

Updated Frequently Asked Questions on Staffing During COVID-19 Pandemic – January 4, 2021

1. I have COVID 19 or my medical provider suspects that I am positive for COVID-19. What should I do?

If you have tested positive for COVID-19 or are suspected by your medical provider to be positive for COVID-19, you **must stay home**. You will be allowed to utilize your available sick, vacation, personal, or compensatory time (“accrued leave”). You may be eligible for benefits under the [Families First Coronavirus Response Act](#) (FFCRA) through December 31, 2020 including an additional ten paid sick leave days. Eligible employees who are the subject of a federal, state or local quarantine order, or who have been advised by their health care provider to self-quarantine due to concerns related to COVID-19 may receive up to ten days paid leave at up to 100% of your regular rate of pay. Please contact the [OCM HR Benefits and Onboarding Unit](#) if you have questions about the appropriate application of these benefits, the process to request such benefits, and SSTA coding.

Please note that you have an **affirmative duty** to notify your manager as soon as possible if any of the following is true: you are sick, have a known exposure to the virus, are suspected to be positive or presumed positive for COVID-19, are pursuing testing for COVID-19, immediately upon learning you have tested positive for COVID-19 or your status changes based on test results.

Your manager will ask you, among other questions, with whom you have had close contact (**defined as within 6 feet for a total of 15 minutes or more over a 24-hour period**) in the workplace This will enable managers to notify individuals that they may have had a close contact with someone who is suspected to be positive for the virus. Please be as thorough and accurate as possible about others with whom you have or even might have had contact. This will help your fellow employees to avoid becoming ill. Although the manager must keep your identity confidential, the manager may report it to other appropriate managers or Trial Court officials so that they can take actions consistent with guidance from the CDC and other public health authorities. When necessary to accurately determine all individuals with whom you have had contact in order to prevent the spread of the virus, you may be asked to voluntarily give permission, in writing, to share your name with fellow employees on a strictly need-to-know basis. There will not be any negative consequences to you for choosing not to voluntarily consent to the release of your name.

Managers will inform employees that retaliation against an employee who has had COVID-19 is prohibited and may result in discipline. If you believe you have been treated differently due to Covid-19, you may contact the Office of Workplace Rights and Compliance for further guidance.

In accordance with CDC guidelines, people **with COVID-19 who have stayed home (home isolated)** can stop home isolation under the following conditions:

The individual can leave home after these three things have happened:

- 10 days since symptoms first appeared **and**
- 24 hours with no fever without the use of fever-reducing medications **and**
- COVID-19 symptoms have improved (for example, cough, shortness of breath)

Please let your manager know when your doctor has cleared you to return to work and/or you satisfy the above criteria, to allow an informed decision regarding your return to work. Managers may request that your doctor attest that you are fit-for-duty before allowing you to resume your duties.

2. My colleague has tested positive or is suspected to be positive for COVID-19. What protocols will the Trial Court use to address this issue?

The CDC Guidelines state that the COVID-19 can be spread through person-to-person transmission of respiratory droplets or small particles inhaled and/or through contact with contaminated surfaces, followed by touching ones mouth, nose or eyes. [1] Based on the facts presented, the Trial Court may close all or part of the courthouse for disinfecting. Employees scheduled to work during a court closure will be placed on paid administrative leave until the court reopens.

When a court is closed, and per CDC guidelines, the workplace will rest and the disinfecting will not occur until 24 hours have passed. The Facilities Department will conduct the disinfecting within 24 hours of the end of the rest period.

Once the disinfecting is complete, local court leaders will re-open the workplace with a new rotational team, if rotation teams are being used, that has not had contact with the ill employee in the last 14 calendar days.

Where rotational teams do not exist, or where this is otherwise not operationally possible, local court leaders will need to assess which employees have had close contact with the ill employee looking back two days before the employee became symptomatic or, if a- symptomatic, looking back two days from the date the test was administered. Close contact is defined as within six feet for a total of fifteen minutes or more over a 24-hour period. Although the Manager, Department Head or Other Trial Court Official must keep the employee's identity confidential, that person may report it to other appropriate managers or Trial Court officials so that they can take actions consistent with guidance from the CDC and other public health authorities. However, when necessary to accurately determine all individuals with whom you have had contact in order to prevent the spread of the virus, you may be asked to voluntarily give permission, in writing, to share your name with fellow employees on a strictly need-to-know basis.

Employees deemed to have had close contact will be sent home on paid administrative leave (ADM) for 14 symptom free calendar days from the last date of contact. If you believe that you have been in close contact with a sick colleague, please notify your manager.

If it is determined that the ill employee has had limited contact with anyone in the building (i.e. does not meet the definition of close contact), local court leaders will assess the ability to cordon off the workspace and contact Facilities to disinfect. Again, per CDC guidelines, the workplace will rest and disinfecting will not occur until 24 hours have passed. The Facilities Department will conduct the disinfection within 24 hours of the end of the rest period.

3. Can I be directed to go home if my manager believes that I am exhibiting COVID-19 symptoms? If yes, what kind of leave will I be required to use? Will that leave qualify as FMLA?

Yes. Symptoms of COVID-19 typically include fever, fatigue, cough and shortness of breath. If you are suffering from any of these symptoms, you **must not report** to work and may be disciplined for doing the same. Department heads who see you exhibiting symptoms of COVID-19 will direct you to go home and contact your health care provider. You will be required to use your accrued leave. [2] You may be eligible for benefits under the [FFCRA](#) through December 31, 2020 including an additional ten paid sick leave days. If additional time is needed, leave may be designated as FMLA if it is determined that the employee has a serious health condition. In either case, employees should reach out to the HR Benefits team at benefits.onboarding@jud.state.ma.us.

If you believe that you were sent home in error, please provide documentation from your medical provider attesting that you are not ill and are fit to return to work. In this instance, you will be credited for any accrued time used.

4. I have a pre-existing medical condition that may make me more vulnerable to the COVID-19. What should I do?

Please notify your manager of your situation. If you do not feel comfortable discussing your medical condition with your manager, please contact the [OCM HR Benefits and Onboarding Unit](#) for guidance by emailing reasonableaccommodation@jud.state.ma.us. The Trial Court will engage in an interactive dialogue to determine whether there are reasonable accommodations that we can provide, which will allow you to perform the essential functions of your position.

If you are directed by your health care provider to stay home, because of an underlying health condition that places you at greater risk, including pregnancy, you will be allowed to telework whenever possible. When not possible, you will be excused from the rotation, but will need to use your accrued leave time, including sick time, for the time that you would have otherwise been scheduled to be at work. For example, if you are put on a two week on / two week off rotation, you will use your accrued sick, personal, vacation or comp time for the two weeks that you would have been scheduled to be on. For the two weeks that you are scheduled to be off, due to lack of work, you will be on paid skeleton leave (SKE).

You may also be eligible for benefits under the [FFCRA](#) through December 31, 2020 including an additional ten paid sick leave days. Communication was sent to all Trial Court employees detailing how to access these benefits. Please contact the [OCM HR Benefits and Onboarding Unit](#) if you have questions about the appropriate application of these benefits, the process to request such benefits, and SSTA coding. Please notify your supervisor as soon as possible so that they can plan any staffing adjustments accordingly.

5. I am not ill, but have been directed to self-quarantine due to Federal, State or local quarantine order (e.g. close contact). Should I stay home and will I be paid?

Yes. You should stay home and notify your supervisor of your specific circumstances. In most instances, you will be placed on paid administrative leave (ADM) during the pendency of your quarantine.

If you become symptomatic or consequently test positive for COVID-19, you have an obligation to notify your manager. Your status will change and you will be permitted to use accrued leave. You may be eligible for benefits under the [FFCRA](#) through December 31, 2020, including an additional ten days of paid sick leave due to a Federal, State or Local quarantine order or if directed by a health care provider to self-quarantine.

6. I am responsible for eldercare due to a COVID-19 related reason. Will I be paid?

If you are responsible to care for a household member who is elderly, you will be allowed to telework whenever possible. When not possible, you will be excused from the rotation, but will need to use vacation, personal or comp time for the time that you would have otherwise been scheduled to work but are unable to. For example, if you are put on a two week on / two week off rotation, you will use accrued personal, vacation or comp time for the two weeks that you would have been scheduled to be on. For the two weeks that you are scheduled to be off due to lack of work, you will be on paid skeleton leave (SKE).

Please note that if your eldercare responsibilities are required because the person you are caring for is a subject to Federal, State, local quarantine or isolation order or medical self-quarantine order, you may be

eligible for benefits under the [FFCRA](#) through December 31, 2020, namely ten paid sick leave days at 2/3 of your regular rate of pay (with a cap). The Trial Court is allowing employees who are eligible for this benefit to use accrued leave time to supplement the 2/3 amount received, so that you may receive your full earnings. Please contact [OCM HR Benefits and Onboarding Unit](#) if you have questions about the appropriate application of these benefits, the process to request such benefits, or SSTA coding.

7. I am responsible for childcare and need to stay home due to school or childcare closures or because my child's care provider is unavailable and there is no other suitable person to care for my child. Will I be paid?

If you have childcare responsibilities, you will be allowed to telework whenever possible. When not possible, you will be excused from the rotation. If you need to stay home and cannot telework, you may be eligible for benefits under the [FFCRA through December 31, 2020](#), including ten paid sick leave days at 2/3 of your regular rate of pay (with a cap) and an additional ten weeks of FMLA. The Trial Court is allowing employees who are eligible for this benefit to use accrued leave time to supplement the 2/3 amount received, so that you may receive your full earnings. Please contact the [OCM HR Benefits and Onboarding Unit](#) if you have questions about the appropriate application of these benefits, the process to request such benefits, and SSTA coding. If you are not eligible for [FFCRA](#) or your benefits under [FFCRA](#) have expired, you will need to request to use sick, vacation, personal or comp time for the time that you would have otherwise been scheduled to work but are unable to. For example, if you are put on a two week on / two week off rotation, you will use accrued sick, personal, vacation, comp time or unpaid leave for the two weeks that you would have been scheduled to work. For the two weeks that you are scheduled to be off due to lack of work, you will be on paid skeleton leave (SKE). Alternatively, employees can request to take an unpaid personal leave.

8. Are employees required to wear personal protective equipment PPE such as face coverings at work?

Yes. All employees, including but not limited to judges, Clerks, court officers and probation officers are required to wear face coverings while in the presence of other. Facilities, Probation and Security staff shall follow their departmental protocols for additional PPE beyond face masks. It is important to inform employees that personal protective equipment does not take the place of frequent hand washing, the frequent use of hand sanitizers, frequent cleaning of work stations, avoiding unnecessary physical contact such as handshaking, and refraining from touching one's mouth, nose and eyes and maintaining social distancing (implementing the six foot rule).

9. Will the Trial Court supply employees with personal protective equipment (PPE) such as masks and gloves to wear at work?

The Trial Court is committed to providing employees with appropriate PPE while at work.

10. If Courts are closed, will there be an expectation to work from home?

Based on your role, and your access to technology, you may be asked to work from home, consistent with our applicable bargaining obligations. Emergency closure has no effect on previously scheduled time off.

11. If I plan to travel will I need to quarantine or can I return to work?

As of August 1, 2020, new requirements became effective for all visitors and returning residents entering Massachusetts, per the Governor's COVID-19 Order No. 45, resulting in the development of the following new Trial Court Travel Policy: All Trial Court employees should follow state and local travel restrictions. Up-to-date information and travel guidance, can be found on CDC.gov (state or local health department). Due to the development of the health emergency, it is possible a state or local government may change their travel restrictions, such as putting in place stay-at-home or shelter-in-place orders, mandated quarantines upon arrival, or even state border closures. Employees should plan to keep checking for updates as they travel, where they are along their route, and at their planned destination.

Prior to out of state or international travel, employees are required to meet with their immediate manager to discuss their travel plans including destination(s), dates of travel and anticipated plan for compliance with state and federal travel protocols.

INTERNATIONAL TRAVEL

As of August 9th, CDC instructs anyone who has traveled internationally to stay home for 14 days from the date of return to self-quarantine. Further, CDC recommends that travelers avoid all nonessential travel to many destinations, see link <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html>. Per Massachusetts COVID-19 Order No. 45, and as defined by the MA Department of Public Health, an employee may alternatively be tested for COVID-19 and provide negative test results in place of a 14-day quarantine. The employee must quarantine while awaiting test results. If the employee elects to test upon return from international travel, the Trial Court will pay an employee for the one day on which the COVID-19 test is administered to them. Employees returning from international travel must use their own earned, accrued and available benefit time (vacation, sick, personal or comp time) to cover their absences from work during the period between their return to Massachusetts and clearance to return to work unless the employee is eligible for and requests use of emergency paid sick leave under the federal Families First Coronavirus Response Act. Employees approved for remote work by their Department Head may telework to cover their quarantine period. Employees should contact Human Resources for benefit information by emailing benefits.onboarding@jud.state.ma.us.

DOMESTIC TRAVEL

Effective August 1, 2020, per COVID-19 Order No. 45, all visitors and returning residents entering Massachusetts are mandated to quarantine for 14-days and are required to fill out a "Massachusetts Travel Form". This binding guidance must be followed by all travelers entering Massachusetts, except those travelers who meet the 72-Hour COVID test rule, travelers entering from lower-risk States or limited circumstance-specific exemptions. Employees must quarantine while awaiting test results. Trial Court employees planning to travel domestically by any means or mode, with exception of low-risk States as defined by MA Public Health, may not report to any Trial Court workplace until they are cleared by their immediate manager to return to the workplace. Return to work clearance will be based on the employee having met either the mandated 14-day quarantine or the 72-Hour COVID test rule and verbal attestation of good health. Employees must complete the **Trial Court Travel Attestation form** upon their return to work. Employees must use their own earned, accrued and available benefit time (vacation, sick, personal or comp time) to cover their absences from work during the period between their return to Massachusetts and clearance to return to work unless the employee is eligible for and requests use of emergency paid sick leave under the federal Families First Coronavirus Response Act. Employees approved for remote work by their Department Head may telework to

cover their quarantine or waiting period. If the employee elects to test upon return from out of state travel, the Trial Court will pay an employee for the one day on which the COVID-19 test is administered to them. Questions on this policy should be directed to Human Resources by emailing benefits.onboarding@jud.state.ma.us.

Exemptions to COVID-19 Order No. 45

Lower-risk State: This includes individuals coming from a COVID-19 lower-risk state within the United States. States are included on the list based on meeting two criteria: average daily cases per 100K below 6 AND positive test rate below 5%, both measured as a 7-day rolling average. Data is from covidexitstrategy.org (<https://www.covidexitstrategy.org/>). The current list of COVID-19 lower-risk states are listed here <https://www.mass.gov/info-details/covid-19-travel-order#lower-risk-states>. - **This list is frequently updated and subject to change.**