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Date: March 11, 2020

To: Common Pleas Judges, Magisterial District Judges, Court Departments, Court-Related Departments and Court Staff

Subject: Public Health Emergency Response - Courts

Dear Colleagues:

President Judge DelRicci, in consultation with and approval of the Court's Administrative Judges, has authorized the distribution of this memo. Effective immediately, and until further notice, the Court has adopted the following policies and/or restrictions announced by the County:

- **Exposure Control Policy** (attached);
- **Court employees will not attend off-site conferences or trainings;**
- **Court events/meetings (as distinguished from court hearings, conferences, etc.) will be rescheduled or held virtually.**

In addition to the above, the Court is implementing the following strategies immediately, and until further notice:

- **The number of jurors summoned each day will be limited** to a maximum of 90. That number will accommodate 2 panels of 45 – or one large panel per day – with jurors sitting in every other chair in the Jury Marshalling Room. The Court's priority of panel policy remains in effect. Staggered scheduling of jury selection (some days for criminal cases, some for civil cases) is highly recommended;
- **Jury selection** itself – specifically general voir dire - shall take place in Courtroom "A" to accommodate more space for the prospective jurors during the selection process. (J. Austin will be relocated during this period of time.) In the event that two jury panels need to be selected at the same time – another large courtroom (B or C) will be utilized for same. This will require coordination among Judges – switching courtrooms for a day or a portion of a day;

- **Scheduling of larger court lists (PTC, COT) will be “staggered”** by the hour (9 a.m., 10 a.m., etc.) to avoid larger groups of litigants/attorneys in the courtrooms. Scheduling will be adjusted starting the week of March 23rd (by scheduling notice), and earlier by conversations with the DA/PD (requesting PD cases come in at 10:30 a.m.);
- Criminal Judges are directed to adopt a **uniform continuance request policy** concerning 1st and 2nd listing matters on PTC lists – namely that same can be continued by e-mail or phone request in advance of the date, with the consent of the opposing party, and 48 hours’ notice to the Court;
- All Judges are directed to conduct **Gagnon hearings** by video or, absent agreement for video, by scheduling at the MCCF courtroom;
- **Senior Judges** will be brought in to assist with PFA, ARD and certain Juvenile Court scheduling – as an “extraordinary assignment request” thru AOPC. Courtroom moves may be required to accommodate;
- **Juvenile Court** will continue to stagger scheduling, and is reviewing alternative scheduling options involving additional judicial resources and possible alternate locations;
- The **Orphans’ Court Audits List** will be converted to a paper-filing date only, no appearance required. Administrative Order to follow;
- **Orphans’ Court conferences**, as opposed to hearings, will be converted to video or phone conferences;
- **Bibles** will be removed from all courtrooms;
- **All MDJ Offices** will be directed to implement similar strategies to minimize exposure (staggered scheduling recommendations, money processing policies, etc.) to be coordinated through MDJ Administration;
- **DRO Establishment and Modification Conferences** (only) will be accommodated by telephone, upon request, provided that the parties comply with document presentation requirements prior to the conference.

By way of update, the following **safety measures** have been implemented throughout the Courthouse and MDJ Offices:

- Sanitizer dispensers have been installed in the hallways around the courthouse – particularly near courtrooms and hearing/meeting rooms;

- Sanitizer dispensers and cleaning supplies have been provided to Court Clerks for each courtroom. An additional dispenser was provided to jury courtrooms for use in the Jury Room, when necessary;
- Sanitizer dispensers and cleaning supplies have been provided to all court offices that deal with the public on a daily basis;
- Sanitizer dispensers and gloves are available for other Court offices upon request, if such supplies are available.

Thank you for your anticipated patience and cooperation herein. Please be reminded that events are very fluid – and are subject to change as additional information is provided.



cc:

Lee Soltysiak, COO

Barbara O'Malley, Deputy COO

AOPC Communications

Montgomery Bar Association



Exposure Control Policy

Objective

To protect County employees from being exposed to health threatening conditions and therefore reducing the chance of exposing colleagues and members of the public.

Scope of Policy

Montgomery County has established this written Exposure Control Policy for all employees, interns and volunteers who have been exposed to an Aerosol Transmissible Disease – ATD or Aerosol Transmissible Pathogen – ATP. Diseases and pathogens which are to be considered aerosol transmissible pathogens or diseases can include, but are not limited to, Measles, Mumps, Rubella, Tuberculosis, Varicella, Influenza, Meningitis, Pertussis and other acute respiratory syndromes. Please note that this can include any other disease for which public health guidelines recommend airborne infection isolation.

Procedures

Any employee who believes they have been exposed to an ATP/ATD must report the potential exposure to their Department Head/Row Officer immediately. Upon report of the incident, the Department Head/Row Officer will provide Human Resources with details of the potential exposure. Reported incidents will be responded to on a case by case basis.

Employees who have symptoms of acute respiratory illness are required to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. acetaminophen, ibuprofen, naproxen, Dayquil, cough suppressants, etc.). Signs and symptoms generally include combinations of the following: coughing, sneezing, and other respiratory symptoms, fever, sweating, chills, muscle aches, weakness and malaise.

CDC recommends that employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick during the day should be separated from other employees and be sent home immediately. Work areas should be thoroughly cleaned with an EPA approved disinfectant on a routine basis. Areas to consider are work stations, phones, fax machines, copiers, break rooms and other common objects or areas.

Employees may be asked to telecommute for a period of time after being exposed. This period of time will be in accordance with federal, state, and/or local health guidelines. The County will adhere to the guidance of the public health authorities.

Employees may be required to provide a medical note releasing them to return to work.

Public health actions may take place and this can include active monitoring or supervision of self-monitoring by public health authorities, or the application of movement restrictions, including isolation and quarantine, when needed to prevent the possible spread of illness.

Confidentiality will be maintained at all times.



FAQ For the Exposure Control Policy

Is Coronavirus one of the diseases covered under this policy?

Yes. Based on available information, it is a flu-like virus.

How does an employee know if they have been exposed to an aerosol transmissible disease?

Generally, it will be based on an awareness of being close to or around a person or persons who is/are exhibiting overt signs of illness such as frequent coughing, sneezing, etc. An employee may be advised by someone they have been in close proximity to that he or she has been diagnosed with a respiratory illness. In addition, the employee may be contacted by a public health official about possible exposure to the Coronavirus.

What if the employee does not want to return home from work?

Managers and supervisors should contact the Director of Human Resources or her designee for assistance and direction concerning an employee's refusal to follow the policy and return home.

Does the employee have to use a sick day?

We encourage departments to have employees work from home if possible. This will provide continuity of county services and not require employees to use their benefits. If they cannot work from home, the employee should utilize any available sick leave they have accrued.

If the employee does not have any sick days, do they have to use vacation or personal days?

Yes. If the employee does not have any or insufficient sick leave, he or she should then utilize accrued vacation or personal days as needed.

What if the employee has no available time to use?

The Department Head or Row Officer should consult with the Director of Human Resources.

I believe I have an employee who is feigning illness to stay at home from work. What do I do?

Managers and supervisors should contact the Director of Human Resources or her designee for assistance and input with addressing this possibility. Please be prepared to discuss the factual basis and reasons for this concern in detail. No disciplinary action shall be taken with respect to the employee without the explicit input and approval of the Director of Human Services.