



RETURN TO FULL CAPACITY

COVID-19 GUIDELINES FOR MICHIGAN'S JUDICIARY



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INTRODUCTION

Michigan has never faced a challenge like COVID-19. The pandemic is not only taking lives and battering our economy, but also challenging the strength of our institutions. From day one, our judiciary has met this challenge with unmatched dedication to public service and an unwavering commitment to innovation in keeping courts operating and accessible to the public.

By working together, we have addressed immediate concerns regarding how our courts provide essential services and have ramped up our ability to hear other business in virtual courtrooms. Now, as responsible stewards of our justice system, we must develop a strategy for returning to full capacity that works for our 57 circuit courts, 78 probate courts, 107 district and municipal courts, more than 160 different funding units, and 559 independently-elected judgeships. However, we cannot have 559 different plans; our judiciary must have one plan that clearly describes the steps that must be taken to protect public health while getting our branch of government back to full speed. Administrative Order No. 2020-14 provides the authority and this document provides the specific guidance trial courts need to move forward.

While our trial courts must follow this guidance, we understand that each jurisdiction is uniquely positioned to address local COVID-19 challenges based on proximal concerns and available resources. As a result, each chief judge must rely on public health information from local authorities to inform decisions on operational status of their courts. Ultimately, by using the phased approach provided in these guidelines, courts statewide will return to full capacity on their own timelines.

These guidelines are designed to assist court leaders in developing a planning and response cycle driven by local community health data and trends. The process will help facilitate decision making at the local level to best ensure public health and safety as courts return to full capacity. These decisions can be made for 30-day or 14-day operating periods (or less), depending on local circumstances and should be part of a regular planning cycle (see Appendix 1, p. 18).

“Full capacity” in 2020 means something different than in prior years and will require a culture shift in the judiciary based on advancements in court technology and remote work capacity achieved during the early stages of the COVID-19 pandemic. In that time, the number of Zoom licenses doubled to more than 1,000 as additional Zoom licenses were distributed to courts across the state, ensuring virtual capacity in every jurisdiction. Consequently, conducting virtual proceedings should be a continued fixture in court planning. This can mitigate exposure risks, while increasing court access to the attorneys, the parties, and the public. Though there will be a time when litigants and the public can return to the courtrooms for more proceedings, we must change our philosophy and only require attendance when absolutely necessary. Each court’s plan and definition of “full capacity” should take advantage of technology to the extent possible under current administrative orders.

Full capacity will also require different approaches to human resources to effectively respond to future resurgences of COVID-19. For instance, many courts have successfully implemented remote work arrangements for employees. Such arrangements should continue beyond the COVID-19 pandemic where it makes sense to do so. Further, requiring sick workers to remain at home will continue to play an essential role in maintaining a healthy work place. Gone are the days when employees with symptoms of respiratory illness, even if mild, can be allowed to “tough it out” and conduct the court’s business as usual.

The State Court Administrative Office (SCAO) is closely monitoring guidance from the White House, the Centers for Disease Control, and state health officials and will update these return-to-full-capacity guidelines as appropriate. SCAO is also tracking the guidance provided by our counterparts in the federal courts, and this guidelines reflect extensive consultation in that regard.

PHASED APPROACH

The proposed phased approach relies upon up-to-date data to assess readiness to proceed to expanded phases of court capacity. This approach is designed to mitigate risk of COVID-19 resurgence, protect vulnerable employees, and requires courts to submit plans for each phase to the SCAO regional office.

GATING CRITERIA¹

Readiness to enter each phase is dependent on whether gating criteria have been satisfied. In consultation with local health professionals, courts will determine whether criteria involving exposure or symptoms in the court facility, number of community cases, and local health system capacity have been met. Before entering any phase, courts must demonstrate that *all* of the following criteria have been satisfied:

Symptoms: No COVID-19 confirmed or suspected cases in the court facility within a 14-day period; or, confirmed or suspected cases have occurred in the court facility, but deep cleaning of exposed areas and applicable employee self-quarantine actions have been taken.²

¹Chief Judges will need to tailor the application of these criteria to local circumstances (e.g., metropolitan areas that have suffered severe COVID outbreaks, rural and suburban areas where outbreaks have not occurred or have been mild). Additionally, Chief Judges, should consult with local public health and public safety agencies to determine when these criteria are satisfied and minimize employee risk as they progress through the phases outlined below.

²This criteria is derived from “Guidelines for Opening up America”.



Community Case: There is a downward trajectory of documented cases within a 14-day period; or, there is a downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests).

Health System Capacity: Rescission of local and state restrictive movement and/or shelter-in-place orders and local and regional health care facilities are able to treat all patients without crisis care.

If these conditions are met, the courts should demonstrate that conclusion by submitting a model plan to the SCAO regional office for approval to enter the next phase. Conversely, if the data suggests that local conditions have deteriorated, the court must retreat to the previous phase and follow the terms of the approved plan for the previous phase.

COURT GUIDELINES FOR ALL PHASES

Ensure that appropriate policies, based upon COVID-19 response lessons learned, are in place regarding:

- Social distancing and protective equipment
- Notification, isolation, and contact tracing procedures
- Sanitation and disinfection of common and high-traffic areas
- Business travel
- Reasonable accommodation for employees (e.g., children's schools or daycare closed, fear or actual risk of exposure when using mass transit, caring for ill or vulnerable persons* in the household)

Direct employees to [self-monitor for indicative symptoms](#) of COVID-19 and to stay home if they exhibit these symptoms or feel ill. Employees who have had COVID-19 or its symptoms should return to work only after consulting with and getting clearance from a medical provider.

Implement policies and procedures for workforce [contact tracing](#) (i.e., identify all areas in the facility where the individual was present and everyone they may have been in contact with) following the individual's positive COVID-19 test.

Monitor the status of public infrastructure (e.g., transportation, medical, local businesses, restaurants) to determine if operational adjustments need to be made.

Work with your regional administrator as you plan to move into each phase of expanded operations. Each plan and your advancement into each new phase of expanded operation is subject to SCAO approval.

INDIVIDUAL RESPONSIBILITIES

CONTINUE TO PRACTICE GOOD HYGIENE

- Wash your hands with soap and water or use alcohol-based hand sanitizer, especially after touching frequently used items or surfaces.
- Avoid touching your face.
- Sneeze or cough into a tissue, or the inside of your elbow.
- Frequently disinfect used items and surfaces.
- Strongly consider using face coverings while in public, and particularly when using mass transit.
- Maintain 6-foot separation and other social distancing measures.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- Do not go to work.
- Contact and follow the advice of your medical provider.

LEGAL AUTHORITY

In Administrative Order No. 2020-14, the Michigan Supreme Court has directed trial courts to “adhere to the phased return of operations as determined by policy guidelines established by the State Court Administrative Office.” This authority is pursuant to 1963 Const, Art VI, Sec. 4 which provides for the Supreme Court’s superintending control over all state courts.

As noted in the order, these SCAO policies include, but are not limited to:

- Continued use and expansion of remote hearings as practicable and increase of the court’s capacity to conduct business online, including increased remote work by employees.
- Continued limited access to courtrooms and other spaces to no more than 10 persons, including staff.
- Imposition of social distancing practices of at least 6 feet for both employees and visitors.
- Limited in-person court activity to essential functions that cannot be conducted remotely.



- In accordance with CDC guidelines,
 - o Adoption of policies that ensure appropriate cleaning and sanitation.
 - o Adoption of policies that appropriately protect vulnerable individuals.
 - o Adoption of policies to safely screen employees and the public for potential cases of illness.³
- Courts must maintain their current level of operations until SCAO approves a court’s plan to expand in-court proceedings. Courts in each circuit may work together to submit to SCAO at each gating level a single plan wherever possible consistent with the SCAO guidelines for returning to full capacity. Conditions may also require a court to move to a previous access level, depending on local conditions.

HOW TO BEGIN

Before beginning a return to full capacity and entering Phase One of these guidelines, the court must work with local health officials and rely on their data and recommendations in determining when it is appropriate to do so. The determination must consider the following factors:

- Total population
- Population density
- Population over age 60
- Availability of ICU beds
- Stresses on local hospitals and ICU systems
- Number of confirmed cases of COVID-19

NOTE: In reestablishing operations within your facility, your starting point **must not be greater than** the phase recommended by your public health community and local public safety agencies.⁴

Prior to moving from one phase to the next, the court must prepare and submit a plan to SCAO to seek approval to expand in-court proceedings; until approval is granted, courts must maintain their current level of operations. At each stage, this guidance provides steps with respect to protecting employees, managing court operations, and operating court facilities.

³Public health communities may not necessarily align with jurisdictional boundaries or SCAO Regions. The Michigan Association of Local Public Health publishes an online directory by region. The directory is available at www.malphp.org/resources/directory.

⁴Some local health departments have created helpful resources to help workplaces in their efforts to “reopen” workplaces or expand current services. For example, the [Allegan County Health Department created the COVID-19 Workplace Toolkit](#). The toolkit contains resources and checklists that may help courts develop and implement screening criteria.

EMPLOYEES

Each court must utilize screening procedures that identify the presence of COVID-19 symptoms, COVID-19 exposure and international travel.

Local Health Orders will provide direction on the screening criteria that is appropriate for outbreak conditions in the community. However, in the absence of a screening and social distancing order by the Local Health Officer, the Michigan Association for Local Public Health (MALPH) recommends the following promising practices in order to control and limit the spread of the Coronavirus throughout the workplace, home, and community.⁵

The screening questions should include, but not be limited to:

- Fever greater than 100.4 degrees;
- Cough or worsening cough (excluding chronic cough due to known medical reason);
- Shortness of breath, or any two of the following symptoms:
 - Fever
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell

If a touchless/contactless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation.

Additionally, employees and members of the public seeking entry into the court facility should be asked if they have had any close contact in the last 14 days with someone with a diagnosis of COVID-19. Lastly, employees and members of the public should be asked whether they have traveled internationally or outside of Michigan in the last 14 days.

⁵ MALPH Guidance on Opening Courts attached as Appendix 5.



Any “yes” response to the screening questions above requires the individual to be excluded:

- For at least 72 hours with no fever (that is three full days of no fever without use of medicine that reduces fever) AND other symptoms have improved (for example, when your cough and shortness of breath have improved) AND at least 7 days have passed since your symptoms first appeared.
- 14 days of close contact with diagnosed case of COVID-19.
- 14 days following travel unless that travel was due to commuting from a home location outside of Michigan. Commuting is defined as traveling a distance between one’s home and work on a regular basis.

As the court continues planning for additional phases, workers must continue to work remotely to the extent possible. For employees who must enter court facilities, emphasize frequent and proper handwashing.

CHIEF JUDGE AND COURT

Before entering Phase One the court must continue to hold proceedings virtually whenever possible. The court must continue social distancing (at least 6 feet from another person) for employees working in shared spaces and customers waiting for services inside or outside of the business.

FACILITIES

Work with facilities to make sure sinks are well supplied. Employees should not share space or equipment. If this is not possible, have employees wash their hands before and after using shared equipment. Clean and sanitize equipment between uses. Any employee with cold symptoms or underlying health conditions should stay home or work remotely.

The court must limit capacity inside facilities to provide for social distancing between customers and employees. This includes, but is not limited to use of signs, contact barriers, entrance limits, and specialized hours.

PHASE ONE

EMPLOYEES

Vulnerable employees (see definition in Appendix 2, p. 18) should arrange with supervisors to continue remote work. Employees who live with or provide care for vulnerable individuals should do the same to the greatest extent possible to reduce the risk of exposing those vulnerable individuals to COVID-19.

Discuss reasonable accommodation options with supervisors for those who rely solely on public transportation or have other concerns.

To reduce the risk to others, employees should conduct a health self-assessment prior to coming into the office, such as taking their temperature. If an individual's temperature is greater than 100.4 degrees or if an individual is exhibiting other signs of COVID-19 infection per CDC guidance, the individual should self-report to supervisors, stay home, and call their physician. Utilize the [CDC Self-Checker](#) to assist with that assessment.

Employees should maximize physical distance from others in the workplace. Six-foot distancing should be observed in all offices, meetings, court proceedings, etc. Tape or other visible means should be used to mark 6-foot distances where practical.

Minimize personal travel (i.e., leisure travel, non-business related) and adhere to CDC guidelines, as well as local and state orders regarding travel and potential for self-isolation upon return.

CHIEF JUDGE AND COURT

Continue to rely on local public health and CDC guidance to inform your local data-based decisions.

Consider the guidance provided to other agencies in your building and to your community as a whole, as well as the decisions made by your funding unit, the public defender, the prosecuting attorney, etc., when developing your plan and making operational decisions.

On-site court proceedings and off-site visits to probationers and clients should be minimized by using video- and tele-conferencing whenever possible. When face-to-face meetings are required, you should limit them to no more than 10 people, adhere to social distancing rules and hygiene protocols (e.g., wearing face coverings), and make every effort to “prescreen” probationers and clients to ensure they are asymptomatic for COVID-19.

Review and update court orders and notices as appropriate.

Minimize business travel and adhere to CDC guidelines regarding isolation following travel.



The Chief Judge should review current executive orders and consult with local health officials to determine whether face covering must be worn by employees and visitors inside court facilities.⁶

HUMAN RESOURCES CONSIDERATIONS

Continue remote work arrangements whenever possible and feasible within judicial operations and keep initial staffing in the court facility to a minimum.

Returning employees should not include those who are in the [vulnerable or high-risk categories](#) or others who require reasonable accommodations because of COVID-19. These employees should continue to work remotely.

Work with supervisors to identify employees who, due to vulnerability or other need for reasonable accommodation, need to continue to work remotely.

Consider reasonable accommodation options for those who rely on public transportation to get to the workplace and may be at a higher risk of exposure to COVID-19 as a result.

In addition to considering local employment policies and collective bargaining agreements, the following circumstances should be taken into account when an employee asks to work remotely or use leave time because of COVID-19. The employee:

- Is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or is living with or caring for an individual who is.
- Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, or is living with or caring for an individual who has been advised to self-quarantine.
- Is considered “high-risk” where local health officials recommend such individuals remain at home due to concerns related to COVID-19, or is living with or caring for a high-risk individual who is.
- Is experiencing symptoms of COVID-19 and seeking a medical diagnosis, or is living with or caring for an individual who is.
- Is caring for a child if the school or place of care has been closed, or the childcare provider of such child is unavailable, due to COVID-19.

⁶Currently, Executive Order 2020-70 provides that any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandanna, or handkerchief—when in any enclosed public space. https://content.govdelivery.com/attachments/MIEOG/2020/05/01/file_attachments/1441315/EO%202020-70.pdf

FACILITIES

If the court facility has been exposed to the virus, coordinate cleaning and disinfection of the facility with your jurisdiction's facilities department or a contractor prior to allowing employees back into the building. Cleaning procedures should be consistent with [CDC guidance on cleaning and disinfection](#). The CDC created a cleaning and disinfection [decision-making tool](#) to assist leaders in efforts to develop and maintain appropriate cleaning and disinfection protocols in public facilities and work spaces.

If the courthouse or facility is currently physically closed to the public, it should remain so unless the local public health or safety officials have reopened public facilities. During this phase, the courts must implement measures to limit gatherings and to ensure minimal foot traffic in the building. Multi-tenant facilities should use the Facility Security Committee to make public access decisions for the building.

Use COVID-19 screening procedures at facilities to mitigate possible employee exposure. Screening processes and checklists should be developed in consultation with the local health department.

Increased cleaning of common areas and use of cleaning and disinfecting for exposed areas should continue.

Large venues and common areas (e.g., courtrooms, jury assembly, sit-down dining, etc.) should be closed to the greatest extent possible. If not possible, keep occupancy rate to 10 or less and operate under strict social distancing protocols. In addition to implementing efforts to promote social distancing, the use of face coverings is highly recommended. Tape or other visible markers should be used to mark 6-foot distances where practical. If consultation between facilities management and leadership reveals that social distancing cannot safely be maintained without additional measures, implement additional precautions such as staggered arrival times for employees, and specific appointment times for participants of the court's limited number of in-person proceedings.

BEFORE PROCEEDING TO PHASE TWO

Before exiting Phase One and proceeding to Phase Two, courts should coordinate with local public health officials and re-evaluate the Gating Criteria to ensure:

- Readiness to progress to the next Phase
- Need to implement additional social distancing measures based upon resurgence of infections in the local area

After making these determinations, the court must submit its plan for entry into Phase Two (with supporting data) to their SCAO regional administrator for approval.⁷

⁷ See Model Plan, Appendix 4.



PHASE TWO

A court is ready to move to Phase Two when it has determined, after consulting with local health officials that there is no evidence of a COVID-19 rebound within the local community, gating criteria have been satisfied for a second time, and the SCAO regional office has approved the Phase Two plan.

EMPLOYEES

All vulnerable individuals should work with supervisors to continue remote work. Employees who live with or provide care for vulnerable individuals should do the same to the greatest extent possible to reduce chances that they could carry the virus to these vulnerable individuals.

Discuss reasonable accommodation options with supervisors for those who rely solely on public transportation or have other concerns.

To reduce risk, prior to coming into the office, all individuals should conduct a health self-assessment, to include taking their temperature. If an individual's temperature is greater than 100.4 degrees or if an individual is exhibiting other signs of COVID-19 infection per CDC guidance, the individual should self-report to supervisors, stay home, and call their physician. Use the CDC Self-Checker to assist.

When in the office, all individuals should maximize physical distance from others. Six foot distancing should be observed in all offices, meetings, court proceedings, etc. Tape or other visible markers should be used to mark 6-foot distances where practical.

If the court's Phase One plan limited personal travel, personal travel can resume, however, continue to be aware of potential out-of-state travel precautions and quarantine requirements upon return.

CHIEF JUDGE AND COURT

Make operational preparations for a significant increase in filings and other court proceedings that will likely occur during this phase. The emphasis should be on accepting filings remotely to the greatest extent possible. For guidance on docket management, see [Early Case Triage Strategies](#) to Ease Docket Pressure. Courts should continue to maximize use of virtual proceedings when possible.

Continue to rely on local public health and CDC guidance to inform your local data-based decisions.

Continue to encourage remote work whenever possible and feasible with court operations. Refer to Human Resource Considerations from Phase One.

Continue to work with supervisors to consider reasonable accommodations for personnel who are members of a vulnerable population or have other personal requirements that need to be addressed.

On-site court proceedings and off-site visits to probationers and clients can be increased, though courts should continue to use video and tele-conferencing to the greatest extent possible. Courts should limit gatherings during this phase and adhere to strict social distancing and hygiene protocols. Face coverings should be required for all face-to-face meetings where social distancing cannot be safely maintained.

The chief judge should review current executive orders and consult with local health officials to determine whether face covering must be worn by employees and visitors inside court facilities.

Essential business travel can resume, accounting for potential out-of-state travel precautions and quarantine requirements upon return.

FACILITIES

If the courthouse or facility has “limited public access,” consult with local funding unit and local health authority regarding adjustment of public access restrictions. Multi-tenant facilities should use its Facility Security Committee to make public access decisions for the building.

Continue use of enhanced screening procedures at facilities to mitigate possible employee exposure.

Cleaning and disinfection for newly exposed areas should continue.

Large venues and common areas (e.g., sit-down dining, courtrooms, jury assembly, etc.) can operate under moderate 6-foot physical distancing protocols. Tape or other visible means should be used to mark 6-foot distances where practical.

BEFORE PROCEEDING TO PHASE THREE

Before exiting Phase Two and proceeding to Phase Three, courts should coordinate with local public health officials and re-evaluate the gating criteria to ensure:

- Readiness to progress to the next phase.
- Need to implement additional social distancing measures based upon resurgence of infections in the local area.

After making these determinations, the court must submit its plan for entry into Phase Three (with supporting data) to their SCAO regional administrator.



PHASE THREE

A court is ready to move to Phase Three when it has determined, after consulting with local health officials that there is no evidence of a COVID-19 rebound within the local community, gating criteria have been satisfied for a third time and the SCAO regional office has approved the Phase Three plan.

EMPLOYEES

Vulnerable individuals return to work, but should practice 6-foot physical distancing and minimizing exposure to social settings where distancing may not be practical. Continue to observe precautionary measures such as face coverings when social distancing is not possible.

Personal travel should take into account potential out-of-state travel precautions and quarantine requirements upon return.

Everyone should consider minimizing time spent in crowded environments.

CHIEF JUDGE AND COURT

Continue to rely on local public health officials and guidance from the CDC to inform decisions on operations.

On-site public facing activities and site visits with probationers and clients can be fully resumed.

Continue to work with supervisors to consider reasonable accommodations for personnel who are members of a vulnerable population or have other personal requirements needing to be addressed. Otherwise, resume normal staffing at worksites.

FACILITIES

In consultation with local health authorities, consider termination of the use of “enhanced screening” at facilities.

Cleaning and disinfection for newly exposed areas should continue.

Large venues and common areas (e.g., sit-down dining, courtrooms, jury assembly, etc.) can operate under limited 6-foot physical distancing protocols until CDC rescinds guidance and additional mitigation measures are approved government-wide.

PHASE FOUR

Before exiting Phase Three and proceeding to Phase Four, courts should coordinate with local public health officials and reevaluate the gating criteria to ensure that the court is ready to return to full capacity.

After making that determination, the court must submit its plan to return to full capacity (Phase Four) to the SCAO regional administrator. The plan should include information regarding increased use of virtual proceedings to mitigate risk, improve convenience to parties, and to expand public access to the court.

A court is ready to move to Phase Four when there has been a public health announcement that COVID-19 has been suppressed within the United States and a Phase Four plan has been approved by the SCAO Regional Administrator.

EMPLOYEES

Vulnerable individuals resume all daily work/life activities with no need for additional precautionary measures.

Normal social activities and gatherings can resume.

Hygiene practices such as proper handwashing and use of hand sanitizer should continue.

CHIEF JUDGE AND COURT

Unrestricted staffing of worksites.

On-site public facing activities and site visits to probationers and clients can be fully resumed.

Resume full, unrestricted operations and activities.



FACILITIES

All access and operations can operate without restrictions.

Security operations return to full, pre-COVID-19 functionality.

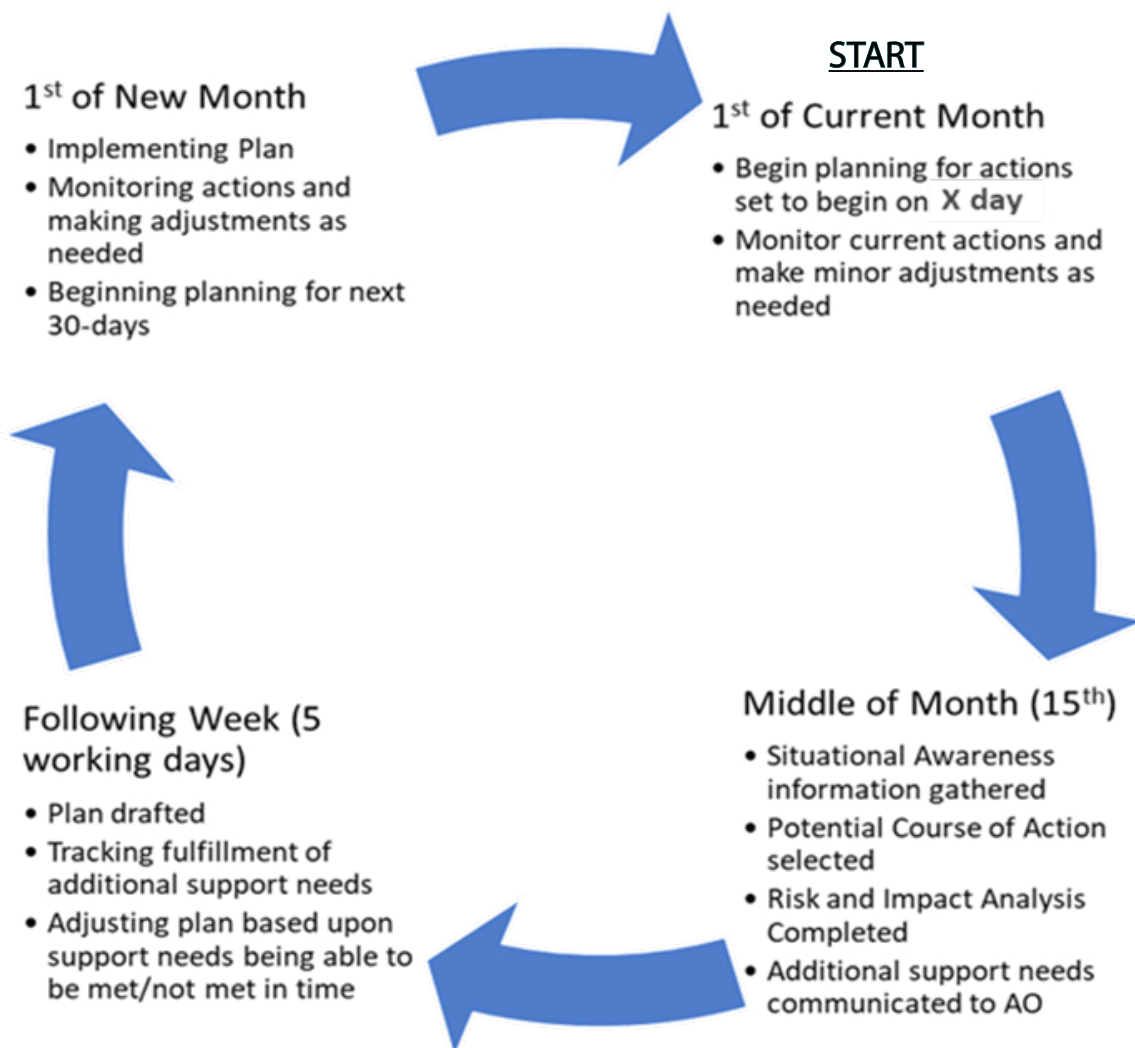
DEBRIEFING AND PANDEMIC PLANNING

At this stage, the court's leadership team, including the chief judge(s), court administrator(s) should debrief with local court stakeholders to evaluate pandemic response. Court stakeholders include, but are not limited to representatives from the following: court funding unit, prosecuting attorneys office, public defenders office and representation from the local bar. Debriefing should be conducted with the following objectives in mind:

- Identify COVID-19 responses that worked well;
- Identify opportunities for improved local pandemic responses in the future; and,
- Begin planning process to incorporate "lessons learned" into existing continuity of operations plans (COOP), or separate pandemic specific COOP plans.

Consider contacting your SCAO regional administrator to help facilitate debrief sessions and assist the courts in developing robust response plans.

APPENDIX 1: EXAMPLE OF PLANNING PROCESS



APPENDIX 2: DEFINITIONS - CDC GUIDANCE

Vulnerable Individuals

- People 65 years or older
- People of all ages with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.

ADA-Compliant Employee Survey for Gradual Return to the Workplace

Directions: Answer “yes” to the whole question without specifying the factor that applies to you. Simply check “yes” or “no” at the bottom of the survey.

Due to circumstances related to COVID-19, would you be unable to return to work because of any one of the following reasons:

- Schools or daycare centers are closed, so you need to care for your child/children;
- Other services are unavailable, so you need to care for other dependents;
- Public transport is sporadic or unavailable, so you are unable to travel to work; and/or;
- You or a member of your household fall into one of the categories identified by the CDC as being at high risk for serious complications from the pandemic influenza virus, you would be advised by public health authorities not to come to work (e.g., pregnant women; persons with compromised immune systems due to cancer, HIV, history of organ transplant or other medical conditions; persons less than 65 years of age with underlying chronic conditions; or persons over 65).

Answer: YES _____ NO _____

APPENDIX 3: WEB RESOURCES

[White House guidance, messaging, and memoranda - Centers for Disease Control \(CDC\)](#)

[CDC Listing of State Public Health Agencies](#)

[Directory of Local Public Health Offices](#)

[One Court of Justice COVID-19 Web Page and Resources](#)

[Virtual Courtroom Resources](#)

[Toolkit on Returning to Full Capacity](#)

[State of Michigan COVID-19 Page](#)

[Equal Opportunity Employment Commission COVID-19 Page](#)

[Occupational Health and Safety Administration COVID-19 Page](#)

[World Health Organization \(WHO\) COVID-19 Global Information and Resources](#)

[Allegan County Health Department Workplace Toolkit](#)



APPENDIX 4: MODEL PHASED PLAN

State Court Administrative Office

Model Local Administrative Order 50 - Plan to Return to Full Capacity (rev. 05/20)

[LOCAL COURT LETTERHEAD]

Administrative Order [Year] – [Number]

In accordance with Administrative Order 2020-14, effective May 5, 2020, and upon approval of the State Court Administrative Office (SCAO), the chief judge(s) of the [insert court number(s)] [district/circuit/probate/trial] have consulted with the local health department and determined that gating criteria is satisfied as of [Date]. Specifically:

1. There have been no COVID-19 confirmed or suspected cases in the court facilities within the last 14 days; or,
 2. There have been confirmed or suspected COVID-19 cases in the court facilities in the last 14 days and a deep cleaning of exposed areas and employee self-quarantine actions have been taken; and,
 3. There is a downward trajectory of documented cases within a 14-day period; or, there is a downward trajectory of positive tests as a percent of total tests within a 14-day period (flat or increasing volume of tests); and,
 4. There are no restrictive movement or shelter in-place orders that would impact the court facilities; and,
 5. Local and regional health care facilities are able to treat all patients without crisis care.
- A. In order to protect the health and safety of employees and the public, the [district/circuit/probate/trial] court(s) have enacted the following protections:
1. The court(s) has identified vulnerable employees and they will continue to work remotely or be offered appropriate leave options consistent with federal and state law and applicable collective bargaining agreements.
 2. Court employees that are working remotely will continue to work remotely.
 3. Employees in court facilities will maintain social distancing of six feet at all times. The court has taken the following steps to ensure proper social distancing and employee safety [select only those that apply]:

APPENDIX 4: MODEL PHASED PLAN (cont.)

- a. Closed meeting and break rooms.
 - b. Placed physical barriers between workspaces that are not six feet apart.
 - c. Marked the floor in common spaces to indicate six foot intervals.
 - d. Employees will wear masks while in public spaces.
 - e. Employees handling mail will wear masks and gloves.
 - f. Employees will stagger shifts to reduce crowd size and people gathering at start and close times.
 - g. [insert other applicable measures]
4. Employees will practice good hygiene through hand washing, frequent disinfecting of used items and surfaces, sneezing or coughing into a tissue or elbow, and avoiding touching their faces.
5. Employees will self-screen for COVID-19 symptoms. Employees who feel sick or have any COVID-19 symptoms will not report to work. Employees who feel sick or display symptoms at work will be sent home.
6. Employees will not travel for non-essential business.
7. Employees have been trained regarding COVID-19. The training included good hygiene practices, updated personnel policies, and safety controls at the court facilities.
8. Court facilities have posted signage emphasizing proper handwashing.
9. Shared equipment will be cleaned and sanitized before use. Examples of shared equipment include copiers, fax machines, and telephones used by more than one employee during a single shift or in consecutive shifts. This equipment should be wiped down with a disposable Clorox, Lysol, or other disinfectant wipe between uses.
10. The court is following the CDC guidance on cleaning and disinfecting if the facility is exposed to COVID-19.
11. The court has developed a contact tracing policy and is prepared to implement contact tracing procedures after receiving notification that the court facility has had confirmed exposure to COVID-19. These procedures will help the court identify individuals who may have been exposed to COVID-19 and will identify exposure locations that need to be cleaned and disinfected pursuant to CDC guidelines.



APPENDIX 4: MODEL PHASED PLAN (cont.)

- B. The [district/circuit/probate/trial] court(s) is/are enacting the following measures related to public entry into court facilities:
1. The public will be screened upon entering the building. They will be asked to answer questions to screen for COVID-19, including, but not limited to the following:
 - a. Do you have a fever greater than 100.4 degrees? [If a touchless/ contactless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation.]
 - b. Do you have a cough or worsening cough (excluding chronic cough due to known medical reason)?
 - c. Do you have shortness of breath, sore throat, and/or diarrhea?
 - d. Have you had any close contact in the last 14 days with someone with a COVID-19 Diagnosis?
 - e. Have you traveled internationally or outside of Michigan in the last 14 days?

Any individual responding “yes” to the screening questions will not be allowed to enter the courthouse until they can pass the screening questions. Screening personnel will notify the court of any individual that does not make it past screening, and the court will work to reschedule a party’s hearing/trial to either a remote proceeding or to a future date when the person may pass courthouse screening.

- C. In order to facilitate the essential business of the court(s), the court(s) is/are enacting the following measures related to court proceedings:
1. Proceedings will be conducted virtually to the maximum extent possible, consistent with Administrative Order No. 2020-6.
 2. In-person court proceedings will be limited to no more than 10 people.
 3. Members of the public are required to wear face masks to the extent they can medically tolerate it. They [will] [will not] be provided by the court prior to entry.
 4. Pursuant to MCR 8.110(c), members of the public or staff that refuse to wear required face coverings or adhere to social distancing requirements may be asked to leave the court facility.

APPENDIX 4: MODEL PHASED PLAN (cont.)

5. Any member of the public who is asked to leave the court facility must be offered an opportunity to conduct court business virtually, attend court proceedings virtually, file documents in an alternative manner, or confer with court administration to determine alternate arrangements for accessing the court.

The [district/circuit/probate/trial] court(s) are regularly meeting with local public health officials to monitor local public health conditions related to COVID-19 and is/are continuously evaluating data to assess their readiness to proceed to the next phase of court capacity.

Date: _____

Chief Circuit Judge

Date: _____

Chief Probate Judge

Date: _____

Chief District Judge

Date: _____

Multi-Court Chief Judge

(Strike or add lines as needed)



APPENDIX 5: MALPH GUIDANCE ON OPENING COURTS

Guidance for screening and social distancing measures at open businesses and operations subject to the Governor's Executive Order 2020-21

Effective March 24, 2020, Michigan Governor, Gretchen Whitmer, issued Executive Order No. 2020-21 which temporarily suspended activities that are not necessary to sustain or protect life continuing through April 13, 2020 at 11:59pm. Exemptions include business and operations that employ critical infrastructure workers, which may continue in-person operations. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of Executive Order No. 2020-21 shall constitute a misdemeanor.

In the absence of a screening and social distancing order by the Local Health Officer, the Michigan Association for Local Public Health recommends the following promising practices in order to control and limit the spread of the Coronavirus throughout the workplace, home, and community.

1. Develop and implement a daily screening program for all staff upon or just prior to reporting to work sites.
 - a. The screening procedures must include the following questions:
 - i. Symptoms including, but not limited to: fever at 100.4 degrees, cough or worsening cough (excluding chronic cough due to known medical reason), shortness of breath, sore throat, and/or diarrhea. If a touchless/contactless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation.
 - ii. Any close contact in the last 14 days with someone with a diagnosis of COVID-19.
 - iii. Travel internationally or outside of Michigan in the last 14 days.
 - b. Any “yes” response to the screening questions above requires the individual to be excluded:
 - i. For at least 72 hours with no fever (that is three full days of no fever without use of medicine that reduces fever) AND other symptoms have improved (for example, when your cough and shortness of breath have improved) AND at least 7 days have passed since your symptoms first appeared.
 - ii. 14 days of close contact with diagnosed case of COVID-19.
 - iii. 14 days following travel unless that travel was due to commuting from a home location outside of Michigan. Commuting is defined as traveling a distance between one's home and work on a regular basis.

APPENDIX 5: MALPH GUIDANCE ON OPENING COURTS (cont.)

c. Exemptions

- i. First responders, healthcare workers, law enforcement, EMS, health-related transportation workers, and other essential health workers are exempt from Part 1, Section b., Item ii.
 - ii. Essential workers engaged in travel, related to supply chain and critical infrastructure/movement, are exempt from Part 1, Section b., Item iii.
 - iii. Nothing in this order shall limit the operations of first responders, healthcare institutions, public health functions, pharmacies and other entities that are involved in the mitigation of risk during this pandemic.
2. Develop and implement a social distancing plan (at least 6 feet from another person) for employees working in shared spaces and customers waiting for services inside or outside of the business.
3. Work remotely whenever possible. Emphasize frequent and proper handwashing. Make sure sinks are well supplied. Do not share space or equipment. If this is not possible, have employees wash their hands before and after using shared equipment. Clean and sanitize equipment between uses. Any employee with cold symptoms or underlying health conditions should stay home or work remotely.
4. Limit capacity inside facilities to provide for social distancing between customers and employees. This includes, but is not limited to use of signs, contact barriers, entrance limits, and specialized hours.
5. Publish this order at all facility entrances so that it is visible to all employees and customers.





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