



## **COVID-19: Best Practices for Courthouses** **June 17, 2020**

As courts return to full operations, they will need to consider a variety of safe work practices, as well as guidelines issued by local, state and federal officials. These safe work practices must be developed in conjunction with the safety requirements established by The Occupational Safety and Health Administration (OSHA) and public health officials in each local jurisdiction. Local conditions will influence the decisions that public health officials make regarding community-level strategies. The activities required to maintain safe court operations must be developed by each court based on their operational needs, capabilities and resources, along with their local jurisdictional requirements.

Courthouses are considered medium-risk-exposure jobs, which, according to OSHA, are those that require frequent or close contact with (i.e., within six feet of) people who may be infected with COVID-19 but who are not known or suspected COVID-19 patients. In areas with ongoing community transmission, workers in this category have contact with the general public.

Reopening a courthouse cannot happen blindly. A special emphasis must be placed on court entrances, public counters, jury areas, meeting rooms, lobby and common areas, corridors, kitchens, restrooms, temperature, humidity, ventilation and enhanced cleaning practices. Policies regarding employees who have contracted, been exposed to or may have contracted COVID-19 — such as paid sick leave and screening — should also be a part of workplace reopening plans. Additionally, communication and training on site plans, policies and procedures will be essential to the health and welfare of all courthouse staff. Regardless of the courthouse size, all these aspects should be considered to ensure safety and health in the workplace.

### **Court Entrances**

The primary concerns in court entrances generally relate to providing separation during queuing for both security and health screening, particularly in court facilities with space constraints. Narrow entries and lack of exterior covered areas create difficulties at high-traffic times, like during jury assembly.

Another area of primary concern is in the security screening area and the challenge of providing enough space and separation between screeners and people entering the building. Activities like passing trays through screening or using a hand-held metal detector (HHMD) are likely to result in reduced social distancing.

### *Exterior Space*

It is likely that at times court visitors will need to queue outside the entrance to maintain the six feet of separation. Floor or pavement markings can be used to provide proper spacing, but planning the alignment of queuing spaces should include considerations for shelter from sun and rain as well as accessibility. Long queues can be especially difficult for seniors and people with disabilities. Providing a separate priority lane with a temporary shelter may be necessary to accommodate people in this category. Courts may also consider implementing ways to triage the lines outside the courthouse to determine if the individual needs to enter the courthouse at all.

### *Vestibules and Pre-Security Queuing Areas*

- Inclement weather such as wind, rain and extreme heat may be handled with a “metering” concept with staff at each entry vestibule to keep exterior doors closed until each visitor has cleared the vestibule, to help maintain door closure.
- Space limitations will likely be an issue, but extending and maintaining spaced queuing will allow for social distancing.
- Temperature and health-question screening before courthouse visitors and staff enter the security screening queue may significantly help decrease the risk of admitting an infected individual. Turn away individuals who:
  - Exhibit temperatures over the established threshold for the building.
  - Answer health screening questions affirmatively.
  - Will not wear a face covering if that is required.

### *Security*

- During metal detector screening, maintain social distancing as much as possible.
- Use an acrylic or glass screen between staff and the public, like those used in retail checkout areas.
- Use an increased number of security trays and sanitize the trays frequently. A tray “slide” (e.g. rollers or an automated belt) could help to avoid the need to touch the tray.
- Place sanitizer stations in areas that allow staff to sanitize after handling each bag or other handled item.
- Ensure that staff are always wearing a face covering when using HHMDs. (See PPE discussion below.)

### *Limit Occupancies*

Consider strategies to limit courthouse occupancy:

- Alternate work schedules with two shifts for employees, combined with a remote-work option.
- Utilize night court proceedings.
- Use an onsite or online reservation system to control queues and waiting. On busy days, individuals who line up in the morning can be offered appointment slips for a time later that day or request an appointment online and be reminded via email or text message.

## **Public Counters**

### *Counter Queuing Areas*

Floor markings can be used to provide proper spacing, but planning the alignment of queuing spaces should include considering size and the potential need for a queuing line to extend into other spaces.

### *Counters*

- Check spacing between counters and provide floor markings leading up to counters.
- Close off counters to provide additional space if necessary, to reduce capacity.
- Provide physical barriers between staff and clients.
- Use gloves when handling documents, sterilize documents with a handheld ultraviolet wand or do both.
- Provide sanitizer stations near the counters.
- Where queuing tickets are used, provide a touch-free trash receptacle for discarding tickets instead of handing them to the clerk.
- Provide drop boxes for transmitting physical documents.

## **Jury Rooms and Assembly**

Jury rooms can get congested, particularly in older courthouses that were not designed for larger volumes of people. Jury rooms and courtrooms may need to have their seating capacity reduced to comply with social distancing rules. Some courts operate without the use of jury assembly rooms. If courtrooms are traditionally used for this purpose, there may be a significant drop in the number of available jurors due to physical occupancy constraints.

Reduced jury pools will likely impact court operations, and having fewer potential jurors available at one time will extend the process. Jury calls may need to be spread over several days to assure that qualified jurors can be selected.

### *Counter Queuing Areas*

- Check spacing between counters and provide floor markings leading up to counters.
- Close off counters to provide additional space if necessary, to reduce capacity.
- Provide physical barriers between staff and client, if not already utilized.

### *Seating and Amenity Areas*

- Remove or mark off chairs to reduce density and achieve social distancing.
- Define walking paths with stanchions or floor markings.
- Limit occupancy in amenity areas; consider closing off certain sections.

### *Courtroom*

- Assess courtroom seating and remove or mark off chairs as needed to achieve social distancing.

- Potentially modify the traditional method of numbering jurors. Sequencing of seating will help maintain social distance.
- Consider releasing selected jurors after each session so the courtroom can be sanitized.

### *Jury Deliberation Areas*

- Confirm the maximum capacity of the jury deliberation suite.
- Evaluate other, large-volume space options in or near the courthouse for viability of hosting jury deliberations for suitable requirements (e.g., acoustic isolation and restroom facilities). Determine what staffing is needed in an alternate location.
- Consider options outside the courthouse for jury lounge areas.

### *Best Practices for Jury Assembly*

- Rework jury assembly procedures to allow for smaller pools.
- Move operations to an offsite location that accommodates larger groups.
- Use other rooms to stage jury assembly.
- Consider using the courtroom as the deliberation suite. The jurors will most likely already be spaced appropriately in this area and there is access to the jury suite for needed amenities.
- Schedule jury pools for specific times to reduce pressure on jury assembly and allow faster recovery time in the courtroom.
- Use more than one courtroom at a time to allow staging larger groups.

### **Courtroom Areas**

Fixed tables and furnishings can pose difficulty when planning for a new standard of distancing. Modifying these features could be expensive and reversing the changes in the future would likely require additional costs.

The dynamic nature of courtroom operations does not lend itself to social distancing. Discreet sidebar conversations and passing of materials, etc., creates exposure potential, and solutions will require a higher attention to detail.

### *Spectator Seating*

- Remove or mark off chairs to reduce density and provide distancing.
- Use open spaces for wheelchair accommodations by placing a chair in that position (if it is easily moved and can be stored out of the way).
- When using the spectator area for jury seating, clearly identify jury areas to help with separation.
- Create a hierarchy for seat assignment to spectators, like what might be enacted for a high-profile trial.

### *The Well/Bench/Stand Area*

- Bench: Many courtroom layouts allow for six feet of separation from the bench, except during times of interaction. Floor tape or other markings can be used to define levels of

approach for counsel, or to define travel paths within the well.

- **The Stand:** This area is also generally well-separated but could be further protected through use of floor markings to establish distancing.
- **Court Reporter:** This station is generally well-separated but can be further protected through use of floor markings to define paths.
- **Lecterns:** Mobile lecterns can be used to help with definition of paths and stations in the well but should be cleaned regularly if used with any frequency.
- **Counsel Tables:** Most tables do not allow for six feet of separation. Moving or reorienting tables may help with this, but it is likely that the participants in the well will be limited to four people. Use of the spectator gallery may be necessary for all or part of each team to maintain a six-foot distance.

### *Clerk Stations*

- Many clerk stations will not allow for a six-foot separation between clerks. Clerks should try to maintain as much separation as possible and employ personal protective equipment (PPE) or physical barriers where practical.
- Clerks frequently need to pass documents to the bench. Short moments of decreased social distancing can be made safer using physical barriers; PPE; physical devices like document slides; and handheld, ultraviolet sterilizers.
- Many clerk stations are used as offices for day-to-day operations. If the courtroom is used for jury deliberation, clerks will need to have access to other areas for office space. Repurposing jury deliberation areas and related areas might work for this function.

### *Jury Box*

Most jury boxes only allow four or five positions when socially distanced. Depending on configuration, two additional jurors might be located just outside the box. The remaining jurors could be seated in the spectator seating area.

## **Public Corridors, Elevators and Stairways**

Circulation spaces are generally confined and pose significant interaction challenges. Corridors are often not wide enough for two people to pass while being socially distanced, and separating traffic is impossible. Elevators are extremely confined, may only allow room for a single person and require physical interaction with controls. Courts with high-volume calendars will likely have an increased impact on the capacity of corridors that become de facto waiting areas. Most building layouts do not provide alternatives to circulation, so any planning efforts should attempt to reduce exposure by revising operations.

### *Public Corridors*

- Use stanchions or floor markings where corridors are at least eight feet wide, to define walking paths.
- Implement a one-way strategy for smaller corridors, where possible.
- Remove or reconfigure seating when placed in walkway areas, to maintain distancing.
- Stagger calendars that will likely have high volumes of people waiting to be called to avoid overlap and reduce density.

- When planning, consider that these spaces are generally part of the emergency exit system and cannot be reduced in width or obstructed by placed objects.

### *Elevators and Stairways*

- Establishing rules for elevator occupancy can help in directing able bodied persons to consider the use of stairs as an alternative (in low-rise buildings).
- Clean elevator buttons and controls more frequently.
- Place hand sanitizer stations at each level of access.
- Treat open stairs like public corridors (as mentioned above) to help create one-way traffic solutions and reduce elevator use.

### **Staff Areas and Office Space Configuration**

Prior to opening the staff areas, perform a detailed review of the configuration of your workspaces and consider:

- Eliminating reception seating areas and requiring clients, visitors and guests to phone ahead for a specific time to enter the workplace.
- Installing a plastic partition at the reception area and in spaces where one-on-one meetings are conducted to provide a barrier between the public and office staff.
- Reviewing floorplans and removing or reconfiguring seats, furniture and workstations to achieve physical distancing in accordance with guidelines (generally six feet).
- Reconfiguring workstations so that employees do not face each other or installing partitions (plastic or other material) if facing each other cannot be avoided.
- Streamlining building and office space entry and exit points, in accordance with local building codes, to limit and monitor clients, visitors and guests in the building and to ensure that building capacity levels are not exceeded.

### *Meeting Rooms*

If in-person meetings are essential, consider limiting the size of the meetings in accordance with local, state and federal guidelines. In-person meetings should only take place if physical distancing can be achieved. Meeting rooms that are used should be disinfected regularly and after each use. Disinfectant wipes or spray should be left in each conference room, and employees should be encouraged to wipe down all surfaces and equipment (e.g., mouse, keyboard, phone) touched during conference room meetings. Lingering and socializing before and after meetings should be discouraged, and employees should be encouraged to use virtual meeting tools, including phone and virtual teleconference, in lieu of in-person meetings, whenever possible.

### *Breakrooms*

Breakroom areas should be cleaned and disinfected at least twice daily. A special emphasis on cleaning should take place after typical break times (e.g., coffee and lunch hours). Congregating in kitchen areas should be discouraged, and the occupancy of the space should be limited to achieve physical distancing.

Kitchen equipment and utensils should also be cleaned on a routine basis, including coffee

machines, refrigerator handles, dishwashers, microwaves, toasters, water and beverage faucets and ice machine handles.

All silverware, dinnerware, utensils and coffee pots should be cleaned in the dishwasher. This helps ensure thorough cleaning and disinfection. If silverware and dishes cannot be kept clean and covered, disposable individually wrapped options are recommended.

Ice machines that require a handheld scoop should be disconnected and taken out of service.

If vending machines are available for employee use, disinfecting should be required after each use. Eliminate public access to vending machines.

### *Restrooms*

Keep bathrooms clean and disinfect them on a consistent basis. Limit occupancy if a multi-stall restroom exists. Provide disposable, foldable paper towels that can be dispensed freely, without having to touch a handle on a dispenser; or install automated touch-free dispensing machines. Disconnect or tape-off hand air dryers. Doors to restrooms should be able to be opened and closed without touching handles if possible. For bathrooms intended for staff use only, provide a key to each employee so disinfection measures can be better controlled. Additionally, workplaces should:

- Place a trash can and disposable towels by the door if the door cannot be opened without touching the handle.
- Place signs indicating that toilet lids (if present) should be closed before flushing. SARS-COV-2 may be aerosolized when flushing the toilet.
- Place signs asking employees and the public to wash hands before and after using the restroom.
- Clean and disinfect restrooms available for public use on an hourly basis.
- Vent separately where possible (e.g., turn exhaust fan on if vented directly outdoors and run fan continuously).
- Keep bathroom windows closed if open windows could lead to re-entrainment of air into other parts of the building (i.e., if the exhausted air could re-enter the building through air intakes or other openings).
- Have an ample supply of hand soap and sanitizer available for use.

### **Ventilation, Temperature and Humidity**

Proper temperature and humidity and adequate flow of fresh air to workspaces is essential. Ventilation and filtration provided by heating, ventilating and air-conditioning systems can reduce the airborne concentration of SARS-CoV-2 and thus the risk of transmission through the air. Disabling of heating, ventilating and air-conditioning systems is not a recommended measure to reduce the transmission of the virus.

Workers and employers should consult with building owners and HVAC technicians to ensure maximum flow of fresh air is passing through the ventilation system. Additional steps that can be taken include:

- Ensuring restrooms are under negative pressure.
- Cleaning and disinfecting all HVAC intakes and returns daily.
- Making certain that the proper filtration to control SARS-CoV-2 transmission (minimum efficiency reporting value  $\geq 13$ ) is being used, instead of less effective filtration that might otherwise be recommended for normal office use.
- When feasible, disinfecting filters with a 10% bleach solution or another appropriate disinfectant, approved for use against SARS-CoV-2, before removal. Filters (disinfected or not) can be bagged and disposed of in regular trash.
- Maintaining temperature at 68.5-75°F in the winter, and from 75-80.5°F in the summer.
- Maintaining relative humidity at 40-60% throughout the year.

Other important considerations include the use of portable and hard mounted fans. If these fans are used, take steps to minimize air from fans blowing from one person directly to another. Inspect windows and doors prior to reopening to ensure there are no leaks.

### **Cleaning and Disinfecting**

Based on what is currently known about SARS-CoV-2, transmission of this coronavirus occurs much more commonly through respiratory droplets than through contact with surfaces and objects. However, current evidence suggests that SARS-CoV-2 may remain viable for hours to days on surfaces made from a variety of materials (plastics, glass, metal, linens, wood and cardboard). Cleaning of visibly dirty surfaces followed by disinfection is a best practice measure for prevention of COVID-19 and other viral respiratory illnesses in workplaces.

Employers should implement and workers should engage in routine cleaning of frequently touched surfaces (e.g., tables, doorknobs, light switches, handles, desks, toilets, faucets and sinks) with EPA-registered disinfectants that are appropriate for surfaces and objects, following label instructions. Labels contain instructions for safe and effective use of the cleaning product, including precautions you should take when applying the product. Additionally, a Safety Data Sheet (SDS) should be available with each product available for employee use.

If an employee or other person present in the workplace is confirmed to have COVID-19, areas occupied by that person should be closed off for a period of 24 hours, and cleaning staff should undertake extensive cleaning and disinfecting of those spaces. Appropriate worker protections, including personal protective equipment (PPE), should be used.

### **Personal Protective Equipment**

Employers are responsible for ensuring that workers are protected from exposure to SARS-CoV-2, including workers tasked with cleaning surfaces that may be contaminated with SARS-CoV-2. Employers are also required to make sure workers are protected from exposure to harmful levels of chemicals used for cleaning and disinfection. Employers must select PPE that will protect workers against SARS-CoV-2 and hazards associated with chemicals to which they may be exposed. Workers must wear PPE to help minimize exposure to the virus and chemicals through



inhalation, contact or ingestion. Examples of PPE that may be needed during cleaning and decontamination include:

- Nitrile gloves.
- Goggles or face shields.
- Fluid-resistant or fluid-impermeable gowns, coveralls and aprons.
- Dedicated work clothing and washable shoes with shoe or boot covers.
- Facemasks (e.g., surgical masks) that cover the nose and mouth. In some cases, additional respiratory protection (e.g., N95, powered air-purifying respirators or better) may be necessary to protect workers from exposure to SARS-CoV-2 or disinfectants.

Workers must receive training on and demonstrate an understanding of:

- When to use PPE.
- Which PPE is necessary.
- How to properly don, use and doff PPE in a manner to prevent self-contamination.
- How to properly dispose of or disinfect and maintain PPE.
- The limitations of PPE.

Any reusable PPE must be properly cleaned, decontaminated and maintained after and between uses. Facilities should have policies and procedures describing a recommended sequence for safely donning and doffing PPE. Depending on the hazards posed by the size of a spill, degree of contamination or other factors, required PPE may be different than what is described in this fact sheet.

## **Communication**

Workers and employers should collaborate and designate an effective means of communicating information on new workplace policies and changes prior to reopening and upon resuming operations. A communication policy that establishes formal and informal routes of communication for staff to express concerns, questions, comments and feedback is a necessity.

Consistent communication should include information on disinfection schedules, reporting policies for symptomatic staff, sick leave policies and health and safety protections in place. Additionally, communication on changes in hours of operations and building closures or limited building access will be required. If the workplace is in a multi-tenant location, a communication vehicle with other tenants to inform of potential and confirmed COVID-19 cases present in the building should be established.

## **Training**

Education and training are important tools for informing staff about workplace hazards and controls so they can work more safely and be more productive. Another role of education and training, however, is to provide staff with a greater understanding of new workplace policies and changes, so that they can contribute to their development and implementation.

Education and training opportunities provide employers, managers, supervisors and workers with:

- Knowledge and skills needed to do their work safely and avoid exposure to SARS-Cov-2 that could place themselves or others at risk.
- Awareness and understanding of policies and procedures and how to identify, report and control exposure to SARS-Cov-2.
- Specialized training when their work involves unique hazards.

Staff should receive, at minimum, awareness training on cleaning and disinfection products used in the workplace; proper handwashing; physical distancing and other workplace protections; and all related policies and procedures. For staff who will use disinfectants and cleaners, training should also include proper use, PPE, disposal and all precautionary measures.

### **Flexible Work Policies**

Employers should adopt flexible work policies that minimize exposure to and transmission of the SARS-Cov-2 virus by reducing the number of workers in a workspace at the same time. This could include telework, either full time or at regular intervals (e.g., every other day), when feasible. Flexible work policies also include staggered work schedules that have workers in an office at different times during a day.

Telework also should be considered to address the needs of workers who cannot or should not return to an office setting at this time. These include workers:

- Who are quarantined or self-quarantined due to potential exposure to SARS-CoV-2.
- At increased risk for severe illness (e.g., those who are 65 or older; have heart disease, diabetes, lung disease, HIV, underlying immune disorders or compromised immune systems; or are pregnant women).
- Who have a household member at increased risk for severe illness.
- Have children whose school or care provider is closed or unavailable.

In creating flexible work policies, consideration also should be given to changes in transportation options available to workers and CDC guidance encouraging the use of forms of transportation that minimize close contact with others. For example, using regular forms of public transportation or ride sharing to go to and from work may not be feasible for some workers while the pandemic continues.

### **Policies Regarding Employees Who Have Contracted, Been Exposed to or May Have Contracted COVID-19**

A combination of leave, screening and related policies may be used to limit and address workplace exposure to individuals who have or may have contracted COVID-19.

#### *Paid Sick Leave Policies*

Sick leave policies during a pandemic have a major impact on safety and health. If employers do not offer paid sick leave, workers may come to work sick. This is a major risk factor for office staff. That is why the CDC recommends establishing non-punitive, emergency sick leave policies.

To overcome this, employers should provide paid sick leave for all employees and ensure leave policies are flexible, consistent with public health guidance related to individuals who have been diagnosed with, are exhibiting symptoms of or have been quarantined because of COVID-19. Government employers also should not deny federally required, emergency paid sick leave to emergency responders or others who are otherwise entitled to this leave through the end of 2020.

### *Screening and Stay-at-Home Policies*

Policies that may be adopted to determine whether employees may have contracted COVID-19 include asking symptom screening questions before or upon arrival at the workplace, taking employees' temperature and requiring employees to be tested for COVID-19. Any screening also should apply to visitors to a workplace. Employers may require employees exhibiting symptoms of COVID-19 to leave the workplace and stay home from work. Similarly, employers may ask employees calling out sick whether they are exhibiting symptoms of COVID-19. The U.S. Equal Employment Opportunity Commission (EEOC) has issued guidance that these policies are permitted under federal law.

Screening questions about COVID-19 symptoms should be consistent with CDC and other guidance from public health and medical professionals. Questions may need to change as understanding of the disease evolves. According to current CDC guidance, symptoms may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting and diarrhea. Policies and procedures must be implemented to protect the confidentiality of each employee's personal health information, including answers to screening questions and temperature. Failure to do that could violate an employee's right to medical privacy.

For employees who have a confirmed diagnosis, policies should specify how long a worker should remain on leave, consistent with current medical recommendations. Current guidance provides that someone with COVID-19 should remain in isolation until: (1) there has been no fever for three days without taking fever-reducing medication (e.g., ibuprofen); (2) respiratory symptoms have improved; and (3) at least 10 days have elapsed since symptoms began. The same guidance would apply to someone who has been required to stay home due to exhibiting symptoms, unless she has subsequently tested negative.

### *Policies for When Individuals Exhibit Symptoms in the Workplace or COVID-19 Is Confirmed*

Policies and procedures are needed to address circumstances in which individuals become sick at work or have COVID-19 symptoms when they arrive at work. Generally, this should include isolating the person from others, providing that person a mask if needed and sending the person home and to get medical treatment. Further, contact tracing should be done to identify and inform those who may have come into close contact with the person, while protecting the identity of the infected or potentially infected person.

In any case in which someone who was in the workplace is confirmed to have COVID-19 or is showing symptoms but awaiting a diagnosis, extensive clearing should be done. This should include closing off for 24 hours any area in which the person recently spent significant time, such as an office, in order to allow any aerosolized droplets to settle before cleaning starts. Cleaning should be done consistent with the approach described above, including with the provision of appropriate PPE.

## **Additional Resources and Source Material**

American Federation of State, County and Municipal Employees, Coronavirus: Public Service Workers on the Frontlines Resources and Factsheets. <https://bit.ly/35KmEEg>.

U.S. Environmental Protection Agency, List N: Disinfectants for Use Against SARS-CoV-2 (COVID-19). <https://bit.ly/2WBDVv7>.

U.S. Department of Labor, Occupational Safety and Health Administration, Guidance on Preparing Workplaces for COVID-19. <https://bit.ly/2SNaV26>.

American Society of Heating, Refrigerating and Air-Conditioning Engineers, Ventilation and Disinfection. <https://bit.ly/3fxdnDT>.

Some of the information found in the following subsections of this document was sourced from the American Industrial Hygiene Association, Reopening: Guidance for General Office Settings. <https://bit.ly/35HiNaI>.

Centers for Disease Control and Prevention, Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19). <https://bit.ly/2LeyIUy>.

Centers for Disease Control and Prevention, Resuming Business Toolkit: Coronavirus Disease 2019 (COVID-19). <https://bit.ly/2Axj3OI>.

U.S. Department of Labor, Occupational Safety and Health Administration, OSHA Brief, Hazard Communication Standard: Safety Data Sheets. <https://bit.ly/2WgaKi8>.

U.S. Equal Employment Opportunity Commission. What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws. <https://bit.ly/3e8XIPs>.

California Courts Council Working Group, Pandemic Continuity of Operations Resource Guide Version 1.0 (June 2020). <https://bit.ly/3hFH9HN>.