), along with such supporting documentation, as indicated or otherwise appropriate, *via* email to:

HR-FFCRA@nycourts.gov

or *via* fax: 212-428-2513

(Please Print)

Name (Last, First): _____ Employee ID: _____

Title: _____ Work Location: _____

Primary Phone: (_____) _____ Primary Email: _____

I am unable to work (including telework) due to one of the conditions/events described below.

I am unable to physically report to work due to one of the conditions/events described below but physically capable of performing duties remotely (i.e. telework) and have requested authorization from my supervisor to do so.

**I AM REQUESTING LEAVE FOR QUARANTINE FROM _____ THROUGH _____
BECAUSE:**

I am experiencing COVID-19 symptoms and seeking a medical diagnosis. (**Attach a copy of documentation from a health care provider**)

I tested positive for COVID-19 and have been directed to isolate and/or quarantine to prevent infecting others. (**Attach a copy of the test result along with documentation from a health care provider explaining what safety precautions you are required to take**)

I have been directed by a health care provider or public health official to isolate and/or quarantine due to concerns that I may be infected with COVID-19. (**Attach a copy of documentation from the health care provider or quarantine order**)

I attest that the above information is accurate and complete to the best of my knowledge. I understand that the granting of leave does not extend my employment beyond a period where it would otherwise terminate by operation of law, rule or regulation. I also understand that it is my responsibility to stay in contact with and to be responsive to my local HR Administrator during my leave and regarding my return to work.

Employee Signature: _____ Date: _____

DIVISION OF HUMAN RESOURCES USE ONLY

This request is: Granted as requested Granted as modified below Denied

By Director of Human Resources or designee (print name/title): _____

Signature _____ Date: _____

cc: Employee OCA Payroll
Local HR Administrator OCA Time Management